# CITY OF NEW BERN BOARD OF ALDERMEN MEETING MAY 10, 2022 – 6:00 P.M. CITY HALL COURTROOM 300 POLLOCK STREET

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

### Consent Agenda

- 4. Consider Approving a Proclamation for National Public Works Week.
- 5. Consider Approving a Proclamation for Resilient & Thriving Communities Week 2022.
- 6. Consider Approving a Proclamation for "The Forgotten 29".
- 7. Consider Adopting a Street Closure for United Worship Center's Community Day.
- 8. Consider Adopting a Resolution Calling for a Public Hearing to Annex a Portion of Tax Parcel ID 8-209-25001 Located at 5001 Clock Road.
- 9. Consider Adopting a Resolution Calling for a Public Hearing on the Proposed Budget for Fiscal Year 2022-2023.
- 10. Approve Minutes.
- 11. Presentation on Juneteenth of New Bern/Duffest.
- 12. Conduct a Public Hearing on the Rezoning of 1301 South Glenburnie Road; and
  - a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and
  - b) Consider Adopting an Ordinance to Rezone 1301 South Glenburnie Road from C-4 Neighborhood Business District to C-3 Commercial District.
- 13. City Manager's Presentation of Fiscal Year 2022-2023 Budget.
- 14. Consider Adopting a Resolution Approving a Memorandum of Understanding with Sound Rivers for Installation and Management of a Trash Trout Jr.

- 15. Consider Adopting a Resolution Approving an Audit Contract for Fiscal Year Ending June 30, 2022.
- 16. Consider Adopting a Resolution Designating Applicant's Agent for NC Emergency Management Grant #DR4393.
- 17. Consider Adopting a Resolution Approving a Records Retention Policy for Documents Created or Maintained Pursuant to the American Rescue Plan Act and Coronavirus State and Local Fiscal Recovery Funds Award.
- 18. Consider Adopting a Resolution Approving a Nondiscrimination Policy Pursuant to the American Rescue Plan Act and Coronavirus State and Local Fiscal Recovery Funds Award.
- 19. Appointment(s).
- 20. Attorney's Report.
- 21. City Manager's Report.
- 22. New Business.
- 23. Closed Session.
- 24. 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
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk
Kimberly A Ostrom
Director of Finance

Memo to:

Mayor and Board of Aldermen

From:

Foster Hughes, City Manager

Date:

May 05, 2022

Re:

May 10, 2022 Agenda Explanations

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

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

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

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

### **Consent Agenda**

4. Consider Approving a Proclamation for National Public Works Week.

Al Cablay, Director of Public Works, has requested a proclamation recognizing the third full week of May as National Public Works Week.

5. Consider Approving a Proclamation for Resilient & Thriving Communities Week 2022.

Tamra Church, Chair & Executive Director of Coastal Coalition for Substance Abuse Prevention, has requested a proclamation recognizing resilient and thriving communities' week, which will be observed June 6-12, 2022.

6. Consider Approving a Proclamation for "The Forgotten 29".

Al Barfield has requested a proclamation signifying March as a month to remember "The Forgotten 29", a group of African Americans who participated in a sit-in on March 17, 1960 in New Bern.

7. Consider Adopting a Street Closure for United Worship Center's Community Day.

(Wards 1 and 5) Denise Robinson with United Worship Center has requested the 900 block of Main Street and the 800 block of West Street be closed to vehicular traffic on May 21, 2022 from 8 a.m. to 5 p.m. for a community day event. A rain date of June 18, 2022 is included in the request. A memo from Kari Warren, Interim Director of Parks & Recreation, is attached along with the event application, maps, and a petition of signatures for the affected residents and/or businesses.

8. Consider Adopting a Resolution Calling for a Public Hearing to Annex a Portion of Tax Parcel ID 8-209-25001 Located at 5001 Clock Road.

As an authorized representative for Weyerhaeuser NR Company, Cliff Parson has requested a 9.25-acre portion of 5001 Clock Road, also identified as Tax Parcel ID 8-209-25001, be annexed by the City. It is requested a hearing be called for May 24, 2022 to consider this request. A copy of the petition for annexation, map of the property, and Clerk's certificate of sufficiency are enclosed.

9. Consider Adopting a Resolution Calling for a Public Hearing on the Proposed Budget for Fiscal Year 2022-2023.

At this meeting, the City Manager will present the proposed budget for Fiscal Year 2022-2023. A public hearing is required, and it is proposed the hearing be held on May 24, 2022. A memo from Kim Ostrom, Director of Finance, is attached.

### 10. Approve Minutes.

Draft minutes from the April 26, 2022 meeting are provided for review and approval.

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### 11. Presentation on Juneteenth of New Bern/Duffest.

Talina Massey, one of the organizers, will provide an overview of the events planned for this year's Juneteenth of New Bern/Duffest.

