

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
JANUARY 28, 2020 – 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.

Consent Agenda

3. Consider Adopting a Resolution to Call for a Public Hearing on Zoning 618 W. Thurman Road.
4. Consider Adopting a Resolution to Call for a Public Hearing to Rezone 524 Roundtree Street.
5. Consider Adopting a Resolution to Call for a Public Hearing on the Adoption of the Redevelopment Commission Plan.
6. Consider Adopting a Resolution to Close Specific Streets for the Ghent Neighborhood Mardi Gras Parade and Block Party.
7. Consider Approving a Proclamation for International Civitan Clergy Appreciation Week.
8. Approve Minutes.

9. Conduct a Public Hearing and Consider Adopting an Amendment to the Land Use Ordinance Regarding Vape Shops in C-3/C-3H Zones.
10. Discussion of Funding for Plaque Placements at Cedar Grove and Greenwood Cemeteries.
11. Discussion of Transportation for Display of Vietnam Veteran Wall Memorial.
12. Consider Adopting a Resolution Approving a Lease with Craven Community College for 209 First Street.
13. Consider Adopting a Resolution Approving the NBAMPO 5303 Grant Contract.
14. Consider Adopting a Resolution Approving a Substantial Amendment to the City of New Bern's CDBG FY2016, 2017 and 2018 Annual Action Plans.
15. Consider Adopting a Resolution Initiating the Upset Bid Process for 318 Crescent Street.

16. Consider Adopting a Resolution Authorizing the Addition of a Street Light on Midyette Avenue.
17. Consider Adopting a Resolution Authorizing the Addition of a Street Light on New Bern Avenue.
18. Consider Adopting a Resolution Approving a Memorandum of Understanding with the Craven County Board of Commissioners for the 2019 Byrne Justice Assistance Grant.
19. Consider Adopting a Budget Ordinance Amendment for the Grants Fund.
20. Appointment(s).
21. Attorney's Report.
22. City Manager's Report.
23. New Business.
24. Closed Session.
25. Adjourn.

INDIVIDUALS WITH DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL
639-7501 NO LATER THAN 3 P.M. THE DATE OF THE MEETING

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
Brenda E. Blanco
City Clerk

Memo to: Mayor and Board of Aldermen
From: Mark A. Stephens, City Manager
Date: January 22, 2020
Re: January 28, 2020 Agenda Explanations

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

Consent Agenda

3. **Consider Adopting a Resolution to Call for a Public Hearing on Zoning 618 W. Thurman Road.**

(Ward 3) Property located at 618 W. Thurman Road was recently annexed into the City. The owners, Charles and Dana Riddick, have requested an initial zoning designation of R-20 Residential District for the approximately 6-acre parcel. The parcel is further identified as Craven County Parcel ID 7-109-15001. The request was considered at the Planning and Zoning Board's January 7, 2020 meeting and was unanimously approved. It is requested a public hearing be held on February 11, 2020 to consider this request. A memo from Jeff Ruggieri, Director of Development Services, is attached.

4. **Consider Adopting a Resolution to Call for a Public Hearing to Rezone 524 Roundtree Street.**

(Ward 1) Tried by Fire Inc. has requested to rezone 524 Roundtree Street from R-6 Residential District to C-5 Office and Institutional District. The parcel is 0.14+/- acres and is further identified as Craven County Parcel ID Parcel ID 8-008-047. The request was considered at the Planning and Zoning Board's January 7, 2020 meeting and was unanimously approved. It is requested a public hearing be held on February 11, 2020 to consider this request. A memo from Mr. Ruggieri is attached.

5. Consider Adopting a Resolution to Call for a Public Hearing on the Adoption of the Redevelopment Commission Plan.

(Wards 1, 2 and 5) The City of New Bern Redevelopment Commission has drafted a proposed Redevelopment Plan to facilitate rebuilding and rehabilitation in the boundaries of the Redevelopment Commission, which encompasses a total of 1,899 parcels located within 474 acres of land. The Plan is designed to reverse the overall decline of neighborhood character and create a functional transportation network that supports economic growth and public welfare. The proposed plan was initially considered at the Planning and Zoning Board's December 3, 2019 and was continued to their January 7, 2020 meeting. At the January meeting, the plan was approved by a vote of 7-3. It is requested a public hearing be held on February 11, 2020 to consider this request. A memo from Mr. Ruggieri is attached.

6. Consider Adopting a Resolution to Close Specific Streets for the Ghent Neighborhood Mardi Gras Parade and Block Party.

(Ward 1) Michael Genest and Margaret Bartlett, event organizers, have requested the 1400-2000 blocks of Spencer Avenue be closed to vehicular traffic on February 22, 2020 from 1:00 p.m. to 3:00 p.m. for the Ghent Neighborhood's annual Mardi Gras Parade. It is also requested that the 1400-1600 blocks of Spencer Avenue be closed to vehicular from 10:00 a.m. until 6:00 p.m. for a block party. A memo from Foster Hughes, Director of Parks and Recreation, is attached along with a copy of the request and map of the affected areas.

7. Consider Approving a Proclamation for International Civitan Clergy Appreciation Week.

One of the local civitan clubs has requested a proclamation recognizing International Civitan Clergy Appreciation Week, which is observed annually during the beginning of February. The proclamation has been prepared in perpetuity.

8. Approve Minutes.

Draft minutes from the January 10, 2020 special meeting and January 14, 2020 regular meeting are provided for review and approval.

9. Conduct a Public Hearing and Consider Adopting an Amendment to the Land Use Ordinance Regarding Vape Shops in C-3/C-3H Zones.

Interest has been expressed in adding language to the Code of Ordinances to allow for vape shop use in C-3 and C-3H Commercial Districts. The proposed ordinance will add the definition of vape shops, list it in the table of permissible uses, and provide that such shops be allowed in C-3/C3-H Commercial Districts. The proposed tobacco and vape shop use is consistent with the type of commercial uses already permitted within the C-3 zoning district. The Planning and Zoning

Board considered this change at their December 3, 2019 meeting and unanimously approved it. After conducting a public hearing, the Board is asked to consider adopting the ordinance. A memo from Mr. Ruggieri is attached.

10. Discussion of Funding for Plaque Placements at Cedar Grove and Greenwood Cemeteries.

(Ward 1) In February 2014, Bill Hand wrote an article for the New Bern Sun Journal about several New Bern citizens whose remains were moved from Cedar Grove Cemetery in 1914 and relocated to Greenwood Cemetery. Subsequent to the article, a group of concerned citizens led by Ben Watford and Rev. Robert Johnson expressed concerns to City officials. The City contacted Dr. Charles Ewen, Director of the Department of Anthropology at East Carolina University ("ECU"), for assistance. On March 15, 2019, students from the ECU Bioarcheology Laboratory, led by Dr. Ewen, excavated the burial vault of the remains of individuals who were removed from Cedar Grove Cemetery in 1914. Upon excavation, only a few bones were present and were in a fractured and commingled state. Mr. Watford and Rev. Johnson made the recommendation to keep the remains in their current location at Greenwood Cemetery.

It is requested that funding be approved to install bronze plaques at each cemetery to highlight the efforts to bring healing, dignity, honor and respect to those individuals whose remains were removed and re-interred. A memo from Mr. Hughes is attached along with a graphic sample of the proposed plaques.

11. Discussion of Transportation for Display of Vietnam Veteran Wall Memorial.

(Ward 3) George Halyak with American Legion Post 539 is the Chairman of a committee responsible for bringing the Vietnam Veteran's traveling wall to New Bern. The wall will be on public display at Thalmann Field in Lawson Creek Park March 26-29, 2020. Mr. Halyak announced the event at the Board's January 14, 2020 meeting, at which time he requested the City assist with providing transportation from Temple Baptist Church to the park. The dates and times of needed assistance are March 27th from 12 noon to 6:00 p.m., March 28th from 10:00 a.m. to 8:00 p.m. and March 29th from 10:00 a.m. to 2:00 p.m. The organizers are aware that the City buses are not handicap accessible. The cost to provide these in-kind services would total \$553.90, which includes staff labor of \$468.40 and fuel of approximately \$85.50. A memo from Mr. Hughes is attached.

12. Consider Adopting a Resolution Approving a Lease with Craven Community College for 209 First Street.

(Ward 3) A lease is proposed with Craven Community College for the city-owned property located at 209 First Street. The premises will be used as a small business center, workforce training and makerspace for entrepreneurs, and the proposed lease will expire on May 14, 2029. In an amended and adopted lease dated September 12, 2017, the City leased another portion of the property, 205 First Street, to the College to be used as a workforce development center. That site is

commonly referred to as the Volt Center Workforce Development Training Center. Craven Community College will be responsible for all costs associated with up-fitting the space for use as the small business center, makerspace for entrepreneurs and any workforce training programs. A memo from Amanda Ohlensehlen, Community & Economic Development Manager, is attached.

13. Consider Adopting a Resolution Approving the NBAMPO 5303 Grant Contract.

On behalf of the New Bern Area Metropolitan Planning Organization, the City has been identified as the direct recipient of Section 5303 Federal Transit Administration Urban Planning Funds. These funds are managed by NCDOT's Public Transportation Division. In order to receive the funds, the Board of Aldermen must adopt a resolution authorizing the City Manager to sign a grant agreement with NCDOT. The total allocation for FY2019-20 is \$25,000, which reflects a Federal and State share of \$22,500 and a local share of \$2,500. The local share will be provided by the jurisdictions participating in the New Bern Area MPO as follows: New Bern \$1,387.00; River Bend \$148.50; Trent Woods \$203.50; Bridgeton \$21.00; and Craven County \$740.00. A memo from Kim Maxey, MPO Administrator, is attached.

14. Consider Adopting a Resolution Approving a Substantial Amendment to the City of New Bern's CDBG FY2016, 2017 and 2018 Annual Action Plans.

A substantial amendment is proposed for the FY2016, FY2017 and FY2018 CDBG Annual Action Plans to move unspent funds in housing rehabilitation and public-service activities to a stormwater system improvement project in Duffyfield. This project is projected to assist with heavy rainfalls, etc. in the Duffyfield area. Amendment to the plans require a public hearing, which was held at the Board's last meeting on January 14, 2020. A memo from Mrs. Ohlensehlen is attached.

15. Consider Adopting a Resolution Initiating the Upset Bid Process for 318 Crescent Street.

(Ward 1) Ruben Hassell, Jr. has made an offer to purchase 318 Crescent Street for \$3,800.00. He owns the adjacent property and is interested in extending his lawn. The tax value of the vacant 0.08-acre lot is \$7,600.00, and the offer represents 50% of the value. The property was acquired jointly by the City and County through tax foreclosure in March of 2013. If the property is sold for the initial offer, the County will receive approximately \$1,698.78 of the proceeds, and the City will receive approximately \$2,101.22. These estimates take into account the cost of publishing the legal advertisement. A memo from Brenda Blanco, City Clerk, is attached along with a copy of the offer, a map of the property, and the tax card.

16. Consider Adopting a Resolution Authorizing the Addition of a Street Light on Midyette Avenue.

(Ward 4) Linda Simons of 303 Midyette Avenue requested additional street lighting on Midyette Avenue between Karen and Powell Streets. The Department of Public Utilities evaluated the area and determined the current lighting does not meet the City's light standard and recommended the addition of one light. The installation of the light will cost \$666.41, and the monthly utility charge for service will be \$8.44. A memo from Charles Bauschard, Director of Public Utilities, is attached along with other supporting documentation.

17. Consider Adopting a Resolution Authorizing the Addition of a Street Light on New Bern Avenue.

(Ward 2) Mary Koonce of 2609 New Bern Avenue has requested additional street lighting near New Bern Avenue between Wake and Sycamore Streets. The Department of Public Utilities evaluated the area and determined the current lighting does not meet the City's light standard and recommended the addition of one light. The installation of the light will cost \$666.41, and the monthly utility charge for service will be \$8.44. A memo from Mr. Bauschard is attached along with other supporting documentation.

18. Consider Adopting a Resolution Approving a Memorandum of Understanding with the Craven County Board of Commissioners for the 2019 Byrne Justice Assistance Grant.

The New Bern Police Department applied for and received \$11,488.00 in grant funds from the FY2019 Edward Byrne Memorial Justice Assistance Grant ("JAG"), which requires no match. The grant was a joint application with Craven County, and the Craven County Commissioners approved a Memorandum of Understanding ("MOU") at its January 6, 2020 meeting regarding the use of the funds. Grant funds will be utilized to purchase equipment to assist the Coastal Narcotics Enforcement Team with investigating illegal drug trafficking. A memo from Police Chief Toussaint Summers is attached.

19. Consider Adopting a Budget Ordinance Amendment for the Grants Fund.

The Police Department has been awarded a 2019 Edward Byrne Memorial Grant in the amount of \$11,488.00 by the Department of Justice, Bureau of Justice Assistance. The budget ordinance amendment acknowledges receipt of the grant funds and establishes the necessary budget. Grant proceeds will be used for the purchase of equipment and does not require a city match. A memo from Lori Mullican, Accounting Manager, is attached.

20. Appointment(s).

21. Attorney's Report.

- 22. City Manager's Report.**
- 23. New Business.**
- 24. Closed Session.**
- 25. Adjourn.**

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution Calling for a Public Hearing to establish initial zoning designation for Parcel ID: 7-109-15001.

Date of Meeting: 1/28/2020	Ward # if applicable: Ward 3
Department: Development Services	Person Submitting Item: Jeff Ruggieri, Director of Development Services
Call for Public Hearing: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Date of Public Hearing: 2/11/2020

Explanation of Item:	Property owners Charles P., and Dana M. Riddick have requested initial zoning for property recently annexed. Desired zoning is R-20 residential district for a parcel totaling 6.18 +/- acres. The parcel is located at 618 W Thurman Rd. and is further identified as Craven County Parcel ID Parcel ID #7-109-15001.
Actions Needed by Board:	Consider Adopting a Resolution Calling for a Public Hearing on February 11, 2020 to establish initial zoning designation for Parcel ID: 7-109-15001
Backup Attached:	Memo, Resolution, Map

Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input type="checkbox"/> No

Cost of Agenda Item: N/A
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Additional Notes:



MEMORANDUM

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

FROM: Jeff Ruggieri, Director Development Services

DATE: January 15, 2020

SUBJECT: Consider Adopting a Resolution Calling for a Public Hearing on February 11, 2020 to establish initial zoning designation for Parcel ID: 7-109-15001

Property owners Charles P., and Dana M. Riddick have requested consideration of an initial zoning designation for one parcel, that recently underwent annexation to the City of New Bern. The property owners are requesting an initial zoning designation of R-20 residential district for a parcel totaling 6.18 +/- acres. The parcel is located at 618 W Thurman Rd. and is further identified as Craven County Parcel ID #7-109-15001.

All public notice requirements have been fulfilled. The request was considered at the Planning and Zoning Board's January 7, 2020 meeting for their review and was unanimously approved.

Please contact Jeff Ruggieri at 639-7587 should you have questions or need additional information.

RESOLUTION

THAT WHEREAS, the Board of Aldermen of the City of New Bern desires to conduct a public hearing to receive public comments for the initial zoning designation of the property owned by Charles Patrick Riddick and wife, Dana M. Riddick, that recently underwent annexation to the City of New Bern. The property owners are requesting an initial zoning designation of R-20 residential district for a parcel of land consisting of 6.10 acres, more or less, which said parcel is located at 618 W. Thurman Road, Craven County Parcel ID 7-109-15001; and

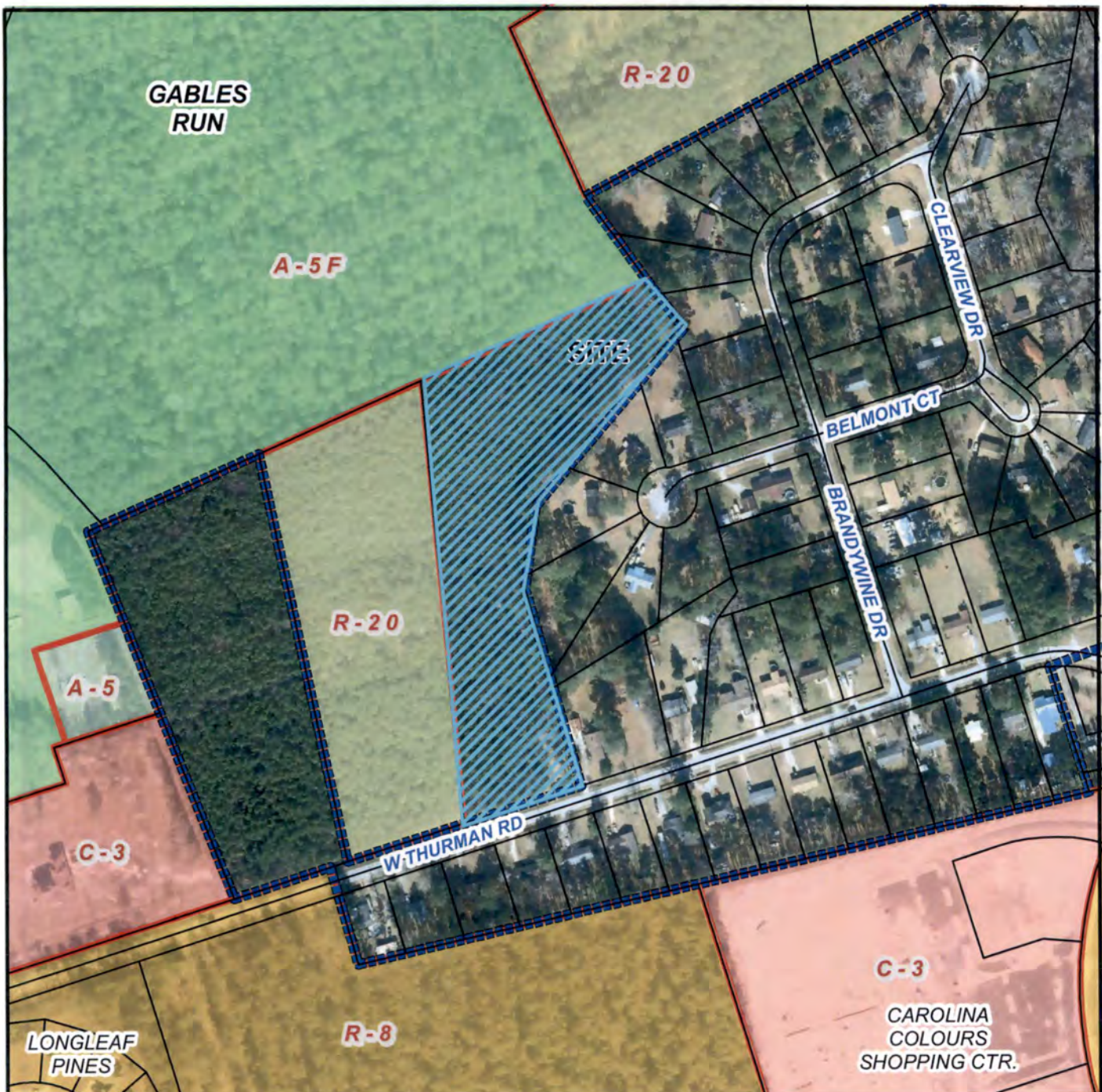
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That a public hearing will be conducted by the Board of Aldermen of the City of New Bern on February 11, 2020, in the City Hall Courtroom at 6:00 p.m., or as soon thereafter as the matter may be reached, on the question of the initial zoning designation for the parcel of land owned by Charles Patrick Riddick and wife, Dana M. Riddick, which said parcel is located at 618 W. Thurman Road in, Craven County, North Carolina, the boundaries of which are shown on Exhibit A attached hereto and incorporated herein by reference. All interested parties will be given an opportunity to be heard:

ADOPTED THIS 28th DAY OF JANUARY 2020.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK



INITIAL ZONING CASE: 618 W THURMAN RD - Approx. 6.1 Acres: PID: 7-109-15001

LOCATION: North side of W Thurman Rd. Between Gables Rd & Brandywine Dr.



Existing Zone: None
Proposed Zone: R-20

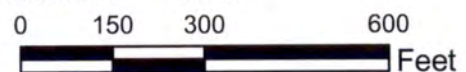


Zoning Boundaries

Imagery Early 2016

N CITY of NEW BERN
Development
Services

Scale: 1 = 300 ft



AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution Calling for a Public Hearing on the Rezoning of 524 Roundtree Street from R-6 to C-5.

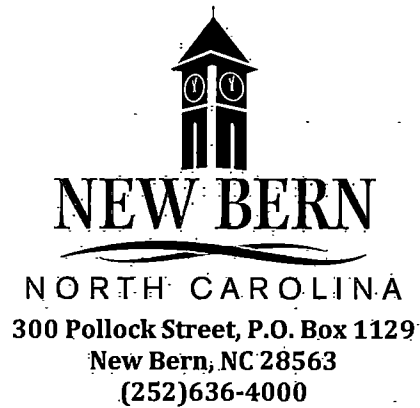
Date of Meeting: 1/28/2020	Ward # if applicable: Ward 1
Department: Development Services	Person Submitting Item: Jeff Ruggieri, Director of Development Services
Call for Public Hearing: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Date of Public Hearing: 2/11/2020

Explanation of Item:	Tried by Fire Inc. has requested consideration of an application to rezone one parcel, totaling 0.14+/- acres, from R-6 Residential district to C-5 Office and institutional district. The parcel is located at 524 Roundtree St. and is further identified as Craven County Parcel ID Parcel ID #8-008-047.
Actions Needed by Board:	Consider Adopting a Resolution Calling for a Public Hearing on February 11, 2020 for the Rezoning of 524 Roundtree from R-6 to C-5.
Backup Attached:	Memo, Resolution, Map

Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input type="checkbox"/> No

Cost of Agenda Item: N/A
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Additional Notes:



MEMORANDUM

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

FROM: Jeff Ruggieri, Director Development Services

DATE: January 15, 2020

SUBJECT: Consider Adopting a Resolution Calling for a Public Hearing on February 11, 2020 for the Rezoning of 524 Roundtree Street from R-6 to C-5.

Tried by Fire Inc. has requested consideration of an application to rezone one parcel, totaling 0.14+/- acres, from R-6 Residential district to C-5 Office and institutional district. The parcel is located at 524 Roundtree St. and is further identified as Craven County Parcel ID Parcel ID #8-008-047.

All public notice requirements have been fulfilled. The request was considered at the Planning and Zoning Board's January 7, 2020 meeting for their review and was unanimously approved.

Please contact Jeff Ruggieri at 639-7587 should you have questions or need additional information.

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

WHEREAS, the Board of Aldermen of the City of New Bern desires to call for a public hearing to receive public comments on a request to rezone 0.14+/- acres located at 524 Roundtree Street from R-6 Residential District to C-5 Office and institutional District. The property is further identified as Craven County Parcel Identification Number 8-008-047.

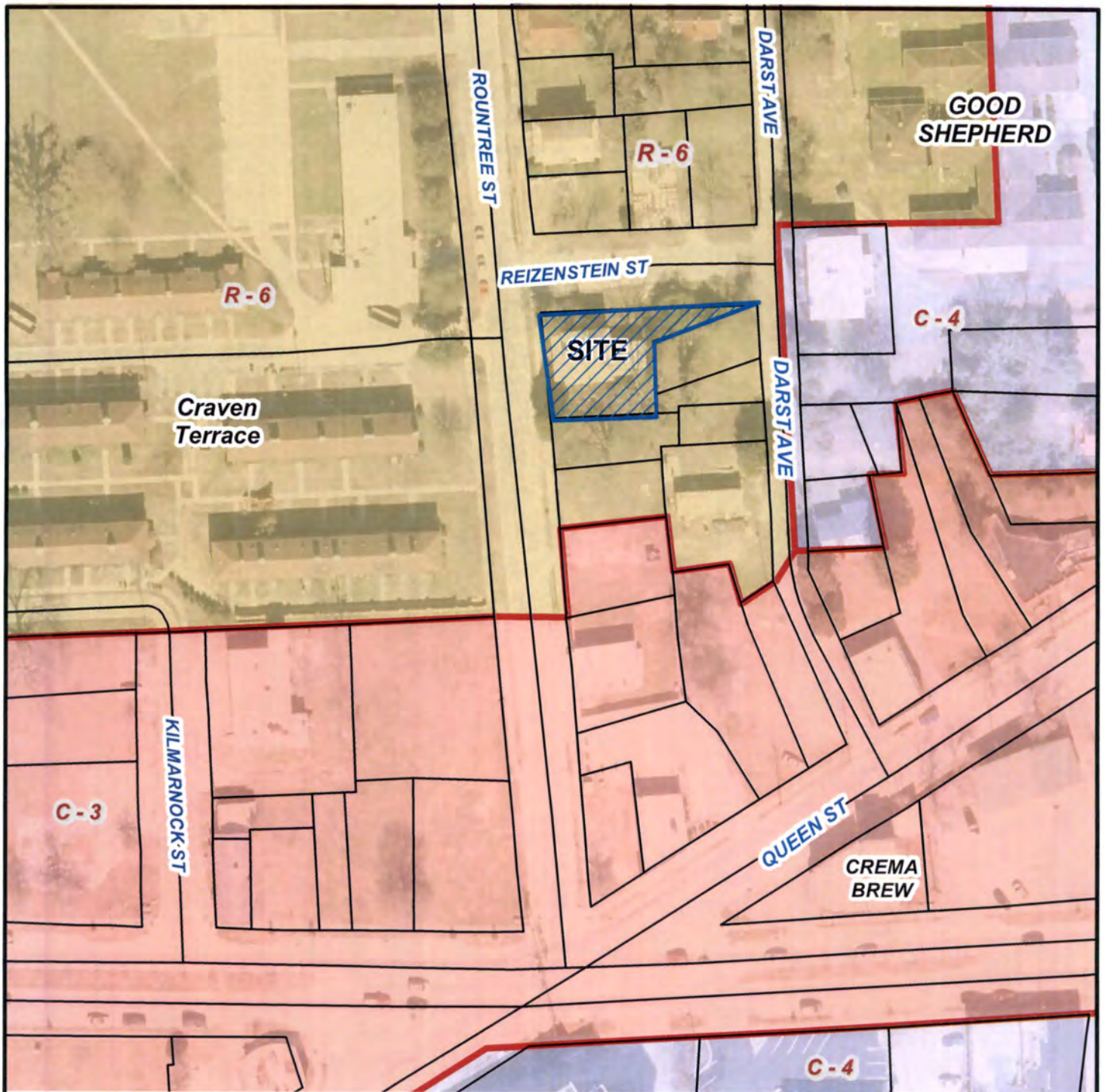
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That a public hearing will be conducted by the Board of Aldermen of the City of New Bern at 6:00 PM on Tuesday, February 11, 2020 in the City Hall Courtroom, or as soon thereafter as the matter may be reached, in order that all interested parties may be given an opportunity to be heard on a request to rezone 0.14+/- acres located at 524 Roundtree Street from R-6 Residential District to C-5 Office and institutional District. The property is further identified as Craven County Parcel Identification Number 8-008-047.

ADOPTED THIS THE 28th DAY OF JANUARY 2020.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK



REZONING ZONING CASE: 524 ROUNTREE ST - Approx. 0.142 Acres: PID: 8-008-047

LOCATION: Southeast corner of Reizenstein & Rountree Sts. Across from Craven Terrace Apts.



Existing Zone: R-6
Proposed Zone: C-5

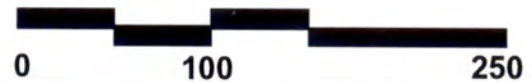


Zoning Boundaries

Imagery Early 2016

N CITY of NEW BERN
Development
Services

Scale: 1 = 100 ft



AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution to Call for a Public Hearing on the Adoption of the Redevelopment Commission Plan.

Date of Meeting: 1/28/2020	Ward # if applicable: Wards: 1, 2 & 5
Department: Development Services	Person Submitting Item: Jeff Ruggieri, Director of Development Services
Call for Public Hearing: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Date of Public Hearing: 2/11/2020

Explanation of Item:	The New Bern Redevelopment Commission has drafted a Redevelopment Plan to facilitate rebuilding and rehabilitation in Redevelopment Commission boundary which encompasses a total of 1,899 parcels located within 474 acres of land.
Actions Needed by Board:	Consider Adopting a Resolution to Call for a Public Hearing February 11, 2020 on the Adoption of the Redevelopment Commission Plan.
Backup Attached:	Memo, Draft of Redevelopment Plan

Is item time sensitive? <input type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input type="checkbox"/> No

Cost of Agenda Item:
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes: s



MEMORANDUM

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

FROM: Jeff Ruggieri, Director Development Services

DATE: January 15, 2020

SUBJECT: Consider Adopting a Resolution Calling for a Public Hearing on February 11, 2020 on the Adoption of the Redevelopment Plan.

The City of New Bern Redevelopment Commission has drafted the proposed Redevelopment Plan to facilitate rebuilding and rehabilitation in the Redevelopment Commission boundary which encompasses a total of 1,899 parcels located within 474 acres of land. The Redevelopment Plan is designed to reverse the overall decline of neighborhood character and create a functional transportation network that supports economic growth and public welfare.

All public notice requirements have been fulfilled. The request was considered at the Planning and Zoning Board's December 3, 2019 with a continuation to their January 7, 2020 meeting with an approval vote of 7-3.

Please contact Jeff Ruggieri at 639-7587 should you have questions or need additional information.

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

WHEREAS, the Board of Aldermen of the City of New Bern desires to call for a public hearing to receive public comments on the proposed Redevelopment Plan drafted by the New Bern Redevelopment Commission.

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 at 6:00 PM on Tuesday, February 11, 2020 in the City Hall Courtroom, or as soon thereafter as the matter may be reached, in order that all interested parties may be given an opportunity to be heard on the proposed Redevelopment Plan drafted by the New Bern Redevelopment Commission.

ADOPTED THIS THE 28th DAY OF JANUARY 2020.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

REDUPLICATION COMMISSION OF NEW BERN



REDEVELOPMENT PLAN

New Bern Redevelopment Commission



Commission Members

Tharesa Lee, Chair
Jaimee Bullock-Mosely, Vice Chair
Maria Cho
Kip Peregoy
Beth Walker
Leander "Robbie" Morgan Jr.
Steve Strickland
John Young
Tabari Wallace

Ex-Officio Members

Aldermen Sabrina Bengel
Alderwoman Jameesha Harris
Aldermen Barbara Best

City of New Bern

Development Services Staff

Jeffrey Ruggieri, AICP, Director of Development Services
Amanda Ohlensehlen, Community & Economic Development Manager
D'Aja Fulmore, Community Development Coordinator
Nadia Abdul-Hadi, Planner
Alice Wilson, GIS Manager

Draft November 7, 2019

Table of Contents

Introduction	3
Existing Conditions	6
Existing Land Use in the Redevelopment Area	7
Zoning	8
Demographics	9
Existing Housing Conditions	10
Demolitions	11
Crime and Code Enforcement	12
Summary of Data	13
Redevelopment Commission Statutory Authority and Area Determination	13
Conclusion	15
Redevelopment Commission of New Bern Mission Statement	16
Redevelopment Plan Guiding Principles	16
Goal 1.....	16
Goal 2	17
Goal 3	19
Goal 4	20
Goal 5	20
New Bern Redevelopment Commission Transportation Plan	20
Objective T.1.....	21
Objective T.2	21
Objective T.3	23
Statement of Proposed Zoning Changes	24
Zoning Change 1	24
Zoning Change 2	24
Zoning Change 3	25
Zoning Change 4	25
Zoning Change 5	25
Zoning Change 6	25

Continuing Controls	26
Implementation Timeline	26
Redevelopment Focus Areas	26
Focus Area 1	27
Focus Area 2	28
Focus Area 3	29
Statement of Cost	30
Focus Area 1 Costs	30
Focus Area 2 Costs.....	31
Focus Area 3 Costs.....	31
Statement of Feasible Method for Relocation of Displaced	31

I. Introduction

The Greater Five Points Area has been subjected to adversity for over a century. The City of New Bern adopted its most recent redevelopment plan in February 2016, this plan is more commonly known as 'The Greater Five Points Transformation Plan'. Prior to this, in 2014, the 'The New Bern Gateway Renaissance Plan' was finalized. While the 2014 plan was commended for its idealism, the further 2016 plan was established as a more appropriate plan in terms of execution. In 2018 the Redevelopment Commission was established to create and deliver a plan that combines the idealism of 'The New Bern Gateway Renaissance Plan' with the execution of 'The Greater Five Points Transformation Plan'. Additionally, the Redevelopment Commission aims to work with the community and City of New Bern officials to identify any subsequent goals and objectives that will address the issues faced by community in The Greater Five Points Area.

History of the area

The Greater Five Points Redevelopment Area is a historically African-American community located directly west of historic downtown New Bern and encompasses the neighborhoods of Greater Duffyfield, Dryborough, Walt Bellamy, Trent Court, and Craven Terrace. The area is home to over 3,300 residents, 89% of which are African-American.

Due to the prevalence of cotton and tobacco production in Craven County, the population of New Bern was primarily African-American prior to the Civil War. In the book "Crafting Lives: African American Artisans in New Bern, North Carolina, 1770-1900", Caroline Bishir notes a unique period history in the years following the American Revolution where New Bern became somewhat of a haven for talented African-American artisans to cultivate their skills; something uncommon for the antebellum South. Even during the Civil War New Bern became an urban refuge for hundreds of enslaved persons, and African-Americans made up the majority of the City's residents. As a result, Africans-Americans played a vital role in the political and economic landscape until the Disenfranchisement Law in 1900. With the onset of Jim Crow laws and political disenfranchisement, the African-American community in New Bern maintained their own thriving commercial and cultural district – Five Points. Five Points was a "separate but equal" community with many thriving black-owned businesses and churches.

A major disaster that forever changed the community came in 1922, when a fire started in a chimney in an area known today as Craven Terrace. This event is more commonly known as the Great Fire. This fire swept across the City of New Bern, and by the time it was finally extinguished, 25% of the City had been burned down. Over 1000 homes were destroyed in the fire, leaving 3000 citizens homeless (a quarter of the city's population at that point in time), ninety percent of these citizens were African-American. Losses were estimated at two and a half million dollars. This fire permanently changed the local landscape of the Five Points area, as in many cases the city disallowed reconstruction of burned homes. Due to the lack of housing and jobs in the area many of the African-American families that had previously resided in the

area, were forced to move. Consequently, New Bern shifted from a predominantly African-American population, to a predominantly white population between 1920 and 1940. However, a remnant of African American citizens who remained relocated to Dryborough, constructing attractive one- and two-story houses. Adding to the desirability of the area was Kafer Park, created from burned-over land on George Street during the New Deal of the 1930s. Good Shepherd Hospital was founded in the early 1930s in response to the lack of health care services afforded to African Americans injured in the Great Fire.

With the events of World War II and the subsequent construction of military bases in eastern North Carolina, there was another economic boom for African-Americans living in New Bern and Craven County. With the creation of more jobs and the subsequent increases in wealth that came with those jobs, there was a resurgence of African-American owned businesses, and once again the vibrancy of the Five Points area had returned; further fueled by the return of African-American veterans. Prominent African Americans such as those in the New Bern Civic League, rallied to establish public institutions. In 1948, local high school students and World War II veterans began construction on Cedar Street Recreation Center, the first recreational center and basketball arena for African Americans in the city, since they were prohibited from enjoying the George Street Community Center for whites constructed nearly a decade prior. J. T. Barber High School was founded in 1955 to address overcrowding and a lack of public investment in the education of African American children in New Bern. In 1956, the J.T. Barber Warriors won the first athletic championship for a city of New Bern school, black or white, during the period of segregation.

Greater Five Points was fraught with social and economic challenges in the late 1950s and 1960s. Unfortunately, the economic successes of the 1940s was not long-term, largely a result of the early 1950s project of widening Broad Street which negatively impacted commercial business in Five Points and Downtown New Bern. The continued inequities between African-Americans and whites in New Bern, were exacerbated by ever constricting Jim Crow laws. Twenty-nine students, most of whom attended J.T. Barber High School, organized to challenge segregation and were arrested for instituting a sit in at lunch counters located downtown New Bern in March 1960. Good Shepherd Hospital, the only hospital for African Americans until 1968, was without a full-time doctor. The Ku Klux Klan firebombed the cars and business of individuals working to integrate restaurants on Broad Street in January 1965. Although segregation in public education was outlawed nationally in 1955, schools in New Bern were not fully integrated until 1970. Per pupil spending for black schools lagged desperately behind spending at white schools. These barriers prompted many African-Americans to move to other cities in search of a better standard of living, to include better jobs, schools and race relations.

In the present day, Greater Five Points shows the symptoms of decades of public and private disinvestment. This area continues to struggle. With limited opportunities for its residents, the area now suffers from elevated crime levels, dilapidated housing, minimal public transit, higher incidents of chronic health conditions, and poor educational attainment. While property values

are rising in the City of New Bern as a whole, in The Greater Five Points area home values are less than two-thirds of the city average. With this in mind the Redevelopment Commission aims to build off the previous 'Greater Five Points Transformation Plan' (2016) and 'The New Bern Gateway Renaissance Plan' (2014) in order to establish and implement a plan that empowers both current and future residents of The Greater Five Points area, through the creation of an attractive, safe, and vibrant environment in which the community can live, work, play and create.

The following redevelopment plan will rebuild and rehabilitate the community in its own unique way that celebrates and honors its rich African-American heritage, and ultimately provides residents and the community with an area that cultivates creativity and entrepreneurship, fosters diversity, and promotes growth and wellness.