# 12. Conduct a Public Hearing on the Rezoning of 1301 South Glenburnie Road; and

- a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and
- b) Consider Adopting an Ordinance to Rezone 1301 South Glenburnie Road from C-4 Neighborhood Business District to C-3 Commercial District.

(Ward 4) Quality Oil Company, LLC has requested to rezone a 0.95-acre parcel from C-4 neighborhood business district to C-3 commercial district. The property is located at 1301 S. Glenburnie Road. The Planning and Zoning Board unanimously approved this request at their April 5, 2022 meeting. After conducting a public hearing, the Board is asked to consider adopting a statement of zoning consistency or inconsistency and then consider the request to rezone the property. A memo from Matthew Schelly, Interim Director of Development Services, is attached.

### 13. City Manager's Presentation of Fiscal Year 2022-2023 Budget.

The recommended budget for Fiscal Year 2022-2023 will be distributed to the Board and a brief overview provided by the City Manager.

# 14. Consider Adopting a Resolution Approving a Memorandum of Understanding with Sound Rivers for Installation and Management of a Trash Trout Jr.

Sound Rivers has requested permission to install a "Trash Trout Jr." within the Trent River drainage basin to assist with collecting data related to manmade trash finding its way into the rivers. The device will be in place for no less than two years and will be installed, cleaned, and monitored by Sound Rivers. A memo from Al Cablay, Director of Public Works, is attached along with a brochure on the device.

# 15. Consider Adopting a Resolution Approving an Audit Contract for Fiscal Year Ending June 30, 2022.

A Request for Proposal for audit services was advertised, and two proposals were received. After reviewing the responses, the firm of Thompson, Price, Scott, Adams, and Co., P.A. received the highest score. Their proposal for services includes all major programs at a fee of \$42,500. Of note, this firm has performed

New Bern's audits for fiscal years 2019, 2020, and 2021. A memo from Kim Ostrom, Director of Finance, is attached.

16. Consider Adopting a Resolution Designating Applicant's Agent for NC Emergency Management Grant #DR4393.

FEMA requires agents be designated for the purpose of filing applications, representing, and acting on behalf of the City with respect to disaster assistance grants. This resolution will designate the City's Senior Accountant as the primary agent and the City Manager as the secondary agent for the Hazard Mitigation and Resiliency Plan Grant. A memo from Mr. Schelly is attached.

17. Consider Adopting a Resolution Approving a Records Retention Policy for Documents Created or Maintained Pursuant to the American Rescue Plan Act and Coronavirus State and Local Fiscal Recovery Funds Award.

On December 14, 2021, the Board adopted a resolution approving the General Records and Program Records Retention and Disposition Schedules for Local Governments as issued by the NC Department of Cultural Resources. While this policy is still in effect, it is necessary to also adopt a records retention policy to comply with the requirements of the American Rescue Plan Act/ Coronavirus State and Local Fiscal Recovery Funds ("ARPA/CSLFRF"). Recipients of funding through these programs are required to maintain documents for a longer period. A memo from Mrs. Ostrom is attached.

18. Consider Adopting a Resolution Approving a Nondiscrimination Policy Pursuant to the American Rescue Plan Act and Coronavirus State and Local Fiscal Recovery Funds Award.

Like the previous item, recipients of ARPA/CSLFRF funds are required to adopt a nondiscrimination policy to comply with federal regulations. A memo from Mrs. Ostrom is attached.

- 19. Appointment(s).
- 20. Attorney's Report.
- 21. City Manager's Report.
- 22. New Business.
- 23. Closed Session.
- 24. Adjourn.



# **Agenda Item Title:**

Date of Meeting: 5/10/2022  Department: Public Works		Ward # if applicable: N/A	
		Person Submitting Item: Al Cablay, Director of Public Works	
Call for Public Hearing: □Yes⊠No		Date of Public Hearing: N/A	
<b>Explanation of Item:</b> 2022 National		Public Works Week Proclamation	
Actions Needed by Board:	Approve Procla	mation for 2022 National Public Works Week	
Backup Attached:	2022 Proclamat	ion	
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:** 



Public Works Department
P.O. Box 1129, 1004 S. Glenburnie Road
New Bern, N.C. 28563-1129
Phone: (252) 639-7501
Fax: (252) 636-1848

May 10, 2022

Memo to:

Mayor and Board of Aldermen

From:

Al R. Cablay, Director of Public Works

Re:

Proclamation in perpetuity for 3<sup>rd</sup> week of May to be designated National

Public Works Week commencing May 15th thru 22nd 2022.

### **Background Information:**

Formal celebration began during President Dwight D. Eisenhower's administration in the 1960's. This year's "Ready & Resilient" theme highlights the ability of the Public Works professionals to perform regular public works duties and be ready at a moment's notice to react as recognized **First Responders** during natural disasters and emergencies.

Public Works professionals are always READY to serve their communities and RESILIENT in their abilities to pick themselves up off the ground after encountering challenges. Public Works departments superheroes help keep communities strong by providing an infrastructure of services in transportation, water, wastewater and stormwater treatment, public buildings and spaces, parks and grounds, emergency management and first response, solid waste, and right-of-way management.

### Recommendation:

Issue the Proclamation to recognize the third full week of May as National Public Works Week. This year, the dates are May 15-21, 2022.

**Enclosure** 



### MAYOR'S OFFICE PROCLAMATION

- WHEREAS, public works professionals focus on infrastructure, facilities, emergency management, and services that are of vital importance to sustainable and resilient communities and the public health, high quality of life, and well-being of the people of the City of New Bern, North Carolina; and
- WHEREAS, these infrastructures, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are federally mandated first responders, and the engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and
- WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the City of New Bern, North Carolina to gain knowledge and maintain ongoing interest and understanding of the importance of public works first responders and public works programs in their respective communities; and
- **WHEREAS**, the year 2022 marks the 62<sup>nd</sup> annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association.
- 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 the third full week of May shall be observed as

### NATIONAL PUBLIC WORKS WEEK

and I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designated to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of the City of New Bern this the 10<sup>th</sup> day of May in the year of our Lord Two Thousand and Twenty-Two.

Dana E. Outlaw, Mayor



**Agenda Item Title:**Proclamation for Resilient & Thriving Communities Week

Date of Meeting: 5/10/2022  Department: City Clerk  Call for Public Hearing: □Yes⊠No		Ward # if applicable:	
		Person Submitting Item: Brenda Blanco	
		Date of Public Hearing:	
Explanation of Item:	for Substance A	Chair & Executive Director of Coastal Coalition buse Prevention, has requested a proclamation d thriving communities".	
Actions Needed by Board:	Consider appro-	ving proclamation	
Backup Attached:	Proclamation		
Is item time sensitive?	□Yes ⊠No		
Will there be advocates	s/opponents at t	he meeting? □Yes ☒ No	
Cost of Agenda Item: \$	0		
		been budgeted and are funds available	
and certified by the Fir	nance Director?	<b>□Yes □ No</b>	

**Additional Notes:** 



### MAYOR'S OFFICE PROCLAMATION

- WHEREAS, resilient and thriving communities are vital to our city's future health, success, and prosperity to ensure a strong foundation for everyone at all ages and stages of life; and
- **WHEREAS**, the science is clear that resilience is built, and that communities and systems play a key role in promoting safe, secure, nurturing environments for all; and
- WHEREAS, adverse childhood and life experiences, adverse community environments, and adverse climate events impact overall quality of life and wellbeing of an entire community; and
- WHEREAS, it is our collective responsibility to promote positive experiences, secure relationships, and supportive environments to buffer stress and adversity; and
- WHEREAS, investing in policies, programs, and strategies that address adversity and strengthen community resilience is essential to the health of our city; and
- WHEREAS, the City of New Bern encourages all agencies, schools, faith-based organizations, healthcare systems, elected leaders, businesses, and individuals to collaborate to strengthen our communities.
- **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 June 6 12, 2022 as

### RESILIENT & THRIVING COMMUNITIES WEEK

in New Bern and commend its observance to all citizens.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of the City of New Bern this the 10<sup>th</sup> day of May in the year of our Lord Two Thousand and Twenty-Two.



Dana E. Outlaw, Mayor

City Hall • New Bern, NC 28563 • (252) 636-4000



# **Agenda Item Title:**Proclamation for The Forgotten 29

22	Ward # if applicable:  Person Submitting Item: Brenda Blanco	
: □Yes⊠No	Date of Public Hearing:	
<b>xplanation of Item:</b> Al Barfield has requested a proclamation signifying M month to remember "The Forgotten 29", a group of Af Americans who participated in a sit-in on 3/17/60 in N		
Consider appro-	ving proclamation	
Proclamation		
s/opponents at t	he meeting?   Yes   No	
0 nditure, has it l	been budgeted and are funds available	
	month to rement Americans who Consider approximation  Proclamation  Yes No Sopponents at to 0	



### MAYOR'S OFFICE PROCLAMATION

- WHEREAS, on February 1, 1960, the sit-in movement of the 1960's ignited at the F.W. Woolworth in Greensboro when 4 students from NC A&T sat down at the "whites only" counter and refused to leave until they were served; and
- WHEREAS, at that time, the Jim Crow rules required black customers to purchase their sandwiches and sodas at the back door and take them to go; they could not sit at a lunch counter without being arrested; and
- **WHEREAS**, the sit-in movement spread across North Carolina and other southern states, where some of the first town sit-ins were organized by young people in New Bern and Elizabeth City; and
- WHEREAS, the New Bern sit-in began on March 17, 1960 and was led by Rev. Willie Hickman and Rev. Leon "Buckshot" Nixon; a group of 29 African Americans, mainly high school students, entered the front doors of both the Kress Department Store and Bob Clark's Drug Store, where they sat down at the lunch counters with Bibles and books and asked to be served; and
- WHEREAS, the store managers refused to serve them and asked that they leave; when the students refused, the lunch counters were closed and police arrested the 29 African Americans; and
- **WHEREAS**, the persistence and actions of those "Forgotten 29" led to the desegregation of New Bern's downtown businesses just 8 months later.
- **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 the month of March as a time to remember