II.Existing Conditions

The Redevelopment Commission boundary encompasses a total of 1899 parcels over a total 474 acres of land. This boundary can be seen on the map below:



A breakdown of the total parcels/acreage (by use) can be seen in Table A:

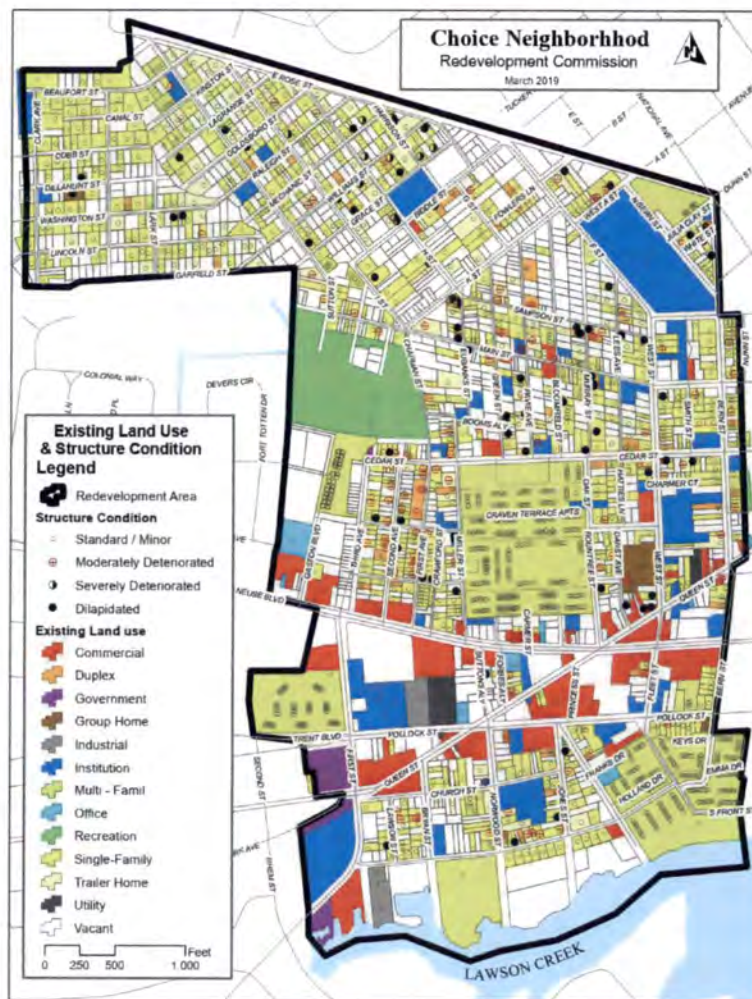
Existing Land Use	Parcels	Acres	% of Total Parcels
Commercial	66	21.1	3.5%
Duplex	47	6.0	2.5%
Industrial	6	4.6	0.3%
Institutional	58	41.9	3.1%
Multi-Family	24	58.5	1.2%
Office	13	6.6	0.7%
Recreation	4	16.7	0.2%
Single-Family	670	80.6	35.3%
Trailer Residential	118	18.8	6.2%
Vacant	893	124.7	47.0%
Total	1899	379.5	100.0%

(Table A – Total Acreage excludes roadways)

Existing Land Use in the Redevelopment Area

Of the 1,899 parcels in the Redevelopment Area, a mere 1,006 are developed, the remainder are vacant lots. This is an astonishing **47% vacancy rate** for a once fully developed area; a 5% increase since the Greater Five Points Transformation Plan Initiative in 2016, where vacant lots made up 42% of the total number of parcels. The considerable amount of vacancy within the Redevelopment Area is a result of both the flood-prone nature of the neighborhood, and the long-term disinvestment. The vacant land in the Redevelopment Area is both a challenge and an opportunity. In some areas outside of the floodplain, vacant land offers potential sites for infill development like new housing. In flood prone areas, vacant land offers opportunities for natural stormwater management, improved open space or recreation, local food production, and/or housing that meets FEMA standards for flood plains. A visual of this data can be seen in the map below:

Map: Existing Land-Use/Structure Condition in the Redevelopment Area

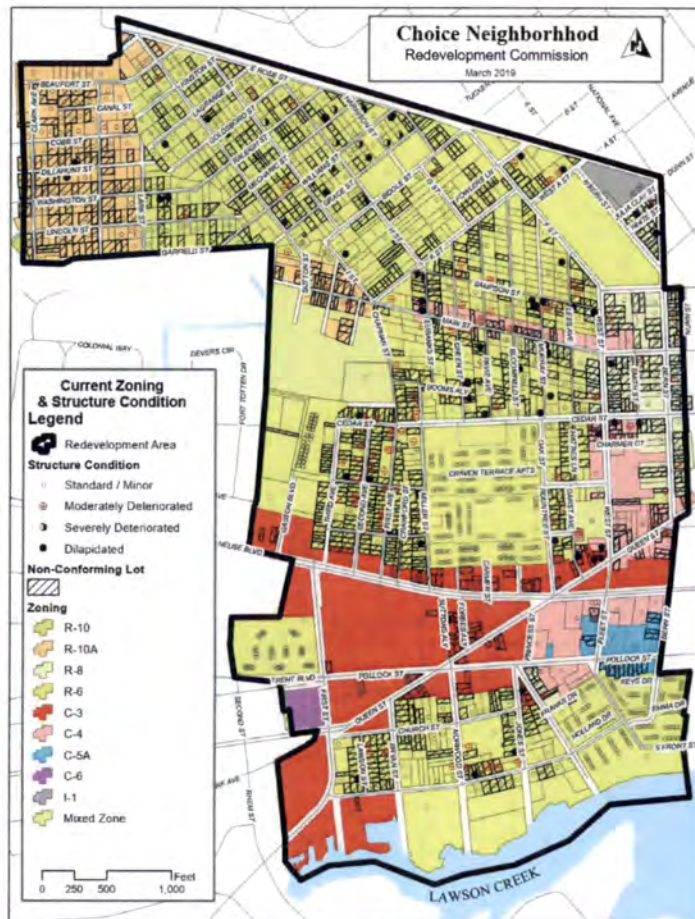


Zoning

The table below identifies the different zoning classifications within the Redevelopment Area boundary:

Existing Zoning	Parcels	Acres	% of Total Parcels
C-3	164	50.1	8.6%
C-4	125	21.3	6.6%
C-5A	32	4.4	1.7%
C-6	1	1.9	0.1%
I-1	2	2.3	0.1%
R-10	2	0.3	0.1%
R-10A	209	42.4	11.0%
R-6	1210	237.2	63.7%
R-8	154	19.6	8.1%
Total	1899	379.5	100.00%

A visual of this information can be seen on this map:



Demographics

The Redevelopment Area represents about 11 percent of the city's total population. It is predominantly African American in a city that is only one-third African American overall. Just over one-third of households in the redevelopment area are female-headed, twice the proportion found in the city as a whole. A further breakdown of the demographics in the Redevelopment area can be seen in the table below:

	Trent Court/Craven Terrace	Greater Five Points	City of New Bern
Total Population	1,181	3,343	29,524
Race			
White	4%	7%	58%
African American	95%	89%	33%
Other	1%	4%	9%
Hispanic/Latino	0%	2%	6%
Age			
Under age 17	38%	28%	23%
Above age 55	17%	23%	31%
Total Households	522	1,501	12,770
Average Household Size	2.26	2.30	2.25
Household Type			
Male & Female Householder	8%	13%	41%
Female Householder	75%	34%	16%
Median Household Income	\$8,652	\$29,026	\$37,180
Poverty Rate	83%	36%*	24%
Educational Attainment (25+)			
High School Diploma or Higher	80%	80%	84%
Bachelor's Degree or Higher	2%	19%	24%

* Census tract level

Sources: U.S. Census Bureau 2010, American Community Survey 2008-2012 (block group level), New Bern Housing Authority

Trent Court and Craven Terrace comprise one-third of the households and population in the area. This public housing population is in general much younger than the neighborhood and city population, with more children under 17 years of age and fewer persons over 55 years of age. The public housing population is also more economically disadvantaged. The median income for public housing households is only \$8,652, less than one-quarter of the City of New Bern's median household income of \$37,180. The Redevelopment Area has a 50 percent higher poverty level than the city (36 percent compared to 24 percent), but both stand in stark contrast to the public housing poverty rate of 83 percent.

This data reflects the fact that socio-economic conditions of the Redevelopment Area residents today are different in many ways from the city, with more residents suffering from poverty and lack of opportunity. Within the neighborhood itself, the public housing residents face even more challenging socio-economic conditions.

Existing Housing Conditions

The map below shows the conditions of the structures located within the Redevelopment Area boundary. Within the area, building conditions are variable, ranging from those with a standard/minor level of deterioration to entirely dilapidated structures.



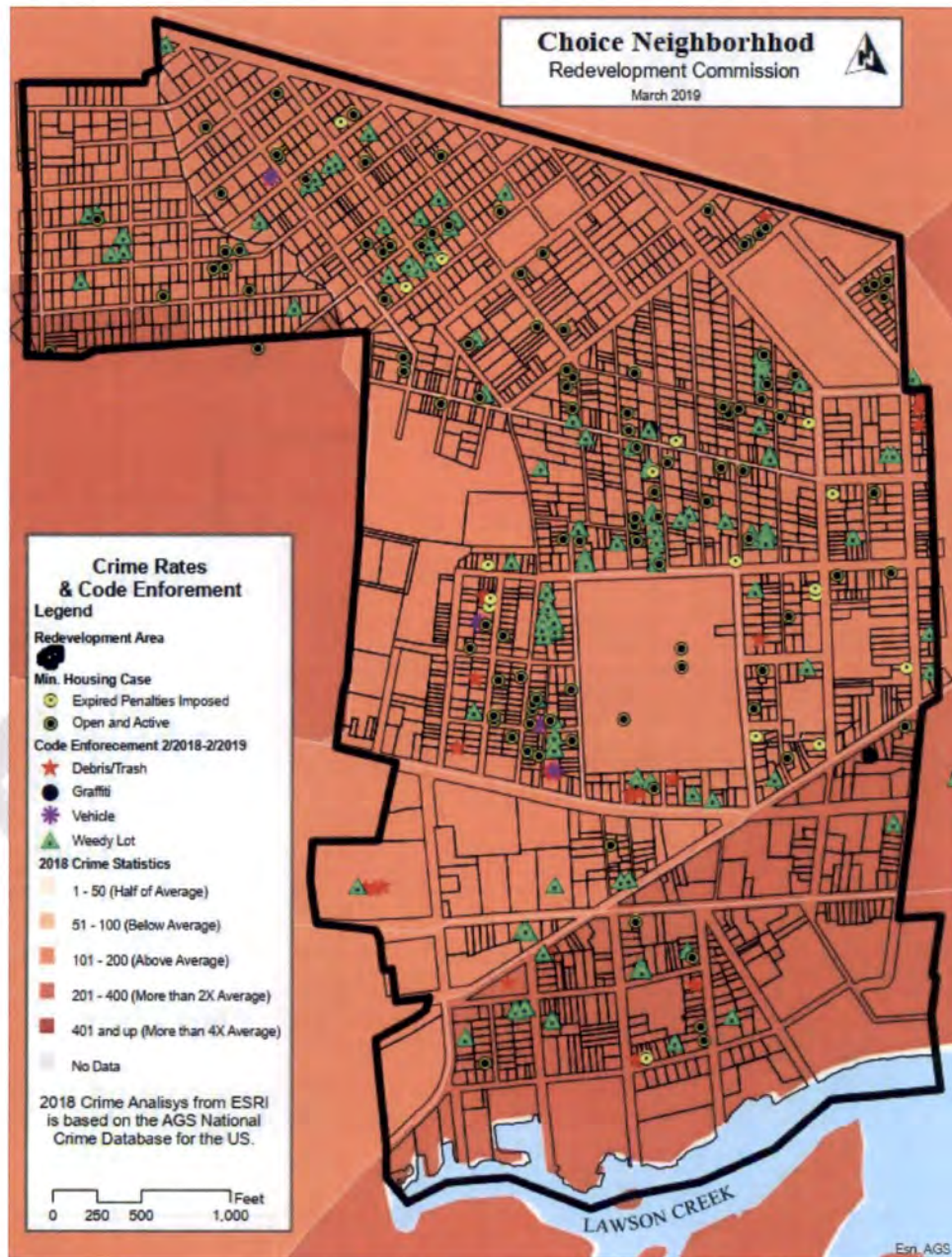
There are **96 active minimum building cases** in the area. Contrast that to around 70 for the City at large.

It should be noted that substantial progress has been made in the Redevelopment area to rid the neighborhood of dilapidated housing. This effort though successful has created a plague of vacant lots throughout the community. By removing one problem, the city has created another. Neighborhoods and streets once populated with homes are now a vast landscape of vacant lots, overgrowth, trash and debris. Demolitions that have taken place within the Redevelopment Area between 2013-2018 are shown below. The map displays locations of demolitions as well as the structure type (commercial, residential etc.)



Crime & Code Enforcement

Historically, within the Redevelopment Boundary, Violent Crimes per 1000 residents, has been approximately three times that of the average of the City as a whole. The 'Crime Rates & Code Enforcement' map displayed below presents the 2018 crime statistics for the area, as well as the lots that have had either an active code enforcement or minimum housing case between 02/2018-02/2019.



Between February 2018 and February 2019 there were a total of 166 code enforcement cases, a breakdown of these cases by, type is displayed below:

Nuisance Type	Number of Cases
Trash	19
Overgrowth	120
Debris	12
Vehicles	4
Trees	7
Graffiti	3
Road/Sidewalk	1
Total	166

Summary of Data

- The Redevelopment Area consists of 1,899 parcels, 1,006 of which are developed. This is an astonishing **47% vacancy rate** for a once fully developed area.
- Building conditions are variable. There are **96 active minimum building cases** in the area. Contrast that to around 70 for the City at large.
- Over a 1 year period we received **166 nuisance abatement complaints**. This compares to 286 for the rest of the city. (35%)
- **20.49% of all police incident reports generated** in last 5 years have occurred within proposed boundary
- All of this takes place in an area that constitutes only **2.1% of the total land area and 10.1% of the population of the City.**

Redevelopment Commission Statutory Authority and Area Determination

A redevelopment area, according to the NC General Statutes, is comprised of any defined area within a city's corporate limits that meets the statutory definition of either a "blighted area," a "non-residential redevelopment area," or a "rehabilitation, conservation, and reconditioning area." Once a zone is determined to be a redevelopment area, the Redevelopment Commission may proceed in exercising their power of eminent domain within that zone. The authority of the Redevelopment Commission with respect to eminent domain is outlined under NCGS 160A-512. The following provides a summary of these responsibilities.

Eminent Domain is the power of government to take private property for public use upon the payment of just compensation.

Condemnation is the procedure used to take the property without the owner's consent.

NCGS 160A-512 lists the powers of redevelopment commissions. One of the powers is:

Within its area of operation to purchase, obtain options on, acquire by gift, grant, bequest, devise, eminent domain or otherwise, any real or personal property or any interest thereon, necessary or incidental to a redevelopment project.

Additionally, NCGS 40A-3 provides that a redevelopment commission is a public condemner that has the power of eminent domain and the ability to acquire property by purchase, gift, or condemnation.

The procedure for exercising the power of eminent domain is provided by Article 3 of Chapter 40A of the North Carolina General Statutes.

The amount of just compensation to be paid to the owner is determined in accordance with the provisions of Article 4 of Chapter 40A of the North Carolina General Statutes. The measure is the fair market value. This amount is determined either by a judge, jury, or commissioners appointed by the Clerk or Court pursuant to a request by either the condemner or the property owner.

The power of eminent domain will only be used to acquire blighted and other properties which fail to comply with North Carolina Building and Life Safety Codes. Eminent domain shall be used only after all reasonable efforts of negotiation to acquire the property by voluntary agreement have failed.

The requirements for each of the potential redevelopment zones listed are as follows:

“Blighted Area” shall mean an area in which there is a predominance of buildings or improvements (or which is predominantly residential in character), and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, unsanitary or unsafe conditions, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs the sound growth of the community, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare; provided, no area shall be considered a blighted area nor, subject to the power of eminent domain, within the meaning of this Article, unless it is determined by the planning commission that at least two thirds of the number of buildings in the area are of the character described in this subdivision and substantially contribute to the conditions making such a blighted area; provided that if the power of eminent domain shall be exercised under the provisions of this Article, the property owner or owners or persons having an interest in property shall be entitled to be represented by counsel of their own selection and their reasonable counsel fees fixed by the court, taxed as a part of the costs and paid by the petitioners.

“Nonresidential redevelopment area” shall mean an area in which there is a predominance of buildings or improvements, whose use is predominantly nonresidential, and which, by reason of:

- a. Dilapidation, deterioration, age or obsolescence of buildings and other structures,
- b. Inadequate provisions for ventilation, light, air, sanitation, or open spaces,
- c. Defective or inadequate street layout,
- d. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness,
- e. Tax or special assessment delinquency exceeding the fair value of the property,
- f. Unsanitary or unsafe conditions,
- g. The existence of conditions which endanger life or property by fire and other causes, or
- h. Any combination of such factors that:
 1. Substantially impairs the sound growth of the community,
 2. Has seriously adverse effects on surrounding development, and
 3. Is detrimental to the public health, safety, morals, or welfare; provided, no such area shall be considered a nonresidential redevelopment area nor subject to the power of eminent domain, within the meaning of this Article, unless it is determined by the planning commission that at least one half of the number of buildings within the area are of the character described in this subdivision and substantially contribute to the conditions making such area a nonresidential redevelopment area; provided that if the power of eminent domain shall be exercised under the provisions of this Article, the property owner or owners or persons having an interest in property shall be entitled to be represented by counsel fees fixed by the court, taxed as a part of the costs and paid by the petitioners.

“Rehabilitation, conservation, and reconditioning area” shall mean any area which the planning commission shall find, by reason of factors listed in the above definitions, to be subject to a clear and present danger that, in the absence of municipal action to rehabilitate, conserve, and recondition the area, it will become in the reasonably foreseeable future a blighted area or a nonresidential redevelopment area as defined herein. In such an area, no individual tract, building, or improvement shall be subject to the power of eminent domain, within the meaning of this Article, unless it is of the character described in the definitions listed above and substantially contributes to the conditions endangering the area; provided that if the power of eminent domain shall be exercised under the provisions of this Article, the respondent or respondents shall be entitled to be represented by counsel of their own selection and their reasonable counsel fees fixed by the court, taxed as part of the costs and paid by the petitioners.

Conclusion

On April 2, 2019 the City of New Bern Planning and Zoning Commission voted unanimously to declare the Redevelopment Area (Map A) a “rehabilitation, conservation, and reconditioning area” under the North Carolina Redevelopment Law (NCCGS 160A-500). Such area will be referred to as the “Redevelopment District Boundary Area” (RDBA) here in.

III. Redevelopment Commission of New Bern Mission Statement

“The New Bern Redevelopment Commission: Leading the way for community transformation and improvement by directly addressing community needs in the vital areas of public health, infrastructure, housing and economic development. The Commission is committed to an accountable, transparent and publicly driven process”

IV. Redevelopment Plan Guiding Principles

The Redevelopment Plan and program activities herein are designed to reverse the overall decline of neighborhood character and create a functional transportation network that supports economic growth and public welfare through the following objectives:

1. Take proactive measures to eliminate existing blight and stop further degradation of the community
2. To partner with existing non-profits, citizen groups, and community advocates currently working in the redevelopment area to implement the shared goals, objectives, and policies of this plan.
3. Mitigate the impact of localized flooding
4. Improve the quality, quantity, and appearance of housing stock in the community
5. Increase enforcement of building and nuisance codes
6. Create a functional transportation network to enhance health, safety, economic development and access to amenities and services
7. Utilize city owned property within the redevelopment boundary to create new development opportunities
8. Acquisition of blighted parcels to assemble land for suitable development sites
9. Implement policy recommendations identified in the Choice Neighborhoods Initiative Greater Five Points Transformation Plan (2016) and New Bern Gateway Renaissance Plan (2014)

Goal 1: Improve overall appearance of redevelopment area community.

Overgrown lots both vacant and occupied lots are a major contributor to the visual blight of the redevelopment area. Additionally, overgrowth invites litter, debris and illegal dumping. The Redevelopment Commission will improve the overall appearance and aesthetic of properties within the RDBA through:

Objective 1.1: Increase Nuisance Abatement Code Enforcement Efforts on privately owned and city owned lots.

Policy 1.1.1: Instruct City Code Enforcement Officer to be proactive in enforcing minimum nuisance standards in the Redevelopment Area.

Policy 1.1.2: End city policy of not enforcing nuisance standards for weedy and overgrown lots for properties that appear to have “old growth” or have not been previously cleared.

- I. Recommend keeping up to two (2) trees on site that exceed 2” caliper width per 5,000 square feet of land area. Preserved trees must be at least 15 feet apart.

Policy 1.1.3: Coordinate with City of New Bern partner with existing non-profits, citizen groups, and community advocates currently working in the redevelopment area to initiate semi-annual neighborhood cleanup activities.

Goal 2: Improve appearance and quality of Housing stock in redevelopment district boundary area

The redevelopment area has 1,790 housing units, of which 79% are renter occupied. Housing affordability, housing conditions, housing availability, and irresponsible landlords are significant issues facing the redevelopment area community. According to the 2013-2017 American Community Survey data, an estimated 47.9% of all renter households in New Bern are cost overburdened by 30% or more.

The lack of safe, code compliant, affordable housing (rental and owner occupied) for the residents of the redevelopment area are serious problems. The deficiency in housing was only exacerbated by Hurricane Florence, which damaged many rental and owner-occupied housing units to the point of being uninhabitable. Many property owners and landlords were required to make costly repairs to their houses which exceed the overall value of the property. Many residents, community leaders, housing agencies, homeless providers, and city officials have stressed the impact of the damage from Hurricane Florence on the older housing stock of the redevelopment area and the need to make either costly repairs or construct new housing.

Much of the existing housing stock in the redevelopment area is old and inefficient. Utility costs are high because poor or absent insulation and outdated inefficient HVAC systems. Similar to other problems mentioned these issues were increased because of Hurricane Florence. Houses that were previously in need of rehabilitation now also require repairs from flood and wind damage.

The Redevelopment commission will address the need for modernization, rehabilitation and new housing in the RDBA through improving the overall appearance and quality of existing housing, building new energy efficient housing, and instituting a permit and registration program for rental housing.

Objective: 2.1: Minimum Housing and Non Residential Structures Enforcement

Policy 2.1.1: Instruct code enforcement staff to be proactive in enforcing minimum building code standards for both residential and non-residential structures.

Policy 2.1.2: Create Residential Property Periodic Inspection Program

- I. Create a program for the periodic inspection of residential structures
 - a. Hold a properly noticed public hearing about the proposed periodic inspections plan.
 - b. Develop a plan to address the ability of low-income residential property owners to comply with minimum housing code standards.

Policy 2.1.3: Create Permit and Registration program for residential rental property

- I. Identify properties with crime and disorder problems.
 - a. Create ordinance language for Board of Alderman approval that establishes process for determining the top 10% of properties with crime and disorder problems.
 - b. Registration shall include; owners address, owner's name, and property manager's 24-hour contact information if appropriate.
 - c. Establish fee for registration not to exceed \$500 for any 12 month period.

Objective 2.2: Increase supply of energy efficient code compliance housing within in the redevelopment district boundary area

Policy 2.2.1: Improve the quality of existing housing stock through selective purchase and rehabilitation of existing residential structures.

Policy 2.2.2: Utilize Community Development Block Grant (CDBG) and other funding sources to purchase existing residential structures within the redevelopment boundary for rehabilitation

- I. To maximum extent possible, all rehabilitations shall be Energy Star® qualified and incorporate energy efficiency into design and construction.

- II. Any external modifications conducted as a result of rehabilitation efforts should be similar in appearance to adjacent residential development to maintain the character of an individual street or neighborhood.

Objective 2.3: Partner with existing non-profits, citizen groups, and community advocates currently working in the redevelopment area to improve the quality of existing housing stock through construction of new residential structures.

Policy 2.3.1: Utilized CDBG and other funding sources to construct new residential structures within the RDBA.

- I. All new construction shall be Energy Star® qualified and incorporate energy efficiency into design and construction.
- II. All residential construction should be similar in appearance to adjacent residential development to maintain the character of an individual street or neighborhood.

Objective 2.4: Partner with existing non-profits, citizen groups, and community advocates currently working in the redevelopment area to create affordable and mixed income housing opportunities through rental and home ownership programs.

Policy 2.4.1: Partner with local public housing agencies (PHA) and others to create rental and ownership programs for residential structures owned by the Redevelopment Commission utilizing housing choice voucher programs.

Policy 2.4.2: Provide opportunities for housing that is affordable to households earning 60 to 120 percent of the area median income.

Goal 3: Explore flood mitigation alternatives within the redevelopment district boundary area

Periodic flooding continues to be a major issue for the redevelopment area community. Beyond major declared events such as Hurricane Florence (09/2018) that inundated the community under 2-4' of flood water for 3-6 days, periodic flooding during light rain events remains a serious issue. Standing water from light rain events will remain on lots and streets for days creating breeding grounds for mosquitos, other health hazards and overall visual blight.

Objective 3.1: Reduce impact and frequency from periodic flooding in the redevelopment area

Policy 3.1.1: Commission basin wide flood study of redevelopment area to recommend storm water infrastructure improvements that will reduce or eliminate the occurrence of standing water after routine rain events.

Goal 4: Acquisition of blighted parcels to assemble land for suitable development sites

Objective 4.1: Utilize city owned, vacant, and blighted parcels to create larger scale unified development sites for use in housing, storm water control, economic development, recreation, and community health and welfare opportunities.

Policy 4.1.1: Concentrate housing and economic development related redevelopment efforts in three Focus Areas

Goal 5: Encourage Community Health and Wellness

Continuous and coordinated medical care that serves the community where they live will increase overall health outcomes for citizens of the Redevelopment Area. Survey data taken during the Greater Five Points Transformation Plan effort found more than one-third of public housing residents report using the Carolina East Health Emergency Room, most often when they are sick or in need of medical advice, rather than more cost-effective alternatives. In addition, a disproportionately high number of public housing residents are disabled and/or struggling with a chronic health issue like asthma, diabetes and hypertension compared to North Carolina residents generally. As a result, access to medical services is a critical issue for the citizens of the Redevelopment Area.

Objective 5.1: Increase the number of healthcare, wellness, and recreation options in the redevelopment district boundary area.

Policy 5.1.1: Partner with Craven County Health Department to locate a Federally Qualified Health Center in Redevelopment Area.

Policy 5.1.2: Support the retention of a comprehensive health and wellness center within the boundaries of the redevelopment area.

V. New Bern Redevelopment Commission Transportation Plan

The Redevelopment Area is in many ways isolated from the rest of the city due to historic development patterns and disinvestment. Motorists will often take longer trips to avoid a confusing street network comprised of narrow and poorly maintained roads. Compounding this is a low rate of vehicle ownership and neglected or nonexistent pedestrian infrastructure. As attempts to revitalize the area are made reconfiguring and upgrading transportation related infrastructure is a critical component of the success of the community.

The goals for transportation related infrastructure in the area are as follows:

1. Facilitate economic development
2. Promote health and safety
3. Supporting cultural heritage

4. Enhancing access to transit

There are five policy points that will accomplish the objectives listed above:

1. Extend Third Avenue to connect up to Main Street.
2. Designate Main Street as a one way.
3. Creating greenways and trails to serve the community.
4. Creation of a heritage trail to highlight places and amenities of importance.
5. Partnership with CARTS (Craven Area Rural Transit System).

Objective T.1: Connecting the economic viability of the redevelopment area to the broader City of New Bern

The redevelopment area faces the challenge of an antiquated street network with no clear transportation network to support economic development north of Broad Street.

Policy T.1.1 Extend 3rd Avenue north to its intersection with Main Street. Any proposed alignment of 3rd avenue extension shall not interfere with the rehabilitation or rebuilding of the Stanley White Recreation Facility.

Policy T.1.2 Designate Main Street as a one-way street running along a west to east axis to allow for on on-street parking to support economic development activities.

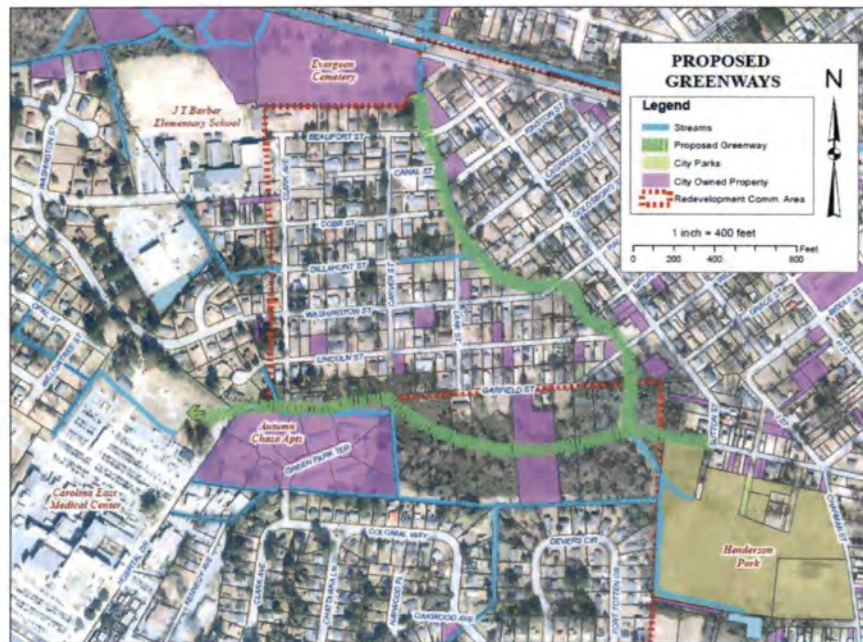
Objective T.2: Establish Pedestrian Trails within and external to the Redevelopment Area

According to research done for the Choice Neighborhoods Initiative, approximately half of the community does not have access to a vehicle. This intensifies transit and pedestrian infrastructure needs within the community.

Policy T.2.2 Create a greenway trail along the Duffyfield canal.

This greenway has been identified as a need in both the Greater Five Points Transformation Plan and Gateway Renaissance Plans. Greenways have been proven to increase property values as well as have a direct impact on overall community health.

Policy T.2.3 Support a pedestrian connection from Redevelopment Area to Carolina East Medical Center.

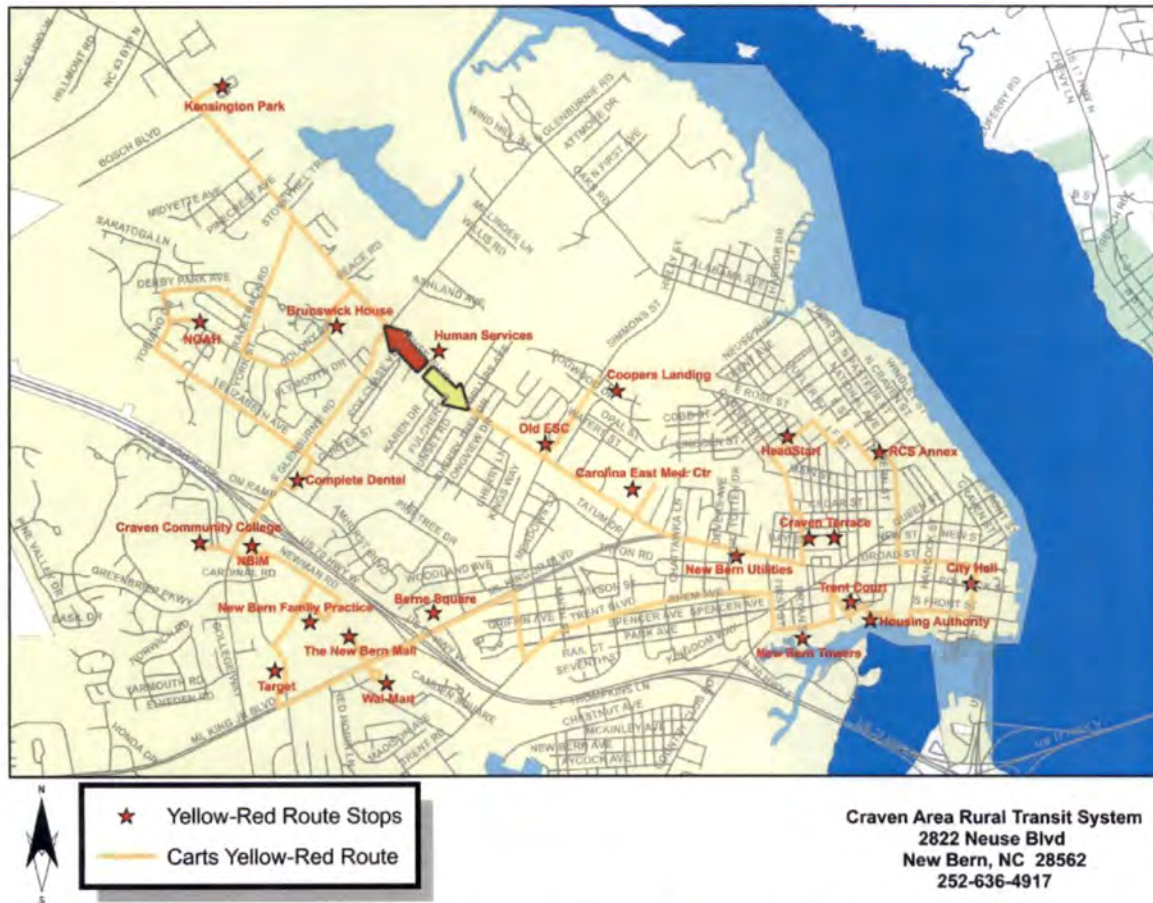


Policy T.2.4 Heritage Walking Trail: Create a walking trail to highlight the route between of the New Bern African American Signs of History program.

[illegible]

The only option locally in terms of mass transit is CARTS. This service has limited operational hours and routes. The Redevelopment area has several sub-optimal bus stops in the area. Bus stop locations should be improved and where possible bus shelters should be erected using CDBG funding.

Policy T.3.1 The Redevelopment commission will form a partnership with CARTS to expand service.



VI. Statement of Proposed Zoning Changes

Zoning Change 1: 15-180 of the Land Use Ordinance established minimum lot sizes for developable lots per zoning classifications. 63.7% of the redevelopment area is currently zoned R-6 with a minimum lot size requirement of 6,000 sf.

It is recommended the City amend the Land Use Ordinance to establish a 1,500 minimum lot size in the redevelopment area for the R6 zoning designation.

Zoning Change 2: Section 15-188 of the Land Use Ordinance allows for reductions in minimum lot width, size and minimum lot setbacks for platted substandard lots based upon a proportional reduction of the standard by reduced lot size. Though intended to provide relief, residential development in this area often require additional variances issued by the Board of Adjustments.

It is recommended the City amend the Land Use Ordinance to establish the following minimum dimensional standards in the redevelopment area in the R6 zoning designation.

Minimum lot width: 25'

Minimum front setback: 15'

Minimum rear setback: 10'

Minimum side setback: 5'

Zoning Change 3: Currently the Residential 6 (R6) zoning designation allows Housing and Urban Development (HUD) regulated Mobile and Manufactured homes by right in the redevelopment area.

It is recommended the City amend the Land Use Ordinance to prohibit the placement of HUD regulated mobile and manufactured homes in the R6 zoning designation within the redevelopment area. The recommended prohibition does not apply to Modular Homes which are regulated under the North Carolina Building Code and are allowed in R6 zoning.

Zoning Change 4: Section 15-342 of the Land Use Ordinance requires 2 off street parking spaces be provided for every single family residential structure. The 2016 Choice Neighborhoods Plan identified 50% of the households in the redevelopment area having access to 1 or fewer vehicles.

It is recommended the City amend the land development code to require 1 off street parking space be provided for all single family residential construction in the redevelopment area.

Zoning Change 5: To support and strengthen economic development opportunities within the greater duffyfield area the Commission proposes an extension of Third Avenue to its intersection with Main Street. Existing zoning adjacent to this proposed intersection is currently residential (R-6 and R-10) and precludes the type of development that would support economic growth. To create a vibrant mixed use district that will foster economic growth it is recommended the City of New Bern rezone the area identified as "Focus Area #3" to the C-4 Commercial District.

Section 15-137(5) of the City's Land Use Ordinance describes the C-4 Commercial District:

"The C-4 neighborhood business district is established as a district in which the principal use of land is to provide for the retailing of goods and services to the nearby residential neighborhoods. The regulations of this district are designed to limit the businesses which may be established therein in order to protect the abutting residential areas."

The C-4 district will allow neighborhood appropriate commercial uses will still permitting all R-6 and R 10 residential uses by right.

Zoning Change 6: It is recommended the City of New Bern utilize the RDBA map to create the "Greater Five Points Redevelopment Overlay District" to implement proposed and future zoning changes within the RDBA.

VII. Continuing Controls

The Redevelopment Commission of New Bern intends to comply with all municipal, state, and federal rules and regulations applicable to the administration and implementation of this plan. All acquisition, demolition, and relocation activities will be in compliance with NC Department of Environmental Quality rules and regulations and in compliance with the HUD requirements contained in the Uniform Relocation Assistance and Real Property Acquisition Handbook.

Minimum housing and non-residential structure code, nuisance abatement, zoning enforcement, and other city police powers will be utilized where appropriate to implement the goals, objectives, and policies of the Redevelopment Plan.

VIII: Implementation Timeline

Transforming Greater Five Points/Duffyfield communities to their full potential will take several decades and will be implemented incrementally as funding allows. The Redevelopment Plan has a planning horizon of 20 years and will generally follow the timeline below.

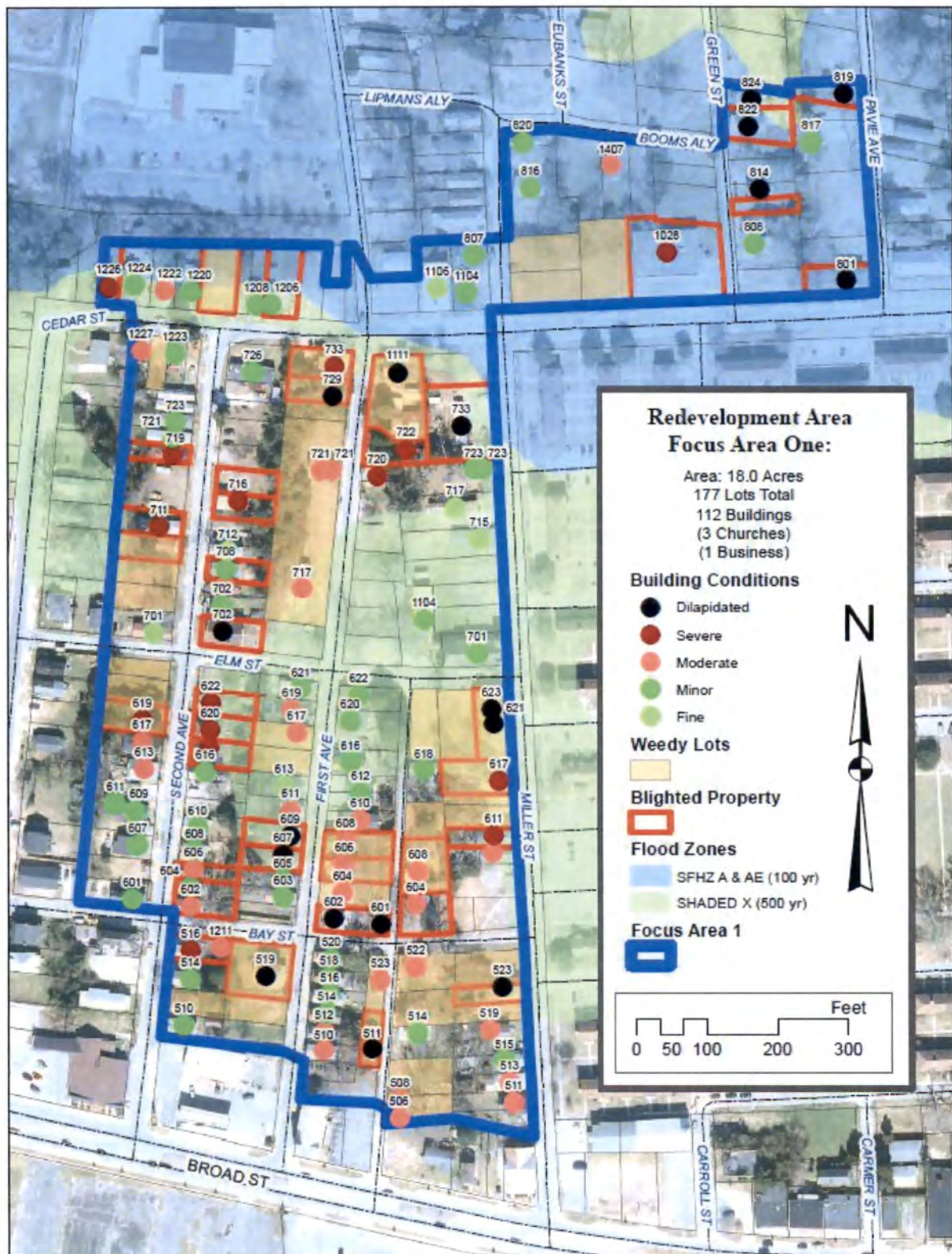
Policy	Description	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10	Yr 11	Yr 12	Yr 13	Yr 14	Yr 15	Yr 16	Yr 17	Yr 18	Yr 19	Yr 20
1.1.1	Proactive Code Enforcement																				
1.1.2	Enforce "old growth" overgrowth																				
1.1.3	semi-annual neighborhood cleanup																				
2.1.1	Proactive min housing/commercial enforcement																				
2.1.2	Create Periodic Inspection Program																				
2.1.3	Permit and Registration program for rental property																				
2.2.1-3	Housing Rehabilitation Focus Areas 1 and 2																				
2.3.1	Construct New Housing Focus Areas 1 and 2																				
3.1.1	Basin Flood Study																				
4.1.1	Lot assemblage for development Focus Area 3																				
5.1.1	Locate a Federally Qualified Health Center																				
Zoning	Recommended Zoning Changes implementation																				
T.1.1	3rd Avenue Extension to Main Street																				
T.1.2	One-Way Main Street and improvements																				
T.2.2	Greenway along duffy field canal																				
T.2.3	Pedestrian connection to Carolina East Medical																				
T.2.4	Heritage walking trail markers																				
T.3.1	Expand CARTS Service																				

IX. Redevelopment Focus Areas

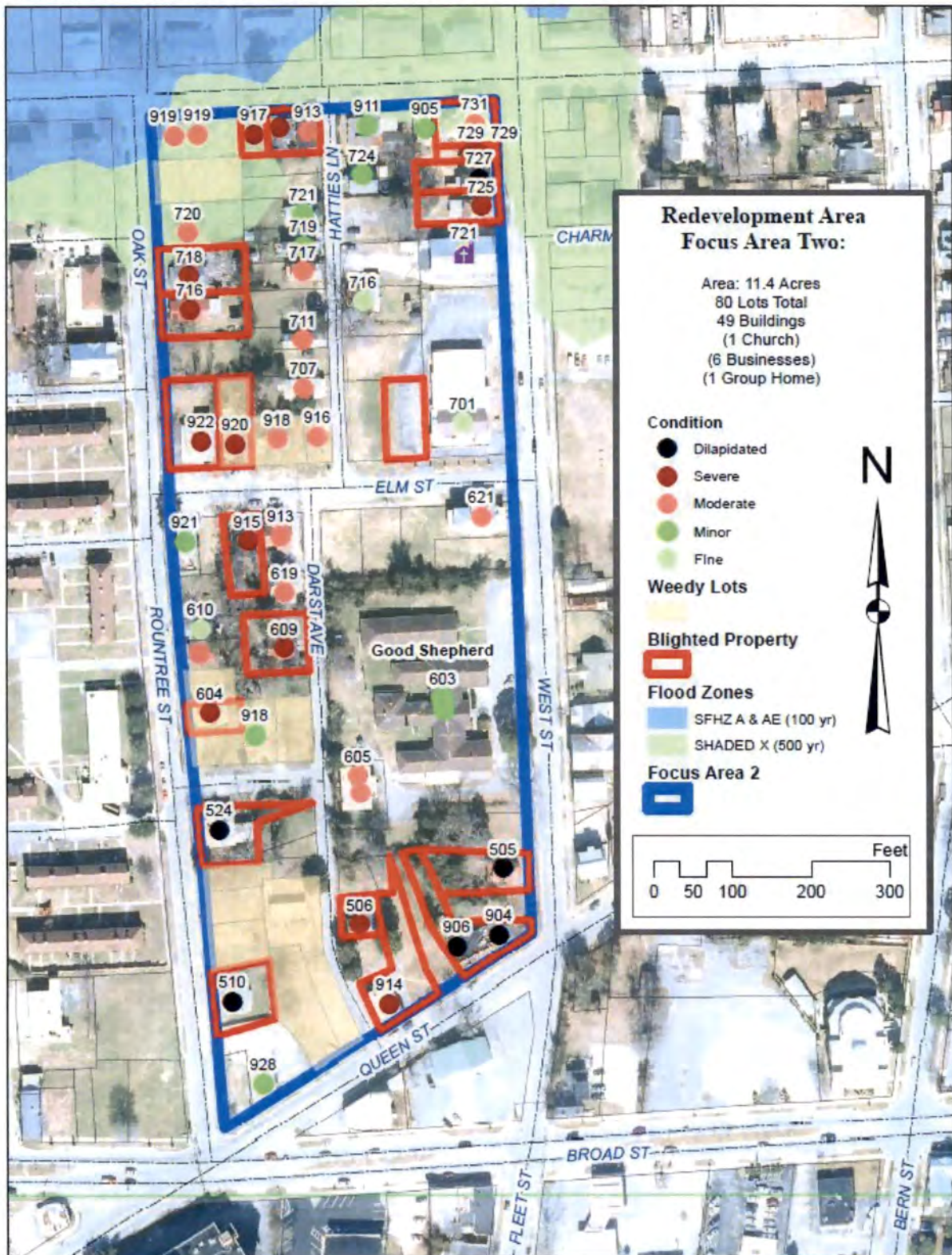
To direct redevelopment efforts in areas outside of the 100yr flood plain and establish a reasonable expectation of costs the Redevelopment Commission has established focus areas to concentrate specific redevelopment activities.

The establishment of focus areas does not preclude the implementation of any redevelopment goal, objective, or policy anywhere within the redevelopment district area boundary.

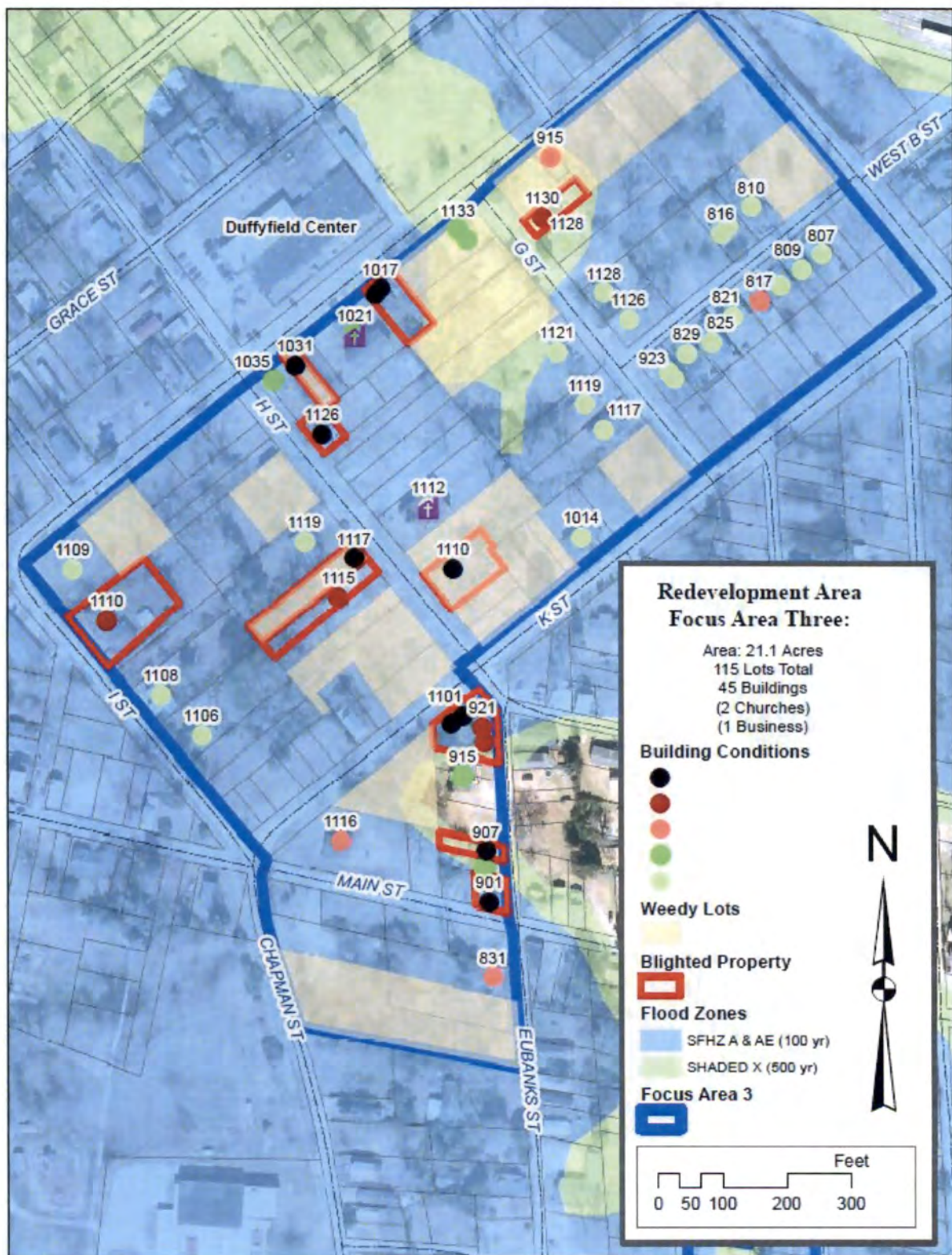
Focus Area #1: Redevelopment efforts in Focus Area 1 should be focused on lot consolidation, housing rehabilitation and new construction of diverse housing types.



Focus Area #2: Redevelopment efforts in Focus Area 2 should be focused on lot consolidation, housing rehabilitation and new construction of diverse housing types.



Focus Area #3: Redevelopment efforts in Focus Area 3 should be focused lot assemblage and sale for higher density residential, mixed use, community, and commercial uses.



X. Statement of Cost

The proposed redevelopment activities contained herein will be financed primarily through Community Development Block Grant Funds, the HOME Investment Partnership funds, revenues from past rehabilitation and construction activities, future grant sources, City of New Bern funds, and private capital sources.

Public Infrastructure, transportation: Approximate Costs*

Third Ave Extension:	\$350,000
Cul De Sac: Sutton:	\$75,000
Cul De Sac: Chapman:	\$75,000
Pedestrian trails:	\$150,000
Striping Main Street:	\$15,000
Heritage Trail Markers:	\$25,000
TOTAL:	\$690,000

*All transportation costs based upon most recent data available from City of New Bern Public Works, August 2019

Focus Area 1: Costs*

29 Properties total

<i>Reconstruction</i>		Costs
# of structures:	16	
Acquisition:		\$307,769.00
tear down:		\$80,000.00
1000sf rebuild \$110SF		\$1,760,000.00
Total		\$2,147,769.00
<i>Rehabilitation</i>		
# of structures:	13	
Acquisition:		\$287,089.00
Total SF existing		10,262
Rehab \$50/sf incl demo		\$513,100.00
Total		\$800,189.00
Total Cost Focus Area 1		\$2,947,958.00

Focus Area 2: Costs*

15 Properties Total

# of structures:	3	
Acquisition:		\$121,385.00
tear down:		\$15,000.00
1000sf rebuild \$110SF		\$330,000.00
Total		\$466,385.00

# of structures:	12	
Acquisition:		\$357,467.00
Total SF existing		11,630.00
Rehab \$50/sf incl demo		\$581,500.00
Total		\$938,967.00

Total Cost Focus Area 2 \$1,405,352.00

Focus Area 3: Costs*

116 Properties Total

Total Value \$1,615,040.00**

*All construction costs based upon most recent data available from City of New Bern Building Inspections Department and Craven County Tax Assessor Collector, August 2019

** Acquisition efforts scheduled to begin year 10

XI. Statement of Feasible Method for Relocation of Displaced

Though not anticipated some redevelopment activities may lead to a limited number of households and non residential uses being be displaced. Relocation activities may be covered by CDBG funds or other funding mechanisms available to the Redevelopment Commission under state law. All relocation activities will be conducted in accordance with the HUD requirements contained in the Uniform Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0).

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution to close streets for the annual Ghent Neighborhood Association Mardi Gras Parade and block party.

Date of Meeting: 1/28/2020	Ward # if applicable: Wards 1 & 3
Department: Parks & Recreation	Person Submitting Item: Foster Hughes, CPRE
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	The organizers for the Ghent Neighborhood Association requested to close specific streets to vehicle traffic for the parade route from 1:00 p.m. until 3:00 p.m.; 1400-2000 blocks of Spenser Avenue beginning at 8th Street and ending at 2nd Street, as well as the 1400-1600 blocks of Spenser Avenue beginning at 2nd Street and ending at 4th street for their block party from 10:00 a.m. until 6:00 p.m. on Saturday, February 22, 2020.
Actions Needed by Board:	Adopt the Resolution
Backup Attached:	Resolution – Memo – Application – Map – Support Letter - CIO Ghent Neighborhood Incorporation

Is item time sensitive? ☐Yes ☒No

Will there be advocates/opponents at the meeting? ☐Yes ☐No

Cost of Agenda Item:

If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? ☐Yes ☐No

Additional Notes:



Aldermen

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

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 & Recreation

Re: Adopt the Resolution to close specific streets to vehicle traffic for the parade route from 1:00 p.m. until 3:00 p.m.; 1400-2000 blocks of Spencer Avenue beginning at 8th Street and ending at 2nd Street, as well as the 1400-1600 blocks of Spencer Avenue beginning at 2nd Street and ending at 4th street for their block party from 10:00 a.m. until 6:00 p.m. on Saturday, February 22, 2020 for Ghent Neighborhood Association Mardi Gras Parade and block party.

Background Information:

J. Michael Genest and Margaret Bartlett, organizers, requested to close specific streets to vehicle traffic for the parade route from 1:00 p.m. until 3:00 p.m.; 1400-2000 blocks of Spencer Avenue beginning at 8th Street (Trolley Run) and ending at 2nd, as well as the 1400-1600 of Spencer Avenue beginning at 2nd Street and ending at 4th Street for their block party from 10:00 a.m. until 6:00 pm on Saturday, February 22, 2020.

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.

1307 Country Club Rd
New Bern, NC 28562
Office 252 639-2901
Fax 252 636-4138

RESOLUTION

THAT WHEREAS, Ghent Neighborhood Association has scheduled its annual Mardi Gras Parade and block party. The Association has requested the 1400-2000 blocks of Spencer Avenue beginning at 8th Street and ending at 2nd Street be closed to vehicular traffic on February 22, 2020 from 1:00 p.m. until 3:00 p.m. for the parade route; and

WHEREAS, the Association has also requested the 1400-1600 blocks of Spencer Avenue be closed to vehicular traffic beginning at 2nd Street and ending at 4th Street for their annual block party from 10:00 a.m. until 6:00 p.m.; 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 1400-2000 blocks of Spencer Avenue beginning at 8th Street (Trolley Run) and ending at 2nd Street be closed to vehicular traffic from 1:00 p.m. until 3:00 p.m. on Saturday, February 22, 2020 for the Ghent Neighborhood Association's annual Mardi Gras parade; and

Further, that the 1400-1600 blocks of Spencer Avenue be closed to vehicular traffic beginning at 2nd street and ending at 4th street for a block party from 10:00 a.m. until 6:00 p.m. Saturday, February 22, 2020 for the Ghent Neighborhood Association's block party.

ADOPTED THIS 28TH DAY OF JANUARY 2020.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

Feb. 22, 2020

CITY OF NEW BERN

APPLICATION FOR PUBLIC ASSEMBLY, PARADE & SPECIAL EVENTS IN CITY PARKS

This application is hereby made for a permit to hold a Public Assembly and/or Parade as described in the City of New Bern Code of Ordinances (Sec. 66-85; 66-86; and 66-87) – Public Assemblies and Parades. This application along with attachments must be presented at least 60 days prior to the event date.

Festival – A concert, fair, festival, exhibit, athletic event, promotion, community event, block party, or similar event.

Parade – A march, ceremony, pageant, procession or other similar activities consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public street.

Public Assembly – A festival or demonstration which is reasonably anticipated to obstruct the normal flow of traffic upon any public street and that is collected together in one place; or a festival in any city-controlled park.

Name of Event/Activity: Ghent Neighborhood Annual Mardi Gras Parade

Organization Name: Ghent Neighborhood Association

Responsible Contact: Margaret Bartlett

Address: 1903 Spencer Avenue

City: New Bern

State: nc

Zip code: 28560

Phone: (252) 634-7937

Alternate Phone: _____

Email: Margaret Bartlett <margaret@margaretbartlett.com>

Type of Event:

☐ Demonstration

☒ Festival

☐ Parade

Date of Event: Feb. 22, 2020

Proposed Rain Date: _____

Event Set up time: 10am

Event Tear Down Completed Time: 6pm

Event Start Time: 11am

Event End Time: 5pm

What is the specific location and/or route of the proposed event? (Attach additional information if needed)

See attached

Note: A detailed map of the proposed route as well as a specific list of streets is required. The specific location of the Public Assembly must include the aerial overview with location marked. **Festivals/Events require detailed aerial map with complete layout.**

What is the purpose of this event? Please be detailed in your description - (Attach additional information if needed)

Neighborhood parade & block party -

Estimated attendance: 300

; Attendance not to exceed: 750

*Note: If more than 1,000 in attendance is expected 1) **Proof of Crowd Manager Training Certification is required.** Training is available at the following link: http://www.newbernnc.gov/departments/fire_department/crowd_manager_training.php 2) **Public Safety Plan is required. Information must be submitted with application.** For additional info, please contact the Fire Marshall at 252-639-2931.

Tents # 1

Sizes 400sq ft

Provide additional info as needed (Note: Tents 700 sq. ft. or bigger must be inspected by Fire Marshall.)

How will you handle trash generated from the event?

We are requesting # _____ trash cans.

☒ We will provide our own bags & dispose of any trash generated ourselves.

☐ We request that City Staff dispose of all trash generated. We understand additional fees will be charged for this service, including the cost of labor, and materials (bags, etc.) used.

street closing

alcohol
Food Truck

Are you requesting any City of New Bern Street Closures?☒ Yes*☐ No

*Any street closures require approval of the Board of Aldermen. Street closures must be received **at least 60 days in advance** for consideration. Street closures require barricades. A fee of **\$5.00 per barricade** must be paid 48 business hours prior to the event.

*What Street(s) are you requesting to close? Be specific: See attached Parade Route

Are you requesting any State Road or Bridge closures?☐ Yes*☒ No

*If yes, a 90 day notice and application is required by the NCDOT for in order to consider state roads or bridges. For additional information, please call NCDOT Office at **252-439-2816**. The State Road/Bridge Closure permit must be attached to this application.

If this event includes the use of floats, vehicles, placards, loud speakers, or mechanical devices of any type, please provide a detailed explanation of their use, purpose and number.

Will Inflatables or other Play features be part of this event?☐ Yes☒ No (Additional insurance may be required)**Will Food Vendors or Commercial/Non-Profit vendors be part of this event?**☒ Yes☐ No

(If you answered YES, Additional Fees apply. A detailed list of all vendors is required.)

The following items are required and must be attached **at the time of Application**:

☒ A detailed map – including the location, route with beginning and ending point and street names included.

☐ Petition of Signatures – of business/residents affected – If roads are closed.

The following items are required within **two (2) business days of the event or event shall be cancelled**:

☐ Certificate of Insurance – Listing the City of New Bern, PO Box 1129, New Bern, NC as "Additional Insured".

☐ List of all food/commercial/non-profit vendors.

☐ Payment in full of applicable fees and charges.

I attest that I am authorized on behalf of this group/organization to request the permit for the activities prescribed herein. I understand that this application must be submitted with full details and attachments. I understand that additional fees and charges may be incurred. Those charges include set-up tear down time for staff, rental of barricades, Public Safety, Trash collection, damages, etc. I further understand that failure to provide the requested information within the specified timelines shall result in application being denied. I agree to indemnify and hold harmless the City of New Bern, its departments, agents, employees, officials and volunteers for any injury, illness or damage to person or property during this activity.

The following items must be submitted with Application:

- ☐ Completed & Signed Application
- ☐ Detailed maps of parade route and/or festival layout
- ☐ Petition of signatures (if road closure is requested)
- ☐ Proof of Crowd Manager training & Public Safety Plan (if attendance is 1,000 or more)

Authorized Signature

Date

Dec. 5, 2019

All documents have been provided and this application is recommended for approval

Administrative Support Supervisor

Date

1/10/2020

This application has been approved.

Director of Parks & Recreation

Date

Total Anticipated Charges

Barricades: # 26
\$ _____

Trash Collection:
\$ _____

City Staff: # _____
\$ _____

Vendor Fees # _____
\$ _____

Park/Facility Rental:
\$ _____

Total Due: \$ 130.00

- ☐ Have HOA's been notified? ☐ Yes ☐ No Spoke with: _____
- ☐ Approved by Department Date: _____ Staff Initials: _____
- ☐ Submitted for Board Approval Date: _____ Staff Initials: _____
- ☐ All Paperwork collected Date: _____ Staff Initials: _____
- ☐ All fees collected \$ _____ Date: _____ Staff Initials: _____

City Sponsored Event

☐ Yes ☐ No

Updated 6-3-2019

Attachment to Application for Parade Permit

Event: Ghent Neighborhood Mardi Gras
- parade starting at 3:00 pm on 22 February 2020

Scope: Applicants seek a permit for the Sixth Annual Ghent Neighborhood Mardi Gras Parade attendance for this event has been in the low hundreds for the past few years. The event is not age specific. Currently we are expecting 8 "floats" and ten walking groups, plus classic cars.

All affected residents, including all residents of Spencer Ave. have been notified. There is tremendous support for the parade, and no objections have been made to the Ghent Neighborhood Association nor the Mardi Gras Committee.

Proposed parade route: Please see attached map.

For parade only, Spence Ave. blocked west of 2nd St. (not on parade route) and west of 8th St.

Parade line-up is on the south side of 8th St in Trolley Run, the road is wide enough there, no road blocks will be required. The time for the line up will be between 1:00 pm and 3:00 pm; required time to be in place is 2:00 pm.

Parade starts at 3:00 pm. ✓

Parade to travel east on the eastbound side of Spencer Ave to 2nd St.

Parade ends at 2nd St.

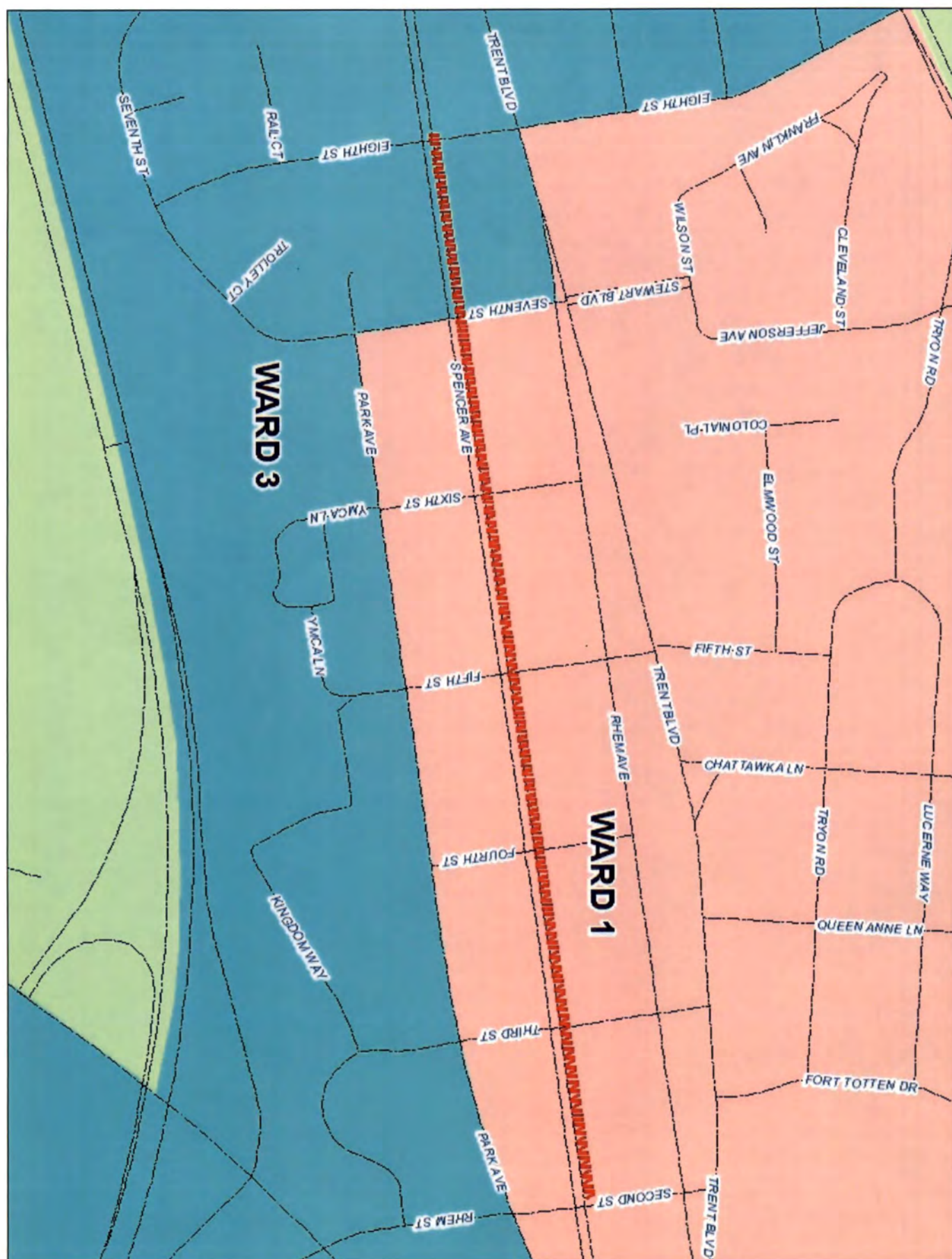
As soon as the parade ends, western street barriers on the west side of 8th St. will be brought down Spencer Ave to the east side of 4th St. so that the block party will be limited to Spencer Ave. between 2nd St. and 4th St. (This will happen at the end of the parade until 6:00 pm.) The only closed through-street will be 3rd St, affecting one of the several approaches to Temple Church. Access to the YMCA will be unaffected.

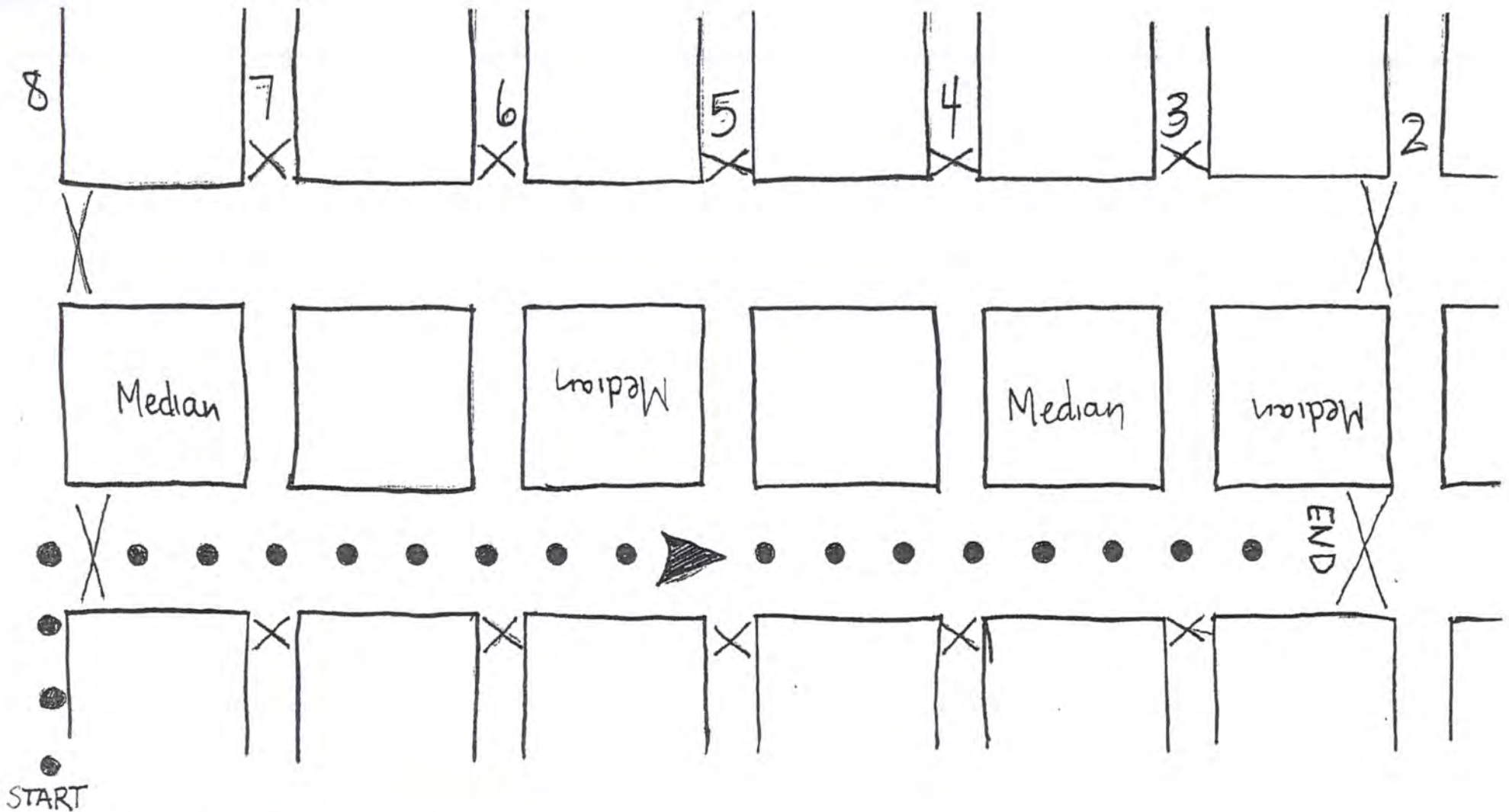
Local traffic will access to westbound Spencer Ave as may be needed.

If available, we would like to use the parking lots at Volt Center and the City Offices at 303 First St. to help ensure people will not park on the streets. Temple Church has offered their parking lot for the event. We will be directing non-resident participants to park in one of these off-street locations.

We would like to use the power from two of the street lamps in the median on Spencer Ave. in the vicinity of Spencer Ave and 3rd St.

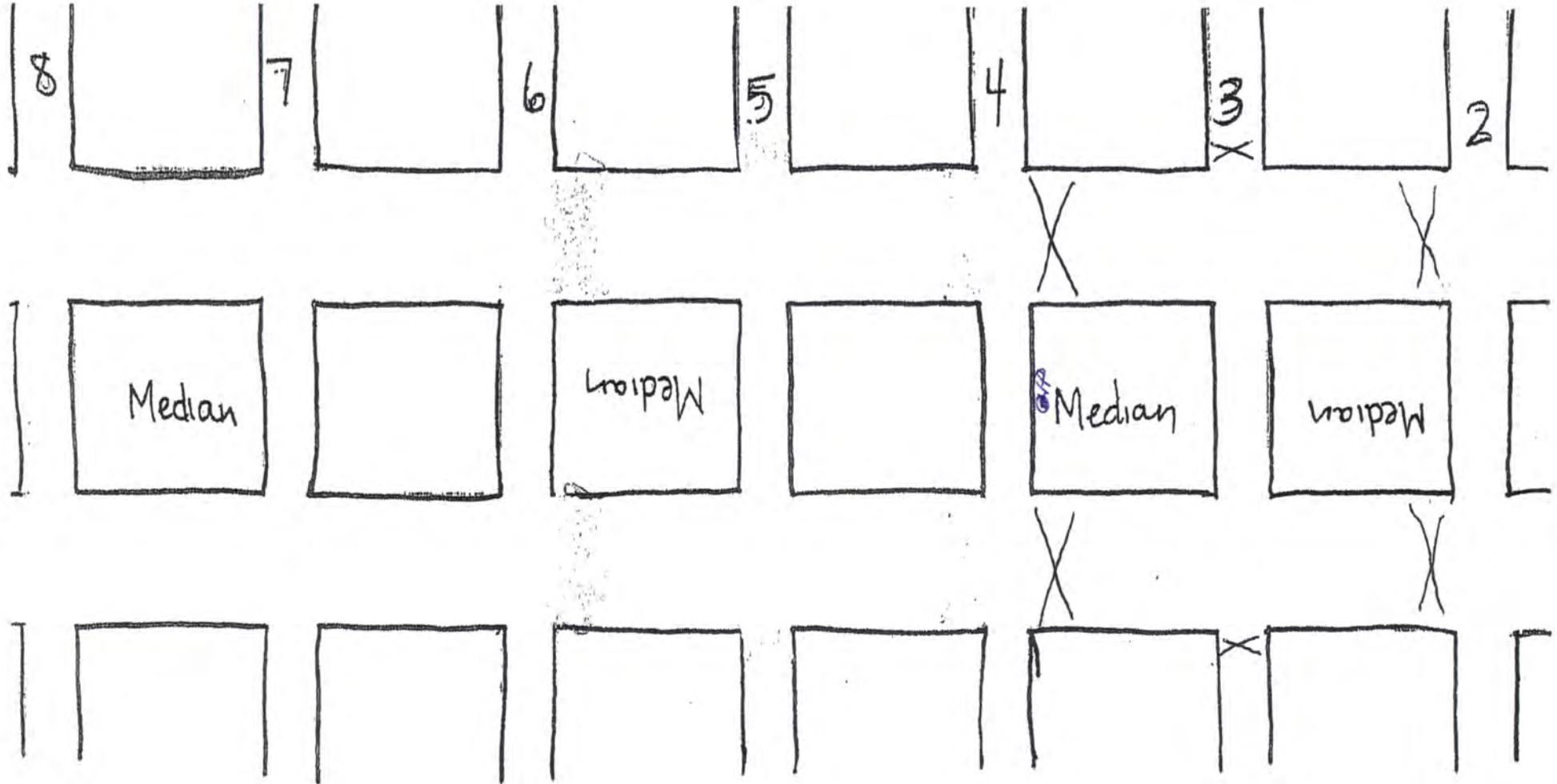
Event is from 11:00 am 'til 6:00 pm.





● ● = PARADE ROUTE

For duration of the Parade ONLY (approximately 2:45 PM to 3:30 PM) Access to Spencer Avenue and its cross streets will be blocked by movable barriers. Emergency vehicles will have access to all areas of Spencer Ave. at all times.



Block Party

The Block Party Area (Spencer Avenue between 4th and 2nd) will be closed to non-emergency traffic by movable barriers from 10:00 AM (to allow for setup of vendors and facilities) until the conclusion of the event at approximately 6:00 PM.

Veronica Mattocks

From: J. Michael Genest <jmg@forgelawgroup.com>
Sent: Monday, January 6, 2020 9:45 AM
To: Veronica Mattocks
Subject: Ghent Support for Mardi Gras

Dear Ms. Mattocks and Mr. Hughes,

This letter is to document our discussion regarding community approval of the Ghent Neighborhood Mardi Gras parade and block party. In brief, our community is overwhelmingly supportive of the event. Hundreds of our neighbors and their friends participate, and the reviews have always been incredibly positive. We advertise the event on social media (the Ghent facebook page, the Mardi Gras facebook page, and in both the General and Event sections of Nextdoor.com) and send out email "blasts" to the Neighborhood Association regarding the event. We also publish six newsletters every year, which are delivered to every house in the area (regardless of their membership in the Association) and every one of those Newsletters has at least a calendar of events including the Mardi Gras, and most also have specific mention of the event (looking for volunteer assistance, sponsorship opportunities, etc.). It is fair to say that it would be difficult for a resident to NOT be informed about the Mardi Gras event. As a result of that promotion, we have many participants and volunteers from Ghent who come together to make this wonderful family event come together every year.

Since we started advertising this (2020) Mardi Gras, neither the Ghent Neighborhood Association nor the Mardi Gras Committee (both of whom have publicly advertised contact information) have received any direct complaints or objections to the event. We have, however, heard second-hand of two individuals (out of approximately 400 households in Ghent) who are against the event, one on religious grounds, and one due to general concerns about having any event in the neighborhood. Although we can do little to persuade the former, we are (and will continue to be) working with the Mardi Gras committee and the police department to ensure that the second household is impacted as little as possible. This includes meeting with the individual to make sure he knows he is able to enter and exit his property at all times and ensuring that he has signage and markers to keep visitors from parking on the right-of-way near his house or walking on his lawn. The event is also scheduled as a day-time event to avoid noise disturbance of sensitive neighbors.

Thank you for your continued assistance with this very popular and successful community-building event, and please let me know if I can be of any further assistance.

Very best regards,

-Mike Genest
(President, Ghent Neighborhood Association)

NOTE: Please be advised, City of New Bern email addresses changed to user@newbernnc.gov as of October 23rd 2018. Please update your address book accordingly. Thank you for your assistance with this change. -----

----- If
you are not the intended recipient, you must destroy this message and inform the sender immediately. This electronic mail message and any attachments, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any time. It also may contain information which is confidential within the meaning of applicable federal and state laws.



NORTH CAROLINA

Department of the Secretary of State

To all whom these presents shall come, Greetings:

I, Elaine F. Marshall, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF INCORPORATION

OF

GHENT NEIGHBORHOOD ASSOCIATION

the original of which was filed in this office on the 5th day of March, 2019.



Scan to verify online.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 5th day of March, 2019.

Elaine F. Marshall

Secretary of State

State of North Carolina
Department of the Secretary of State

ARTICLES OF INCORPORATION
NONPROFIT CORPORATION

Pursuant to §55A-2-02 of the General Statutes of North Carolina, the undersigned corporation does hereby submit these Articles of Incorporation for the purpose of forming a nonprofit corporation.

1. The name of the nonprofit corporation is: Ghent Neighborhood Association

2. ☒ (Check only if applicable.) The corporation is a charitable or religious corporation as defined in NCGS §55A-1-40(4).

3. The name of the initial registered agent is: Nancy Hill

4. The street address and county of the initial registered agent's office of the corporation is:

Number and Street: 1903 Spencer Ave
City: New Bern State: NC Zip Code: 28560 County: Craven

The mailing address *if different from the street address* of the initial registered agent's office is:

Number and Street or PO Box: _____
City: _____ State: NC Zip Code: _____ County: _____

5. The name and address of each incorporator is as follows:

Name	Address
<u>J. Michael Genest</u>	<u>1412 Spencer Ave, New Bern, NC 28560</u>
<u>Nancy Hill</u>	<u>1903 Spencer Ave, New Bern, NC 28560</u>
<u>Steven C. Kelly</u>	<u>1410 Spencer Ave, New Bern, NC 28560</u>

6. (Check either "a" or "b" below.)

a. ☒ The corporation will have members.

b. ☐ The corporation will not have members.

7. Attached are provisions regarding the distribution of the corporation's assets upon its dissolution.

8. Any other provisions which the corporation elects to include are attached.

9. The street address and county of the principal office of the corporation is:

Principal Office Telephone Number: 252-649-1155

Number and Street: 1903 Spencer Ave

City: New Bern State: NC Zip Code: 28560 County: Craven

The mailing address *if different from the street address* of the principal office is:

Number and Street or PO Box: _____

City: _____ State: _____ Zip Code: _____ County: _____

10. (Optional): Listing of Officers (See instructions for why this is important)

Name	Address	Title
J. Michael Genest	1412 Spencer Ave New Bern, NC 25860	President
Nancy Hill	1903 Spencer Ave New Bern, NC 28560	Treasurer

11. (Optional): Please provide a business e-mail address: _____

Privacy Redaction

The Secretary of State's Office will e-mail the business automatically at the address provided at no charge when a document is filed. The e-mail provided will not be viewable on the website. For more information on why this service is being offered, please see the instructions for this document.

12. These articles will be effective upon filing, unless a future time and/or date is specified: _____

This is the 22 day of February, 2019.

Incorporator Business Entity Name


Signature of Incorporator

Steven C. Kelly Incorporator

Type or print Incorporator's name and title, if any

NOTES:

1. Filing fee is \$60. This document must be filed with the Secretary of State.

BUSINESS REGISTRATION DIVISION
(Revised August, 2017)

P. O. BOX 29622

RALEIGH, NC 27626-0622
Form N-01

7. Distributions Upon Dissolution

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively as an exempt organization or organizations under Section 501(c)(3) of the Code as the Board of Directors shall determine, or to local governments to be used exclusively for public purposes. Any such assets not so disposed of shall be disposed of by the Superior Court of Craven County exclusively for such purposes or to such organizations as the court shall determine, which are organized and operated exclusively for such purposes, or to such governments for such purposes.

8. Other provisions – Purpose of the Corporation

The purposes for which the Ghent Neighborhood Association is organized are to work with local government to enhance the quality of life in the neighborhood known as the Ghent Subdivision, to improve the aesthetic nature, safety and general welfare of the neighborhood, and to provide wholesome social activities within the neighborhood.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/30/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER R.V. Nuccio & Associates Insurance Brokers, Inc. 10148 Riverside Drive Toluca Lake, CA 91602	CONTACT NAME: Robert V. Nuccio PHONE (A/C, No, Ext): (800) 364-2433 FAX (A/C, No): (818) 980-1595 E-MAIL ADDRESS: support@rvnuccio.com
INSURED Ghent Neighborhood Association 1903 Spencer Avenue New Bern, NC 28560	INSURER(S) AFFORDING COVERAGE INSURER A: The American Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
	NAIC # 21857

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> <u>Host Liquor Liability</u> GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	<input checked="" type="checkbox"/>	XXC80514929 NAEP091523	2/22/2020	02/23/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 0 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	N/A			PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Additional Insured: City of New Bern

CERTIFICATE HOLDER

City of New Bern
300 Pollock Street
New Bern, NC 28560

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Robert V. Nuccio

© 1988-2015 ACORD CORPORATION. All rights reserved.

Certificate Number: NAEP091523

Policy Number: XXC80514929

Effective Dates: 2/22/2020 12:01am to 02/23/2020 12:01am

**Additional Insured - Person, Organization or other Entity -
600002STEP 09 12**

Policy Amendment(s) Commercial General Liability

This endorsement modifies insurance provided under the following:

Commercial General Liability Coverage Part

Schedule

Name of Additional Insured Person(s) or Organization(s) or other Entity(ies)

City of New Bern

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

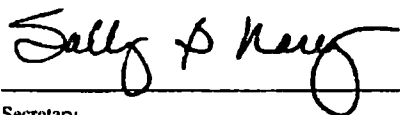
Section II - Who Is An Insured is amended to include as an insured the person, organization or other entity shown in the Schedule above but only to the extent that **bodily injury, property damage or personal and advertising injury** is caused by the sole negligence of the Memorandum of Insurance holder.

Any Additional Insured Person(s) or Organization(s) or other Entity(ies) covered under this policy is subject to the policy forms, terms, conditions, exclusions, limitations and provisions.


This Endorsement is otherwise subject to all the terms, conditions, exclusions, limitations, and provisions of the policy to which it is attached.

This Form must be attached to Change Endorsement when issued after the policy is written.

One of the Fireman's Fund Insurance Companies as named in the policy



Secretary



President

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Approving a Proclamation for International Civitan Clergy Appreciation Week

Date of Meeting: 01/28/20	Ward # if applicable: N/A
Department: City Clerk	Person Submitting Item: Brenda Blanco
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	The local Civitan Club has requested a proclamation for International Civitan Clergy Appreciation Week. This proclamation has been prepared in perpetuity.
Actions Needed by Board:	Consider approval
Backup Attached:	Proclamation

Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item: 0
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes: N/A



MAYOR'S OFFICE P R O C L A M A T I O N

WHEREAS, during World War II, four chaplains aboard the sinking troopship *USS Dorchester* unselfishly gave their lives on February 3, 1943 so others might live; and

WHEREAS, Civitan Clubs throughout North America have a desire to honor these four chaplains, as well as modern-day clergy of all faiths; and

WHEREAS, it is the desire of Civitan Clubs to designate a week to promote world brotherhood and religious understanding among all people, regardless of religious persuasion; and

WHEREAS, this time is used to reflect upon individual religious beliefs and endorse an understanding and acceptance of the rights of others to participate in a religion different from their own.

NOW THEREFORE, I, Dana E. Outlaw, Mayor of the City of New Bern, on behalf of the New Bern Board of Aldermen, do hereby proclaim a week in February, as designated annually by Civitan International, as

INTERNATIONAL CIVITAN CLERGY APPRECIATION WEEK

and I hereby encourage the citizens of the City of New Bern to join with the New Bern and Tryon Civitan Clubs to show their appreciation and support for the clergy whose efforts make this community a better place in which to live.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of New Bern this 28th day of January in the Year of Our Lord Two Thousand and Twenty.



Dana E. Outlaw, Mayor

AGENDA ITEM COVER SHEET

Agenda Item Title:

Conduct a Public Hearing and Consider Adopting an Ordinance Amending the Land Use Ordinance Regarding Vape Shops in C-3/C-3H Zones.

Date of Meeting: 1/28/2020	Ward # if applicable: N/A
Department: Development Services	Person Submitting Item: Jeff Ruggieri, Director of Development Services
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: 1/28/2020

Explanation of Item:	Interest was expressed to add the definition of Vape Shops in the Code of Ordinances and "Table of Permissible Uses" to allow for this land use in the C-3/C-3H Commercial Districts. This ordinance will confirm the Board's desire to move forward in amending the land use ordinance in this capacity.
Actions Needed by Board:	Conduct a Public Hearing and Consider Adopting an Ordinance Amending the Land Use Ordinance Regarding Vape Shops in C-3/C-3H Zones.
Backup Attached:	Memo, Ordinance

Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input type="checkbox"/> No

Cost of Agenda Item:
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes:



MEMORANDUM

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

FROM: Jeff Ruggieri, Director Development Services

DATE: January 15, 2020

SUBJECT: Conduct a Public Hearing and Consider Adopting an Ordinance Amending the Land Use Ordinance Regarding Vape Shops in C-3/C-3H Zones.