### THE FORGOTTEN 29

namely: Charles Bell, Horace Chapman, Shelton Kirkman, James E. Benjamin, Linda Pelham (15), Carolyn Starkey (15), Doris Humphrey (17), Louis Arrington (16), Sidney Sasser (17), James A. Dixon (16), Jimmy Suggs (16), Alfred Barfield (16), William Sheppard (16), Eddie King (17), Johnnie Best (17), Charles L. Dixon (18), Raymond Collins (16), Patricia Whitehead (15), Willie Courman (16), Leo Bell (16), Charles Aldrige (16), Lin C. White (17), Edward Bellamy (17), Freddie Sasser (16), Jimmy Thompson (18), Darrell Gould (15), Wilda Rae Deans (16), Roy Southerland (16), and Robert Bell.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of the City of New Bern this the 10<sup>th</sup> day of May in the year of our Lord Two Thousand and Twenty-Two.

Dana E. Outlaw, Mayor

# This little light of mine, I'm gonna let it shine

In March of 1960, 29 students let their light shine. They are as follows: Charles Bell; Horace Chapman; Shelton Kirkman; James E. Benjamin; Linda Pelham, 15, of Riverdale; Carolyn Starkey, 15, of North Street, New Bern; Doris Humphrey, 17 of Route 2, New Bern; Louis Arrington, 16, of 313 Liberty Street, New Bern; Sidney Sasser, 17, of 415 Bern Street, New Bern; James A. Dixon, 16, of 1307 Main Street, New Bern; Jimmy Suggs, 16, of B10 Craven Terrace, New Bern; Alfred Barfield, 16, of B34 Craven Terrace, New Bern; William Sheppard, 16, of 1811 Smith Street, New Bern; Eddie King, 17, of Mayfair Court, New Bern; Johnny Best, 17, of Route 2, New Bern; Charles L. Dixon, 18, of 1307 Main Street, New Bern; Raymond Collins, 16, of 824 Bloomfield Street, New Bern; Patricia Whitehead, 15, of Route 4, New Bern; Willie Courman, 16, of P140 Craven Terrace, New Bern; Leo Bell, 16, of E2259 Craven Terrace, New Bern; Charles Aldrige, 16, of 614 Bern Street, New Bern; Lin C. White, 17, of 811 Cedar Street, New Bern; Edward Bellamy (brother of basketball great Walt Bellamy), 17, of 222 Jones Street, New Bern; Freddie Sasser, 16 of 415 Bern Street, New Bern; Jimmy Thompson, 18 of Route 3, New Bern; Darrell Gould, 15, of Dell Craven Terrace, New Bern; Wilda Rae Deans, 16, of 922 Main Street, New Bern; Roy Southerland, 16, of 821 Smith Street, New Bern and Robert Bell of A1 Craven Terrace, New Bern.

THESE STUDENTS LET THEIR LIGHT SHINE AT CLARK'S DRUG STORE AND KRESS' LUNCH COUNTER...

By illuminating the community with their light they brought awareness to the civil rights movement thus creating unity in Historic New Bern, North Carolina

Consider Adopting a Resolution to close streets for United Worship Center Community Day.

Date of Meeting: 5/10/2022  Department: Parks & Recreation		Ward # if applicable: Ward 1 & 5	
		Person Submitting Item: Kari Warren, Interim Director of Parks & Recreation	
Call for Public Hearing: □Yes⊠No		Date of Public Hearing: N/A	
block of Main S vehicular traffic Saturday, May		Center has requested to close the 900 street and the 800 block of West Street to from 8:00 a.m. until 5:00 p.m., on 21, 2022, with a rain date of June 18, 2022 ship Center Community Day.	
Actions Needed by Board:	Adopt the Reso	lution	
Backup Attached:	Resolution – M	emo – Application – Map - Petition	
Is item time sensitive?			
Will there be advocates	s/opponents at th	ne meeting? 🗆 Yes 🗵 No	
Cost of Agenda Item: N			
If this requires an expenditure, has it been budgeted and are funds available			

**Additional Notes: N/A** 



### Aldermen

Sabrina Bengel Jameesha Harris Bobby Aster Johnnie Ray Kinsey Barbara J. Best Jeffrey T. Odham Family, fitness and fun come together here.

Kari Warren, CPRP Interim Director of Parks & Recreation Dana E. Outlaw
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk
Kimberly A. Ostrom
Director of Finance



Memo To:

Mayor and Board of Aldermen

From:

Kari Warren, CPRP KW

Interim Director of Parks and Recreation

Re:

Street Closures for United Worship Center Community Day

**Background Information:** 

United Worship Center has made a request to close the 900 block of Main Street and the 800 block of West Street to vehicular traffic from 8:00 a.m. until 5:00 p.m. on Saturday, May 21, 2022, with a rain date of June 18, 2022, for United Worship Center Community Day.

### **Recommendation:**

The Interim Director of Parks and Recreation recommends approval and request the Board adopt a Resolution approving the request.

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

### RESOLUTION

THAT WHEREAS, United Worship Center has scheduled a Community Day and has requested the 900 block of Main Street, and the 800 block of West Street be closed to vehicular traffic from 8:00 a.m. until 5:00 p.m. on Saturday, May 21, 2022, with a rain date of June 18, 2022, and

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

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

That the 900 block of Main Street, and the 800 block of West Street be closed to vehicular traffic from 8:00 a.m. until 5:00 p.m. on Saturday, May 21, 2022, with a rain date of June 18, 2022, for United Worship Center Community Day.

ADOPTED THIS 10th DAY OF MAY 2022.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

including the cost of labor, and materials (bags, etc.) used.

# May sut.

### 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.

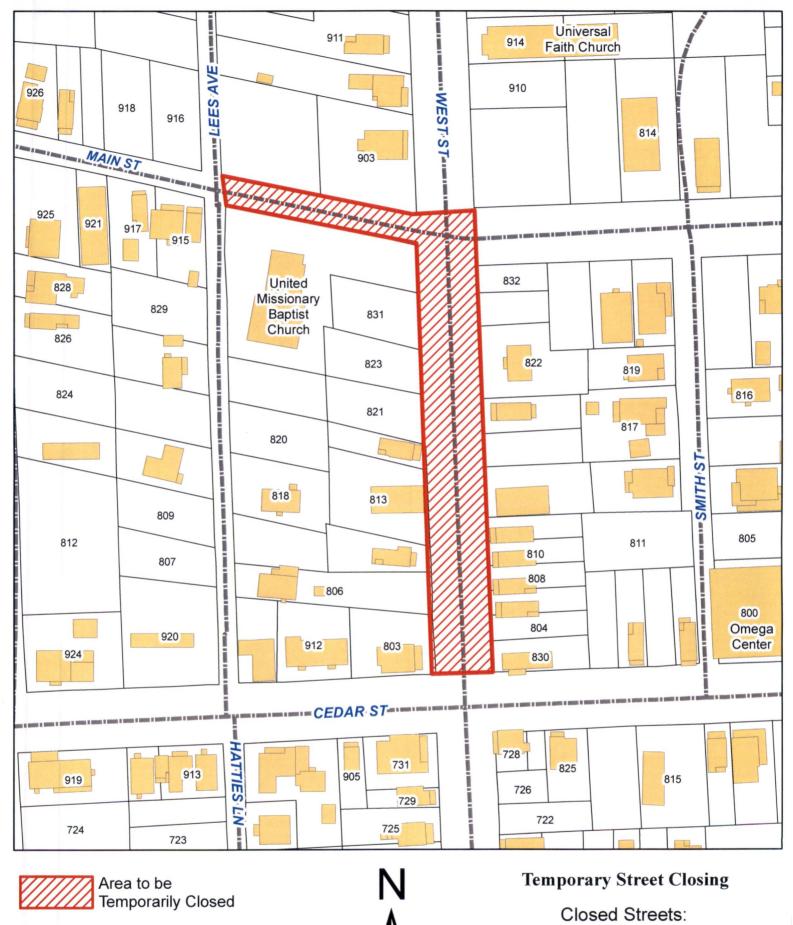
Parade – A march, ceremony, pageant, procession or other similar activities consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public street.

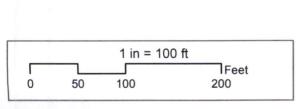
Public Assembly – A festival or demonstration which is reasonably anticipated to obstruct the normal flow of traffic upon any public street and that is collected together in one place; or a festival in any city-controlled park

The second second	and the confection together in one place; or a restrival in any city-controlled park.
Name of E	ivent/Activity: Community Day
Organization	on Name: United Worship Center
Responsibl	
Address:	707 Main St.
City: Dell	State: NC Zip code: 2856 O
Phone 35	7-259-1348 Alternate Phone: 252-229-7992
Email:	unitedmb 7@ embargmail.com
ype of Event	Tresuval Liparage
ate of Event:	May al 2022 Proposed Rain Date: June 2022
vent Set up ti	ime: 8090 Event Tear Down Completed Time: 4000 5000
vent Start Tin	ne: 10m Event End Time: 42m
hat is the sp	ecific location and/or route of the proposed event? (Attach additional information if needed)
407 n	nain St of Main & Dect (1900 october
	SWIT COCK COMMEDCE
te: A detailed ma	p of the proposed route as well as a specific list of streets is required. The specific location of the Public Assembly
or morage the sell	an overview with location marked. Festivals/Events require detelled aerial map with complete layout.
hat is the pur	pose of this event? Please be detailed in your description - (Attach additional information if needed)
11212	of annual Event for all members of the city of
en se	in to come tellowship gather with tamily, reight
) build	and engage in community. Free For All event.
mated attend	dance: 150 ; Attendance not to exceed:
e: If more than 1,	,000 in attendance is expected 1) Proof of Crowd Manager Training Continue to securing Training to a securing the securing
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irea. Information i ts: #	must be submitted with application. For additional info, please contact the Fire Marshall at 252-639-2931.
E SE EX	
	Sizes Provide additional info as needed (Note: Tents 700 sq. ft. or bigger must be inspected by fire Marshall.
will you han	SizesProvide additional info as needed (Note: Tents 700 sq. ft. or bigger must be inspected by fire Marshall.  dle trash generated from the event?
will you han	dle trash generated from the event?trash cans:
will you hange requesting #_ will provide our	dle trash generated from the event?