At the October 8, 2019 regular meeting, the Governing Board expressed interest in specifying Tobacco and Vape Shops in the Land Use Ordinance. Currently, the definition does not exist in the Code of Ordinances. Pursuant to Section 15-397 (a), the request is to amend Appendix A – “Land Use” Code of Ordinances of the City of New Bern to: (1) add a definition to Section 15-15 “Basic definitions and interpretations.” to include Tobacco and Vape Shops; (2) to add Use 2.240 Tobacco and Vape Shops to Section 15-146 “Table of Permissible Uses”; and (3) to provide that Use 2.240 Tobacco and Vape Shops be allowed in C-3/C-3H Commercial Districts as a permissible use. The proposed Tobacco and Vape Shops use is consistent with the type of commercial uses already permitted within the C-3 zoning district.

The request was considered at the Planning and Zoning Board’s December 3, 2019 meeting for their review and was unanimously approved with the amendment of removing the term Tobacco from the definition. The Call for a Public Hearing to be held on January 28, 2020 was approved at the January 14, 2020 Board of Alderman Meeting

Please contact Jeff Ruggieri at 252.639.7587 should you have questions or need additional information.

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 unanimously 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 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 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 adding subsections 36.5 and 138.5 as follows:

“(36.5) *Electronic nicotine delivery system*: Any electronic device composed of a mouthpiece, heating element, battery and electronic circuits that provide a vapor of liquid nicotine, mixed with pharmaceutical grade glycerin, propylene glycol, or a similar substitute, to the user as he or she simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name. This term shall also include the component parts designed for such systems, including, but not limited to, liquid nicotine and other e-liquids, glass or plastic vials containing e-liquid, cartridges, atomizers, batteries, cartomizers and clearomizers, digital displays/lights that adjust settings, tank systems, drip tips, flavoring for electronic nicotine delivery system and programmable software.

(138.5) *Vape shop*: Any business whose principal product line for retail sale is electronic nicotine delivery systems. Principal means that the retailer either devotes twenty percent (20%) of more of floor area or display area to, or derives seventy-five percent (75%) or more of gross sales receipts from, the sale or exchange of electronic nicotine delivery systems.

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 Use 2.300 “Vape Shop” as follows:

“Section 15-146. Table of permissible uses.

Description		C-3/ C-3H
2.300	Vape Shop	Z

SECTION 3. This ordinance shall be effective from and after the date of its adoption.

ADOPTED THIS 28TH DAY OF JANUARY, 2020.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

AGENDA ITEM COVER SHEET

Agenda Item Title:

Request for funding to install plaques at Cedar Grove and Greenwood Cemeteries.

Date of Meeting: 1/28/2020	Ward # if applicable: 1
Department: Parks & Recreation	Person Submitting Item: Foster Hughes
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Discussion on installing storyboard plaques at Cedar Grove Cemetery and Greenwood Cemetery.
Actions Needed by Board:	TBA
Backup Attached:	Memo

Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Cost of Agenda Item: \$4,700.00
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes:



Aldermen

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

Foster Hughes, CPRE
Director of Parks & Recreation



Dana E. Outlaw
Mayor
Mark A. Stephens
City Manager
Brenda E. Blanco
City Clerk

Memo To: Mayor and Board of Aldermen

From: Foster Hughes, CPRE
Director of Parks and Recreation

Re: Request for funding to install storyboard plaques at Cedar Grove and Greenwood Cemeteries.

Background Information:

An article written by Bill Hand in the New Bern Sun Journal on February 9, 2014 told the story about several citizens of New Bern whose remains were moved from Cedar Grove Cemetery in 1914 and relocated to Greenwood Cemetery. A group of concerned citizens led by Ben Watford and Rev. Robert Johnson brought their concerns to City officials.

The City reached out to Dr. Charles Ewen for assistance. On March 15, 2019, students from the ECU Bioarchaeology Laboratory, led by Dr. Ewen, excavated the burial vault of the remains of individuals who were removed from Cedar Grove Cemetery in 1914. Upon excavation, only a few bones were present and were in a fractured and commingled state.

Mr. Watford and Rev. Johnson made the recommendation to keep the remains in their current location at Greenwood Cemetery. Upon approval of funding, bronze plaques will be installed at each cemetery to highlight the efforts to bring healing, dignity, honor and respect to those individuals whose remains were removed and re-interred.

Recommendation:

Approve the funding request for \$4,700 to purchase and install two 24" x 36" plaques.

1307 Country Club Rd
New Bern, NC 28562
Office 252 639-2901
Fax 252 636-4138

A BIOGRAPHICAL SKETCH OF CITIZENS OF NEW BERN
WHOSE REMAINS WERE MOVED FROM
CEDAR GROVE CEMETERY
TO
GREENWOOD CEMETERY

Five years after the reconstruction era ended, the City of New Bern passed an ordinance that blacks and whites could not be buried in the same cemeteries owned by the City. Greenwood Cemetery was founded in 1882 as a burial place for the city's black residents. Cedar Grove Cemetery, founded in 1800, was the original burial place for all the city's residents prior to the introduction of segregation and Jim Crow laws.

By 1913, Cedar Grove reported a shortage of space and City Aldermen recommended and the General Assembly approved all the remains belonging to people of color be exhumed and re-interred at Greenwood Cemetery. The exact number of individuals moved was not reported, but 12 headstones were moved from Cedar Grove to Greenwood along with the remains. The tombstones were placed in the area above a mass grave.

An article written by Bill Hand in the New Bern Sun Journal brought awareness to this issue. A group of concerned citizens led by Ben Watford and Rev. Robert Johnson brought their concerns to City officials.

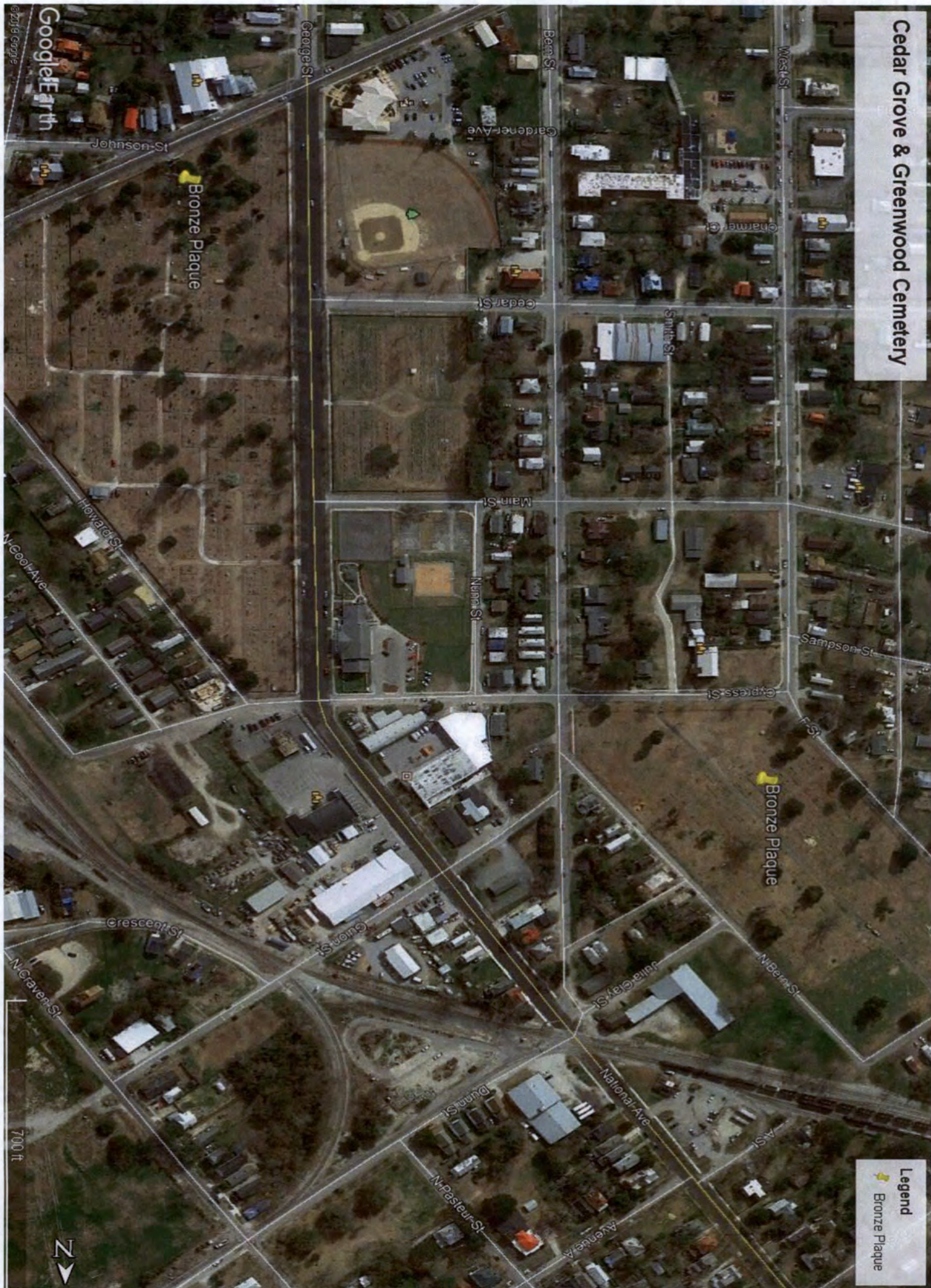
On March 15, 2019, students from the ECU Bioarchaeology Laboratory, led by Dr. Charles Ewen, excavated the burial vault of the remains of individuals who were removed from Cedar Grove Cemetery in 1914.

The purpose of this excavation was to provide information on the presence and condition of the remains in question to make an informed decision on their final disposition. Only a few bones were present on the floor of the vault and were in a fractured and commingled state.

The decision was made to keep the remains in their current location at Greenwood Cemetery. This information is being highlighted in efforts to bring healing, dignity, honor and respect to those individuals whose remains were removed and re-interred.

Hannah Bremage - 49, buried 1858; Elisha Brinson - 69, buried 1858;
Rev. John Cook - 65, buried 1856; Delia Grahams, buried 1816;
William Harvey - 32, buried 1855; Eliza Johnson - 30, buried 1816;
Robert Lipsey - 45, buried 1845; Sarah Rice - 45, buried 1821;
Margaret Sawyer, buried 1812; Richard Smith - 44, buried 1840;
Robert Walker - 26, buried 1846; and a child born in 1770 who died
in the first decade of the 1800's.

Cedar Grove & Greenwood Cemetery



Legend
Bronze Plaque

AGENDA ITEM COVER SHEET

Agenda Item Title:

Request to provide bus transportation for the Vietnam Veterans Traveling Wall

Date of Meeting: 1/28/2020	Ward # if applicable: 3
Department: Parks & Recreation	Person Submitting Item: Foster Hughes
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	The American Legion Post 539 is requesting assistance with bus transportation March 26 – 29, 2020 for the Vietnam Veterans Traveling Wall, which will be on display at Lawson Creek Park. This event is open to the public.
Actions Needed by Board:	Board Approval.
Backup Attached:	Memo

Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Cost of Agenda Item: N/A
If this requires an expenditure, has it be budgeted and are funds available and certified by the Finance Director? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes:



PARKS & RECREATION

Family, fitness and fun come together here.

Aldermen

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

Foster Hughes, CPRE
Director of Parks & Recreation

Dana E. Outlaw
Mayor
Mark A. Stephens
City Manager
Brenda E. Blanco
City Clerk



Memo To: Mayor and Board of Aldermen

From: Foster Hughes, CPRE Director of Parks and Recreation

Re: A request from organizers of the Vietnam Veterans Traveling wall to assist with transportation during the event.

Background Information:

Mr. George Halyak with American Legion Post 539 is the Chairman of the committee responsible for bringing the Vietnam Veteran's traveling wall to New Bern. The Wall will be on display at Lawson Creek Park at Thalmann Field. The Wall will be open for public viewing Thursday, March 26 – Sunday, March 29. The groups Parks and Recreation assistance in providing bus transportation during the event.

Transportation dates and times:
Friday, March 27 12 noon – 6pm; Saturday, March 28 10am – 8pm; Sunday, March 29 10am – 2pm.

The organizers are aware that our buses are not handicap accessible.

In kind expenses would include staff labor (\$468.40) and the estimated cost of gas (\$85.50) for the bus. Total: \$553.90.

Recommendation:

Parks and Recreation can accommodate the request for a driver and large bus for this event, with board approval.

If you have any questions concerning this matter, please let me know.

1307 Country Club Rd
New Bern, NC 28562
Office 252 639-2901
Fax 252 636-4138

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution approving a lease of City owned property located at 209 First Street with The Trustees of Craven Community College.

Date of Meeting: January 28, 2020	Ward # if applicable: Ward 3
Department: Development Services	Person Submitting Item: Amanda Ohlensehlen, Community & Economic Development Manager
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Board to consider adoption of a resolution to approve a lease with The Trustees of Craven Community College for city-owned property located at 209 First Street, identified by Craven County Tax Parcel Number 8-011-153-C. The premises will be used as a small business center, workforce training and makerspace for entrepreneurs. Craven Community College, in an amended and adopted lease dated September 12, 2017, leased another portion of the property to be used as a workforce development center and other activities.
Actions Needed by Board:	Adopt a Resolution to approve lease with Craven Community College.
Backup Attached:	Memo, Lease, Resolution

Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item: N/A
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input type="checkbox"/> No

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
Brenda E. Blanco
City Clerk

MEMORANDUM

TO: Mayor Outlaw and Board of Aldermen

FROM: Amanda Ohlensehlen
Community & Economic Development Manger

DATE: January 16, 2020

SUBJECT: Consider Adopting a Resolution approving a lease of City owned property located at 209 First Street with The Trustees of Craven Community College.

Background

The Mayor and Board of Aldermen are asked to consider adoption of a resolution to approve a lease with The Trustees of Craven Community College for city-owned property located at 209 First Street, identified by Craven County Tax Parcel Number 8-011-153-C. The premises will be used as a small business center, workforce training and makerspace for entrepreneurs. The Board in an amended and adopted lease dated September 12, 2017, leased another portion of the property, 205 First Street, to The Trustees of Craven Community College to be used as a workforce development center and other activities. The site is commonly referred to as the Volt Center Workforce Development Training Center. Craven Community College will be responsible for all costs associated with upfitting the space for use as the small business center, makerspace for entrepreneurs and any workforce training programs.

Staff is requesting that the Mayor and Board of Aldermen Consider Adopting a Resolution approving the lease with Craven Community College for 209 First Street.

Please contact Amanda Ohlensehlen at 252-639-7580 if you have questions or need additional information.

RESOLUTION

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

That the Lease Agreement by and between the City of New Bern and The Trustees of Craven Community College, a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute the same for and on behalf of the City.

ADOPTED THIS 28th DAY OF JANUARY, 2020.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

NORTH CAROLINA

CRAVEN COUNTY

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease"), dated March 1, 2020, for convenience of reference, is made by and between the CITY OF NEW BERN, ("Lessor"), a North Carolina municipal corporation, and THE TRUSTEES OF CRAVEN COMMUNITY COLLEGE ("Lessee"), collectively referred to as the "Parties."

WITNESSETH:

THAT WHEREAS, the Lessor owns the real property located at 209 First Street in the City of New Bern, said parcel being identified by Craven County Tax Parcel Number 8-011-153-C ("Subject Property"); and

WHEREAS, by Amended and Restated Lease Agreement dated September 12, 2017, Lessor leased to Lessee a portion of the Subject Property to be used as a workforce development center and other activities; and

WHEREAS, the Lessor has agreed that the Lessee may lease an additional portion of the Subject Property more specifically described herein as the "Premises" for use as a small business center, workforce training and makerspace for entrepreneurs, subject to the terms and conditions established herein; and

WHEREAS, the Lessor has determined that the Premises will not be needed by the Lessor for the term of the Lease; and

WHEREAS, the Parties have agreed upon the terms of a Lease and wish to reduce their agreement to writing.

NOW, THEREFORE, the Lessor does hereby let and lease unto said Lessee, and said Lessee does hereby accept as tenant of said Lessor, the Premises, for the term and upon the conditions hereinafter set forth:

1. INCORPORATION OF RECITALS. The foregoing WHEREAS paragraphs are incorporated herein as part of the terms and conditions of this Lease.

2. THE PREMISES. In consideration of the obligation of Lessee to pay rent as herein provided and in consideration of the other terms, covenants, and conditions hereof, Lessor hereby demises and leases to Lessee, and Lessee hereby leases from Lessor, those certain premises containing a commercial structure of approximately 2,474 square feet and identified as "209 First St Makers Lab Premises" on Exhibit A attached hereto and incorporated herein by

reference, located at 209 First Street in the City of New Bern (the "Premises"). Lessor further grants to Lessee non-exclusive access for ingress and egress within the area identified as "Access Easement Area," as well as exclusive parking rights within the area identified as "Parking Area #2" which shall contain fifteen (15) parking spaces identified for Lessee's exclusive use, all as identified and illustrated on Exhibit A.

3. CONDITION OF PREMISES AND TENANT UPFIT. Lessor shall deliver the Premises to Lessee "as-is." Tenant shall provide all upfitting at its sole cost and expense, which shall be performed in a workman-like manner with such work to be done in accordance with the requirements of local ordinances and public authorities having jurisdiction thereof, specifically including the North Carolina Building Code.

4. TERM. The term of this Lease shall commence on March 1, 2020, and shall continue through midnight on May 14, 2029, unless sooner terminated or extended in accordance with the terms hereof. The Parties, by written instrument, may agree to an extension of the lease term prior to the termination of this Lease.

Notwithstanding the foregoing, Lessee may terminate this Lease at any time after March 1, 2022, upon ninety (90) days' advance written notice to Lessor.

5. RENT. As rent for the said Premises, the Lessee agrees to maintain the Premises, as set forth herein, and to pay the sum of ONE DOLLAR (\$1.00) per annum during the term of this Lease, the first such payment to be made contemporaneously with the execution of this Lease, each subsequent annual payment to be made on or before the anniversary date of this Lease; provided that Lessee shall have the option of paying rent for the entire Term at any time in lieu of paying rent annually.

6. PERMITTED USES. Lessee agrees to utilize the Premises as a small business center and makerspace for entrepreneurs, as well as for the conduct of college educational programs, consistent with North Carolina Community College System Policies, Craven Community College Board of Trustees Policies, and College Procedures, and for no other purposes without Lessor's prior written consent.

7. PROHIBITED USES. Lessee shall not cause or permit any waste to occur in the Premises and shall not overload the floor, or any mechanical, electrical, plumbing or utility systems serving the Premises. Lessee shall keep the Premises, and every part thereof, in a clean and wholesome condition, free from any objectionable activities or nuisances. Lessee agrees not

to permit any Hazardous Material (as defined hereinafter) to be installed, brought, kept, used, stored or discharged upon the Premises in violation of any State, Federal or local environmental laws regulating Lessee's use and occupancy of the Premises. Lessee shall indemnify Lessor for any losses, damages, liability, claim, or expenses (including reasonable attorneys' fees) resulting from a breach of the aforesaid agreement or resulting from the exercise of Lessee's rights to store or use any Hazardous Material in accordance with the provisions of this paragraph. For purposes hereof, the term "Hazardous Material" shall include, without limitation, any substances defined as "hazardous wastes," "hazardous substances," "hazardous materials," or "toxic substances" by the Resource Conservation and Recovery Act of 1976, as amended from time to time, or the regulations promulgated thereunder, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended from time to time, or the regulations promulgated thereunder, the Toxic Substances Control Act, as amended from time to time, or the regulations promulgated thereunder, or any other federal, state or local statute, law, ordinance, code, rule, regulation, order, decree or other requirement or any governmental authority having jurisdiction over the Premises which regulates or imposes liability or standards of conduct concerning any hazardous, toxic, or dangerous waste, substance or material, as now or at any time hereafter in effect. Without limiting the generality of the foregoing, the term "Hazardous Material" shall include dry cleaning solvents and petroleum products outside sealed containers. Notwithstanding the above, Lessee shall not be responsible for any claim, demand, cost, damage, injury, loss, liability or change based on or arising out of the presence of any Hazardous Materials or conditions on or about the Premises which existed prior to Lessee's occupancy or which was not expressly caused by Lessee, its agents, employees or representatives.

8. UTILITIES. All applications and connections for utility services required by Lessee in conjunction with Lessee's use and occupancy of the Premises shall be made in the name of Lessee only, and Lessee shall be solely responsible for obtaining such services and for the payment of all charges for such services as they become due. Such utility services include, but are not limited to, sewer, water, gas, electricity, and telephone services.

9. REPAIR AND MAINTENANCE. Lessor shall keep the foundation, exterior walls (except plate glass and exterior doors), HVAC systems, roof, gutters, downspouts, and foundation walls of the Premises, and all interior and exterior water, sewer, electrical and gas systems serving the Premises in good repair, except that Lessor shall not be required to make any

repairs occasioned by the act or neglect of Lessee or its employees or agents. For purposes of this Section 9, Lessor's obligation to maintain all interior water, sewer, electrical and gas systems serving the Premises in good repair shall be limited to such portions of the water, sewer, electrical and gas systems located within the walls, floors and ceilings of the commercial structure located on the Premises. In the event that the Premises become in need of repairs required to be made by Lessor hereunder, Lessee shall give prompt written notice to Lessor; and Lessor shall not in any way be responsible for failure to make any such repairs until thirty (30) days shall have passed after its receipt of such written notice (provided, however, that in the event the repair cannot, with reasonable diligence, be completed within such thirty (30) day period, Lessor shall have a reasonable time thereafter to complete such repair so long as Lessor promptly commences and diligently pursues such repair to completion). Should the Premises require an emergency repair, Lessor shall contact the City Manager or Public Works Director by telephone, and Lessor shall take immediate action to address such emergency repair unless Lessee is advised by the City Manager or Public Works Director that Lessor is unable to take immediate action in which case Lessee may take all reasonable steps to resolve such emergency repair at Lessor's expense. Lessor shall maintain the grounds, driveways, and parking areas on the Subject Property and any other property over which Lessee has access rights in good condition and repair, and maintain adequate lighting in such areas, all consistent with Lessor's maintenance standards for its public facilities. Lessor's obligations include the removal of snow and ice from walkways, driveways, and parking lots in the area surrounding the Premises consistent with Lessor's practices for its public parking areas.

Except for the foregoing Lessor responsibilities, Lessee shall perform all other repairs and maintenance necessary to maintain the Premises, including, but not limited to, needed repairs and replacements to all exterior and interior items unless such items are the responsibility of Lessor as set forth above. Lessee shall perform all preventative maintenance and repairs to the Premises, including without limitation all repairs and replacements to all interior items, to the ceiling, to the lighting system, to all doors and door opening mechanisms, and to all water, sewer, and electrical facilities located within the Premises, unless such items are the responsibility of Lessor as set forth above. Lessee shall promptly replace any cracked or broken plate glass or window glass used in any interior and exterior windows and doors in the Premises.

10. CARE OF PREMISES BY LESSEE. Lessee shall keep the inside and outside

of all glass in the doors and windows of the Premises clean; shall keep clean all exterior surfaces of the Premises which are not Lessor's responsibility; shall not place or maintain any structures or other articles on the sidewalk or street adjacent to the Premises or elsewhere on the exterior thereof without Lessor's written consent; shall maintain the Premises at its own expense in a clean, orderly and sanitary condition and free of insects, rodents, vermin and other pests; shall not permit undue accumulations of garbage, trash, rubbish and other refuse, and shall keep such refuse in proper containers on the exterior of the Premises in the areas designated therefor by Lessor; and shall maintain temperatures within the Premises sufficient (and open taps to reduce pressure as needed) to prevent the freezing and bursting of water and sewer pipes serving the Premises. All repairs and replacements shall be of quality and class at least equal to the quality and class of the Premises at the time of entry by Lessee.

11. ALTERATIONS AND IMPROVEMENTS. Lessee may only make changes, alterations or improvements to the Premises with the prior written consent of Lessor, which consent shall not be unreasonably withheld, conditioned or delayed. If approved by Lessor, such work shall be done in accordance with the requirements of local ordinances and public authorities having jurisdiction thereof. Lessee shall make no such change, alteration or improvement which substantially affects the structural integrity of the Premises or substantially decreases the value of the Premises. All changes, alterations or improvements to the Premises shall remain for the benefit of Lessor unless otherwise provided in a writing signed by Lessor.

12. CASUALTY AND LIABILITY INSURANCE. Lessee, at its sole cost and expense, shall maintain for the benefit of Lessor and Lessee, general liability insurance protecting Lessor and Lessee against any claim or claims for damage arising by reason of injury, death or damage occasioned in, upon or adjacent to the Premises, and products liability, such insurance to protect Lessor and Lessee jointly and severally to the combined limit of One Million and No/100 Dollars (\$1,000,000.00) for injury to or death of any one (1) or more persons by the same accident or for damage to property of other persons. Each policy effecting such coverage shall designate Lessor, Lessor's mortgagee, if any, as additional insureds as their respective interests may appear, and shall contain a clause that the insurer will not cancel or materially modify the insurance coverage without first giving Lessor a minimum of thirty (30) days' advance written notice. Further, each such policy shall be carried with a reputable insurance company authorized to do business in North Carolina and reasonably approved by Lessor, and a

certificate of insurance shall be provided to Lessor. In the event Lessee at any time shall fail to maintain such insurance or shall fail to pay any and all premiums therefor, Lessor shall have the right and option to effect such insurance and pay any and all premiums therefor; and, in the event of any such payment, Lessee, on the rental date next succeeding the date on which Lessee receives notice of such payment having been made, shall pay to Lessor a sum equal to the amount which was so paid for such insurance premiums, it being expressly understood that Lessor shall have no obligation whatsoever hereunder to effect such insurance or to make such premium payments to cure the default of Lessee.

Lessor shall keep all improvements upon the property of which the Premises are a part insured to the extent of not less than One Hundred percent (100%) of the replacement cost thereof in such amount as may be agreed upon by Lessor and Lessee prior to the commencement of each lease year against loss or damage by fire, with extended coverage. Each such policy shall be carried with a reputable insurance company authorized to do business in North Carolina. Lessee shall reimburse Lessor for the reasonable cost of such insurance within thirty (30) days after receipt of notice from Lessor with supporting information as to the amount due.

13. DAMAGE OR DESTRUCTION. In the event the Premises shall be totally or partially damaged or destroyed by fire, flood, act of God or other casualty, the duties, rights and obligations of Lessor and Lessee shall be as follows:

(a) If the Premises shall be damaged or destroyed so as to render the Premises untenable, Lessor or Lessee may, at either party's election, terminate this Lease by written notice to the other party not more than thirty (30) days after the occurrence of such damage or destruction. Untenable shall mean that the improvements upon property of which the Premises are a part shall be damaged or destroyed by fire, the elements, or other casualty to the extent of one-half (1/2) of the replacement cost thereof as determined by the final adjustment of the insurance claim related thereto.

(b) If the Premises are not rendered untenable by such damage or destruction, this Lease shall remain in full force and effect and Lessor shall promptly commence the required repair or restoration using such insurance proceeds as are available and prosecute the work of repair to completion with reasonable speed and diligence. Lessee shall during any period of repair and restoration continue to operate on the Premises to the extent reasonably practical.

14. DEFAULT. If Lessor or Lessee shall fail to perform or comply with any of the agreements or covenants of this Lease and if such nonperformance shall continue for a period of ten (10) days after receipt of notice thereof, or, if such performance cannot be reasonably had

within the ten (10) day period, such party shall not in good faith have commenced performance within the ten (10) day period and shall not diligently proceed to the completion of such performance, such event shall constitute a default under this Lease.

15. **REMEDIES.** Upon the occurrence of any default, each party shall have all of the rights and remedies that are available under the laws of the State of North Carolina, including, but not limited to the termination of this Lease.

16. **SIGNAGE.** Lessor shall implement a program for common signage for the Subject Property, which shall include reasonable space on the sign face(s) to identify Lessee's operations, the design of which shall be similar to Lessee's other signage at its existing facilities. Lessee may not install any additional signage without Lessor's consent. Lessor shall be responsible for the cost of the common signage program. Once the common signage is installed on the Premises, Lessee shall be responsible for the cost of any replacement signage necessitated by Lessee.

17. **ASSIGNMENT OR SUBLETTING.** Lessee shall not assign this Lease nor sublet any part of the Premises without written consent of the Lessor.

18. **QUIET POSSESSION.** Lessor agrees that Lessee shall, upon paying the rent and performing the covenants of this Lease, quietly have, hold and enjoy the Premises during the term of this Lease. Lessor acknowledges that Lessee's operations on the Premises may extend beyond customary "business hours" and that Lessee and its invitees will need access to the Premises "around the clock"; therefore, Lessee's access to and use of the Premises shall not be limited by Lessor. Further, Lessor acknowledges that Lessee's use of the Premises as a workforce development center by its nature may involve noises and odors emanating from the Premises from equipment and machinery, and that such use shall not constitute a nuisance to Lessor or other tenants of the Subject Property. Lessor will disclose in leases with other tenants of the Subject Property the nature of Lessee's use of the Premises and include a provision in the leases that such tenants waive any right to object to Lessee's operations on the Premises.

19. **SURRENDER OF POSSESSION.** Upon expiration of the term of this Lease, Lessee shall surrender the Premises to Lessor in as good condition as the same are at the beginning of the lease term, reasonable wear and tear and casualty excepted.

20. **FIXTURES.** Lessee shall have the right to install in the Premises such fixtures or equipment deemed necessary by Lessee for the conduct of Lessee's operations. So long as

Lessee is not in default of the terms of this Lease, all fixtures and equipment installed by Lessee shall remain the property of Lessee and Lessee shall have the right to remove such equipment at any time up to and including the expiration date of this Lease or sooner termination of this Lease for any reason; provided, however, Lessee shall give Lessor ten (10) days' written notice prior to removal of a fixture that has been affixed to the foundation or structural systems of the Premises if the removal would damage in any way the Premises. Lessee shall be responsible for the cost of repairing any damage to the Premises which is caused by such removal. Any fixtures installed by Lessee shall automatically become the property of the Lessor, with Lessee remaining liable for any indebtedness thereon, if such fixtures are not removed by Lessee within a reasonable time after the expiration date of this Lease or sooner termination of this Lease for any reason.

21. NOTICES. All notices required to be given with respect to any matter pertaining to this Lease shall be sent by certified mail, return receipt requested, or other nationally recognized overnight courier and shall be deemed delivered upon receipt or refusal if addressed to Lessee or to Lessor at the following addresses:

Lesssor
City of New Bern
Attn: Director of Public Works
P.O. Box 1129
New Bern, N.C. 28560

Lessee
Craven Community College
Attn: President
800 College Court
New Bern, N.C. 28562

Either Lessor or Lessee may change the address to which notices are to be sent to them by giving written notice of such change of address to the other party as herein provided.

22. INDEMNIFICATION/LIMITATION OF LIABILITY. To the extent allowed by law, and as limited by the laws of North Carolina, including the North Carolina Tort Claims Act, the Defense of State Employees Act, and the Excess Liability Policy administered through the North Carolina Department of Insurance, subject to the availability of appropriations and in proportion to and to the extent that such liability for injury or damages is caused by or results from the negligent acts or omissions of Lessee, its officers, agents, contractors, or employees,

Lessee shall indemnify Lessor and save it harmless from and against any and all liability for injury or damage to person or property arising from or out of any occurrence in, upon, or at the Premises, or the occupancy or use by Lessee of the Premises, unless the same is caused by the negligence or willful misconduct of Lessor. To the extent allowed by law, and as limited by all state and federal laws, subject to the availability of appropriations and in proportion to and to the extent that such liability for injury or damages is caused by or results from the negligent acts or omissions of Lessor, its agents, contractors, or employees, Lessor shall indemnify Lessee and save it harmless from and against any and all liability for injury or damage to person or property arising from or out of any occurrence in, upon, or at the Subject Property, unless the same is caused by the negligence or willful misconduct of Lessee.

23. MEMORANDUM OF LEASE. This Lease shall not be recorded, but Lessor and Lessee, at either's request, shall execute a memorandum of lease for recording purposes which shall contain only the information required by Section 47-118 of the North Carolina General Statutes.

24. ENTIRE AGREEMENT. This Lease contains the entire agreement between the Parties with respect to the Premises, and cannot be changed or terminated except by written instrument subsequently executed by the parties hereto.

25. BINDING EFFECT. All the terms and conditions of this Lease shall be binding upon and shall apply and inure to the benefit of the parties hereto.

26. CONSTRUCTION OF LEASE. In construing and interpreting this lease, the following rules shall apply:

(a) This lease shall be construed with equal weight for the rights of both parties, the terms hereof having been determined by fair negotiations with due consideration for the rights and requirements of both parties.

(b) Pronouns used in this lease importing any specific gender shall be interpreted to refer to corporations, partnerships, men and women, as the identity of the parties hereto, or the parties herein referred to, may require.

(c) Pronouns, verbs and/or other words used in this lease importing the singular number shall be interpreted as plural, and plural words as singular, as the identity of the parties hereto, or the parties or objects herein referred to, may require.

(d) Paragraph headings appearing in this lease are for purposes of easy reference and shall be considered a part of this lease and shall in no way modify, amend, or affect the provisions thereof.

27. GOVERNING LAW. This Lease shall be construed and interpreted in accordance with the laws of the State of North Carolina.

28. COMPLIANCE WITH NONDISCRIMINATION LAWS. Lessee agrees to comply with all applicable federal, state, and local laws prohibiting discrimination.

29. COVENANT OF USE. Lessor has acquired a grant from the U.S. Department of Commerce Economic Development Administration (“EDA”) to assist in the completion of Lessor’s Work (“EDA Grant”). Pursuant to the terms of the EDA Grant, Lessor is required to execute and record a Covenant of Use, Purpose and Ownership in favor of the EDA (the “Covenant”) prior to the Commencement Date. The Covenant will, among other things, restrict the use of the Premises to the purposes specified in the EDA Grant. Lessee agrees to comply with the terms of the Covenant.

IN TESTIMONY WHEREOF, the City has caused this instrument to be executed as its act and deed by the Mayor, and its corporate seal to be hereunto affixed, and attested by its City Clerk, all by the authority of its Board of Aldermen; and the Chair of the Board of Trustees of Craven Community College has executed or caused this document to be duly executed, all as of the day and year first above written.

LESSOR:

CITY OF NEW BERN

By: _____
DANA E. OUTLAW, MAYOR

ATTEST:

BRENDA E. BLANCO, CITY CLERK

(CORPORATE SEAL)

LESSEE:

**THE TRUSTEES OF CRAVEN COMMUNITY
COLLEGE**

By: _____
ALLISON R. MORRIS, CHAIR

[SEAL]

NORTH CAROLINA
CRAVEN COUNTY

I, _____, a notary public in and for said county and state, do hereby certify that on the _____ day of January, 2020, before me personally appeared DANA E. OUTLAW with whom I am personally acquainted, who, being by me duly sworn, says that he is the Mayor and that BRENDA E. BLANCO is the City Clerk of the City of New Bern, the municipal corporation described in and which executed the foregoing instrument; that he knows the common seal of said municipal corporation; that the seal affixed to the foregoing instrument is said common seal; that the name of the municipal corporation was subscribed thereto by the said Mayor; that the said common seal was affixed, all by order of the Board of Aldermen of said municipal corporation; and that the said instrument is the act and deed of said municipal corporation.

WITNESS my hand and notarial seal, this the _____ day of January, 2020.

NOTARY PUBLIC

My Commission Expires:

NORTH CAROLINA
CRAVEN COUNTY

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document for the purpose(s) stated therein, in the capacity indicated therein: Allison R. Morris.

Date: _____

Signature of Notary Public

Notary's printed or typed name

My commission expires: _____



Proposed Work Force Development Training Center
Exhibit A - Makers Lab Area & Access Easement/Parking

	Makers Lab Premises Area
	Access Esmt; Area
	Parking Area #2
	WDC Premises Area

1 inch = 100 feet

0 50 100 200 Feet

N

BUSINESS

ATTENTION HOMEOWNERS
We are looking for qualified individuals to join our team. If you are interested, please call us at (252) 269-3199.

CAREERS

GENERAL HELP
We are looking for qualified individuals to join our team. If you are interested, please call us at (252) 269-3199.

Sun Journal CLASSIFIEDS

To Place an Ad, Call 888-328-4802 or visit our website at www.encclassifieds.com

LEGAL NOTICES

PUBLIC NOTICE

The Town of Pollockville will conduct a Public Input Meeting on January 7, 2020 at 7:00 PM at the Pollockville Town Hall - 9026 US 17 - for the purpose of gathering public input in support of the Town's application for a North Carolina Parks and Recreation Trust Fund Grant (PARTF).

December 29, 2019 & January 5, 2020 (adv)

PUBLIC NOTICE

This is a public notice that Dr. David Ahlberg's office located at 2920 Trent Rd. New Bern, NC 28562 which closed on June 16, 2012 will be destroying medical records. We will no longer maintain records past July 1, 2020. If you need a copy of your records, please submit request in writing to P.O. Box 12459 Jacksonville, NC 28546 prior to this date.

December 29, 2019 & January 5, 12, 19, 2020 (adv)

NOTICE OF SALE OF PERSONAL PROPERTY - TRYON MINI STORAGE. Pursuant to N.C.G.S. Chapter 44A, Article 4 hereby gives Notice of Sale of Personal Property pursuant to the enforcement of a lien for unpaid rent at Tryon Mini Storage. Name and Address of lienor: Tryon Mini Storage 2908 Neuse Blvd. New Bern, N.C. 28560.

STATEMENT OF SALE Various items of personal property located at Tryon Mini Storage, belonging to Aahmese King, Raquel Moore, Cheresa Little, Courtney Hayes, Carla Minnifield, Randi List, Chad Williams, Juan Jerimah Martin, Alexander Vizvarondo, Melissa Edwards, Jermaine Smith, Doretha Bennett, Cedric Finkley, Bobby Snyder, Dominique Woods, Shirley Smith, Chayne Ballard, Clarissa Quinn, Torrence Chapman, are being sold pursuant to the assertion of a lien for unpaid rent, on January 10, 2020, at 10:00 AM. Location: 2908 Neuse Boulevard, New Bern NC, 28562.

December 29, 2019 (adv)

NOTICE TO CREDITORS AND DEBTORS OF EARL BASIL HARRIS

TAKE NOTICE: All persons, firms, and corporations having claims against EARL BASIL HARRIS, deceased, are notified to exhibit them to Barbara Jean Harris, Executor of the Estate, at the following address: c/o Harvell and Collins, P.A., 1107 Bridges Street, Morehead City, North Carolina 28557 on or before MARCH 23, 2020, or be forever barred from their recovery. Debtors of decedent are asked to make immediate payment to the above-named Executor.

Cecil S. Harvell
Harvell and Collins, P.A.
Attorney for the Estate of
Earl Basil Harris, Deceased
1107 Bridges Street
Morehead City, North Carolina 28557

December 22, 29, 2019 & January 5, 12, 2020 (adv)

NOTICE OF INTENT TO LEASE PROPERTY OWNED BY THE CITY OF NEW BERN BEING ADVERTISED PURSUANT TO §160A-272 OF THE N.C. GENERAL STATUTES

TAKE NOTICE that the Board of Aldermen of the City of New Bern intends to authorize the lease of a portion of the real property owned by the City located at 205 First Street, which is identified as Craven County Parcel ID #8-011-153-C, to The Trustees of Craven Community College for the sum of One Dollar (\$1.00) per annum during the term of the lease. This matter will come before the Board of Aldermen at its regularly scheduled meeting on January 28, 2020, in the City Hall Courtroom in the City of New Bern, beginning at 6:00 p.m.

This the 29th day of December, 2019.