### Action to the submitted with Application    Description of Sensors of Page Police and Confestival Page 1   Description of Sensors of Page Police and Confestival Page 1   Description of Sensors of Page 20 Description of	What Street(s) are you requesting to close	ver Stocets.	
re you requesting any State Koda or Bridge Closure process. The state control of the consider state rooks or bridges. For additional information, fees and application is required by the NCDOT for in order to consider state rooks or bridges. For additional information, fees call NCDOT Office at 252-439-2816. The State Road/Bridge Closure permit must be attached to this application. The state Road/Bridge Closure permit must be attached to this application. The state Road/Bridge Closure permit must be attached as the state of the state			1
Figs. a 50 day notice and application is required by the resolution for the control of the contr	re you requesting any State Road or B	ridge closures? □Yes*	No Advisor Liefermetion
Perition of Signatures—of Insurance—Listing the City of New Bern, PD Box 1129, New Bern, NC as "Additional Insured".    Certificate of Insurance—Listing the City of New Bern, PD Box 1129, New Bern, NC as "Additional Insured".   Department of Insurance—Listing the City of New Bern, PD Box 1129, New Bern, NC as "Additional Insured".   Department of Insurance—Listing the City of New Bern, PD Box 1129, New Bern, NC as "Additional Insured".   Department of Insurance—Listing the City of New Bern, PD Box 1129, New Bern, NC as "Additional Insured".   Department of Insurance—Listing the City of New Bern, PD Box 1129, New Bern, NC as "Additional Insured".   Department of Insurance—Listing the City of New Bern, PD Box 1129, New Bern, NC as "Additional Insured".   Department of Insurance—Listing the City of New Bern, PD Box 1129, New Bern, NC as "Additional Insured".   Department of Insurance—Listing the City of New Bern, PD Box 1129, New Bern, NC as "Additional Insured".   Department of Insurance—Listing the City of New Bern, PD Box 1129, New Bern, NC as "Additional Insured".   Department in full of applicable fees and charges.   Department of Insurance—Listing the City of New Bern, NC as "Additional Insured".   Department of Insurance—Listing the City of New Bern, NC as "Additional Insured".   Department of Insurance—Listing the City of New Bern, NC as "Additional Insured".   Department of Insurance—Listing the City of New Bern, NC as "Additional Insured".   Department of Insurance—Listing the City of New Bern, NC as "Additional Insured".   Department of Insurance—Listing the City of New Bern, NC as "Additional Insured".   Department of Insurance—Listing the City of New Bern, NC as "Additional Insured".   Department of Insurance—Listing the City of New Bern, NC as "Additional Insured".   Department of Insurance—Listing the City of New Bern, NC as "Additional Insured".   Department of Insurance—Listing the City of New Bern, NC as an Insurance Insurance Insurance Insurance Insurance Insurance Insurance Insurance Insurance	f ves. a 90 day notice and application is required by	the NCDOT for in order to consider state	e rounds or bridges. For additional information,
Vill Inflatables or other Play features be part of this event?	ease call NCDOT Office at <u>252-439-2816</u> . The State	Road/Bridge Closure permit must be att	cal devices of any type, please provide a
Vili Inflatables or other Play features be part of this event?   Yes   No (Additional insurance may be required   Vili Food Vendors or Commercial/Non-Profit vendors be part of this event?   Yes   No   Yes   No   Yes   Yes   No   Yes	this event includes the use of floats, venices, i	umber.	
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■ Submitted for Board Approval Date: Staff Initials: Yes No	nat this application must be submitted with Juli detail those charges include set-up tear down time for staff, inderstand that failure to provide the requested information and hold harmless the City of New Bern, amage to person or property during this activity.  The following tiems must be submitted with a graph provide and the submitted with a graph provide and the submitted with a provided of detailures it provided and this application has been provided and this application has been approved.  If approved by Department   Provided Types  Approved by Department  Director of Parks & Recreation	Frental of barricades, Public Safety, Tras rmation within the specified timelines shi its departments, agents, employees, off  Appellication:    Jayout	sh collection, damages, etc. I further all result in application being denied. I agree ficials and volunteers for any injury, illness or  Total Anticipated Charges  Barricades: #