BRENDA BLANCO, CITY CLERK

December 29, 2019 (adv)

NOTICE TO CREDITORS AND DEBTORS OF MARY ANN TRESLONI

TAKE NOTICE: All persons, firms, and corporations having claims against MARY ANN TRESLONI, deceased, are notified to exhibit them to Scott Andrew Tresloni, Executor of the Estate, at the following address: c/o Harvell and Collins, P.A., 1107 Bridges Street, Morehead City, North Carolina 28557 on or before MARCH 30, 2020, or be forever barred from their recovery. Debtors of decedent are asked to make immediate pay-

005 • Services Directory

AUCTION/ESTATE PROCTOR AUCTIONS. Estates? Downsizing? Sell Your Items Through Consignment In Our 17,000 Sq. Ft. Facility. Public Auctions Every Other Saturday. 2514 Neuse Blvd. New Bern, NC. 252-717-6595

Auctions, Estates & Tag Sales

SOUTHERN MAGNOLIA AUCTION COMPANY

Veteran owned business dedicated to serving all your auction needs. Located in Jacksonville NC. We offer a variety of options to liquidate your items. WE BUY ESTATE We can liquidate entire house content or small private collections. TAG SALES We respect your home and your items. We take pride in a clean and efficient job. AUCTION in place or at our auction house. We will set up and advertise your items to guarantee the most profitable experience. 252-240-9333. Auctioneer: Roger E. Bond NCAL 10242. 2

Builder

DONALD PHILLIPS HOME IMPROVEMENTS

Professional foundation, structural, crawlspace, floor Specialist. Remodeling, repairs, kitchen, bath, metal roofs, roof repairs, painting, maintenance, tile, flooring, etc.. Quality work, warranty. MEMBER BBB. A+ (252)633-6675



Cleaning TRACEY'S CLEAN SWEEP, LLC

A FULL SERVICE CLEANING COMPANY available for residential & commercial appointments. Serving Craven County & beyond. traceyscleansweep.weebly.com CALL OR TEXT TRACEY TO SCHEDULE A FREE ESTIMATE! (318)789-6929

Compost & Topsoil
Compost: \$25/Ton. Blended Topsoil: \$30/Ton. Saw Dust: \$15/Ton. Fill Dirt: \$15/Ton. Delivery available! (252)633-6334

Fencing
A&S CAROLINA FENCE Wood, PVC, and Chain Link Fence. Call (252) 636-0076 or (252)670-9581

**Flooring
HARDWOOD FLOORS**
Sanding & refinishing. We install hardwood floors! OLD FLOORS MADE NEW Over 48 Years Experience! Call (252)814-9839 for estimate! Office: (252)643-2353 hardwoodfloor-pro.com

**Foundation/Structural
ABSOLUTE FOUNDATION
REPAIR SERVICES**

005 • Services Directory

Handyman QUICKSERVICE

CAN FIX OR REPAIR ANYTHING
Remodeling, metal roofing, roof repairs, painting, flooring, plumbing, electrical, kitchen, baths, odd jobs. Structural, Crawlspace & Foundation work. WARRANTY - MEMBER OF BBB. A+. handymanquickservice.com (252)633-6675

Handyman Services
Barry's Gutter Cleaning Special \$125 - Most Residential Homes. Get Those Fall Leaves Cleaned Out Now. Yard Clean Up Available Too! (252)514-5616

Roofing

TRUSTED
QUALITY!

HIGHLAND RESIDENTIAL & COMMERCIAL ROOFING

**HOME OF THE \$295
ROOF TUNE UP!**
• Whole Roofs • All Types of Roofing Materials • Flat Roofs
highlandroofingnc.com
(252)726-2600



Home Improvement

POPCORN CEILING REMOVAL!

UPDATE YOUR CEILINGS
FOR THE HOLIDAYS!

SMOOTH, CLEAN CEILINGS
CAN BE YOURS IN JUST
A MATTER OF DAYS!

HURRICANE DAMAGE?
WE PROVIDE CARPENTRY,
HANDYMAN SERVICES &
PAINTING
WE'RE HERE TO HELP!
CALL NOW FOR A FREE
ESTIMATE AND A
10% DISCOUNT
THE K-TEAM (252)933-7599
"FAMILY OWNED & OPERATED"

**Home Repairs
BKG FOUNDATIONS
STRUCTURE**
Home repairs, damaged pliers,
sagging floors, cracked foundation/

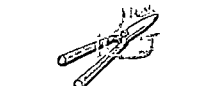
005 • Services Directory

Landscaping

CROATAN LANDSCAPING COMPANY

Flower beds, pine straw, mulch, weeding, planting, pruning, grading & sod, fertilizer, landscape design, stump grinding, small to medium tree, brush & leaf removal, French drains & more!
NATE (252)269-3199

Sharpening



**GARDEN TOOLS,
SCISSORS, KNIVES,
CARBIDE BLADES & MORE!**
(252)626-2908
www.scottsprecisionsharpening.com

050 • Help Wanted

Driver

QUAD DUMP TRUCK DRIVER

Full time. GREAT PAY! CDL required with 1-3 years experience. *VETERANS WELCOME TO APPLY* (252)670-6729 CJW Trucking, LLC

059 • Jobs Wanted

I WILL SIT WITH THE ELDERLY Night shift (11-7 or 12-8). 25+ YEARS. EXPERIENCE! References available. (252)497-0438

065 • Roommates/Shared Living

**HAPPILY MARRIED
COUPLE SEEKING
FEMALE ROOMMATE!**
1 bedroom. (252)288-9045

100 • Boats & Marine Supplies



CAROLINA 2006 SKIFF 198 DLX

Suzuki 70 4 stroke, Venture aluminum trailer. \$8,995
BOONE'S TRUCK CENTER
317 Hwy. 70 West, Havelock
(252)447-5630



FISHER 2000 16'

Side console, galvanized trailer. \$2,300
BOONE'S TRUCK CENTER
317 Hwy. 70 West, Havelock
(252)447-5630

145 • Statewides

DISH Network \$59.99 For 190 Channels! Add High Speed Internet for ONLY \$19.95/month. Call Today for \$100 Gift Card! Best Value & Technology. FREE Installation. Call 1-877-920-7405 (some restrictions apply)

Applying for Social Security Disability or Appealing a Denied Claim? Call Bill Gordon & Assoc., Social Security Disability Attorneys, 1-888-989-4947! FREE Consultations. Local Attorneys Nationwide (Mail: 2420 N St NW, Washington DC. Office: Broward Co. FL (TX/NM Bar.)

SOCIAL SECURITY DISABILITY BENEFITS. Unable to work? Denied benefits? We Can Help! Strong, recent work history needed. Call to start your application or appeal today! 888-351-1231 (Sleppachner Law Offices LLC Principal Office: 224 Adams Ave Scranton PA 18503)

Over \$10K in debt? Be debt free in 24-48 months. Pay a fraction of what you owe. A+ BBB rated. Call National Debt Relief 844-314-8819

blue labor
BOSCH HOME APPLIANCES
NEW BERN, NC

- ASSEMBLY • MATERIAL HANDLER/FORKLIFT OPERATORS
- MACHINE OPERATORS

COMPETITIVE WAGES, VARY BY SHIFT
APPLY ONLINE TODAY!

AGENDA ITEM COVER SHEET

Agenda Item Title:

Request for a Resolution Authorizing the City Manager to execute a NCDOT Grant Agreement

Date of Meeting: January 28, 2020	Ward # if applicable: N/A
Department: Development Services	Person Submitting Item: Kim Maxey
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	The City of New Bern, on behalf of the New Bern Area Metropolitan Planning Organization (NBAMPO), is identified as the direct recipient of Section 5303 Federal Transit Administration Urban Planning Funds. The funds are management by the NCDOT Public Transportation Division (PTD). Every year NCDOT-PTD requires that the MPO Lead Planning Agency (City of New Bern) elected officials approve a Resolution authorizing their representative to sign the Grant Agreement with NCDOT, in order to receive such funds. For Fiscal year 2020, the total 5303 allocation is \$22,500 with a Federal and State share of \$18,000 and local share of \$4,500 to be provided by NBAMPO's participating member agencies as described in attached memo.
Actions Needed by Board:	Adopt the Resolution authorizing the City Manager to execute the NCDOT Grant agreement for Fiscal Year 2020.
Backup Attached:	Memorandum with Local Match Breakdown, Resolution, Grant Agreement with attachments

Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item: \$1,387.00 Local Match Share for the City of New Bern
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes:



Transportation Advisory Committee (TAC)

John Kirkland
Chairman

Jeffrey Odham
Vice-Chairman

March 28, 2019

Memorandum

To: TAC Members, New Bern Area MPO
David Fort, Zoning Administrator, Bridgeton
Delane Jackson, Town Manager, River Bend
Town Clerk, Trent Woods
Mark Stephens, City Manager, New Bern
Jack B. Veit III, Manager, Craven County

From: Kim Maxey, MPO Administrator

Subject: FY 2020 MPO Funding and Local Match

As of March 28, 2019 the New Bern Area MPO Transportation Advisory Committee unanimously approved the FY 2020 Unified Planning Work Program.

The 104f Federal Highway Planning grant request is for \$176,800, with a required local match of \$41,700, for a total of \$221,000 programmed for FY 2020. The 5303 Federal Transit Planning grant request is for \$20,000 with a State match of \$2,500 and a required local match of \$2,500 for a total of \$25,000 programmed for FY 2020. The combined required local match is of \$44,200.

Please use the following amounts when including the MPO's local match in your jurisdiction's FY 2020 annual budget:

FY 2020 104 f and 5303 Local Match	Jurisdiction	% of UZA	FHWA Cost Share	FTA Cost Share	Total Cost Share
\$44,200	New Bern	55.48%	\$23,135.16	\$1,387.00	\$24,522.16
	River Bend	5.94%	\$2,476.98	\$148.50	\$2,625.48
	Trent Woods	8.14%	\$3,394.38	\$203.50	\$3,597.88
	Bridgeton	0.84%	\$350.28	\$21.00	\$371.28
	Craven County	29.60%	\$12,343.20	\$740.00	\$13,083.20

Please contact me at 639-7592 or via email at maxeyk@nbampo.org if you require additional information.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

January 8, 2020

Mr. Mark A. Stevens, City Manager
City of New Bern
P. O. Box 1129
New Bern, NC 28563-1129

RE: FY2020 Metropolitan Planning Program (Section 5303)
Project No. 20-08-117
WBS Element No(s). 36230.42.6.6 (Planning)
Agreement ID. TBD
Period of Performance: 7/1/19 – 6/30/20

Dear Mr. Stevens:

On March 7, 2019, the Board of Transportation approved your organization's request for a FY20 Metropolitan Planning Program (Section 5303) grant in the amount of \$22,500. The agreement to be executed between City of New Bern and NCDOT is enclosed. The individual authorized to enter into this agreement for the financial assistance on behalf of your agency will sign the agreement. Please provide a copy of the agreement to all parties that will be involved in the administration of the grant, and request that the agreement be reviewed carefully. Instructions for completion of the grant agreement process are enclosed.

Please refer to Section 6b of the grant agreement that requires sub-recipients to submit monthly or quarterly requests for reimbursement.

If you have any question related to the grant agreement, please contact Myra Freeman, Financial Manager at 919-707-4672 or your assigned Accounting Specialist. In any correspondence, please reference your assigned project number, WBS element, Agreement number and period of performance referenced on this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Johanna Cockburn".

Johanna Cockburn
Director

JC\mf

Attachments

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION DIVISION
1550 MAIL SERVICE CENTER
RALEIGH, NC 27699-1550

Telephone: (919) 707-4670
Fax: (919) 733-1391
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
1 SOUTH WILMINGTON STREET
RALEIGH, NC 27601

**RESOLUTION
AUTHORIZING THE CITY OF NEW BERN
TO ENTER INTO AN AGREEMENT WITH
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the State of North Carolina is the Designated Recipient of Section 5303 Federal Transit Administration (FTA) Planning Funds; and

WHEREAS, the City of New Bern, on behalf of the New Bern Area Metropolitan Planning Organization (NBAMO) has been identified as the Direct Recipient of Section 5303 FTA Planning Funds.

NOW THEREFORE, BE IT RESOLVED that the New Bern City Manager is hereby authorized to enter into contracts with the Department of Transportation and execute all agreements and contracts with the North Carolina Department of Transportation, Public Transportation Division that address Section 5303 FTA Planning Funds.

This the 28th day of January, 2020.

The motion to adopt this Resolution was made by Alderman _____,
seconded by Alderman _____ and passed by a vote of ____ to ____.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

and

**CITY OF NEW BERN
On behalf of
NEW BERN AREA METROPOLITAN
PLANNING ORGANIZATION**

PUBLIC TRANSPORTATION GRANT AGREEMENT FOR

5303 METROPOLITAN PANNING GRANT PROGRAM

Federal Award Identification

Agreement Number:

NCDOT Project Number: **20-08-117**

Approved Indirect Cost Rate: **NA**

FAIN Number(s):

CFDA Number: **20.505**

DUNS Number: **111460197**

Total Amount of Award: **\$22,500**

.....

Federal Funded Programs:

☒

5303 Metropolitan Planning Grant

☐

5307 Urbanized Area Formula Grant

☐

5310 Enhanced Mobility of Seniors & Individuals with Disabilities Grant

☐

5311 Community Transportation Rural Formula Grant

☐

5311 Appalachian Development Transit Assistance Program Grant

☐

5311f Intercity Bus Grant

☐

5316 Job Access Reverse Commute Grant

☐

5317 New Freedom Grant

☐

5339 Bus and Bus Facility Grant

THIS AGREEMENT made this the _____ day of _____, 20____, (hereinafter referred to as AGREEMENT) by and between the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (hereinafter referred to as "Department", an agency of the State of North Carolina) and **CITY OF NEW BERN On behalf of NEW BERN AREA METROPOLITAN PLANNING ORGANIZATION**, (acting in its capacity as the grant recipient hereinafter referred to as the "Subrecipient" and together with Department as "Parties").

1. Purpose of Agreement

The purpose of this Agreement is to provide for the undertaking of nonurbanized and small urban public transportation services as described in the project application (hereinafter referred to as "Project") and to state the terms and conditions as to the manner in which the Project will be undertaken and completed. This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein. This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

2. Availability of Funds

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

3. Period of Performance

This Agreement shall commence upon the date of execution with a period of performance for all expenditures that extends from **July 1, 2019 to June 30, 2020**. Any requests to change the Period of Performance must be made in accordance with the policies and procedures established by the Department or FTA. The Subrecipient shall commence, carry on, and complete the approved Project in a sound, economical, and efficient manner.

4. Project Implementation

- a. Scope of Project. **The City of New Bern on behalf of New Bern Area Metropolitan Planning Organization will use funds to compile National Transit Database reports, evaluate bus stops, schedules and routing, and develop the transit element of the Metropolitan Transportation Plan (Long Range Plan). Activities also include conducting a transit study to improve operations of the Craven Area Transit System and coordinate transit planning with future roadway, sidewalk, and greenway improvement projects.**

- b. The Subrecipient shall undertake and complete the project in accordance with the procedures, terms, and conditions herein and as included in the related grant application for financial assistance, the terms of which are incorporated by reference.
- c. Amendment. Any amendment to this Agreement shall be done in writing and in accordance with established policies and procedures and only by mutual consent of the Parties.

5. Cost of Project/Project Budget

The total cost of the Project approved by the Department is **TWENTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$22,500)** as set forth in the Project Description and Budget, incorporated into this Agreement as **Attachment A**. The Department shall provide, from Federal and State funds, the percentages of the actual net cost of the Project as indicated below, not in excess of the identified amounts for eligible Administrative, Operating, and Capital expenses. The Subrecipient hereby agrees that it will provide the percentages of the actual net cost of the Project, as indicated below, and any amounts in excess of the Department's maximum (Federal plus State shares) contribution. The net cost is the price paid minus any refunds, rebates, or other items of value received by the Subrecipient which have the effect of reducing the actual cost.

Planning WBS	Planning Total	Planning Federal (80%)	Planning State (10%)	Planning Local (10%)
36230.42.6.6	\$22,500	\$18,000	\$2,250	\$2,250
Agreement #				
Project Total	Project Total	Project Total Federal	Project Total State	Project Total Local
	\$22,500	\$18,000	\$2,250	\$2,250

6. Project Expenditures, Payments, and Reimbursement

- a. General. The Department, utilizing available state and federal funds, shall reimburse the Subrecipient for allowable costs for work performed under the terms of this Agreement.
- b. Reimbursement Procedures. The Subrecipient shall submit for reimbursement all eligible costs incurred within the agreement Period of Performance.
 - i. Claims for reimbursement shall be made no more than monthly or less than quarterly, using the State's grant system, Enterprise Business Services (EBS) Partner Application.

- ii. All requests for reimbursement must be submitted within (30) days following the end of the project's reporting period. Any Subrecipient that fails to submit a request for reimbursement for the first two quarters of agreement fiscal year by January 31 or the last two quarters by July 31 will forfeit its ability to receive reimbursement for those periods.
 - iii. All payments issued by the Department will be on a reimbursable basis unless the Subrecipient requests and the Department approves an advance payment.
 - iv. Supporting documentation for proof of payment may be requested.
- c. Subrecipient Funds. Prior to reimbursement, the Subrecipient shall provide the Department with proof that the Subrecipient has met its proportionate share of project costs from sources other than FTA or the Department. Any costs for work not eligible for Federal and State participation shall be financed one hundred percent (100%) by the Subrecipient.
- d. Operating Expenditures. In order to assist in financing the operating costs of the project, the Department shall reimburse the Subrecipient for the lesser of the following when providing operating assistance:
 - i. The balance of unrecovered operating expenditures after deducting all farebox revenue, or
 - ii. The percentage specified in the Approved Project Budget of the allowable total operating expenditures which shall be determined by available funding.
- e. Travel Expenditures. The Subrecipient shall limit reimbursement for meals, lodging and travel to rates established by the State of North Carolina Travel Policy. Costs incurred by the Subrecipient in excess of these rates shall be borne by the Subrecipient.
- f. Allowable Costs. Expenditures made by the Subrecipient shall be reimbursed as allowable costs to the extent they meet all of the requirements set forth below. They must be:
 - i. Consistent with the Project Description, plans, specifications, and Project Budget and all other provisions of this Agreement
 - ii. Necessary in order to accomplish the Project
 - iii. Reasonable in amount for the goods or services purchased

- iv. Actual net costs to the Subrecipient, i.e., the price paid minus any refunds (eg, refundable sales and use taxes pursuant to NCGS 105-164.14), rebates, or other items of value received by the Subrecipient that have the effect of reducing the cost actually incurred
 - v. Incurred (and be for work performed) within the period of performance and period covered of this Agreement unless specific authorization from the Department to the contrary is received
 - vi. Satisfactorily documented
 - vii. Treated uniformly and consistently under accounting principles and procedures approved or prescribed by the Department
- g. Excluded Costs. The Subrecipient understands and agrees that, except to the extent the Department determines otherwise in writing, the Department will exclude:
- i. Any Project cost incurred by the Subrecipient before the period of performance of the agreement,
 - ii. Any cost that is not included in the latest Approved Project Budget,
 - iii. Any cost for Project property or services received in connection with a third-party contract, sub-agreement, lease, or other arrangement that is required to be, but has not been, concurred in or approved in writing by the Department, and
 - iv. Any cost ineligible for FTA participation as provided by applicable Federal or State laws, regulations, or directives.
- h. Final Allowability Determination. The subrecipient understands and agrees that payment to the subrecipient on any Project cost does not constitute the Federal or State Government's final decision about whether that cost is allowable and eligible for payment and does not constitute a waiver of any violation by the subrecipient of the terms of this Agreement. The subrecipient acknowledges that the Federal or State Government will not make a final determination about the allowability and eligibility of any cost until an audit of the Project has been completed. If the Federal or State Government determines that the subrecipient is not entitled to receive any portion of the Federal or State assistance the subrecipient has requested or provided, the Department will notify the Subrecipient in writing, stating its reasons. The Subrecipient agrees that Project closeout will not alter the Subrecipient's responsibility to return any funds due the Federal or State Government as a result of later refunds, corrections, or other transactions; nor will Project closeout alter the Federal or State Government's right to disallow costs and recover funds on the basis of a later

audit or other review. Unless prohibited by Federal or State law or regulation, the Federal or State Government may recover any Federal or State assistance funds made available for the Project as necessary to satisfy any outstanding monetary claims that the Federal or State Government may have against the Subrecipient.

- i. Federal or State Claims, Excess Payments, Disallowed Costs, Including Interest.
 - ii. Subrecipient's Responsibility to Pay. Upon notification to the Subrecipient that specific amounts are owed to the Federal or State Government, whether for excess payments of Federal or State assistance, disallowed costs, or funds recovered from third parties or elsewhere, the Subrecipient agrees to remit to the Department promptly the amounts owed, including applicable interest and any penalties and administrative charges within 60 days of notification.
 - iii. Interest Paid to the Department. The Subrecipient agrees to remit to the Department interest owed as determined in accordance with NCGS § 147-86.23.
 - iii. Interest and Fees Paid on Federal Funds. For amounts owed by the Subrecipient to the Federal Government, whether for excess payments of Federal assistance, disallowed costs, or funds recovered from third parties or elsewhere, the Subrecipient agrees to remit to the Federal Government promptly the amounts owed, including applicable interest, penalties and administrative charges as established by the Federal Transit Authority Master Agreement with NCDOT.
- j. De-obligation of Funds. The Subrecipient agrees that the Department may de-obligate unexpended Federal and State funds for grants that are inactive for six months or more.
- k. Project Closeout. Project closeout occurs when the Department issues the final project payment or acknowledges that the Subrecipient has remitted the proper refund. The Subrecipient agrees that Project closeout by the Department does not invalidate any continuing requirements imposed by this Agreement.

7. Accounting Records

- a. Establishment and Maintenance of Accounting Records. The Subrecipient shall establish and maintain separate accounts for the public transportation program, either independently or within the existing accounting system. All costs charged to the program shall be in accordance with most current approved Project Budget and shall be reported to the Department in accordance with NCDOT Uniform Public Transportation Accounting System (UPTAS) guide.

- b. Documentation of Project Costs. All costs charged to the Project, including any approved services performed by the Subrecipient or others, shall be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in detail the nature and propriety of the charges.

8. Reporting, Record Retention, and Access

- a. Progress Reports. The Subrecipient shall advise the Department, through EBS, regarding the progress of the Project at a minimum quarterly, and at such time and in such a manner as the Department may require. Such reporting and documentation may include, but not be limited to: operating statistics, equipment usage, meetings, progress reports, and monthly performance reports. The Subrecipient shall collect and submit to the Department such financial statements, data, records, contracts, and other documents related to the Project as may be deemed necessary by the Department. Reports shall include narrative and financial statements of sufficient substance to be in conformance with the reporting requirements of the Department. Progress reports throughout the useful life of the project equipment shall be used, in part, to document utilization of the project equipment. Failure to fully utilize the project equipment in the manner directed by the Department shall constitute a breach of contract, and after written notification by the Department, may result in termination of the Agreement or any such remedy as the Department deems appropriate.
- b. Failure to comply with grant reporting and compliance guidelines set forth in the NCDOT PTD State Management Plan could result in financial penalties up to and including loss of current and future grant funding.
- c. Record Retention. The Subrecipient and its third party subrecipients shall retain all records pertaining to this Project for a period of five (5) years from the date of final payment to the Subrecipient, or until all audit exceptions have been resolved, whichever is longer.
- d. Project Closeout. The Subrecipient agrees that Project closeout does not alter the reporting and record retention requirements of this Agreement.
- e. State Auditor Oversight. The Subrecipient agrees to audit oversight by the Office of the State Auditor, to provide the Office of the State Auditor with access to accounting records, and to make available any audit work papers in the possession of any auditor of the Subrecipient.
- f. Financial Reporting and Audit Requirements. In accordance with 09 NCAC 03M.0205, all reports shall be filed with the Department in the format and method specified by the agency no later than three (3) months after the end of the recipient's fiscal year, unless the same information is already required through more frequent reporting. Audit Reports must be provided to the funding agency no later than nine (9) months after the end of the recipient's fiscal year.

- g. Parts Inventory. Financial audits must address parts inventory management.
- h. Third Party Loans. Within 30 days of receipt, the Subrecipient shall disclose to the Department any loans received from a local government entity or other entity not party to this agreement.
- i. Audit Costs. Unless prohibited by law, the costs of audits made in accordance with Title 2 CFR 200, Subpart F “Audit Requirements” are allowable charges to State and Federal awards. The charges may be considered a direct cost or an allocated indirect cost, as determined in accordance with cost principles outlined in Title 2 CFR 200, Subpart E “Cost Principles.” The cost of any audit not conducted in accordance with Title 2 CFR 200 and NCGS§ 159-34 is unallowable and shall not be charged to State or Federal grants.

9. Compliance with Laws and Regulations

- a. No terms herein shall be construed in a manner that conflicts with the rules and regulations of the Department or with state or federal law.
- b. The Subrecipient agrees to comply with all applicable state and federal laws and regulations, including titles 09 NCAC 3M and 19A NCAC 5B, as amended.

10. Conflicts of Interest Policy

The subrecipient agrees to file with the Department a copy of the subrecipient’s policy addressing conflicts of interest that may arise involving the subrecipient’s management employees and the members of its board of directors or other governing body. The subrecipient’s policy shall address situations in which any of these individuals may directly or indirectly benefit, except as the subrecipient’s employees or members of its board or other governing body, from the subrecipient’s disbursing of State funds, and shall include actions to be taken by the subrecipient or the individual, or both, to avoid conflicts of interest and the appearance of impropriety. The conflicts of interest policy shall be filed with the Department prior to the Department disbursing funds to the subrecipient.

Prohibition on Bonus or Commission Payments

The Subrecipient affirms that it has not paid and will not pay any bonus or commission to any party to obtain approval of its Federal or State assistance application for the Project.

11. Tax Compliance Certification

The Subrecipient shall complete and submit to the Department a sworn written statement pursuant to NCGS 143C-6-23(c), stating that the Subrecipient does not have any overdue tax debts, as defined by GS 105-243.1, at the Federal, State, or local level.

The Subrecipient acknowledges that the written statement must be submitted to the Department prior to execution of this Agreement and disbursement of funds. The certification will be incorporated into this Agreement as Attachment B.

12. Assignment

- a. Unless otherwise authorized in writing by the Department, the Subrecipient shall not assign any portion of the work to be performed under this Agreement, or execute any contract, amendment, or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement without the prior written concurrence of the Department.
- b. The Subrecipient agrees to incorporate the terms of this agreement and any applicable State or Federal requirements into written third-party contracts, sub-agreements, and leases, and to take the appropriate measures necessary to ensure that all Project participants comply with applicable Federal and State laws, regulations, and directives affecting their performance, except to the extent the Department determines otherwise in writing.

13. Hold Harmless.

Except as prohibited or otherwise limited by law, the Subrecipient agrees to indemnify, save, and hold harmless the Department, the State of North Carolina and the United States of America and its officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, resulting from any willful or intentional violation by the Subrecipient of proprietary rights, copyrights, or right of privacy, arising out of the publication, translation, reproduction, delivery, use, or disposition of any data furnished under the Project.

14. Real Property, Equipment, and Supplies.

Federal or State Interest. The Subrecipient understands and agrees that the Federal or State Government retains an interest in any real property, equipment, and supplies financed with Federal or State assistance (Project property) until, and to the extent, that the Federal or State Government relinquishes its Federal or State interest in that Project property. NCDOT shall be informed and included in all ribbon cuttings / dedications / groundbreaking. With respect to any Project property financed with Federal or State assistance under this Agreement, the Subrecipient agrees to comply with the following provisions, except to the extent FTA or the Department determines otherwise in writing:

- a. Use of Project Property. The Subrecipient agrees to maintain continuing control of the use of Project property. The Subrecipient agrees to use Project property for appropriate Project purposes (which may include joint development purposes that generate program income, both during and after the award period and used to support public transportation activities) for the duration of the useful life of that property, as required by FTA or the Department. Should the Subrecipient

unreasonably delay or fail to use Project property during the useful life of that property, the Subrecipient agrees that it may be required to return the entire amount of the Federal and State assistance expended on that property. The Subrecipient further agrees to notify the Department immediately when any Project property is withdrawn from Project use or when any Project property is used in a manner substantially different from the representations the Subrecipient has made in its Application or in the Project Description for this Agreement for the Project. In turn, the Department shall be responsible for notifying FTA.

- b. Maintenance and Inspection of Vehicles. The Subrecipient shall maintain vehicles at a high level of cleanliness, safety, and mechanical soundness in accordance with the minimum maintenance requirements recommended by the manufacturer and comply with the Department's State Management Plan ("SMP"). The Subrecipient shall register all vehicle maintenance activities into the Department's Asset Management System (AssetWorks) or an electronic version of same. The Department shall conduct frequent inspections to confirm proper maintenance pursuant to this subsection and the SMP. The Subrecipient shall collect and submit to the Department at such time and in such manner as it may require information for the purpose of the Department's Asset Management System (AssetWorks) and the Transit Asset Maintenance ("TAM") Plan.
- c. Maintenance and Inspection of Facilities and Equipment. The Subrecipient shall maintain any Project facility, including any and all equipment installed into or added on to the facility as part of the Project, in good operating order and at a high level of cleanliness, safety and mechanical soundness in accordance with good facility maintenance and upkeep practices and in accordance with the minimum maintenance requirements recommended by the manufacturer for all equipment installed in or added to the facility as part of the Project. Such maintenance shall be in compliance with applicable Federal and state regulations or directives that may be issued, except to the extent that the Department determines otherwise in writing. The Subrecipient shall document its maintenance program in a written plan. The Department shall conduct inspections as it deems necessary to confirm proper maintenance on the part of the Subrecipient pursuant to this subsection and SMP. Such inspections may or may not be scheduled ahead of time but will be conducted such that they shall not significantly interfere with the ongoing and necessary functions for which the Project was designed. The Subrecipient shall make every effort to accommodate such inspections by the Department in accordance with the Department's desired schedule for such inspections.
- d. The Subrecipient shall collect and submit to the Department at such time and in such manner as the Department may require information for the purpose of updating the TAM Plan Inventory and any and all other reports the Department deems necessary. The Subrecipient shall also maintain and make available to the Department upon its demand all documents, policies, procedures, purchase orders, bills of sale, internal work orders and similar items that demonstrate the Subrecipient's maintenance of the facility in good operating order and at a high level of cleanliness, safety and mechanical soundness.

- e. Incidental Use. The Subrecipient agrees that any incidental use of Project property will not exceed that permitted under applicable laws, regulations, and directives.
- f. Title to Vehicles. The Certificate of Title to all vehicles purchased under the Approved Budget for this Project shall be in the name of the Subrecipient. The Department's Public Transportation Division shall be recorded on the Certificate of Title as first lien-holder. In the event of project termination or breach of contract provisions, the Subrecipient shall, upon written notification by the Department, surrender Project equipment and/or transfer the Certificate(s) of Title for Project equipment to the Department or the Department's designee within 30 days of request.
- g. Encumbrance of Project Property. The Subrecipient agrees to maintain satisfactory continuing control of Project property as follows:
 - (1) Written Transactions. The Subrecipient agrees that it will not execute any transfer of title, lease, lien, pledge, mortgage, encumbrance, third party contract, subagreement, grant anticipation note, alienation, innovative finance arrangement (such as a cross border lease, leveraged lease, or otherwise), or any other obligation pertaining to Project property, that in any way would affect the continuing Federal and State interest in that Project property.
 - (2) Oral Transactions. The Subrecipient agrees that it will not obligate itself in any manner to any third party with respect to Project property.
 - (3) Other Actions. The Subrecipient agrees that it will not take any action adversely affecting the Federal and State interest in or impair the Subrecipient's continuing control of the use of Project property.
- h. Alternative Use, Transfer, and Disposition of Project Property. The Subrecipient understands and agrees any alternative uses, transfers, or disposition of project property must be approved by the Department and done in accordance with Departmental procedures.
- i. Insurance Proceeds. If the Subrecipient receives insurance proceeds as a result of damage or destruction to the Project property, the Subrecipient agrees to:
 - (1) Apply those insurance proceeds to the cost of replacing the damaged or destroyed Project property taken out of service, or
 - (2) Return to the Department an amount equal to the remaining Federal and State interest in the damaged or destroyed Project property.
- j. Misused or Damaged Project Property. If any damage to Project property results from abuse or misuse occurring with the Subrecipient's knowledge and consent, the Subrecipient agrees to restore the Project property to its original condition or

refund the value of the Federal and State interest in that property, as the Department may require.

- k. Responsibilities after Project Closeout. The Subrecipient agrees that Project closeout by the Department will not change the Subrecipient's Project property management responsibilities, and as may be set forth in subsequent Federal and State laws, regulations, and directives, except to the extent the Department determines otherwise in writing.

15. Insurance

The Subrecipient shall be responsible for protecting the state and/or federal financial interest in the facility construction/renovation and equipment purchased under this Agreement throughout the useful life. The Subrecipient shall provide, as frequently and in such manner as the Department may require, written documentation that the facility and equipment are insured against loss in an amount equal to or greater than the state and/or federal share of the real value of the facility or equipment. Failure of the Subrecipient to provide adequate insurance shall be considered a breach of contract and, after notification may result in termination of this Agreement. In addition, other insurance requirements may apply. The Subrecipient agrees to comply with the insurance requirements normally imposed by North Carolina State and local laws, regulations, and ordinances, except to the extent that the Department determines otherwise in writing.

16. Termination

- a. Either party may terminate the Agreement by providing 60 days written notice to the other party, or as otherwise permitted by law.
- b. Should the Subrecipient terminate the Agreement without the concurrence of the Department, the Subrecipient shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the work.

17. Additional Repayment Requirements and Remedies

- a. The repayment requirements and remedies addressed in this Paragraph are in addition to those repayment requirements and other remedies set forth elsewhere in this Agreement, including the requirements to repay unspent funds. No remedy conferred or reserved by or to the Department is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy provided for in this Agreement, or now or hereinafter existing at law, in equity, or by statute, and any such right or power may be exercised from time to time and as often as may be deemed expedient.
- b. If there is a breach of any of the requirements, covenants or agreements in this Agreement (including, without limitation, any reporting requirements), or if there

are any representations or warranties which are untrue as to a material fact in this Agreement or in relation to the Project (including the performance thereof), the Subrecipient agrees that the Department may require repayment from the Subrecipient of an amount of funds to be determined in the Department's sole discretion but not to exceed the amount of funds the Subrecipient has already received under this Agreement.

18. Civil Rights and Equal Opportunity

Under this Agreement, the Subrecipient shall at all times comply with the requirements included as part of this agreement in the Federal Terms and Conditions.

19. Choice of Law and Venue

This agreement is to be interpreted according to the laws of the State of North Carolina. The Parties hereby agree that the proper venue for any claims filed as a result of this Agreement shall be the Superior Court of Wake County, North Carolina.

20. Severability

If any provision of the FTA Master Agreement or this Agreement for the Project is determined invalid, the remainder of that Agreement shall not be affected if that remainder would continue to conform to the requirements of applicable Federal or State laws or regulations.

21. Incorporated Terms and Conditions

In addition to the Terms and Conditions contained in this agreement and the terms and conditions included in the grant application, which are hereby incorporated by reference, additional terms and conditions incorporated by reference into this agreement are checked below.



Federal Terms and Conditions, Attached

22. Federal Terms and Conditions

State Management Plan. The State Management Plan for Federal and State Transportation Programs and any subsequent amendments or revisions thereto, are herewith incorporated by reference, and are on file with and approved by the Department. Nothing shall be construed under the terms of this Agreement by the Department or the Subrecipient that shall cause any conflict with Department, State, or Federal statutes, rules, or regulations.

Allowable Costs. Eligible costs are those costs attributable to and allowed under the FTA program and the provisions of 2 CFR Parts 200 and 1201, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."

No Federal Government Obligations to Third Parties. The Subrecipient acknowledges and agrees that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying Agreement, absent the express written consent by the Federal Government, the Federal Government is not a party to this Agreement and shall not be subject to any obligations or liabilities to the Subrecipient or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying Agreement.

The Subrecipient agrees to include the above clause in each contract financed in whole or in part with Federal assistance provided by the FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

Program Fraud and False or Fraudulent Statements or Related Acts. The Subrecipient acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 USC § 3801 et seq. and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to its actions pertaining to this project. Upon execution of the underlying Agreement, the Subrecipient certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying Agreement or the FTA assisted project for which this Agreement work is being performed. In addition to other penalties that may be applicable, the Subrecipient further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the Subrecipient to the extent the Federal Government deems appropriate.

The Subrecipient also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with Federal assistance originally awarded by FTA under the authority of 49 USC chapter 53, the Government reserves the right to impose the penalties of 18 USC § 1001 and 49 USC § 5323(l) on the Subrecipient, to the extent the Federal Government deems appropriate.

The Subrecipient agrees to include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

Access to Records and Reports.

a. Record Retention. The Subrecipient will retain, and will require its subcontractors of all tiers to retain, complete and readily accessible records related in whole or in part to the Agreement, including, but not limited to, data, documents, reports, statistics, sub-agreements, leases, subcontracts, arrangements, other third-party agreements of any type, and supporting materials related to those records.

c. Access to Records. The Subrecipient agrees to provide sufficient access to FTA and its contractors to inspect and audit records and information related to performance of this Agreement as reasonably may be required.

d. Access to the Sites of Performance. The Subrecipient agrees to permit FTA and its contractors access to the sites of performance under this Agreement as reasonably may be required.

Federal Changes. The Subrecipient agrees to comply with all applicable federal requirements and federal guidance. All the standards or limits included in this agreement are minimum requirements. The federal requirements and guidance that applied at the time of the award this Agreement may be modified from time to time, and the modifications will apply to the Subrecipient.

Civil Rights and Equal Opportunity. Under this Agreement, the Subrecipient shall at all times comply with the following requirements and shall include these requirements in each subcontract entered into as part thereof.

1. Nondiscrimination. In accordance with Federal transit law at 49 USC § 5332, the Subrecipient agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, disability, or age. In addition, the Subrecipient agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

2. Race, Color, Religion, National Origin, Sex. In accordance with Title VII of the Civil Rights Act, as amended, 42 USC § 2000e et seq., and Federal transit laws at 49 USC § 5332, the Subrecipient agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 CFR chapter 60, and Executive Order No. 11246, "Equal Employment Opportunity in Federal Employment," September 24, 1965, 42 USC § 2000e note, as amended by any later Executive Order that amends or supersedes it, referenced in 42 USC § 2000e note. The Subrecipient agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, or sex (including sexual orientation and gender identity). Such

action shall include, but not be limited to, the following: employment, promotion, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Subrecipient agrees to comply with any implementing requirements FTA may issue.

3. Age. In accordance with the Age Discrimination in Employment Act, 29 USC §§ 621634, U.S. Equal Employment Opportunity Commission (U.S. EEOC) regulations, "Age Discrimination in Employment Act," 29 CFR part 1625, the Age Discrimination Act of 1975, as amended, 42 USC § 6101 et seq., U.S. Health and Human Services regulations, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance," 45 CFR part 90, and Federal transit law at 49 USC § 5332, the Subrecipient agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Subrecipient agrees to comply with any implementing requirements FTA may issue.

4. Disabilities. In accordance with section 504 of the Rehabilitation Act of 1973, as amended, 29 USC § 794, the Americans with Disabilities Act of 1990, as amended, 42 USC § 12101 et seq., the Architectural Barriers Act of 1968, as amended, 42 USC § 4151 et seq., and Federal transit law at 49 USC § 5332, the Subrecipient agrees that it will not discriminate against individuals on the basis of disability. In addition, the Subrecipient agrees to comply with any implementing requirements FTA may issue.

Disadvantaged Business Enterprises. It is the policy of the North Carolina Department of Transportation that Disadvantaged Business Enterprises (DBEs) as defined in 49 CFR Part 26 shall have the equal opportunity to compete fairly for and to participate in the performance of contracts financed in whole or in part by Federal Funds. The Subrecipient is also encouraged to give every opportunity to allow DBE participation in Supplemental Agreements. The Subrecipient, subconsultant, and subcontractor shall not discriminate on the basis of race, religion, color, national origin, age, disability or sex in the performance of this contract. The Subrecipient shall comply with applicable requirements of 49 CFR Part 26 in the award and administration of federally assisted contracts. Failure by the Subrecipient to comply with these requirements is a material breach of this contract, which will result in the termination of this contract or such other remedy, as the Department deems necessary.

When payments are made to Disadvantaged Business Enterprise (DBE) Subrecipients, including material suppliers, Subrecipients at all levels (Subrecipient, Subconsultant or Subrecipient) shall provide the Contract Administrator with an accounting of said payments. The accounting shall be listed on the Department's Subrecipient Payment Information Form (Form DBE-IS). In the event the Subrecipient has no DBE participation, the Subrecipient shall indicate this on the Form DBE-IS by entering the word 'None' or the number 'zero' and the form shall be signed. Form DBE-IS may be accessed on the website at: <https://apps.dot.state.nc.us/quickfind/forms/Default.aspx>.

A responsible fiscal officer of the payee Subrecipient, subconsultant or Subrecipient who can attest to the date and amounts of the payments shall certify that the accounting is

correct. A copy of an acceptable report may be obtained from the Department of Transportation. This information shall be submitted as part of the requests for payments made to the Department.

Prompt payment provisions. When a subcontractor has performed in accordance with the provisions of his contract, the contractor shall pay to his subcontractor and each subcontractor shall pay to his subcontractor, within seven days of receipt by the contractor or subcontractor of each periodic or final payment, the full amount received for such subcontractor's work and materials based on work completed or service provided under the subcontract NCGS §22C-1.

Incorporation of FTA Terms. Provisions of this Agreement include, in part, certain standard terms and conditions required by the U.S. DOT. All contractual provisions required by the U.S. DOT, as set forth in FTA Circular 4220.1, as amended, are incorporated by reference. Anything to the contrary herein notwithstanding, all FTA-mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The Subrecipient shall not perform any act, fail to perform any act, or refuse to comply with any Department request, which would cause the Department to be in violation of FTA terms and conditions, as referenced in the current FTA Master Agreement shall prevail and be the instrument governing the receipt of Federal assistance from the Federal Transit Administration.