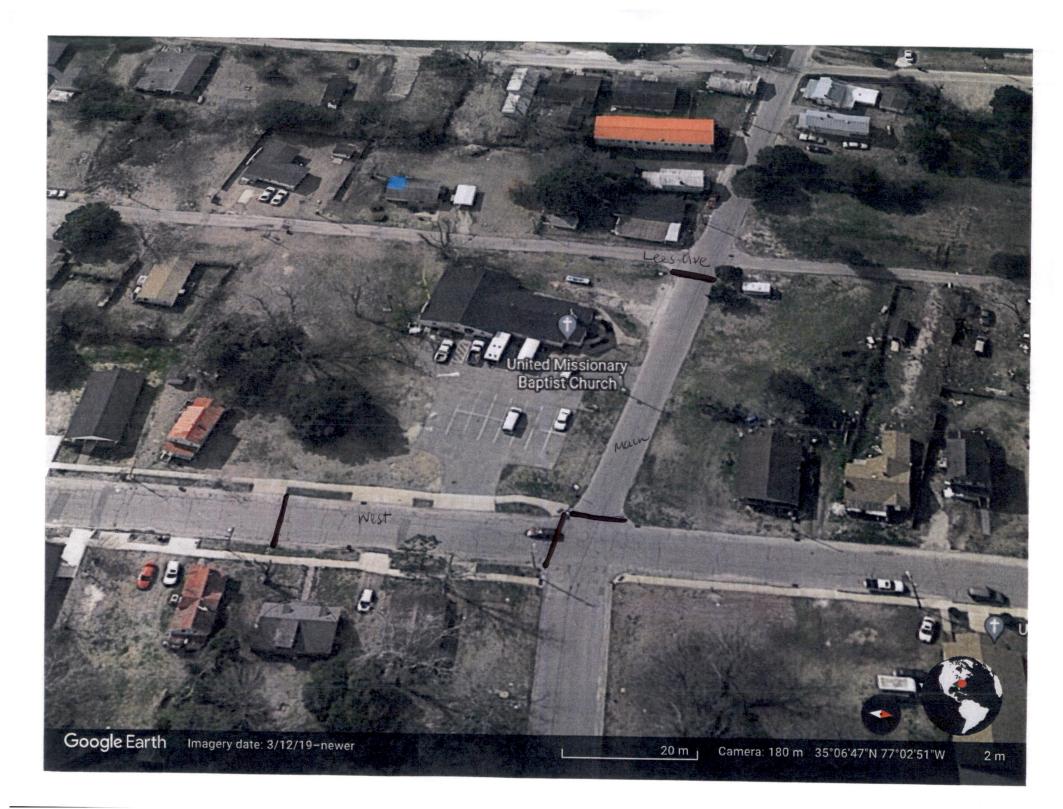
TO MOTORM







900 Block - Main Street
(Between Lees Ave & West St.)
& 800 Block of West Street
(Between Cedar & Main Sts.)



# United Worship Center 907 Main St. New Bern NC 28560

# COMMUNITY DAY May 21, 2022

	NAME:	ADDRESS:
	1. Chan Paul	1. 813 West St New Bern, NC 28560
	2 Michael Army	2. 808 west Street New Bern NE 28560
_	3.	3.
	4. Catonia Shudey	4. 819 West St. New Bern, NC 28560
	5. Shout Aovel	5.814 West St New Bern UC 28560
	6. TINOSACOBO	6. 803 least st. Não Ban R.
	L'hris Porge	7. 810 Gost St. Markey M.
	8. Best Oliver	8. 812 Welt St NBNENSGO
	9	9
	10	10



**Agenda Item Title:** 

Consider Adopting a Resolution to Call for a Public Hearing to Annex a Portion of Tax Parcel ID 8-209-25001 Located at 5001 Clock Road

Date of Meeting: 5/10/2022  Department: City Clerk  Call for Public Hearing:		Ward # if applicable:  Person Submitting Item: Brenda Blanco	
		E	Cliff Person on
Explanation of Item:	100	ion of Tax Parcel ID 8-209-25001 located at	
Actions Needed by Board:	Consider calling	g for a public hearing to be held on May 24, 2022	
Backup Attached:		ng for public hearing, petition for annexation, ficiency, and map	
Is item time sensitive?	<b>Yes</b> □No		
Will there be advocates/	opponents at tl	he meeting?   Yes   No	
Cost of Agenda Item:			
		een budgeted and are funds available	
and certified by the Fina	nce Director?	⊔Yes □ 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
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk
Kimberly A. Ostrom
Director of Finance

TO:

Mayor and Board of Aldermen

FROM:

Brenda E. Blanco, City Clerk

DATE:

April 29, 2022

SUBJECT:

Call for a Public Hearing to Annex a Portion of Property Located at 5001

Clock Road (Tax Parcel ID 8-209-25001)

### **Background**

Weyerhaeuser NR Company has petitioned the City to annex a 9.25-acre portion of 5001 Clock Road in the area of West New Bern. The site is the anticipated future location of Thales Academy. It is requested a public hearing be held on May 24, 2022 to consider this request.