Energy Conservation. The Subrecipient agrees to comply with mandatory standards and policies relating to energy efficiency, which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

Debarment, Suspension, Ineligibility and Voluntary Exclusion. The Subrecipient shall comply and facilitate compliance with U.S. DOT regulations, "Non-procurement Suspension and Debarment," 2 CFR part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement)," 2 CFR part 180. As such, the Subrecipient shall verify that its principals, affiliates, and subcontractors are eligible to participate in this federally funded Agreement and are not presently declared by any Federal department or agency to be:

- a) Debarred from participation in any federally assisted Award;
- b) Suspended from participation in any federally assisted Award;
- c) Proposed for debarment from participation in any federally assisted Award;
- d) Declared ineligible to participate in any federally assisted Award;
- e) Voluntarily excluded from participation in any federally assisted Award; or
- f) Disqualified from participation in any federally assisted Award.

By signing and submitting this Agreement, Subrecipient certifies as follows:

The certification in this clause is a material representation of fact relied upon by the Department. If it is later determined by the Department that the Subrecipient knowingly rendered an erroneous certification, in addition to remedies available to the Department, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The Subrecipient agrees to comply with the requirements of 2 CFR part 180, subpart C, as supplemented by 2 CFR part 1200, throughout the period of this Agreement. The Subrecipient further agrees to include a provision requiring such compliance in its lower tier covered transactions. These provisions apply to each contract at any tier of \$25,000 or more, and to each contract at any tier for a federally required audit (irrespective of the contract amount), and to each contract at any tier that must be approved by an FTA official irrespective of the contract amount.

Lobbying Restrictions. The Subrecipient agrees that neither it nor any third-party participant will use federal assistance to influence any officer or employee of a federal agency, member of Congress or an employee of a member of Congress, or officer or employee of Congress on matters that involve this agreement, including any extension or modification, according to the following:

(1) Laws, Regulations, Requirements, and Guidance. This includes:

(a) The Byrd Anti-Lobbying Amendment, 31 USC § 1352, as amended,

(b) U.S. DOT regulations, "New Restrictions on Lobbying," 49 CFR part 20, to the extent consistent with 31 USC § 1352, as amended, and

(c) Other applicable federal laws, regulations, requirements, and guidance prohibiting the use of federal assistance for any activity concerning legislation or appropriations designed to influence the U.S. Congress or a state legislature, and

(2) Exception. If permitted by applicable federal law, regulations, requirements, or guidance, such lobbying activities described above may be undertaken through the subrecipient's proper official channels.

The Subrecipient agrees to submit a signed and dated Certification on Lobbying that appears in the attachment.

Clean Air Act and Federal Water Pollution Control Act. The Subrecipient agrees:

1) It will not use any violating facilities;

2) It will report the use of facilities placed on or likely to be placed on the U.S. EPA "List of Violating Facilities;"

3) It will report violations of use of prohibited facilities to FTA; and

4) It will comply with the inspection and other requirements of the Clean Air Act, as amended, (42 USC §§ 7401 – 7671q); and the Federal Water Pollution Control Act as amended, (33 USC §§ 1251-1387).

Public Transportation Employee Protective Arrangements. The Subrecipient agrees to comply with the following employee protective arrangements of 49 USC § 5333(b):

1. Sections 5307 and 5339. Under this Agreement or any Amendments thereto that involve public transportation operations that are supported with 49 USC § 5307 or 49 USC § 5339 federal assistance, a certification issued by U.S. DOL is a condition of the Contract.
2. Section 5311. When the Agreement involves public transportation operations and is supported with federal assistance appropriated or made available for 49 USC § 5311, U.S. DOL will provide a Special Warranty for its Award. The U.S. DOL Special Warranty is a condition of the Agreement.
3. Section 5310. The conditions of 49 USC § 5333(b) do not apply to Subrecipients providing public transportation operations pursuant to 49 USC § 5310. FTA reserves the right to make case-by-case determinations of the applicability of 49 USC § 5333(b) for all transfers of funding authorized under title 23, United States Code (flex funds), and make other exceptions as it deems appropriate, and, in those instances, any special arrangements required by FTA will be incorporated herein as required.

Charter Service. The Subrecipient agrees to comply with 49 USC 5323(d), 5323(r), and 49 CFR part 604, which provides that recipients and subrecipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter operator willing and able to provide the service, except as permitted under:

1. Federal transit laws, specifically 49 USC § 5323(d);
2. FTA regulations, "Charter Service," 49 CFR part 604;
3. Any other federal Charter Service regulations; or
4. Federal guidance, except as FTA determines otherwise in writing.

The Subrecipient agrees that if it engages in a pattern of violations of FTA's Charter Service regulations, FTA may require corrective measures or impose remedies on it. These corrective measures and remedies may include:

1. Barring it or any subcontractor operating public transportation under its Award that has provided prohibited charter service from receiving federal assistance from FTA;
2. Withholding an amount of federal assistance as provided by Appendix D to part 604 of FTA's Charter Service regulations; or
3. Any other appropriate remedy that may apply. The Subrecipient should also include the substance of this clause in each subcontract that may involve operating public transit services.

School Bus Operations. The Subrecipient agrees to comply with 49 USC 5323(f), and 49 CFR part 605, and not engage in school bus operations using federally funded equipment or facilities in competition with private operators of school buses, except as permitted under:

1. Federal transit laws, specifically 49 USC § 5323(f);
2. FTA regulations, "School Bus Operations," 49 CFR part 605;
3. Any other Federal School Bus regulations; or
4. Federal guidance, except as FTA determines otherwise in writing.

If Subrecipient violates this School Bus Agreement, FTA may:

1. Bar the Subrecipient from receiving Federal assistance for public transportation; or
2. Require the Subrecipient to take such remedial measures as FTA considers appropriate.

When operating exclusive school bus service under an allowable exemption, the contractor may not use federally funded equipment, vehicles, or facilities.

The Subrecipient shall include the substance of this clause in each subcontract or purchase under this contract that may operate public transportation services.

Substance Abuse Requirements (Recipients of Sections 5307, 5311, and 5339 funds only). The Subrecipient agrees to establish and implement a drug and alcohol testing program that complies with 49 CFR parts 40 and 655, produce any documentation necessary to establish its compliance with part 655, and permit any authorized representative of the United States Department of Transportation or its operating administrations or the Department to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 CFR part 655 and review the testing process. The Subrecipient agrees further to submit the Drug and Alcohol Management Information System (DAMIS) reports before February 15 to NCDOT Public Transportation Compliance Office or its designee.

23. Contract Administrators.

All notices permitted or required to be given by one Party to the other and all questions about this Agreement from one Party to the other shall be addressed and delivered to the other Party's Contract Administrator. The name, postal address, street address, telephone number, fax number, and email address of the Parties' respective initial Contract Administrators are set out below. Either Party may change the name, postal address, street address, telephone number, fax number, or email address of its Contract Administrator by giving timely written notice to the other Party.

For the Department:

Name: Myra Freeman
Title: Financial Manager
Agency: NCDOT/PTD
Email: Msfreeman1@ncdot.gov
MSC: 1550 Mail Service Center – Raleigh, NC 27699-1550
Physical Address: 1 S. Wilmington St, Rm 542, Transportation Building, Raleigh, NC 27601
Phone: 919-707-4672 Fax: 919-733-2304

For the Subrecipient:

Name: _____
Title: _____
Agency: _____
Email: _____
Phone: _____

IN WITNESS WHEREOF, this Agreement has been executed by the Department, an agency of the State of North Carolina, and the Subrecipient by and through a duly authorized representative and is effective the date and year first above written.

**CITY OF NEW BERN On behalf of
NEW BERN AREA METROPOLITAN
PLANNING ORGANIZATION**

SUBRECIPIENT'S FEDERAL TAX ID
NUMBER:

SUBRECIPIENT'S FISCAL YEAR END:

JUNE 30, 2019

BY:

TITLE:

CITY MANAGER

ATTEST:

TITLE:

DEPARTMENT OF
TRANSPORTATION

BY:

TITLE:

DEPUTY SECRETARY FOR
MULTI-MODAL TRANSPORTATION

ATTEST:

TITLE:

Attachment

Certification Regarding Lobbying

The Subrecipient certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The Subrecipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Subrecipient's Authorized Representative: _____

Title: _____

Date: _____

APPENDIX A

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION DIVISION

PROJECT NUMBER: 20-08-117

APPROVED BUDGET SUMMARY

EFFECTIVE DATE 07/1/19

PROJECT SPONSOR: CITY OF NEW BERN

PROJECT DESCRIPTION: FY2020 METROPOLITAN PLANNING PROGRAM (SECTION 5303)

I. TOTAL PROJECT EXPENDITURES

DEPARTMENT - 4526 PLANNING - 36230.42.6.6 \$22,500
PERIOD OF PERFORMANCE JULY 01, 2019 - JUNE 30, 2020

II. TOTAL PROJECT FUNDING

		<u>TOTAL</u>	<u>FEDERAL</u>	<u>STATE</u>	<u>LOCAL</u>
PLANNING -	36230.42.6.6	100%	80.00%	10.00%	10.00%
AGREEMENT		\$22,500	\$18,000	\$2,250	\$2,250
TOTAL		\$22,500	\$18,000	\$2,250	\$2,250

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION DIVISION
APPROVED PROJECT BUDGET

PROJECT: 20-08-117
SPONSOR: CITY OF NEW BERN
WBS: 36230.42.6.6

----- DEPARTMENT 4526 - PLANNING I -----		
<u>OBJECT</u>	<u>TITLE</u>	<u>APPROVED BUDGET</u>
M304	442301-L-RNG TRN PLN SYS	4,000
M305	442302-L-RNG TRN PLN PROJ	2,000
M313	442700-OTHER ACTIVITIES	16,500
TOTAL PLANNING		22,500



New Bern Area Metropolitan Planning Organization

FY 2020
Planning Work Program

Continuing • Comprehensive • Cooperative • Transportation Planning



Transportation Advisory Committee (TAC)

John Kirkland
Chairman

Jeffrey Odham
Vice-Chairman

RESOLUTION APPROVING THE FY 2020 UNIFIED PLANNING WORK PROGRAM OF THE NEW BERN AREA METROPOLITAN PLANNING ORGANIZATION

March 28, 2019

A motion was made by Chuck Tyson and seconded by E.T. Mitchell for the adoption of the following resolution approving the FY 2020 Unified Planning Work Program, and upon being put to a vote was duly adopted.

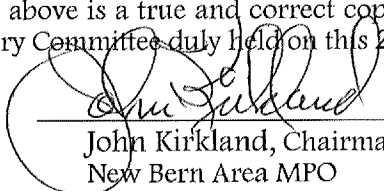
WHEREAS, a comprehensive and continuing transportation planning program must be carried out cooperatively in order to ensure that funds for transportation projects are effectively allocated to the New Bern Metropolitan Planning Organization;

WHEREAS, the City of New Bern has been designated as the recipient of Federal Highway Administration Metropolitan Planning Program (Section 104f) funds and Section 5303 Federal Transit funds; and Craven County is the designated recipient of Section 5307 Federal Transit Funds;

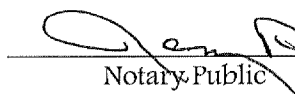
WHEREAS, members of the New Bern area Metropolitan Planning Organization Transportation advisory Committee agree that the Planning Work Program will effectively advance transportation planning for Fiscal Year 2019-2020;

NOW THEREFORE, be it resolved that the New Bern Area Metropolitan Planning Organization Transportation Advisory Committee hereby approves the FY 2020 Unified Planning Work Program for the New Bern Metropolitan Area.

I, **John Kirkland**, Chairman of the New Bern Metropolitan Planning Organization Transportation Advisory Committee do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting the Transportation advisory Committee duly held on this 28th day of March, 2019.

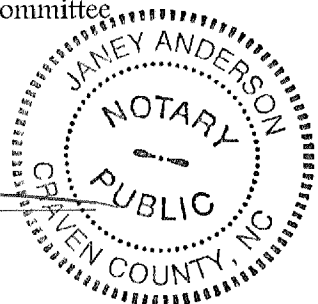

John Kirkland, Chairman
New Bern Area MPO
Transportation Advisory Committee

Subscribed and sworn to me this 28th day of March, 2019.


Notary Public

My Commission Expires: 10-3-2022

Continuing - Cooperative - Comprehensive Transportation Planning



PROGRAM SUMMARY SHEET REQUIREMENTS



NORTH CAROLINA
Department of Transportation

5303
Metropolitan Transportation
Planning

FEDERAL

Planning

PRINCIPLE	This guidance is for all subrecipients receiving planning assistance to support multimodal transportation planning projects in metropolitan areas and states that is cooperative, continuous, and comprehensive, resulting in long-range plans and short-range programs of transportation investment priorities. The planning programs are jointly administered by the Federal Transportation Administration (FTA) and the Federal Highway Administration (FHWA), which provides additional planning funding.
ELIGIBLE SUBRECIPIENTS and ACTIVITIES	PTD is the Designated Recipient (DR) and is the only entity eligible to apply for and receive this program assistance directly from FTA. PTD is required by law to distribute these funds to each UZA, or portion of a UZA, within North Carolina (NC), according to a formula developed by the State of NC in cooperation with the MPO and approved by FTA. Eligible activities are: develop transportation plans and programs; plan, design and evaluate a public transportation projects; and conduct technical studies related to public transportation.
FINANCIAL CAPACITY and MANAGEMENT	Subrecipients must have sufficient funds to match FTA funds. Subrecipients must have fiscal control and accounting procedures sufficient to permit tracking and reporting of grant funds. Any funds borrowed from a parent organization or governmental organization must be reported to NCDOT within 15 days.
AUDIT REPORTS and FINANCIAL STATEMENTS	Subrecipients that expend more than \$500,000 in federal funds from all sources per 09 NCAC 03M .0205 Minimum Reporting Requirements for Recipients and Subrecipients (including federal funds provided through NCDOT) in a year must submit the annual single audit required and evidence of resolution of findings related to the transit program to NCDOT.
PROGRAM REPORTING	Subrecipients are required to report monthly or quarterly when claims are submitted and at the end of the year with the final claim. Penalties will be imposed when reports have not been submitted by the published reporting deadlines.
OVERSIGHT	Oversight is performed through desk reviews of financial and grant project reporting, correspondence, and phone calls, as needed.
REFERENCES	Section 5303 Circular - C 8100.1C Award Management Requirements 5010.1E OMB's Uniform Administrative Requirements 2 CFR 200 NC Public Transportation Business Guide 09 NCAC 03M .0205 Minimum Reporting Requirements for Recipients and Subrecipients State Management Plan
UPDATES/REVISIONS	Original Date: 4/20/2018 Last Amended Date:

PROGRAM SUMMARY SHEET REQUIREMENTS

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution approving a substantial amendment to the City of New Bern's CDBG FY 2016, 2017, and 2018 Annual Action Plans.

Date of Meeting: January 28, 2020	Ward # if applicable:
Department: Development Services	Person Submitting Item: Amanda Ohlensehlen, Community & Economic Development Manager
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Board to consider adoption of resolutions to approve substantial amendments to the City of New Bern's CDBG FY 2016, 2017, and 2018 Annual Action Plans. This substantial amendment will move unspent funds in housing rehabilitation and public service activities to the stormwater system improvement project in the Duffyfield Community.
Actions Needed by Board:	Adopt a Resolution Amending the City of New Bern's CDBG FY 2016, 2017 and 2018 Annual Action Plans.
Backup Attached:	Memo, Amendment, Resolutions

Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item: N/A
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes: The Mayor and Board of Aldermen is asked to consider approving the substantial amendment in order to meet the City's approaching May 2020 deadline for HUD timeliness compliance.

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
Brenda E. Blanco
City Clerk

MEMORANDUM

TO: Mayor Outlaw and Board of Aldermen

FROM: Amanda Ohlensehlen
Community & Economic Development Manger

DATE: January 15, 2020

SUBJECT: Consider Adopting a Resolution to approve a Substantial Amendment to the City of New Bern's CDBG FY 2016, 2017, and 2018 Annual Action Plans.

Background

The Mayor and Board of Aldermen held a public hearing on January 14, 2020 to receive public comment as part of the consideration of adopting a substantial amendment to the City's FY 2016, FY 2017, and FY 2018 CDBG Annual Action Plans. This substantial amendment will move unspent funds in housing rehabilitation and public service activities to the stormwater system improvement project in the Duffyfield Community. The substantial amendment will allow the City to come into the Department of Housing and Urban Development (HUD) timeliness compliance for program expenditures.

Staff is requesting that the Mayor and Board of Aldermen Consider Adopting three (3) Resolutions approving the amendment of the City's FY 2016, FY 2017 and FY 2018 CDBG Annual Action Plans.

Please contact Amanda Ohlensehlen at 252-639-7580 or D'Aja Fulmore at 252-639-7586 if you have questions or need additional information.

RESOLUTION

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

WHEREAS, the City of New Bern, Craven County, NC is a recipient of Federal grant funds under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, there is a need to mitigate flooding in the Duffyfield Neighborhood of the City of New Bern as a result of Hurricane Florence; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has previously approved the City of New Bern's FY 2016, FY 2017, and FY 2018 Community Development Block Grant (CDBG) Programs; and

WHEREAS, HUD permits grant recipients to revise and amend their previously approved budgets and annual action plans to address current needs; and

WHEREAS, the City of New Bern's Department of Development Services has determined that the proposed changes to the FY 2016, FY 2017, and FY 2018 CDBG Programs constitute a substantial amendment, and the City has complied with its Citizen Participation Plan.

NOW THEREFORE, BE IT RESOLVED that the document entitled "City of New Bern FY 2016, FY 2017, and FY 2018 Substantial Amendments," a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby adopted and approved, as the "City of New Bern FY 2016, FY 2017, and FY 2018 Substantial Amendments" and the Mayor is hereby authorized to sign any related documents on behalf of the City and is authorized to submit these Substantial Amendments to the U.S. Department of HUD.

ADOPTED this 28th day of January 2020.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

**SUBSTANTIAL AMENDMENTS
TO THE FY 2016, FY 2017
AND FY 2018 COMMUNITY
DEVELOPMENT BLOCK GRANT
(CDBG) PROGRAM YEARS**



NEW BERN

CITY OF NEW BERN

300 Pollock Street, New Bern, North Carolina 28560

Mayor: Hon. Dana E. Outlaw

City Manager: Mr. Mark A. Stephens

Director of Development: Mr. Jeffrey C. Ruggieri



Urban Design Ventures, LLC
Community Development Consultants

Table of Contents

PART I. ES: EXECUTIVE SUMMARY

AP-05	Executive Summary – 24 CFR 91.200(c), 91.220(b)	1
1.	Introduction.....	1
2.	Summary of the Objectives and Outcomes Identified in the Plan.....	1
3.	Evaluation of Past Performance	2
4.	Summary of Citizen Participation Process and Consultation Process	2
5.	Summary of Public Comments	2
6.	Summary of Comments or Views Not Accepted and the Reasons For Not Accepting Them	3
7.	Summary	3

PART II. PR: THE PROCESS

PR-05	Lead & Responsible Agencies – 91.200(b).....	4
1.	Agency/Entity Responsible for Preparing/Administering the Plan	4
AP-10	Consultation – 91.100, 91.200(b), 91.215(l).....	5
1.	Introduction.....	5
2.	Agencies, Groups, Organizations, and Others Who Participated In the Process and Consultations	5
AP-12	Participation – 91.105, 91.200(c)	7
1.	Summary of Citizen Participation Process/Efforts	7

PART III. ANNUAL ACTION PLAN

AP-15	Expected Resources – 91.220(c)(1,2)	11
AP-20	Annual Goals & Objectives – 91.420, 91.220(c)(3)&(e)	13
AP-35	Projects – 91.220(d)	15
AP-38	Project Summary	16
AP-50	Geographic Distribution – 91.220(f)	19
AP-55	Affordable Housing – 91.220(g)	20
AP-60	Public Housing – 91.220(h)	21
AP-65	Homeless and Other Special Needs Activities – 91.220(i)	22
AP-75	Barriers to Affordable Housing – 91.420, 91.220(j)	23
AP-85	Other Actions – 91.220(k)	24
AP-90	Program Specific Requirements – 91.220(l)(1,2,4)	25

PART IV. APPENDIX

SF 424 Form

FY 2016 Annual Action Plan - Citizen Participation Substantial Amendment

FY 2016 Annual Action Plan - Substantial Amendment - Resolution



The City of New Bern proposes to amend its FY 2016 Annual Action Plan by making the following amendments: Public Assistance – At Risk of Homelessness: reduce the line item budget amount from \$37,600 to \$37,000; Recreational Facilities: eliminate this line item amount of \$10,000; Duffyfield Stormwater Management Project: create a new budget line item in the amount of \$10,600.

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of New Bern became an CDBG Entitlement City in 2014. This FY 2016 Annual Action Plan implements the third year of the five year 2014-2019 Consolidated Plan. This Annual Action Plan establishes the priority for projects and funding for the upcoming year based on the goals of the Strategic Plan section of the Consolidated Plan.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The goals and objectives for the Five Year Consolidated Plan for FY 2014-2019 include:

- a. Housing Rehabilitation
- b. Product of New Affordable Housing Units
- c. Provide Support Services for the Homeless
- d. Economic Development
- e. Neighborhood Stabilization in the Gateway District
- f. Public Improvements and Infrastructure
- g. Development of Permanent Supportive Housing

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

Within the first three years of being a first time grantee, the City of New Bern has been able to provide funding for new construction of affordable housing units resulting in 3 new homes in the Gateway District. Fourteen homeowners throughout the City of New Bern received minor repairs through the Housing Minor Repair Program. The City of New Bern updated it's sidewalk infrastructure to increase pedestrian safety and neighborhood walkability within the Gateway District. Sunshades for playground equipment and a picnic pavilion were installed at the local park in the Gateway District.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

Substantial Amendment:

The City of New Bern placed the Substantial Amendment on public display from Friday, December 20, 2019 through Wednesday, January 22, 2020. The City held a Public Hearing on the Substantial Amendment on Tuesday, January 14, 2020 at 6:00 PM in the courtroom of the second floor of City Hall. The purpose of the Public Hearing was to present the Substantial Amendment to the residents for the FY 2016 CDBG Program Year.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Comments are attached

Substantial Amendment:

At the Public Hearing, the City did not receive any comments on the Substantial Amendment.

6. Summary of comments or views not accepted and the reasons for not accepting them

All citizen comments were accepted.

Substantial Amendment:

All comments and suggestions that were received to date have been accepted and incorporated into the planning document.

7. Summary

The City's FY 2016 CDBG Annual Action Plan has been prepared with the goal of ensuring a viable community by providing decent, affordable housing, a suitable living environment, updating the infrastructure that addresses the needs of LMI residents of the City. An approved Citizen Participation Plan was used to gather public comments through a public meeting. Information gathered from the public was used to identify needs, goals and the activities for the coming year.

Substantial Amendment:

City Council approved the Substantial Amendment on Tuesday, January 28, 2020 and the FY 2016 Action Plan was submitted to HUD after the local approval.

1. **Public Assistance – At Risk of Homelessness:** Reduce the budget line item in the amount of \$600.00 for a revised budget amount of \$37,000.00
2. **Recreation Facilities:** Delete the budget line item in the amount of \$10,000.00
3. **Duffyfield Stormwater Management Project:** Create a new budget line item in the amount of \$10,600.00

Copies of the Substantial Amendment were on public display for viewing by the public for a period of 30 days beginning on Friday, December 20, 2019 and ending on Wednesday, January 22, 2020 at the following locations:

- City Clerks' Office, City Hall, 300 Pollock Street, New Bern, NC 28560
- Office of the Department of Development Services, 303 First Street, New Bern, NC 28560
- New Bern-Craven County Public Library, 400 Johnson Street, New Bern, NC 28560

In addition, the City put the Substantial Amendment on its website (<http://www.newbern-nc.org/>).

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	New Bern	Name	Department/Agency
CDBG Administrator			Development Services Department

Table 1 – Responsible Agencies**Narrative (optional)****Consolidated Plan Public Contact Information**

Amanda Ohlensehlen

Economic and Community Development Manager

City of New Bern

P.O. Box 1129

New Bern, NC 28563-1129

Phone: (252)639-7580

Fax: (252)636-2146

Email: ohlensehlerna@newbernnc.gov

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)**1. Introduction**

The City of New Bern's Citizen Participation Plan identifies when public hearings and other consultations are to take place. This FY 2016 Annual Action Plan Substantial Amendment was developed using the Citizen Participation Plan

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

The City of New Bern is a member of the Housing Alliance of Coastal Carolina which is composed of housing providers, health, mental health, and service agencies. The City and New Bern Housing Authority (NBHA) are working with community members, community agencies and local government departments to implement initiatives included within the Choice Neighborhood Transformation Plan.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

Craven County is included in the North Carolina Balance of State Continuum of Care (CoC). The Housing Alliance of Coastal Carolina is working to coordinate housing and service providers and to develop a 10-year plan to end homelessness.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

Agencies serving the homeless in New Bern receive funding directly from the NC Balance of State Continuum of Care.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Neuse-Trent Housing Alliance
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agencies affiliated with the Housing Alliance of Coastal Carolina were informed of the listening session and the public hearing. Applications for Public Service funding were solicited from the agencies. Three of the affiliated agencies submitted an application for funding. The City of New Bern will continue to work closely with the alliance and its affiliated agencies.

Identify any Agency Types not consulted and provide rationale for not consulting

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Housing Alliance of Coastal Carolina	Goals addressed the needs of the homeless

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

Not Applicable.

AP-12 Participation – 91.105, 91.200(c)

1. **Summary of citizen participation process/Efforts made to broaden citizen participation**
Summarize citizen participation process and how it impacted goal-setting

The City of New Bern conducted a public hearing on Tuesday, January 14, 2020, for citizen participation. A newspaper ad was placed in the local New Bern Sun Journal announcing the comment period and public hearing. The substantial amendment was also available on the City's website <http://www.newbernnc.gov>

Substantial Amendment:

Copies of the Substantial Amendment were on public display for viewing by the public for a period of 30 days beginning Friday, December 20, 2019 through Wednesday, January 22, 2020 at the following locations:

- City Clerks' Office, City Hall, 300 Pollock Street, New Bern, NC 28560
- Office of the Department of Development Services, 303 First Street, New Bern, NC 28560
- New Bern-Craven County Public Library, 400 Johnson Street, New Bern, NC 28560

In addition, the City put the Substantial Amendment on its website (<http://www.newbernnc.gov>)

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Residents attended the meeting	See the attached summary of comments	All comments were acceptable	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
2	Public Hearing Substantial Amendment	Minorities				
		Non-English Speaking - Specify other language: Spanish				
		Persons with disabilities	None	No comments received	None	
		Non-targeted/broad community				
		Residents of Public and Assisted Housing				

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
3	Internet Outreach	Minorities				
		Non-English Speaking - Specify other language: Spanish				
		Persons with disabilities	No responses were received	No comments received	None	
4	Community Development Advisory Committee	Non-targeted/broad community				
		Residents of Public and Assisted Housing				
		N/A	N/A	N/A	N/A	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1			Expected Amount Available Remainder of ConPlan	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$	
CDBG	public - federal	Admin and Planning, Housing, Public Improvements, Public Services	250,955	0	0	250,955	During the FY 2016 CDBG Program Year, the City will fund 4 projects/activities.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Since the City does not receive HOME or ESG funds, no match is required. The City anticipates that, as funded improvements are made, private investment will follow.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City has acquired numerous small lots, particularly in the Duffyfield Neighborhood, through tax foreclosures. The City proposes to utilize these lots and will acquire additional parcels for the Duffyfield Stormwater Management Project. Collaborating with non-profit housing developers, publically owned property is then transferred to the non-profit developer at little or no cost to construct additional affordable single-family housing units. Other publicly owned land lots are available to the public for sale.

Discussion

Not Applicable.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Housing Rehabilitation	2016	2019	Affordable Housing	City of New Bern	Housing Rehabilitation	CDBG: \$55,900	Homeowner Housing Rehabilitated: 8 Owner-occupied Housing Units
2	Provide Homeless and At Risk Supportive Services	2016	2019	Homeless	City of New Bern	Neighborhood Stabilization Support for Agencies Serving the Homeless Transformation of the Gateway District	CDBG: \$37,000	Public service activities for Low/Moderate Income Housing Benefit: 20 Households Assisted
3	Infrastructure Improvements- Flood Plain Management	2019	2020	Non-Housing Community Development	Duffyfield	Stormwater Management	CDBG: \$10,600	Eliminate Flooding
4	General Administration	2016	2020	Administration	City of New Bern	Delivery and Administration	CDBG: \$47,455	Administration

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Housing Rehabilitation
	Goal Description	8 Owner/Occupied homes rehabilitated
2	Goal Name	Provide Homeless and At Risk Supportive Services
	Goal Description	20 persons
3	Goal Name	Infrastructure Improvements
	Goal Description	3 properties acquired for flood management

Projects

AP-35 Projects – 91.220(d)

Introduction

The following projects were developed by staff with consultation from non-profit service providers and community input through priorities established with involvement of the community survey.

Projects

#	Project Name
1	Housing Rehabilitation
2	Homelessness Services
3	Infrastructure Improvements

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City of New Bern was hit by hurricanes and flooding. There is a need to provide funds to rehabilitate homes, provide services for those who were displaced, the homeless, and infrastructure improvements as part of the flood mitigation measures.

AP-38 Project Summary**Project Summary Information**

1	Project Name	General Administration
	Target Area	City of New Bern
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$47,455
	Description	
	Target Date	1/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	1 Other
	Location Description	Office: 303 First Street, New Bern, NC 28560 Service: Citywide
	Planned Activities	General administration, staffing and equipment; and develop, administer, revise, implement and evaluate the day-to-day operation of entitlement programs. Activities include program design; develop Annual Plans and grant administration; Sub recipient compliance monitoring, program outreach, public relations and training; environmental review and labor standards
2	Project Name	Housing Rehabilitation
	Target Area	Citywide
	Goals Supported	Assistance to L/M income homeowners

3	Needs Addressed	Affordable Housing – Rehabilitation
	Funding	CDBG: \$155,900
	Description	Minor rehab work on owner/occupied happening throughout the City
	Target Date	1/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	Eight (8) families will benefit from this activity.
	Location Description	Citywide
	Planned Activities	The City proposes to fund the rehabilitation of eight (8) single family, owner-occupied homes scattered throughout the City.
	Project Name	Public Services Set-Aside
	Target Area	Gateway District, City of New Bern
	Goals Supported	Provide supportive services to the homeless and at-risk of becoming homeless.
	Needs Addressed	Support for agencies servicing the homeless, and revitalization of the Gateway District.
	Funding	CDBG: \$37,000
	Description	Support for agencies serving the homeless and those persons who are at risk of becoming homeless.
	Target Date	1/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	25 to 30 families and individual households
	Location Description	The Gateway District and throughout the City of New Bern.
	Planned Activities	Provide funds for agencies to increase opportunities for affordable housing, leadership, homeownership training, capacity to build and education.

4	Project Name	Duffyfield Stormwater Management
	Target Area	Duffyfield Neighborhood, City of New Bern
	Goals Supported	Provide stormwater management
	Needs Addressed	Eliminate flooding.
	Funding	CDBG: \$10,600
	Description	Stormwater management
	Target Date	3/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Acquisition of 3 properties
	Location Description	Duffyfield Neighborhood
	Planned Activities	Provide funds for acquisition for new retention ponds.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The Gateway District is an area located just west of downtown New Bern. It has historically been a low wealth, minority community. The Duffyfield neighborhood is an area located adjacent the Gateway District that is also a low-income minority community. The area is subject to flooding.

Geographic Distribution

Target Area	Percentage of Funds
Gateway District	76.6%
Duffyfield Neighborhood	18.2%
City of New Bern	5.2%

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City has established its priorities to low-income areas with the highest concentration of minority persons.

Discussion

Not Applicable.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The one year goals for affordable housing in the City of New Bern for FY 2016 are as follows:

One Year Goals for the Number of Households to be Supported	
Homeless	20
Non-Homeless	5
Special-Needs	0
Total	25

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	8
Acquisition of Existing Units	0
Total	8

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The City of New Bern will fund the following projects with FY 2016 CDBG funds:

- **Housing Rehabilitation** – Housing rehabilitation loans to 5 low-income owner occupied houses

AP-60 Public Housing – 91.220(h)**Introduction****Actions planned during the next year to address the needs to public housing**

The City of New Bern and New Bern Housing Authority (NBHA) will continue to coordinate development of a transformation initiatives for the NBHA properties and the surrounding community through a Choice Neighborhoods Transformation Plan.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

NBHA has two a very active Resident Councils. The City will ensure that residents are notified of homeownership counseling and opportunities. One of the housing developments participated in the RAD program and is now owned by a private entity and is equipped with a residents council and two resident service coordinators which is a result of the Choice Neighborhoods Initiative.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

NBHA is not designated as troubled.

Discussion

Not Applicable.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)**Introduction**

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of New Bern will continue its participation with the Neuse-Trent Housing Alliance and support its member organizations.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of New Bern will provide Public Services funding to agencies to assist homeless individuals and families in transitioning to permanent housing and to assist low and moderate income families at risk of homelessness. The City of New Bern has previously funded the local homeless shelter through Public Service funding to provide assistance to homeless families or those at risk of homelessness.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of New Bern will provide Public Service funds to agencies to assist homeless individuals and families in transitioning to permanent housing and to assist low and moderate income families at risk of homelessness. The City of New Bern has previously funded the local homeless shelter through Public Service funding to provide assistance to homeless families or those at risk of homelessness.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City of New Bern staff will refer individuals and families with contacting the proper agencies to obtain assistance.

Discussion

Not Applicable.

AP-75 Barriers to affordable housing – 91.220(j)**Introduction:**

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City has assisted affordable housing developers in the past, to the extent possible within the existing budgetary constraints by waiving fees and charges and providing developable city-owned lots at little or no cost, thereby reducing or eliminating land costs. The City through its flood mitigation measures will improve affordable houses from the flood zone as the owner/occupied do not have to pay the high costs of flood insurance.

Discussion:

Not Applicable.

AP-85 Other Actions – 91.220(k)**Introduction:****Actions planned to address obstacles to meeting underserved needs**

The City of New Bern will support the efforts of local organizational to meet underserved needs through participation in programs sponsored by social services organizations for mentoring and advocacy.

Actions planned to foster and maintain affordable housing

The City of New Bern will continue to encourage developers to provide affordable housing. Affordable existing housing will be maintained through the City's minor housing rehabilitation program and code enforcement.

Actions planned to reduce lead-based paint hazards

Lead-based paint hazards will be addressed when revealed during rehabilitation efforts.

Actions planned to reduce the number of poverty-level families

The City will encourage and support efforts for poverty-level families to gain employment skills. The City will continue to actively pursue economic development within the city, with special attention to the Gateway District and Duffyfield Neighborhood

Actions planned to develop institutional structure

The City will actively seek partners to carry out activities for which other organizations are better equipped than the city departments.

Actions planned to enhance coordination between public and private housing and social service agencies

The City will continue to participate in the Neuse-Trent Housing Alliance and support its member organizations. Partnerships are being developed with the local Habitat for Humanity to develop new homeownership opportunities in the Gateway District and Duffyfield Neighborhood which will assist in transforming the community.

Discussion:

Not Applicable.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

The City plans to pursue the following activities: housing rehabilitation, public services flood mitigation measures and technical assistance to non-agencies assisting low-moderate income families. The City will not conduct any activities that generate program income.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

- | | |
|--|----------|
| 1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed | 0 |
| 2. The amount of proceeds from Section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan. | 0 |
| 3. The amount of surplus funds from urban renewal settlements | 0 |
| 4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan | 0 |
| 5. The amount of income from float-funded activities | 0 |
| Total Program Income: | 0 |

Other CDBG Requirements

- | | |
|---|---------|
| 1. The amount of urgent need activities | 0 |
| 2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. | 100.00% |

SF424 FORM

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		
* 2. Type of Application: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Revision		
* If Revision, select appropriate letter(s): <div style="border: 1px solid black; height: 15px; width: 100%; background-color: yellow;"></div> * Other (Specify): <div style="border: 1px solid black; height: 15px; width: 100%;"></div>		
* 3. Date Received: 01/29/2020		4. Applicant Identifier: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
5a. Federal Entity Identifier: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>		5b. Federal Award Identifier: B-16-MC-37-0025
State Use Only:		
6. Date Received by State: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>		7. State Application Identifier: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
8. APPLICANT INFORMATION:		
* a. Legal Name: City of New Bern		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 56-6000235		* c. Organizational DUNS: 0755472080000
d. Address:		
* Street1: P.O. Box 1129		
Street2: 300 Pollock Street		
* City: New Bern		
County/Parish: Craven County		
* State: NC: North Carolina		
Province:		
* Country: USA: UNITED STATES		
* Zip / Postal Code: 28563-1129		
e. Organizational Unit:		
Department Name: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>		Division Name: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: Ms.		* First Name: Amanda
Middle Name:		
* Last Name: Ohlensehlen		
Suffix:		
Title: Economic and Community Development Manager		
Organizational Affiliation: City of New Bern		
* Telephone Number: (252) 639-7580		Fax Number: (252) 636-2146
* Email: ohlensehlenna@newbernnc.gov		

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grant (CDBG)

*** 12. Funding Opportunity Number:**

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

City of New Bern CDBG Projects 2016

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:*** a. Applicant * b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:* a. Start Date: * b. End Date: **18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="250,955.00"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text" value="250,955.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:Prefix: * First Name: Middle Name: * Last Name: Suffix: * Title: * Telephone Number: Fax Number: * Email:

* Signature of Authorized Representative:

* Date Signed:

FY 2016 SUBSTANTIAL AMENDMENT CITIZEN PARTICIPATION

RESOLUTION

BE IT RESOLVED BY THE BOARD OF ALDERMAN OF THE CITY OF NEW BERN:

WHEREAS, the City of New Bern, Craven County, NC is a recipient of Federal grant funds under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, there is a need to mitigate flooding in the Duffyfield Neighborhood of the City of New Bern as a result of Hurricane Florence; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has previously approved the City of New Bern's FY 2016 Community Development Block Grant (CDBG) Program; and

WHEREAS, HUD permits grant recipients to revise and amend their previously approved budgets and annual action plans to address current needs; and

WHEREAS, the City of New Bern's Department of Development Services has determined that the proposed changes to the FY 2016 CDBG Program constitute a substantial amendment, and the City has complied with its Citizen Participation Plan.

NOW THEREFORE, BE IT RESOLVED that the document entitled "City of New Bern FY 2016 Substantial Amendment," a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby adopted and approved, as the "City of New Bern FY 2016 Substantial Amendment" and the Mayor is hereby authorized to sign any related documents on behalf of the City and is authorized to submit this document to the U.S. Department of HUD.

ADOPTED this 28th day of January 2020.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

**NOTICE OF PUBLIC HEARING
CITY OF NEW BERN, NORTH CAROLINA
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
SUBSTANTIAL AMENDMENT TO FY 2016, 2017 & 2018 PROGRAM YEARS**

Notice is hereby given that the City of New Bern, Craven County, NC will hold a public hearing on Tuesday, January 14, 2020 at 6:00 PM, prevailing time, in the courtroom on the second floor of City Hall, 300 Pollock Street, New Bern, NC 28560. The City Hall and the courtroom are not accessible to persons with physical disabilities. If special arrangements need to be made for residents in order for them to participate in the public hearing, please call Mr. Jeffrey Ruggieri, Director, Department of Development Services, at (252) 639-7587 to make arrangements. Persons with hearing and/or speech impediments may contact the City through 711.

The purpose of this public hearing is to present substantial amendments to the City of New Bern's FY 2016, 2017 and 2018 Annual Action Plans for the use of Community Development Block Grant funds.

The City of New Bern adopted its FY 2016, 2017 and 2018 Annual Action Plans and Budgets for the use of CDBG funds previously. In accordance with CDBG program regulations, the City is allowed to make substantial amendments to its Annual Action Plans and Budgets in accordance with the City's Citizen Participation Plan.

The City has determined that it is necessary to amend the approved CDBG program year budgets for the previously approved Annual Action Plans. The funds will be reprogrammed from approved projects/activities, new projects/activities will be added, and some old projects will be deleted.

These are considered substantial amendments in accordance with the City's Citizen Participation Plan as the following applies: the deletion of previously approved projects/activities and the addition of new activities.

The substantial amendments to the CDBG Annual Action Plans are proposed as follows:

FY 2016 Program Year

- 1. Public Assistance – At Risk of Homelessness:** Reduce the budget line item in the amount of \$600.00 for a revised budget amount of \$37,000.00
- 2. Recreation Facilities:** Delete the budget line item in the amount of \$10,000.00
- 3. Duffyfield Stormwater Management Project:** Create a new budget line item in the amount of \$10,600.00

FY 2017 Program Year

- 1. New Construction:** Delete the budget line item in the amount of \$16,000.00

2. **Housing Rehabilitation – Minor:** Reduce the budget line item in the amount of \$114,756.01 for a revised budget amount of \$13,243.99
3. **Public Assistance – At Risk of Homelessness:** Reduce the budget line item in the amount of \$2,475.24 for a revised budget amount of \$22,678.76
4. **Capacity Building:** Delete the budget line item in the amount of \$10,000.00
5. **Duffyfield Stormwater Management Project:** Create a new budget line item in the amount of \$143,231.25

FY 2018 CDBG Program Year

1. **Demolition:** Delete the budget line item in the amount of \$32,000.00
2. **Housing Rehabilitation – Minor:** Delete the budget line item in the amount of \$100,000.00
3. **Public Assistance – At Risk of Homelessness:** Delete the budget line item in the amount of \$30,271.00
4. **Affordable Housing:** Delete the budget line item in the amount of \$32,000.00
5. **Duffyfield Stormwater Management Project:** Create a new budget line item in the amount of \$194,271.00

Copies of the Substantial Amendment will be on public display for a period of 30 days from Monday, December 20, 2019 to Wednesday, January 22, 2020. Copies are available at the following locations and may be viewed between normal business hours of 8:00 AM to 5:00 PM:

City Clerks' Office
City Hall, 300 Pollock Street, New Bern, NC 28560

Office of the Department of Development Services
303 First Street, New Bern, NC 28560

New Bern-Craven County Public Library
400 Johnson Street, New Bern, NC 28560

All interested residents are encouraged to attend this public hearing and they will be given the opportunity to present oral or written testimony concerning the Substantial Amendments for the FY 2016, 2017 and 2018 CDBG Programs. All comments received during the period of display will be presented to the City Council at its Regular Meeting

on Tuesday, January 28, 2020 at 6:00 PM. Written comments may be addressed to Mr. Jeffrey Ruggieri, Director, Department of Development Services, 303 First Street, New Bern, NC 28560.

Dana E. Outlaw, Mayor
City of New Bern, NC

COPY OF PUBLIC HEARING AD

SIGN-IN SHEETS

SUMMARY OF COMMENTS

SUBSTANTIAL AMENDMENT – RESOLUTION

RESOLUTION

BE IT RESOLVED BY THE BOARD OF ALDERMAN OF THE CITY OF NEW BERN:

WHEREAS, the City of New Bern, Craven County, NC is a recipient of Federal grant funds under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, there is a need to mitigate flooding in the Duffyfield Neighborhood of the City of New Bern as a result of Hurricane Florence; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has previously approved the City of New Bern's FY 2016 Community Development Block Grant (CDBG) Program; and

WHEREAS, HUD permits grant recipients to revise and amend their previously approved budgets and annual action plans to address current needs; and

WHEREAS, the City of New Bern's Department of Development Services has determined that the proposed changes to the FY 2016 CDBG Program constitute a substantial amendment, and the City has complied with its Citizen Participation Plan.

NOW THEREFORE, BE IT RESOLVED that the document entitled "City of New Bern FY 2016 Substantial Amendment," a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby adopted and approved, as the "City of New Bern FY 2016 Substantial Amendment" and the Mayor is hereby authorized to sign any related documents on behalf of the City and is authorized to submit this document to the U.S. Department of HUD.

ADOPTED this 28th day of January 2020.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

**SUBSTANTIAL AMENDMENTS
TO THE FY 2016, FY 2017
AND FY 2018 COMMUNITY
DEVELOPMENT BLOCK GRANT
(CDBG) PROGRAM YEARS**



NEW BERN



CITY OF NEW BERN

300 Pollock Street, New Bern, North Carolina 28560

Mayor: Hon. Dana E. Outlaw

City Manager: Mr. Mark A. Stephens

Director of Development: Mr. Jeffrey C. Ruggieri



Urban Design Ventures, LLC
Community Development Consultants

Table of Contents

PART I. ES: EXECUTIVE SUMMARY

AP-05	Executive Summary – 24 CFR 91.200(c), 91.220(b)	1
1.	Introduction.....	1
2.	Summary of the Objectives and Outcomes Identified in the Plan.....	1
3.	Evaluation of Past Performance	2
4.	Summary of Citizen Participation Process and Consultation Process	2
5.	Summary of Public Comments	2
6.	Summary of Comments or Views Not Accepted and the Reasons For Not Accepting Them	3
7.	Summary	3

PART II. PR: THE PROCESS

PR-05	Lead & Responsible Agencies – 91.200(b).....	4
1.	Agency/Entity Responsible for Preparing/Administering the Plan	4
AP-10	Consultation – 91.100, 91.200(b), 91.215(l).....	5
1.	Introduction.....	5
2.	Agencies, Groups, Organizations, and Others Who Participated In the Process and Consultations	5
AP-12	Participation – 91.105, 91.200(c)	7
1.	Summary of Citizen Participation Process/Efforts	7

PART III. ANNUAL ACTION PLAN

AP-15	Expected Resources – 91.220(c)(1,2)	11
AP-20	Annual Goals & Objectives – 91.420, 91.220(c)(3)&(e)	13
AP-35	Projects – 91.220(d)	15
AP-38	Project Summary	16
AP-50	Geographic Distribution – 91.220(f)	19
AP-55	Affordable Housing – 91.220(g)	20
AP-60	Public Housing – 91.220(h)	21
AP-65	Homeless and Other Special Needs Activities – 91.220(i)	22
AP-75	Barriers to Affordable Housing – 91.420, 91.220(j)	23
AP-85	Other Actions – 91.220(k)	24
AP-90	Program Specific Requirements – 91.220(l)(1,2,4)	25

PART IV. APPENDIX

SF 424 Form

FY 2017 Annual Action Plan - Citizen Participation Substantial Amendment

FY 2017 Annual Action Plan - Substantial Amendment - Resolution



The City of New Bern proposes to amend its FY 2017 Annual Action Plan by making the following amendments: New Construction: Delete the budget line item in the amount of \$16,000. Housing Rehabilitation – Minor: Reduce the budget line item in the amount of \$114,756.01 for a revised budget amount of \$13,243.99. Public Assistance – At Risk of Homelessness: Reduce the budget line item in the amount of \$2,475.24 for a revised budget amount of \$22,678.76. Capacity Building: Delete the budget line item in the amount of \$10,000. Duffyfield Stormwater Management Project: Create a new budget line item in the amount of \$143,231.25

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of New Bern became an CDBG Entitlement City in 2014. This FY 2017 Annual Action Plan implements the fourth year of the five year 2014-2019 Consolidated Plan. This Annual Action Plan establishes the priority for projects and funding for the upcoming year based on the goals of the Strategic Plan section of the Consolidated Plan.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The goals and objectives for the Five Year Consolidated Plan for FY 2014-2019 include:

- a. Housing Rehabilitation
- b. Product of New Affordable Housing Units
- c. Provide Support Services for the Homeless
- d. Economic Development
- e. Neighborhood Stabilization in the Gateway District

- f. Public Improvements and Infrastructure
- g. Development of Permanent Supportive Housing

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

Within the first four years of being a first-time grantee, the City of New Bern has been able to provide funding for new construction of affordable housing units resulting in 3 new homes in the Gateway District. Sixteen homeowners throughout the City of New Bern received minor repairs through the Housing Minor Repair Program. The City of New Bern updated it's sidewalk infrastructure to increase pedestrian safety and neighborhood walkability within the Gateway District.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

Substantial Amendment:

The City of New Bern placed the Substantial Amendment on public display from Friday, December 20, 2019 through Wednesday, January 22, 2020. The City held a Public Hearing on the Substantial Amendment on Tuesday, January 14, 2020 at 6:00 PM in the courtroom of the second floor of City Hall. The purpose of the Public Hearing was to present the Substantial Amendment to the residents for the FY 2017 CDBG Program Year.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Comments are attached

Substantial Amendment:

At the Public Hearing, the City did not receive any comments on the Substantial Amendment.

6. Summary of comments or views not accepted and the reasons for not accepting them

All citizen comments were accepted.

Substantial Amendment:

All comments and suggestions that were received to date have been accepted and incorporated into the planning document.

7. Summary

The City's FY 2017 CDBG Annual Action Plan has been prepared with the goal of ensuring a viable community by providing decent, affordable housing, a suitable living environment, updating the infrastructure that addresses the needs of LMI residents of the City. An approved Citizen Participation Plan was used to gather public comments through a public meeting. Information gathered from the public was used to identify needs, goals and the activities for the coming year.

Substantial Amendment:

City Council approved the Substantial Amendment on Tuesday, January 28, 2020 and the FY 2017 Action Plan was submitted to HUD after the local approval.

1. **Public Assistance – At Risk of Homelessness:** Reduce the budget line item in the amount of \$2,475.24 for a revised budget amount of \$22,678.76
2. **New Construction:** Delete the budget line item in the amount of \$16,000
3. **Housing Rehabilitation – Minor:** Reduce the budget line item in the amount of \$114,756.01 for a revised budget amount of \$13,243.99
4. **Duffyfield Stormwater Management Project:** Create a new budget line item in the amount of \$143,231.25

Copies of the Substantial Amendment were on public display for viewing by the public for a period of 30 days beginning on Friday, December 20, 2019 and ending on Wednesday, January 22, 2020 at the following locations:

- City Clerks' Office, City Hall, 300 Pollock Street, New Bern, NC 28560
- Office of the Department of Development Services, 303 First Street, New Bern, NC 28560
- New Bern-Craven County Public Library, 400 Johnson Street, New Bern, NC 28560

In addition, the City put the Substantial Amendment on its website (<http://www.newbern-nc.org/>).

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	New Bern	Development Services Department

Table 1 – Responsible Agencies

Narrative (optional)**Consolidated Plan Public Contact Information**

Amanda Ohlensehlen

Economic and Community Development Manager

City of New Bern

P.O. Box 1129

New Bern, NC 28563-1129

Phone: (252)639-7580

Fax: (252)636-2146

Email: ohlensehlerna@newbernnc.gov

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)**1. Introduction**

The City of New Bern's Citizen Participation Plan identifies when public hearings and other consultations are to take place. This FY 2017 Annual Action Plan Substantial Amendment was developed using the Citizen Participation Plan

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

The City of New Bern is a member of the Housing Alliance of Coastal Carolina which is composed of housing providers, health, mental health, and service agencies. The City and New Bern Housing Authority (NBHA) are working with community members, community agencies and local government departments to implement initiatives included within the Choice Neighborhood Transformation Plan.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

Craven County is included in the North Carolina Balance of State Continuum of Care (CoC). The Housing Alliance of Coastal Carolina is working to coordinate housing and service providers and to develop a 10-year plan to end homelessness.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

Agencies serving the homeless in New Bern receive funding directly from the NC Balance of State Continuum of Care.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Neuse-Trent Housing Alliance
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agencies affiliated with the Housing Alliance of Coastal Carolina were informed of the listening session and the public hearing. Applications for Public Service funding were solicited from the agencies. Three of the affiliated agencies submitted an application for funding. The City of New Bern will continue to work closely with the alliance and its affiliated agencies.

Identify any Agency Types not consulted and provide rationale for not consulting**Other local/regional/state/federal planning efforts considered when preparing the Plan**

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Housing Alliance of Coastal Carolina	Goals addressed the needs of the homeless

Table 3 – Other local / regional / federal planning efforts**Narrative (optional)**

Not Applicable.

AP-12 Participation – 91.105, 91.200(c)

1. **Summary of citizen participation process/Efforts made to broaden citizen participation**
Summarize citizen participation process and how it impacted goal-setting

The City of New Bern conducted a public hearing on Tuesday, January 14, 2020, for citizen participation. A newspaper ad was placed in the local New Bern Sun Journal announcing the comment period and public hearing. The substantial amendment was also available on the City's website <http://www.newbernnc.gov>

Substantial Amendment:

Copies of the Substantial Amendment were on public display for viewing by the public for a period of 30 days beginning Friday, December 20, 2019 through Wednesday, January 22, 2020 at the following locations:

- City Clerks' Office, City Hall, 300 Pollock Street, New Bern, NC 28560
- Office of the Department of Development Services, 303 First Street, New Bern, NC 28560
- New Bern-Craven County Public Library, 400 Johnson Street, New Bern, NC 28560

In addition, the City put the Substantial Amendment on its website (<http://www.newbernnc.gov>)

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Residents attended the meeting	See the attached summary of comments	All comments were acceptable	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Hearing Substantial Amendment	Minorities				
		Non-English Speaking - Specify other language: Spanish				
		Persons with disabilities	None	No comments received	None	
		Non-targeted/broad community				
		Residents of Public and Assisted Housing				

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
3	Internet Outreach	Minorities				
		Non-English Speaking - Specify other language: Spanish				
		Persons with disabilities	No responses were received	No comments received	None	
4	Community Development Advisory Committee	Non-targeted/broad community				
		Residents of Public and Assisted Housing				
		N/A	N/A	N/A	N/A	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1			Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$	
CDBG	public - federal	Admin and Planning, Housing, Public Improvements, Public Services	223,934	0	0	223,934	During the FY 2017 CDBG Program Year, the City will fund 4 projects/activities.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Since the City does not receive HOME or ESG funds, no match is required. The City anticipates that, as funded improvements are made, private investment will follow.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City has acquired numerous small lots, particularly in the Duffyfield Neighborhood, through tax foreclosures. The City proposes to utilize these lots and will acquire additional parcels for the Duffyfield Stormwater Management Project. Collaborating with non-profit housing developers, publically owned property is then transferred to the non-profit developer at little or no cost to construct additional affordable single-family housing units. Other publicly owned land lots are available to the public for sale.

Discussion

Not Applicable.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Housing Rehabilitation	2016	2019	Affordable Housing	City of New Bern	Housing Rehabilitation	CDBG: \$13,243.99	Homeowner Housing Rehabilitated: 1 Owner-occupied Housing Unit
2	Provide Homeless and At Risk Supportive Services	2016	2019	Homeless	City of New Bern	Neighborhood Stabilization Support for Agencies Serving the Homeless Transformation of the Gateway District	CDBG: \$22,678.76	Public service activities for Low/Moderate Income Housing Benefit: 10 Households Assisted
3	Infrastructure Improvements- Flood Plain Management	2019	2020	Non-Housing Community Development	Duffyfield	Stormwater Management	CDBG: \$143,231.25	Eliminate Flooding – design and construction of a new retention pond
4	General Administration	2016	2020	Administration	City of New Bern	Delivery of Administration	CDBG: \$44,780	Administration

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Housing Rehabilitation
	Goal Description	1 Owner/Occupied homes rehabilitated
2	Goal Name	Provide Homeless and At Risk Supportive Services
	Goal Description	10 Persons
3	Goal Name	Infrastructure Improvements
	Goal Description	Engineering design and construction of a new retention pond.

Projects

AP-35 Projects – 91.220(d)

Introduction

The following projects were developed by staff with consultation from non-profit service providers and community input through priorities established with involvement of the community survey.

Projects

#	Project Name
1	Housing Rehabilitation
2	Homelessness Services
3	Infrastructure Improvements

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City of New Bern was hit by hurricanes and flooding. There is a need to provide funds to rehabilitate homes, provide services for those who were displaced, the homeless and infrastructure improvements as part of the flood mitigation measures.

AP-38 Project Summary**Project Summary Information**

1	Project Name	General Administration
	Target Area	City of New Bern
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$44,780
	Description	
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	1 Other
2	Location Description	Office: 303 First Street, New Bern, NC 28560 Service: Citywide
	Planned Activities	General administration, staffing and equipment; and develop, administer, revise, implement and evaluate the day-to-day operation of entitlement programs. Activities include program design; develop Annual Plans and grant administration; Sub recipient compliance monitoring, program outreach, public relations and training; environmental review and labor standards
	Project Name	Housing Rehabilitation
	Target Area	Citywide
	Goals Supported	Assistance to L/M income homeowners

3	Needs Addressed	Affordable Housing – Rehabilitation
	Funding	CDBG: \$13,243.99
	Description	Minor rehab work on owner/occupied happening throughout the City
	Target Date	1/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	One (1) family will benefit from this activity.
	Location Description	Citywide
	Planned Activities	The City proposes to fund the rehabilitation of one (1) single family, owner-occupied homes scattered throughout the City.
	Project Name	Public Services Set-Aside
	Target Area	Gateway District, City of New Bern
	Goals Supported	Provide supportive services to the homeless and at-risk of becoming homeless.
	Needs Addressed	Support for agencies servicing the homeless, and revitalization of the Gateway District.
	Funding	CDBG: \$22,678.76
	Description	Support for agencies serving the homeless and those persons who are at risk of becoming homeless.
	Target Date	1/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	15 to 20 families and individual households
	Location Description	The Gateway District and throughout the City of New Bern.
	Planned Activities	Provide funds for agencies to increase opportunities for affordable housing, leadership, homeownership training, capacity to build and education.

4	Project Name	Duffyfield Stormwater Management
	Target Area	Duffyfield Neighborhood, City of New Bern
	Goals Supported	Provide stormwater management
	Needs Addressed	Eliminate flooding.
	Funding	CDBG: \$143,231.25
	Description	Stormwater management
	Target Date	3/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Acquisition of 3 properties
	Location Description	Duffyfield Neighborhood
	Planned Activities	Provide funds for acquisition and development of new retention ponds.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The Gateway District is an area located just west of downtown New Bern. It has historically been a low wealth, minority community. The Duffyfield neighborhood is an area located adjacent the Gateway District that is also a low-income minority community. The area is subject to flooding.

Geographic Distribution

Target Area	Percentage of Funds
Gateway District	7.4%
Duffyfield Neighborhood	79.9%
City of New Bern	12.7%

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City has established its priorities to low-income areas with the highest concentration of minority persons.

Discussion

Not Applicable.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The one year goals for affordable housing in the City of New Bern for FY 2017 are as follows:

One Year Goals for the Number of Households to be Supported	
Homeless	10
Non-Homeless	2
Special-Needs	0
Total	12

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	1
Acquisition of Existing Units	0
Total	1

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The City of New Bern will fund the following projects with FY 2017 CDBG funds:

- **Housing Rehabilitation** – Housing rehabilitation loans to 1 low-income owner occupied house

AP-60 Public Housing – 91.220(h)**Introduction****Actions planned during the next year to address the needs to public housing**

The City of New Bern and New Bern Housing Authority (NBHA) will continue to coordinate development of a transformation initiatives for the NBHA properties and the surrounding community through a Choice Neighborhoods Transformation Plan.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

NBHA has two a very active Resident Councils. The City will ensure that residents are notified of homeownership counseling and opportunities. One of the housing developments participated in the RAD program and is now owned by a private entity and is equipped with a residents council and two resident service coordinators which is a result of the Choice Neighborhoods Initiative.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

NBHA is not designated as troubled.

Discussion

Not Applicable.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)**Introduction**

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of New Bern will continue its participation with the Neuse-Trent Housing Alliance and support its member organizations.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of New Bern will provide Public Services funding to agencies to assist homeless individuals and families in transitioning to permanent housing and to assist low and moderate income families at risk of homelessness. The City of New Bern has previously funded the local homeless shelter through Public Service funding to provide assistance to homeless families or those at risk of homelessness.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of New Bern will provide Public Service funds to agencies to assist homeless individuals and families in transitioning to permanent housing and to assist low and moderate income families at risk of homelessness. The City of New Bern has previously funded the local homeless shelter through Public Service funding to provide assistance to homeless families or those at risk of homelessness.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City of New Bern staff will refer individuals and families with contacting the proper agencies to obtain assistance.

Discussion

Not Applicable.

AP-75 Barriers to affordable housing – 91.220(j)**Introduction:**

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City has assisted affordable housing developers in the past, to the extent possible within the existing budgetary constraints by waiving fees and charges and providing developable city-owned lots at little or no cost, thereby reducing or eliminating land costs. The City through its flood mitigation measures will improve affordable houses from the flood zone as the owner/occupied do not have to pay the high costs of flood insurance.

Discussion:

Not Applicable.

AP-85 Other Actions – 91.220(k)**Introduction:****Actions planned to address obstacles to meeting underserved needs**

The City of New Bern will support the efforts of local organizational to meet underserved needs through participation in programs sponsored by social services organizations for mentoring and advocacy.

Actions planned to foster and maintain affordable housing

The City of New Bern will continue to encourage developers to provide affordable housing. Affordable existing housing will be maintained through the City's minor housing rehabilitation program and code enforcement.

Actions planned to reduce lead-based paint hazards

Lead-based paint hazards will be addressed when revealed during rehabilitation efforts.

Actions planned to reduce the number of poverty-level families

The City will encourage and support efforts for poverty-level families to gain employment skills. The City will continue to actively pursue economic development within the city, with special attention to the Gateway District and Duffyfield Neighborhood

Actions planned to develop institutional structure

The City will actively seek partners to carry out activities for which other organizations are better equipped than the city departments.

Actions planned to enhance coordination between public and private housing and social service agencies

The City will continue to participate in the Neuse-Trent Housing Alliance and support its member organizations. Partnerships are being developed with the local Habitat for Humanity to develop new homeownership opportunities in the Gateway District and Duffyfield Neighborhood which will assist in transforming the community.

Discussion:

Not Applicable.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction:

The City plans to pursue the following activities: housing rehabilitation, public services flood mitigation measures and technical assistance to non-agencies assisting low-moderate income families. The City will not conduct any activities that generate program income.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from Section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

SF424 FORM

Application for Federal Assistance SF-424

*** 1. Type of Submission:**

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

*** 2. Type of Application:**

- ☐ New
☐ Continuation
☒ Revision

*** If Revision, select appropriate letter(s):**

*** Other (Specify):**

*** 3. Date Received:**

01/29/2020

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

B-16-MC-37-0025

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*** a. Legal Name:**

City of New Bern

*** b. Employer/Taxpayer Identification Number (EIN/TIN):**

56-6000235

*** c. Organizational DUNS:**

0755472080000

d. Address:

*** Street1:**

P.O. Box 1129

Street2:

300 Pollock Street

*** City:**

New Bern

County/Parish:

Craven County

*** State:**

NC: North Carolina

Province:

*** Country:**

USA: UNITED STATES

*** Zip / Postal Code:**

28563-1129

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Ms.

*** First Name:**

Amanda

Middle Name:

*** Last Name:**

Ohlensehlen

Suffix:

Title:

Economic and Community Development Manager

Organizational Affiliation:

City of New Bern

*** Telephone Number:**

(252) 639-7580

Fax Number:

(252) 636-2146

*** Email:**

ohlensehlana@newbernnc.gov

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grant (CDBG)

*** 12. Funding Opportunity Number:**

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

City of New Bern CDBG Projects 2017

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:*** a. Applicant * b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:* a. Start Date: * b. End Date: **18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="223,934.00"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text" value="223,934.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title: * Telephone Number: Fax Number: * Email:

* Signature of Authorized Representative:

* Date Signed:

FY 2017 SUBSTANTIAL AMENDMENT CITIZEN PARTICIPATION

**NOTICE OF PUBLIC HEARING
CITY OF NEW BERN, NORTH CAROLINA
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
SUBSTANTIAL AMENDMENT TO FY 2016, 2017 & 2018 PROGRAM YEARS**

Notice is hereby given that the City of New Bern, Craven County, NC will hold a public hearing on Tuesday, January 14, 2020 at 6:00 PM, prevailing time, in the courtroom on the second floor of City Hall, 300 Pollock Street, New Bern, NC 28560. The City Hall and the courtroom are not accessible to persons with physical disabilities. If special arrangements need to be made for residents in order for them to participate in the public hearing, please call Mr. Jeffrey Ruggieri, Director, Department of Development Services, at (252) 639-7587 to make arrangements. Persons with hearing and/or speech impediments may contact the City through 711.

The purpose of this public hearing is to present substantial amendments to the City of New Bern's FY 2016, 2017 and 2018 Annual Action Plans for the use of Community Development Block Grant funds.

The City of New Bern adopted its FY 2016, 2017 and 2018 Annual Action Plans and Budgets for the use of CDBG funds previously. In accordance with CDBG program regulations, the City is allowed to make substantial amendments to its Annual Action Plans and Budgets in accordance with the City's Citizen Participation Plan.

The City has determined that it is necessary to amend the approved CDBG program year budgets for the previously approved Annual Action Plans. The funds will be reprogrammed from approved projects/activities, new projects/activities will be added, and some old projects will be deleted.

These are considered substantial amendments in accordance with the City's Citizen Participation Plan as the following applies: the deletion of previously approved projects/activities and the addition of new activities.

The substantial amendments to the CDBG Annual Action Plans are proposed as follows:

FY 2016 Program Year

1. **Public Assistance – At Risk of Homelessness:** Reduce the budget line item in the amount of \$600.00 for a revised budget amount of \$37,000.00
2. **Recreation Facilities:** Delete the budget line item in the amount of \$10,000.00
3. **Duffyfield Stormwater Management Project:** Create a new budget line item in the amount of \$10,600.00

FY 2017 Program Year

1. **New Construction:** Delete the budget line item in the amount of \$16,000.00

2. **Housing Rehabilitation – Minor:** Reduce the budget line item in the amount of \$114,756.01 for a revised budget amount of \$13,243.99
3. **Public Assistance – At Risk of Homelessness:** Reduce the budget line item in the amount of \$2,475.24 for a revised budget amount of \$22,678.76
4. **Capacity Building:** Delete the budget line item in the amount of \$10,000.00
5. **Duffyfield Stormwater Management Project:** Create a new budget line item in the amount of \$143,231.25

FY 2018 CDBG Program Year

1. **Demolition:** Delete the budget line item in the amount of \$32,000.00
2. **Housing Rehabilitation – Minor:** Delete the budget line item in the amount of \$100,000.00
3. **Public Assistance – At Risk of Homelessness:** Delete the budget line item in the amount of \$30,271.00
4. **Affordable Housing:** Delete the budget line item in the amount of \$32,000.00
5. **Duffyfield Stormwater Management Project:** Create a new budget line item in the amount of \$194,271.00

Copies of the Substantial Amendment will be on public display for a period of 30 days from Monday, December 20, 2019 to Wednesday, January 22, 2020. Copies are available at the following locations and may be viewed between normal business hours of 8:00 AM to 5:00 PM:

City Clerks' Office
City Hall, 300 Pollock Street, New Bern, NC 28560

Office of the Department of Development Services
303 First Street, New Bern, NC 28560

New Bern-Craven County Public Library
400 Johnson Street, New Bern, NC 28560

All interested residents are encouraged to attend this public hearing and they will be given the opportunity to present oral or written testimony concerning the Substantial Amendments for the FY 2016, 2017 and 2018 CDBG Programs. All comments received during the period of display will be presented to the City Council at its Regular Meeting

on Tuesday, January 28, 2020 at 6:00 PM. Written comments may be addressed to Mr. Jeffrey Ruggieri, Director, Department of Development Services, 303 First Street, New Bern, NC 28560.

Dana E. Outlaw, Mayor
City of New Bern, NC

COPY OF PUBLIC HEARING AD

SIGN-IN SHEETS

SUMMARY OF COMMENTS

**SUBSTANTIAL
AMENDMENT –
RESOLUTION**

RESOLUTION

BE IT RESOLVED BY THE BOARD OF ALDERMAN OF THE CITY OF NEW BERN:

WHEREAS, the City of New Bern, Craven County, NC is a recipient of Federal grant funds under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, there is a need to mitigate flooding in the Duffyfield Neighborhood of the City of New Bern as a result of Hurricane Florence; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has previously approved the City of New Bern's FY 2017 Community Development Block Grant (CDBG) Program; and

WHEREAS, HUD permits grant recipients to revise and amend their previously approved budgets and annual action plans to address current needs; and

WHEREAS, the City of New Bern's Department of Development Services has determined that the proposed changes to the FY 2017 CDBG Program constitute a substantial amendment, and the City has complied with its Citizen Participation Plan.

NOW THEREFORE, BE IT RESOLVED that the document entitled "City of New Bern FY 2017 Substantial Amendment," a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby adopted and approved, as the "City of New Bern FY 2017 Substantial Amendment" and the Mayor is hereby authorized to sign any related documents on behalf of the City and is authorized to submit this document to the U.S. Department of HUD.

ADOPTED this 28th day of January 2020.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

**SUBSTANTIAL AMENDMENTS
TO THE FY 2016, FY 2017
AND FY 2018 COMMUNITY
DEVELOPMENT BLOCK GRANT
(CDBG) PROGRAM YEARS**



NEW BERN

CITY OF NEW BERN

300 Pollock Street, New Bern, North Carolina 28560

Mayor: Hon. Dana E. Outlaw

City Manager: Mr. Mark A. Stephens

Director of Development: Mr. Jeffrey C. Ruggieri



Urban Design Ventures, LLC
Community Development Consultants

Table of Contents

PART I. ES: EXECUTIVE SUMMARY

AP-05	Executive Summary – 24 CFR 91.200(c), 91.220(b)	1
1.	Introduction.....	1
2.	Summary of the Objectives and Outcomes Identified in the Plan.....	1
3.	Evaluation of Past Performance	2
4.	Summary of Citizen Participation Process and Consultation Process.....	2
5.	Summary of Public Comments	2
6.	Summary of Comments or Views Not Accepted and the Reasons For Not Accepting Them	3
7.	Summary	3

PART II. PR: THE PROCESS

PR-05	Lead & Responsible Agencies – 91.200(b).....	4
1.	Agency/Entity Responsible for Preparing/Administering the Plan	4
AP-10	Consultation – 91.100, 91.200(b), 91.215(l).....	5
1.	Introduction.....	5
2.	Agencies, Groups, Organizations, and Others Who Participated In the Process and Consultations	5
AP-12	Participation – 91.105, 91.200(c)	7
1.	Summary of Citizen Participation Process/Efforts	7

PART III. ANNUAL ACTION PLAN

AP-15	Expected Resources – 91.220(c)(1,2)	11
AP-20	Annual Goals & Objectives – 91.420, 91.220(c)(3)&(e)	13
AP-35	Projects – 91.220(d)	14
AP-38	Project Summary	15
AP-50	Geographic Distribution – 91.220(f)	17
AP-55	Affordable Housing – 91.220(g)	18
AP-60	Public Housing – 91.220(h)	19
AP-65	Homeless and Other Special Needs Activities – 91.220(i)	20
AP-75	Barriers to Affordable Housing – 91.420, 91.220(j)	21
AP-85	Other Actions – 91.220(k)	22
AP-90	Program Specific Requirements – 91.220(l)(1,2,4)	23

PART IV. APPENDIX

SF 424 Form

FY 2018 Annual Action Plan - Citizen Participation Substantial Amendment

FY 2018 Annual Action Plan - Substantial Amendment - Resolution



The City of New Bern proposes to amend its FY 2018 Annual Action Plan by making the following amendments: Demolition: Delete the budget line item in the amount of \$32,000. Housing Rehabilitation - Minor: Delete the budget line item in the amount of \$100,000. Public Assistance – At Risk of Homelessness: Delete the budget line item in the amount of \$30,271. Affordable Housing: Delete the budget line item in the amount of \$32,000. Duffyfield Stormwater Management Project: Create a new budget line item in the amount of \$194,271.

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of New Bern became an CDBG Entitlement City in 2014. This FY 2018 Annual Action Plan implements the fifth year of the five year 2014-2019 Consolidated Plan. This Annual Action Plan establishes the priority for projects and funding for the upcoming year based on the goals of the Strategic Plan section of the Consolidated Plan.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The goals and objectives for the Five Year Consolidated Plan for FY 2014-2019 include:

- a. Housing Rehabilitation
- b. Product of New Affordable Housing Units
- c. Provide Support Services for the Homeless
- d. Economic Development
- e. Neighborhood Stabilization in the Gateway District
- f. Public Improvements and Infrastructure

g. Development of Permanent Supportive Housing

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

Within the first five (5) years of being a first-time grantee, the City of New Bern has been able to provide funding for new construction of affordable housing units resulting in 3 new homes in the Gateway District. Seventeen (17) homeowners throughout the City of New Bern received minor repairs through the Housing Minor Repair Program. The City of New Bern updated it's sidewalk infrastructure to increase pedestrian safety and neighborhood walkability within the Gateway District.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

Substantial Amendment:

The City of New Bern placed the Substantial Amendment on public display from Friday, December 20, 2019 through Wednesday, January 22, 2020. The City held a Public Hearing on the Substantial Amendment on Tuesday, January 14, 2020 at 6:00 PM in the courtroom of the second floor of City Hall. The purpose of the Public Hearing was to present the Substantial Amendment to the residents for the FY 2018 CDBG Program Year.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Comments are attached

Substantial Amendment:

At the Public Hearing, the City did not receive any comments on the Substantial Amendment.

6. Summary of comments or views not accepted and the reasons for not accepting them

All citizen comments were accepted.

Substantial Amendment:

All comments and suggestions that were received to date have been accepted and incorporated into the planning document.

7. Summary

The City's FY 2018 CDBG Annual Action Plan has been prepared with the goal of ensuring a viable community by providing decent, affordable housing, a suitable living environment, updating the infrastructure that addresses the needs of LMI residents of the City. An approved Citizen Participation Plan was used to gather public comments through a public meeting. Information gathered from the public was used to identify needs, goals and the activities for the coming year.

Substantial Amendment:

City Council approved the Substantial Amendment on Tuesday, January 28, 2020 and the FY 2018 Action Plan was submitted to HUD after the local approval.

1. **Public Assistance – At Risk of Homelessness:** Delete the budget line item in the amount of \$30,271
2. **Demolition:** Delete the budget line item in the amount of \$32,000
3. **Affordable Housing:** Delete the budget line item in the amount of 32,000
4. **Housing Rehabilitation – Minor:** Delete the budget line item in the amount of \$100,000
5. **Duffyfield Stormwater Management Project:** Create a new budget line item in the amount of \$194,271

Copies of the Substantial Amendment were on public display for viewing by the public for a period of 30 days beginning on Friday, December 20, 2019 and ending on Wednesday, January 22, 2020 at the following locations:

- City Clerks' Office, City Hall, 300 Pollock Street, New Bern, NC 28560
- Office of the Department of Development Services, 303 First Street, New Bern, NC 28560
- New Bern-Craven County Public Library, 400 Johnson Street, New Bern, NC 28560

In addition, the City put the Substantial Amendment on its website (<http://www.newbern-nc.org/>).

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	New Bern	Name	Department/Agency
CDBG Administrator			Development Services Department

Table 1 – Responsible Agencies

Narrative (optional)**Consolidated Plan Public Contact Information**

Amanda Ohlensehlen

Economic and Community Development Manager

City of New Bern

P.O. Box 1129

New Bern, NC 28563-1129

Phone: (252)639-7580

Fax: (252)636-2146

Email: ohlensehlerna@newbernnc.gov

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)**1. Introduction**

The City of New Bern's Citizen Participation Plan identifies when public hearings and other consultations are to take place. This FY 2018 Annual Action Plan Substantial Amendment was developed using the Citizen Participation Plan

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

The City of New Bern is a member of the Housing Alliance of Coastal Carolina which is composed of housing providers, health, mental health, and service agencies. The City and New Bern Housing Authority (NBHA) are working with community members, community agencies and local government departments to implement initiatives included within the Choice Neighborhood Transformation Plan.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

Craven County is included in the North Carolina Balance of State Continuum of Care (CoC). The Housing Alliance of Coastal Carolina is working to coordinate housing and service providers and to develop a 10-year plan to end homelessness.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

Agencies serving the homeless in New Bern receive funding directly from the NC Balance of State Continuum of Care.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Neuse-Trent Housing Alliance
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agencies affiliated with the Housing Alliance of Coastal Carolina were informed of the listening session and the public hearing. Applications for Public Service funding were solicited from the agencies. Three of the affiliated agencies submitted an application for funding. The City of New Bern will continue to work closely with the alliance and its affiliated agencies.

Identify any Agency Types not consulted and provide rationale for not consulting

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Housing Alliance of Coastal Carolina	Goals addressed the needs of the homeless

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

Not Applicable.

AP-12 Participation – 91.105, 91.200(c)**1. Summary of citizen participation process/Efforts made to broaden citizen participation
Summarize citizen participation process and how it impacted goal-setting**

The City of New Bern conducted a public hearing on Tuesday, January 14, 2020, for citizen participation. A newspaper ad was placed in the local New Bern Sun Journal announcing the comment period and public hearing. The substantial amendment was also available on the City's website <http://www.newbernnc.gov>

Substantial Amendment:

Copies of the Substantial Amendment were on public display for viewing by the public for a period of 30 days beginning Friday, December 20, 2019 through Wednesday, January 22, 2020 at the following locations:

- City Clerks' Office, City Hall, 300 Pollock Street, New Bern, NC 28560
- Office of the Department of Development Services, 303 First Street, New Bern, NC 28560
- New Bern-Craven County Public Library, 400 Johnson Street, New Bern, NC 28560

In addition, the City put the Substantial Amendment on its website (<http://www.newbernnc.gov>)

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
1	Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Residents attended the meeting	See the attached summary of comments	All comments were acceptable	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
2	Public Hearing Substantial Amendment	Minorities Non-English Speaking - Specify other language: Spanish	None	No comments received	None	
		Persons with disabilities Non- targeted/broad community Residents of Public and Assisted Housing				

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
3	Internet Outreach	Minorities				
		Non-English Speaking - Specify other language: Spanish				
		Persons with disabilities	No responses were received	No comments received	None	
4	Community Development Advisory Committee	Non-targeted/broad community				
		Residents of Public and Assisted Housing				
		N/A	N/A	N/A	N/A	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1			Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$	
CDBG	public - federal	Admin and Planning, and Public Improvements	242,771	0	0	242,771	During the FY 2018 CDBG Program Year, the City will fund 2 projects/activities.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Since the City does not receive HOME or ESG funds, no match is required. The City anticipates that, as funded improvements are made, private investment will follow.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City has acquired numerous small lots, particularly in the Duffyfield Neighborhood, through tax foreclosures. The City proposes to utilize these lots and will acquire additional parcels for the Duffyfield Stormwater Management Project. Collaborating with non-profit housing developers, publically owned property is then transferred to the non-profit developer at little or no cost to construct additional affordable single-family housing units. Other publicly owned land lots are available to the public for sale.

Discussion

Not Applicable.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Infrastructure Improvements- Flood Plain Management	2020	2021	Non-Housing Community Development	Duffyfield	Stormwater Management	CDBG: \$194,271	Eliminate Flooding – design and construction of a new retention pond
2	General Administration	2020	2021	Administration	City of New Bern	Delivery of Administration	CDBG: \$48,500	Administration

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Infrastructure Improvements
	Goal Description	Construct flood management and control measures

Projects

AP-35 Projects – 91.220(d)

Introduction

The following projects were developed by staff with consultation from non-profit service providers and community input through priorities established with involvement of the community survey.

Projects

#	Project Name
1	Infrastructure Improvements

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City of New Bern was hit by hurricanes and flooding. There is a need to provide funds to infrastructure improvements as part of the flood mitigation measures.

AP-38 Project Summary**Project Summary Information**

1	Project Name	General Administration
	Target Area	City of New Bern
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$48,500
	Description	
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	1 Other
	Location Description	Office: 303 First Street, New Bern, NC 28560 Service: Citywide
	Planned Activities	General administration, staffing and equipment; and develop, administer, revise, implement and evaluate the day-to-day operation of entitlement programs. Activities include program design; develop Annual Plans and grant administration; Sub recipient compliance monitoring, program outreach, public relations and training; environmental review and labor standards
	Project Name	Duffyfield Stormwater Management
2	Target Area	Duffyfield Neighborhood, City of New Bern
	Goals Supported	Provide stormwater management

Needs Addressed	Eliminate flooding.
Funding	CDBG: \$194,271
Description	Stormwater management
Target Date	3/30/2021
Estimate the number and type of families that will benefit from the proposed activities	50 households will be eliminated from the flood plain.
Location Description	Duffyfield Neighborhood
Planned Activities	Provide funds for new retention ponds and other flood mitigation measures, engineering, design and inspection.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The Duffyfield neighborhood is an area located adjacent the Gateway District that is a low-income minority community. The area is subject to flooding.

Geographic Distribution

Target Area	Percentage of Funds
Duffyfield Neighborhood	100%

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City has established its priorities to low-income areas with the highest concentration of minority persons.

Discussion

Not Applicable.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The one year goals for affordable housing in the City of New Bern for FY 2018 are as follows:

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	0
Special-Needs	0
Total	0

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	0
Acquisition of Existing Units	0
Total	0

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The City of New Bern will use previous years funds for the following projects:

- **Housing Rehabilitation** – Housing rehabilitation loans to low-income owner occupied houses

AP-60 Public Housing – 91.220(h)**Introduction****Actions planned during the next year to address the needs to public housing**

The City of New Bern and New Bern Housing Authority (NBHA) will continue to coordinate development of a transformation initiatives for the NBHA properties and the surrounding community through a Choice Neighborhoods Transformation Plan.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

NBHA has two a very active Resident Councils. The City will ensure that residents are notified of homeownership counseling and opportunities. One of the housing developments participated in the RAD program and is now owned by a private entity and is equipped with a residents council and two resident service coordinators which is a result of the Choice Neighborhoods Initiative.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

NBHA is not designated as troubled.

Discussion

Not Applicable.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)**Introduction**

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of New Bern will continue its participation with the Neuse-Trent Housing Alliance and support its member organizations.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of New Bern will provide Public Services funding to agencies to assist homeless individuals and families in transitioning to permanent housing and to assist low and moderate income families at risk of homelessness. The City of New Bern has previously funded the local homeless shelter through Public Service funding to provide assistance to homeless families or those at risk of homelessness.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of New Bern will provide Public Service funds to agencies to assist homeless individuals and families in transitioning to permanent housing and to assist low and moderate income families at risk of homelessness. The City of New Bern has previously funded the local homeless shelter through Public Service funding to provide assistance to homeless families or those at risk of homelessness.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City of New Bern staff will refer individuals and families with contacting the proper agencies to obtain assistance.

Discussion

Not Applicable.

AP-75 Barriers to affordable housing – 91.220(j)**Introduction:**

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City has assisted affordable housing developers in the past, to the extent possible within the existing budgetary constraints by waiving fees and charges and providing developable city-owned lots at little or no cost, thereby reducing or eliminating land costs. The City through its flood mitigation measures will improve affordable houses from the flood zone as the owner/occupied do not have to pay the high costs of flood insurance.

Discussion:

Not Applicable.

AP-85 Other Actions – 91.220(k)**Introduction:****Actions planned to address obstacles to meeting underserved needs**

The City of New Bern will support the efforts of local organizational to meet underserved needs through participation in programs sponsored by social services organizations for mentoring and advocacy.

Actions planned to foster and maintain affordable housing

The City of New Bern will continue to encourage developers to provide affordable housing. Affordable existing housing will be maintained through the City's minor housing rehabilitation program and code enforcement.

Actions planned to reduce lead-based paint hazards

Lead-based paint hazards will be addressed when revealed during rehabilitation efforts.

Actions planned to reduce the number of poverty-level families

The City will encourage and support efforts for poverty-level families to gain employment skills. The City will continue to actively pursue economic development within the city, with special attention to the Gateway District and Duffyfield Neighborhood

Actions planned to develop institutional structure

The City will actively seek partners to carry out activities for which other organizations are better equipped than the city departments.

Actions planned to enhance coordination between public and private housing and social service agencies

The City will continue to participate in the Neuse-Trent Housing Alliance and support its member organizations. Partnerships are being developed with the local Habitat for Humanity to develop new homeownership opportunities in the Gateway District and Duffyfield Neighborhood which will assist in transforming the community.

Discussion:

Not Applicable.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

The City plans to pursue the following activities: housing rehabilitation, public services flood mitigation measures and technical assistance to non-agencies assisting low-moderate income families. The City will not conduct any activities that generate program income.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from Section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

SF424 FORM

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		
* 2. Type of Application: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Revision		
* If Revision, select appropriate letter(s): <div style="background-color: yellow; height: 15px; width: 100%;"></div> * Other (Specify): <div style="border: 1px solid black; height: 15px; width: 100%;"></div>		
* 3. Date Received: 01/29/2020		4. Applicant Identifier: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
5a. Federal Entity Identifier: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>		5b. Federal Award Identifier: B-16-MC-37-0025
State Use Only:		
6. Date Received by State: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>		7. State Application Identifier: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
8. APPLICANT INFORMATION:		
* a. Legal Name: City of New Bern		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 56-6000235		* c. Organizational DUNS: 0755472080000
d. Address:		
* Street1: P.O. Box 1129		
Street2: 300 Pollock Street		
* City: New Bern		
County/Parish: Craven County		
* State: NC: North Carolina		
Province:		
* Country: USA: UNITED STATES		
* Zip / Postal Code: 28563-1129		
e. Organizational Unit:		
Department Name: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>		Division Name: <div style="border: 1px solid black; height: 15px; width: 100%;"></div>
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: Ms.		* First Name: Amanda
Middle Name:		
* Last Name: Ohlensehlen		
Suffix:		
Title: Economic and Community Development Manager		
Organizational Affiliation: City of New Bern		
* Telephone Number: (252) 639-7580		Fax Number: (252) 636-2146
* Email: ohlensehlenna@newbernnc.gov		

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*** Other (specify):**

*** 10. Name of Federal Agency:**

Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grant (CDBG)

*** 12. Funding Opportunity Number:**

*** Title:**

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

City of New Bern CDBG Projects 2018

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:*** a. Applicant * b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:* a. Start Date: * b. End Date: **18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="242,771.00"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text" value="242,771.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:Prefix: * First Name: Middle Name: * Last Name: Suffix: * Title: * Telephone Number: Fax Number: * Email:

* Signature of Authorized Representative:

* Date Signed:

FY 2018 SUBSTANTIAL AMENDMENT CITIZEN PARTICIPATION

**NOTICE OF PUBLIC HEARING
CITY OF NEW BERN, NORTH CAROLINA
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
SUBSTANTIAL AMENDMENT TO FY 2016, 2017 & 2018 PROGRAM YEARS**

Notice is hereby given that the City of New Bern, Craven County, NC will hold a public hearing on Tuesday, January 14, 2020 at 6:00 PM, prevailing time, in the courtroom on the second floor of City Hall, 300 Pollock Street, New Bern, NC 28560. The City Hall and the courtroom are not accessible to persons with physical disabilities. If special arrangements need to be made for residents in order for them to participate in the public hearing, please call Mr. Jeffrey Ruggieri, Director, Department of Development Services, at (252) 639-7587 to make arrangements. Persons with hearing and/or speech impediments may contact the City through 711.

The purpose of this public hearing is to present substantial amendments to the City of New Bern's FY 2016, 2017 and 2018 Annual Action Plans for the use of Community Development Block Grant funds.

The City of New Bern adopted its FY 2016, 2017 and 2018 Annual Action Plans and Budgets for the use of CDBG funds previously. In accordance with CDBG program regulations, the City is allowed to make substantial amendments to its Annual Action Plans and Budgets in accordance with the City's Citizen Participation Plan.

The City has determined that it is necessary to amend the approved CDBG program year budgets for the previously approved Annual Action Plans. The funds will be reprogrammed from approved projects/activities, new projects/activities will be added, and some old projects will be deleted.

These are considered substantial amendments in accordance with the City's Citizen Participation Plan as the following applies: the deletion of previously approved projects/activities and the addition of new activities.

The substantial amendments to the CDBG Annual Action Plans are proposed as follows:

FY 2016 Program Year

- 1. Public Assistance – At Risk of Homelessness:** Reduce the budget line item in the amount of \$600.00 for a revised budget amount of \$37,000.00
- 2. Recreation Facilities:** Delete the budget line item in the amount of \$10,000.00
- 3. Duffyfield Stormwater Management Project:** Create a new budget line item in the amount of \$10,600.00

FY 2017 Program Year

- 1. New Construction:** Delete the budget line item in the amount of \$16,000.00

2. **Housing Rehabilitation – Minor:** Reduce the budget line item in the amount of \$114,756.01 for a revised budget amount of \$13,243.99
3. **Public Assistance – At Risk of Homelessness:** Reduce the budget line item in the amount of \$2,475.24 for a revised budget amount of \$22,678.76
4. **Capacity Building:** Delete the budget line item in the amount of \$10,000.00
5. **Duffyfield Stormwater Management Project:** Create a new budget line item in the amount of \$143,231.25

FY 2018 CDBG Program Year

1. **Demolition:** Delete the budget line item in the amount of \$32,000.00
2. **Housing Rehabilitation – Minor:** Delete the budget line item in the amount of \$100,000.00
3. **Public Assistance – At Risk of Homelessness:** Delete the budget line item in the amount of \$30,271.00
4. **Affordable Housing:** Delete the budget line item in the amount of \$32,000.00
5. **Duffyfield Stormwater Management Project:** Create a new budget line item in the amount of \$194,271.00

Copies of the Substantial Amendment will be on public display for a period of 30 days from Monday, December 20, 2019 to Wednesday, January 22, 2020. Copies are available at the following locations and may be viewed between normal business hours of 8:00 AM to 5:00 PM:

City Clerks' Office
City Hall, 300 Pollock Street, New Bern, NC 28560

Office of the Department of Development Services
303 First Street, New Bern, NC 28560

New Bern-Craven County Public Library
400 Johnson Street, New Bern, NC 28560

All interested residents are encouraged to attend this public hearing and they will be given the opportunity to present oral or written testimony concerning the Substantial Amendments for the FY 2016, 2017 and 2018 CDBG Programs. All comments received during the period of display will be presented to the City Council at its Regular Meeting

on Tuesday, January 28, 2020 at 6:00 PM. Written comments may be addressed to Mr. Jeffrey Ruggieri, Director, Department of Development Services, 303 First Street, New Bern, NC 28560.

Dana E. Outlaw, Mayor
City of New Bern, NC

COPY OF PUBLIC HEARING AD

SIGN-IN SHEETS

SUMMARY OF COMMENTS

**SUBSTANTIAL
AMENDMENT –
RESOLUTION**

RESOLUTION

BE IT RESOLVED BY THE BOARD OF ALDERMAN OF THE CITY OF NEW BERN:

WHEREAS, the City of New Bern, Craven County, NC is a recipient of Federal grant funds under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, there is a need to mitigate flooding in the Duffyfield Neighborhood of the City of New Bern as a result of Hurricane Florence; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has previously approved the City of New Bern's FY 2018 Community Development Block Grant (CDBG) Program; and

WHEREAS, HUD permits grant recipients to revise and amend their previously approved budgets and annual action plans to address current needs; and

WHEREAS, the City of New Bern's Department of Development Services has determined that the proposed changes to the FY 2018 CDBG Program constitute a substantial amendment, and the City has complied with its Citizen Participation Plan.

NOW THEREFORE, BE IT RESOLVED that the document entitled "City of New Bern FY 2018 Substantial Amendment," a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby adopted and approved, as the "City of New Bern FY 2018 Substantial Amendment" and the Mayor is hereby authorized to sign any related documents on behalf of the City and is authorized to submit this document to the U.S. Department of HUD.

ADOPTED this 28th day of January 2020.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution to Initiate the Upset Bid Process for 318 Crescent Street

Date of Meeting: 1/28/2020	Ward # if applicable: 1
Department: City Clerk	Person Submitting Item: Brenda Blanco
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	An offer of \$3,800 has been received for the purchase of 318 Crescent Street. This represents 50% of the tax value for the small, vacant lot.
Actions Needed by Board:	Consider adopting resolution
Backup Attached:	Memo, resolution, offer to purchase, maps of the property, tax property card, and estimate of proceeds

Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item:
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input type="checkbox"/> No

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
Brenda E. Blanco
City Clerk

MEMO TO: Mayor and Board of Aldermen
FROM: Brenda Blanco, City Clerk *BeB*
DATE: January 16, 2020
SUBJECT: Offer to Purchase 318 Crescent Street

Ruben Hassell, Jr. has made an offer to purchase 318 Crescent Street for \$3,800.00. He owns the adjacent property and is interested in extending his lawn. The tax value of the vacant 0.08-acre lot is \$7,600.00, and the offer represents 50% of the value. The property was acquired jointly by the City and County through tax foreclosure in March of 2013. If the property is sold for the initial offer, the County will receive approximately \$1,698.78 of the proceeds, and the City will receive approximately \$2,101.22. These estimates take into account the cost of publishing the legal advertisement.

/beb

RESOLUTION

THAT WHEREAS, the City of New Bern and Craven County own certain real property identified as 318 Crescent Street, Craven County parcel identification number 8-004-048; 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 and Craven County have received an offer to purchase the above described property in the amount of \$3,800.00, submitted by Ruben Hassell, Jr.; and

WHEREAS, Ruben Hassell, Jr. 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 its interest in 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 and County accept the final high bid, the deposit of the final high bidder will be applied to the purchase price at closing, and if the final high bidder is unable to complete the purchase of the property, the deposit shall be forfeited.

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 Ruben Hassell, Jr..

ADOPTED THIS 28th DAY OF JANUARY, 2020.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

NORTH CAROLINA

OFFER TO PURCHASE AND CONTRACT

CRAVEN COUNTY

Ruben Hassell, Jr., as Buyer, hereby offers to purchase and **CRAVEN COUNTY and the CITY OF NEW BERN**, collectively as Seller, upon acceptance of said offer, agrees to sell and convey, all of that plot, piece or parcel of land described below (hereafter referred to as the "Property"), upon the following terms and conditions:

1. **REAL PROPERTY:** Located in or near the City of New Bern, Craven County, North Carolina, being known as and more particularly described as:

Street Address: 318 Crescent St

Subdivision Name: _____

Tax Parcel ID No.: 8-004-048

Plat Reference: _____

Being all of that property more particularly described in Deed Book 3479, Page 0805 in the Craven County Registry.

2. **PURCHASE PRICE:** The purchase price is \$ 3,800.00 and shall be paid as follows:

(a) \$ 190.00, EARNEST MONEY DEPOSIT with this offer by ☐ cash ☐ bank check ☒ certified check to be held by Seller until the sale is closed, at which time it will be credited to Buyer, or until this contract is otherwise properly terminated. In the event this offer is not accepted, then all earnest monies shall be refunded to Buyer. In the event of breach of this contract by Seller, all earnest monies shall be refunded to Buyer upon Buyer's request. In the event of breach of this contract by Buyer, then all earnest monies shall be forfeited to Seller upon Seller's request, but such forfeiture shall not affect any other remedies available to Seller for such breach.

(b) \$ 3,610.00, BALANCE of the purchase price in cash or readily available funds at Closing.

3. **CONDITIONS:**

(a) This contract is not subject to Buyer obtaining financing.

(b) The Property must be in substantially the same or better condition at Closing as on the date of this offer, reasonable wear and tear excepted.

(c) The Property is being sold subject to all liens and encumbrances of record, if any.

(d) Other than as provided herein, the Property is being conveyed "as is".

(e) This contract is subject to the provisions of G.S. §160A-269. Buyer acknowledges that this contract is subject to certain notice provisions and the rights in others to submit upset bids in accordance therewith.

(f) Title shall be delivered at Closing by QUITCLAIM DEED

4. **SPECIAL ASSESSMENTS:** Seller makes no 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 title subject to all pending assessments, if any.

5. **PAYMENT OF TAXES:** Any ad valorem taxes to which the Property is subject shall be paid in their entirety by Buyer.

6. **EXPENSES:** Buyer shall be responsible for all costs with respect to any title search, title insurance, recording of the deed, and its legal fees. Seller shall pay for preparation of a deed 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 with Closing and transfer of title within thirty (30) days of the granting of final approval of the sale by Craven County's Board of Commissioners and the City of New Bern's Board of Aldermen pursuant to G.S. §160A-269. The deed is to be made to Ruben Hassell, Jr.

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 RH 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.

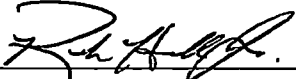
16. **SURVIVAL:** If any provision herein contained which by its nature and effect is required to be observed, kept or performed after the Closing, it shall survive the Closing and remain binding upon and for the benefit of the parties hereto until fully observed, kept or performed.

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:

(If an individual)

 (SEAL)
Name: Ruben Hassell, Jr.
Date: 01/14/2020
Address: 8207 US Hwy 17
Pollocksville, NC 28573
Phone: 252-229-9913

SELLER

CRAVEN COUNTY

By: _____ (SEAL)
Its: _____
Date: _____

(If a business entity)

By: _____ (SEAL)
Its: _____
Date: _____
Address: _____
Phone: _____

CITY OF NEW BERN

By: _____ (SEAL)
Its: _____
Date: _____

Buyer Initials RH 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 1/13/2020 10:58:27 AM

Parcel ID : 8-004 -048
Owner : CRAVEN COUNTY & NEW BERN-CITY
Mailing Address : 416 POLLOCK ST NEW BERN NC 28560
Property Address : 318 CRESCENT ST
Description : 318 CRESCENT ST
Lot Description :



Assessed Acreage : 0.080 **Calculated Acreage :** 0.080
Deed Reference : 3179-0805 **Recorded Date :** 3 26 2013
Recorded Survey :
Estate Number :

Land Value : \$7,600 **Tax Exempt :** Yes
Real Improvement Value : \$0 **# of Improvements :** 0
Total Value : \$7,600

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
3/26/2013	BROOKS, DANIEL E	CRAVEN COUNTY & NEW BERN-CITY	STRAIGHT TRANSFER	\$10,000
9/22/1995	NEW BERN PRESERVATION FOUNDATION	BROOKS, DANIEL E	STRAIGHT TRANSFER	\$2,000
5/20/1994	DAVIS, TOM I	NEW BERN PRESERVATION FOUNDATION	STRAIGHT TRANSFER	\$0

List of Improvements to Site

No improvements listed for this parcel



318 CRESCENT STREET

Ownership: City of New Bern & Craven Co.
Size: 0.08 Acres
Zoning: I-2 Industrial
Land Use: Vacant Industrial Lot
Flood Hazard: AE (SFHA)
Tax Values
Land: \$7,600
Buildings: \$0
Total: \$7,600
Tax ID: 8-004 -048



1 inch = 50 feet

0 20 40 80 Feet





1 inch = 130 feet



ESTIMATE OF DIVISION OF PROCEEDS
UPON RECEIPT OF INITIAL OFFER

Property: 318 Crescent Street

Offer Amount			\$	3,800.00
Less: Reimb to City for publication of notice of offer (approx)	\$	205.00		
Balance			\$	3,595.00
County cost reimbursement	\$	1,572.74		
City cost reimbursement	\$	250.00	\$	1,822.74
Remaining Balance			\$	1,772.26
County Taxes at Foreclosure	\$	161.79	7.112%	\$ 126.04
City Taxes/Priority Liens at Foreclosure	\$	2,113.17	92.888%	\$ 1,646.22
Total Taxes	\$	2,274.96		
County Total	\$	1,698.78		
City Total	\$	2,101.22		

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting Resolution for Street Lighting Request for 303 Midyette Ave.

Date of Meeting: 1/28/20	Ward # if applicable: 4
Department: Public Utilities	Person Submitting Item: Charles Bauschard
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	Customer requesting additional street lighting at 303 Midyette Ave.
Actions Needed by Board:	Approval of Request
Backup Attached:	Memo, Resolution, Street Lighting Request Form, Cost Analysis and location map.

Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item: Electric \$666.41; Public Works \$8.44/mo
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes: N/A

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

Brenda E. Blanco
City Clerk

TO: Mark Stephen, City Manager
FROM: Charles Bauschard, Director of Public Utilities
DATE: January 13, 2020
SUBJECT: Request for Additional Street Lighting from Resident

Background Information:

In August of 2010, the Board of Aldermen adopted a procedure for addressing requests for additional street lighting from residents. This procedure requires Electric Utilities to evaluate the area of the request. The existing lighting must also comply with or be brought up to the American National Standard Practice for Roadway Lighting.

The Department of Public Utilities has received a request from a resident for additional street lighting infrastructure in the area of 303 Midyette Ave. This area was evaluated, and it was determined that it does not meet the City's light standard. The recommendation and cost estimate is included.

Recommendation:

Upon completion of the staff's evaluation, I recommend the Board of Aldermen approve the resolution for the addition of a streetlight near 303 Midyette Ave.

RESOLUTION

THAT WHEREAS, the City of New Bern has adopted the American National Standard Practice for Roadway Lighting as the design standard for new street lighting installations within the City of New Bern; and

WHEREAS, the standard outlines the level of lighting necessary for the safe interaction of pedestrians and vehicles along municipal roadways; and

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

That the Mayor and the City Clerk be and they are hereby authorized and directed to accept the installation and costs to the Department of Public Utilities and Public Works for additional street lighting infrastructure on Midyette Avenue, between Karen and Powell Streets, in order to comply with the adopted standard.

ADOPTED THIS 28TH DAY OF JANUARY 2020.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

Street Lighting Request Form

REQ#

Customer Name:

Customer Address:

Phone Number of Requestor:

Area of Request:

(Street address, intersection, general description, etc)

Pole # (if known):

Sent to Police Department Date:

Police Recommendations:

All items below this must be filled out by an Electric Department Engineer

Electric Department Engineer: Dustin Cayton

Evaluation Results/Recommendation:

Estimated Cost to Electric Department:

Estimated Cost to Public Works:

NEW BERN ELECTRIC

DATE:12/23/19

W.O.# Street Light REQ 101

CUSTOMER: Linda Simons

LOCATION: 303 Midyette Ave

LABOR	QUANTITY	REG. HOURS	OT HOURS	RATE*	TOTALS
Crew Leader	1	2	0	\$ 52.00	\$ 104.00
2nd Class	1	2	0	\$ 40.74	\$ 81.48
TOTAL					\$ 185.48

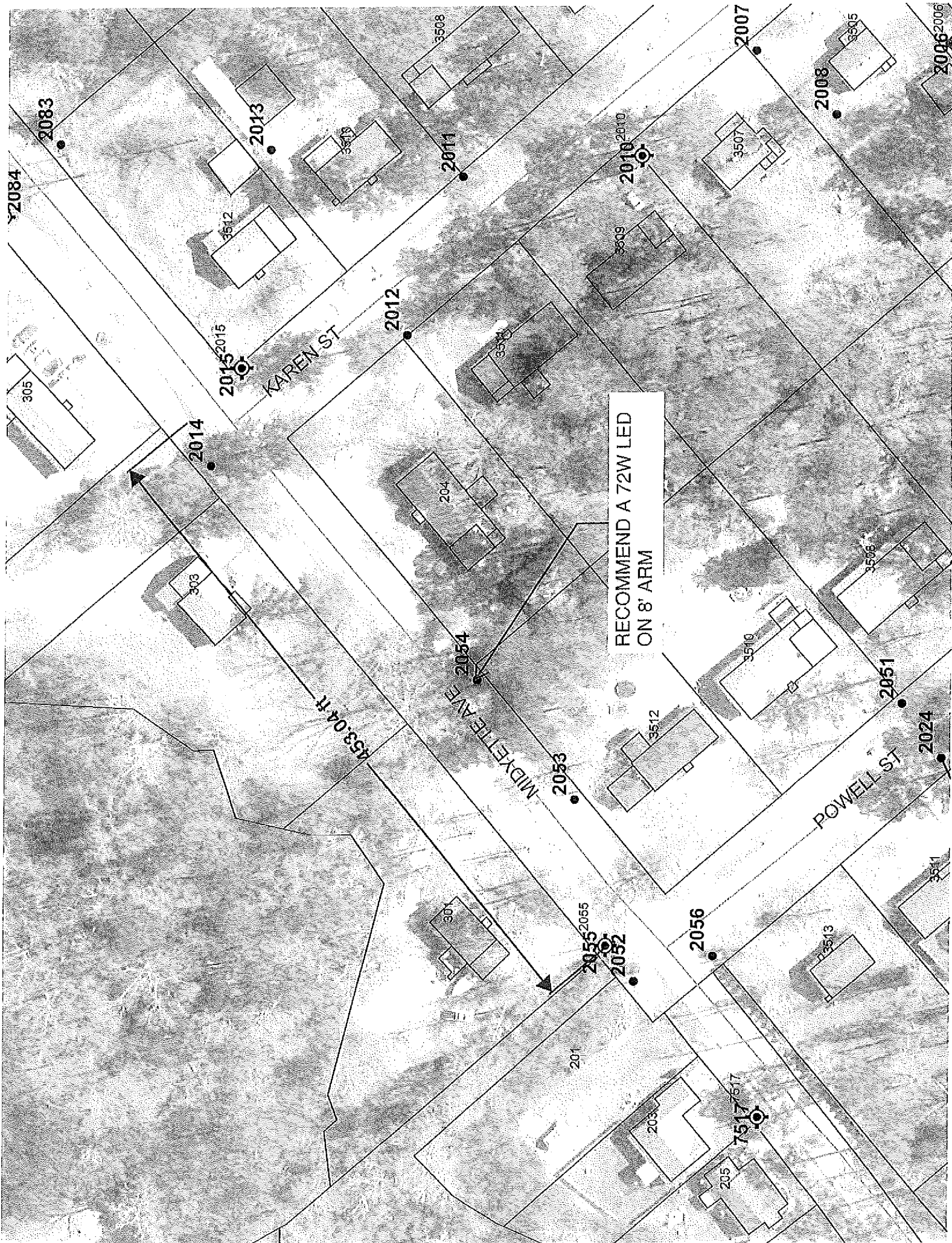
EQUIPMENT	QUANTITY	HOURS	RATE*	TOTALS
Bucket Truck/Service Truck 55'	1	2	\$ 74.72	\$ 149.44
TOTAL				\$ 149.44

MATERIAL	QUANTITY	PRICE	TOTALS
8' Arm	1	\$ 106.80	\$ 106.80
72W LED Fixture	1	\$ 188.47	\$ 188.47
Photo Cell	1	\$ 4.08	\$ 4.08
#6 ACSR Tpx	5	\$ 0.40	\$ 2.00
TOTAL			\$ 301.35

SUB TOTAL	\$ 636.27
10%TAX	\$ 30.14
TOTAL JOB	\$ 666.41

*Labor Rates are based on hourly rates+benefits.

*Equipment Rates are based on FEMAs 2019 Schedule of Equipment Rates



Christina Riley

From: Dustin Cayton
Sent: Monday, January 6, 2020 8:42 AM
To: Christina Riley
Subject: Street Light Request
Attachments: REQ 101 Package.pdf

Good morning Mrs. Riley,

Please see the attachment for a street light request package that will need to be added to the next Board of Aldermen meeting. Let me know if you have any questions or concerns.

Dustin Cayton
Electric Engineering Technician
City of New Bern Electric Utilities
Office:252-639-2826 Cell:252-675-7962
caytond@newbernnc.gov



NEW BERN
NORTH CAROLINA

NOTE: Please be advised, City of New Bern email addresses changed to user@newbernnc.gov as of October 23rd 2018. Please update your address book accordingly. Thank you for your assistance with this change. -----

----- If
you are not the intended recipient, you must destroy this message and inform the sender immediately. This electronic mail message and any attachments, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any time. It also may contain information which is confidential within the meaning of applicable federal and state laws.

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting Resolution for Street Lighting Request for 2609 New Bern Ave.

Date of Meeting: 1/28/20	Ward # if applicable: 2
Department: Public Utilities	Person Submitting Item: Charles Bauschard
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	Customer requesting additional street lighting at 2609 New Bern Ave.
Actions Needed by Board:	Approval of Request
Backup Attached:	Memo, Resolution, Street Lighting Request Form, Cost Analysis and location map.

Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item: Electric \$666.41; Public Works \$8.44/mo
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes: N/A

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
Brenda E. Blanco
City Clerk

TO: Mark Stephen, City Manager
FROM: Charles Bauschard, Director of Public Utilities
DATE: January 13, 2020
SUBJECT: Request for Additional Street Lighting from Resident

Background Information:

In August of 2010, the Board of Aldermen adopted a procedure for addressing requests for additional street lighting from residents. This procedure requires Electric Utilities to evaluate the area of the request. The existing lighting must also comply with or be brought up to the American National Standard Practice for Roadway Lighting.

The Department of Public Utilities has received a request from a resident for additional street lighting infrastructure in the area of 2609 New Bern Ave. This area was evaluated, and it was determined that it does not meet the City's light standard. The recommendation and cost estimate is included.

Recommendation:

Upon completion of the staff's evaluation, I recommend the Board of Aldermen approve the resolution for the addition of a streetlight near 2609 New Bern Ave.

RESOLUTION

THAT WHEREAS, the City of New Bern has adopted the American National Standard Practice for Roadway Lighting as the design standard for new street lighting installations within the City of New Bern; and

WHEREAS, the standard outlines the level of lighting necessary for the safe interaction of pedestrians and vehicles along municipal roadways; and

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

That the Mayor and the City Clerk be and they are hereby authorized and directed to accept the installation and costs to the Department of Public Utilities and Public Works for additional street lighting infrastructure on New Bern Avenue, between Wake and Sycamore Streets, in order to comply with the adopted standard.

ADOPTED THIS 28TH DAY OF JANUARY 2020.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

Street Lighting Request Form

REQ#

Customer Name:

Customer Address:

Phone Number of Requestor:

Area of Request:

(Street address, intersection, general description, etc)

Pole # (if known):

Sent to Police Department Date:

Police Recommendations:

All items below this must be filled out by an Electric Department Engineer

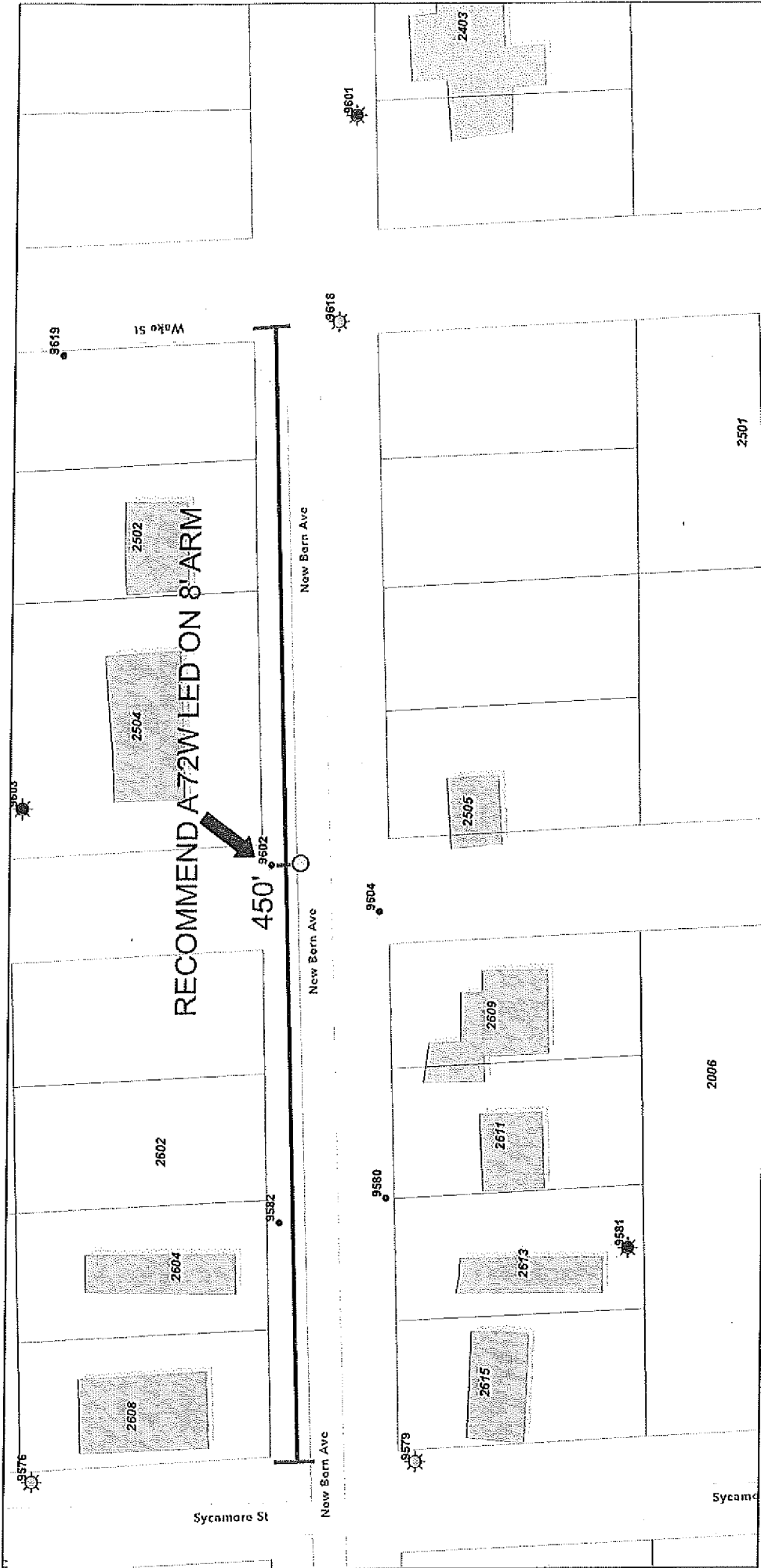
Electric Department Engineer: Dustin Cayton

Evaluation Results/Recommendation:

Estimated Cost to Electric Department:

Estimated Cost to Public Works:

STREET LIGHT REQ 102



1/7/2020, 4:07:53 PM

Areas



Override 2 Lights



Override 1



1:564

0 30 60 120 ft

0 5 10 20 m

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Created by: Dustin Cayton
City of New Bern - Electric Utilities

NEW BERN ELECTRIC

DATE:1-8-20

W.O.# REQ 102

CUSTOMER: Mary J Koonce

LOCATION: 2609 New Bern Ave

LABOR	QUANTITY	REG. HOURS	OT HOURS	RATE*	TOTALS
Crew Leader	1	2	0	\$ 52.00	\$ 104.00
2nd Class	1	2	0	\$ 40.74	\$ 81.48
TOTAL					\$ 185.48

EQUIPMENT	QUANTITY	HOURS	RATE*	TOTALS
Bucket Truck/Service Truck 55'	1	2	\$ 74.72	\$ 149.44
TOTAL				\$ 149.44

MATERIAL	QUANTITY	PRICE	TOTALS
8' Arm	1	\$ 106.80	\$ 106.80
72W LED Fixture	1	\$ 188.47	\$ 188.47
Photo Cell	1	\$ 4.08	\$ 4.08
#6 ACSR TPX	5	\$ 0.40	\$ 2.00
TOTAL			\$ 301.35

SUB TOTAL	\$ 636.27
10%TAX	\$ 30.14
TOTAL JOB	\$ 666.41

*Labor Rates are based on hourly rates+benefits.

*Equipment Rates are based on FEMAs 2019 Schedule of Equipment Rates

Christina Riley

From: Dustin Cayton
Sent: Wednesday, January 8, 2020 11:18 AM
To: Christina Riley
Subject: Street Light REQ 102 2609 New Bern Ave
Attachments: REQ 102 Package 2609 New Bern Ave.pdf

Good morning,

Can you add this street light request to the next agenda for the board of aldermen meeting. Physical copies are in the filing cabinets if needed.

Dustin Cayton
Electric Engineering Technician
City of New Bern Electric Utilities
Office:252-639-2826 Cell:252-675-7962
caytond@newbernnc.gov



NOTE: Please be advised, City of New Bern email addresses changed to user@newbernnc.gov as of October 23rd 2018. Please update your address book accordingly. Thank you for your assistance with this change. -----

----- If you are not the intended recipient, you must destroy this message and inform the sender immediately. This electronic mail message and any attachments, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any time. It also may contain information which is confidential within the meaning of applicable federal and state laws.

AGENDA ITEM COVER SHEET

Agenda Item Title:

2019 Byrne Grant Memorandum of Understanding

Date of Meeting: January 28, 2020	Ward # if applicable:
Department: Police Department	Person Submitting Item: Captain David Daniels
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Meet to agree to enter into a Memorandum of Understanding with Craven County for the purpose of accepting the 2019 Edward Byrne Memorial Grant.
Actions Needed by Board:	Need board approval and signature by Mayor Outlaw.
Backup Attached:	

Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item: N/A
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes: Grant is in amount of \$11,488.00 and does not require matching funds. Funds will be used to purchase equipment to be used by the Coastal Narcotics Enforcement Team to investigate narcotics violations.



Founded 1797

NEW BERN

NEW BERN POLICE DEPARTMENT

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

Police and Community come together here.



Toussaint E. Summers, Jr.
Chief of Police

TO: Mayor Outlaw and the Board of Alderman

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

SUBJECT: FY2019 Edward Byrne Memorial Justice Assistance Grant

DATE: January 21, 2020

In September 2018, the New Bern Police Department submitted a grant application for the FY2019 Edward Byrne Memorial Justice Assistance Grant (JAG). The grant is a joint application with Craven County and was approved by the Craven County Board of Commissioners on January 6, 2020. The funds will be utilized to purchase equipment to assist the Coastal Narcotics Enforcement Team (CNET) in the investigation of illegal drug trafficking operations. In December, 2018, we received official notification that the grant had been awarded in the amount of \$11,488. This grant requires no matching funds from the City of New Bern.

It is recommended that the Board of Aldermen consider entering into a Memorandum of Understanding with Craven County and adopt a resolution accepting the FY2019 Byrne JAG Grant.



A Nationally Accredited Agency

Integrity – Motivation – Professionalism – Accountability – Commitment – Trust

RESOLUTION

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

That the Memorandum of Understanding for the 2019 Byrne Justice Assistance Grant ("JAG") Program Award by and between Craven County and the City of New Bern, a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute the same for and on behalf of the City.

ADOPTED THIS 28th DAY OF JANUARY, 2020.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

**STATE OF NORTH CAROLINA
COUNTY OF CRAVEN**

MEMORANDUM OF UNDERSTANDING

2019 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into this 6th day of January, 2020 ~~December, 2019~~, by and between CRAVEN COUNTY, a body politic of the State of North Carolina, acting by and through its governing body, the Craven County Board of Commissioners (hereinafter referred to as "County"), and the CITY OF NEW BERN, a North Carolina municipal corporation, acting through its governing body, the City of New Bern Board of Aldermen (hereinafter referred to as "City").

WITNESSETH:

THAT WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body finds that the performance of the Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the divisions of costs fairly compensates the performing party for the services or functions under this Agreement; and

WHEREAS, the City is not to provide any direct funds to the County from the JAG funds; and

WHEREAS, the City and County believe it to be in their best interests to allocate the JAG funds for a jointly shared project.

NOW THEREFORE, the County and City hereby agree as follows:

Section 1. It is agreed that the CITY will not provide any direct funds to the County from the JAG award.

Section 2. The COUNTY agrees that all funds will be used by the CITY to purchase surveillance and safety equipment for the Coastal Narcotic Enforcement Team (CNET) located at Wind Hill Court.

Section 3. Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the North Carolina Tort Claims Act.

Section 4. Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the North Carolina Tort Claims Act.

Section 5. Each party to this Agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 6. The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 7. Each party to this Agreement will provide data necessary for Quarterly and Annual Reporting as required.

Section 8. By entering into this Agreement, the parties do not intend to create any obligations, expressed or implied, other than those set out herein; further, this Agreement shall not create any rights in any party not a

signatory hereto.

IN TESTIMONY WHEREOF, the City of New Bern has caused this instrument to be executed as its act and deed by its Mayor, attested by its City Clerk, and its seal to be hereunto affixed, all by the authority of its Board of Aldermen, and 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)

By:


Chairman, Craven County Board of Commissioners

ATTEST:


Clerk, Craven County Board of Commissioners

CITY OF NEW BERN

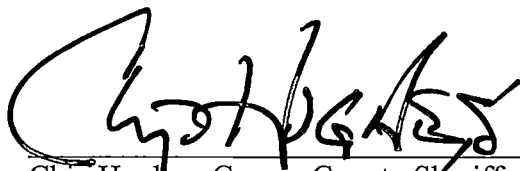
(SEAL)

By:

Dana E. Outlaw, Mayor

ATTEST:

Brenda E. Blanco, City Clerk


Chip Hughes, Craven County Sheriff

Toussaint E. Summers, Jr., Chief of Police

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

Edward Byrne Justice Assistance Grant Program FY 2019 Local Solicitation

Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2019 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but 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.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (*e.g.*, city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

Signature of Chief Executive of the Applicant Unit of
Local Government

Mark A. Stephens
Printed Name of Chief Executive

City of New Bern
Name of Applicant Unit of Local Government

1/28/2020
Date of Certification

City Manager
Title of Chief Executive

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See reverse for public burden disclosure.)

Approved by OMB

0348-0046

1. Type of Federal Action: <input checked="checked" type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance		2. Status of Federal Action: <input checked="checked" type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award		3. Report Type: <input checked="checked" type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____	
4. Name and Address of Reporting Entity: <input checked="checked" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: City of New Bern 300 Pollock Street New Bern, NC 28560 Congressional District, if known:			5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: N/A Congressional District, if known:		
6. Federal Department/Agency: US Department of Justice (DOJ)			7. Federal Program Name/Description: 2019 Byrne Justice Assistance Grant CFDA Number, if applicable: 16.738		
8. Federal Action Number, if known:			9. Award Amount, if known: \$ 11,488.00		
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI): N/A			b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI): N/A		
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.			Signature: _____ Print Name: _____ Title: City Manager Telephone No.: (252) 639-2701 Date: 1/28/2020		
Federal Use Only:					Authorized for Local Reproduction Standard Form LLL (Rev 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting an Ordinance to Amend the FY2019-20 Operating Budget

Date of Meeting: 1/28/2020	Ward # if applicable:
Department: Finance	Person Submitting Item: Lori Mullican
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: Click or tap to enter a date.

Explanation of Item:	The attached ordinance amends the FY2019-20 Grants Fund Budget to recognize the grant award and establish the budget.
Actions Needed by Board:	Adopt Ordinance
Backup Attached:	Memo; Budget Ordinance Amendment

Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item:
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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
Brenda E. Blanco
City Clerk

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

FROM: Lori Mullican – Accounting Manager

DATE: January 16, 2020

RE: Amendment to the FY2019-20 Grants Fund Budget

Background

The City of New Bern Police Department has been awarded a 2019 Edward Byrne Memorial Grant, in the amount of \$11,488, 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 are for the purchase of equipment. There is no City match required.

Requested Action

It is recommended that the Board adopt the attached budget amendment at its meeting to be held on January 28, 2020.

**CITY OF NEW BERN, NORTH CAROLINA
REQUESTED AMEDMENT TO
Fiscal Year 2019-2020**

FROM: Lori Mullican, Accounting Manager

MEETING DATE: January 28, 2020

EXPLANATION: Recognize the 2019 Edward Byrne Memorial Grant, in the amount of \$11,488, offered by the Department of Justice, Bureau of Justice Assistance.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN THAT THE 2019-2020 Annual Budget ORDINANCE IS AMENDED AS FOLLOWS:

Section 1 - Appropriations

Schedule K - Grants Fund

Increase: Police - SRF

\$ 11,488

Section 2 - Estimated Revenues

Schedule K - Grants Fund

Increase: Police - SRF

\$ 11,488

NATURE OF TRANSACTION:

☒ ADDITIONAL REVENUE AVAILABLE FOR APPROPRIATION

☐ TRANSFER WITHIN ACCOUNTS OF SAME FUND

☐ OTHER:

APPROVED BY THE BOARD OF ALDERMEN AND ENTERED
ON MINUTES DATED _____
AGENDA ITEM NUMBER _____

BRENDA E. BLANCO, CITY CLERK