### Recommendation

Consider adopting an ordinance to call for a public hearing.

### RESOLUTION

THAT WHEREAS, the Board of Aldermen of the City of New Bern has received a petition from Weyerhaeuser NR Company, bearing date April 14, 2022, seeking annexation to the City of New Bern of a parcel of land consisting of 9.25 acres, more or less, which said parcel is located at 5001 Clock Road, south of Highway 43 in Number 8 Township, Craven County, more particularly identified on Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the Board of Aldermen has caused the City Clerk to investigate the sufficiency of said petition and to certify the results of her investigation; and

WHEREAS, the Board of Aldermen has received the certification of the City Clerk attesting to the sufficiency of the petition; and

WHEREAS, the Board of Aldermen desires to conduct a public hearing on May 24, 2022, in the City Hall Courtroom at 6:00 p.m. on the question of annexing to the City of New Bern the above-described parcel of land owned by Weyerhaeuser NR Company.

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

Section 1. That a public hearing will be conducted by the Board of Aldermen of the City of New Bern on May 24, 2022, in the City Hall Courtroom at 6:00 p.m., or as soon thereafter as the matter may be reached, on the question of annexing to the City of New Bern the parcel of land owned by Weyerhaeuser NR Company, which said parcel is located at 5001 Clock Road, south of Highway 43 in Number 8 Township, Craven County, North Carolina, the boundaries of which are shown on Exhibit A attached hereto and incorporated herein by reference.

Section 2. That a notice of public hearing shall be published once in the *Sun-Journal* at least ten (10) days prior to May 24, 2022.

ADOPTED THIS 10<sup>th</sup> DAY OF MAY, 2022.

DANA E. OUTLAW, MAYOR	

BRENDA E. BLANCO, CITY CLERK

### EXHIBIT A

That certain tract of land being in the City of New Bern, township No. 8, Craven County, North Carolina, said tract being a portion of the property described in Deed Book 2687 Pages 346 and Map Book I, Pages 17 A&B of the Craven County Register of Deeds, and being more fully described as follows:

Commencing at an 5/8" rebar and shown as the POB on said map, said rebar being on the eastern right of way of Bradham Boulevard (variable Public R/W), said rebar being North 69°04'50" East a distance of 1425.95 feet from a concrete control monument labeled WNB-2 with NC Grid NAD 83 coordinates of North 508,053.53 feet and East 2,559,980.41 feet, said monument also being South 32°25'29" East a distance of 922.62 feet from another concrete control monument with NC Grid NAD 83 coordinates of North 508,832.21 feet and East 2,559,485.77 feet; said rebar being the **Point of Beginning**.

Thence from the **Point of Beginning** and leaving said right of way North 56°31'27" East, a distance of 76.51 feet to a 5/8" rebar set; thence North 20°37'47" West, a distance of 464.22 feet to a 5/8" rebar set on the southern right of way of NC HWY 43 (variable Public R/W); thence with said right of way North 66°22'37" East, a distance of 188.92 feet to an NCDOT R/W Disc; thence continuing with said right of way North 64°41'03" East, a distance of 412.87 feet to a 5/8" rebar set on the western right of way of a 70' CP&L powerline easement as recorded in Deed Book 607 Page 377; thence leaving said right of way and with said line South 16°18'38" East, a distance of 685.62 feet to a 5/8" rebar set on the northern right of way of Clock Road (60' Public R/W); thence with said right of way South 73°41'22" West, a distance of 36.81 feet to a 5/8" rebar set at the beginning of a curve to the left, thence along the arc of said curve a distance of 272.19 feet, said curve having a radius of 1232.50 feet, a central angle of 12°39'12", and a chord bearing and distance of South 67°21'46" West 271.64 feet to a 5/8" rebar; thence South 61°02'10" West, a distance of 152.57 feet to a 5/8" rebar set on the eastern right of way of Bradham Boulevard; thence continuing with Clock Road, South 61°02'10" West a distance of 148.47 feet to a 5/8" rebar set on the western right of way of said Bradham Boulevard; thence with said line North 39°14'37" West, a distance of 77.35 feet to a 5/8" rebar set at the beginning of a curve to the left; thence along the arc of said curve a distance of 112.51 feet, said curve having a radius of 497.50 feet, a central angle of 12°57'27" and a chord bearing and distance of North 45°43'20" West 112.27 feet to a 5/8" rebar set; thence leaving said western right of way North 37°33'53" East a distance of 65.00 feet to the **Point of Beginning**. Containing 402,956 Sq. Ft. or 9.25 Acres, more or less, all as shown on a map titled "Recombination and Subdivision Plat for Thales Academy 8.86 Acres" dated March 03, 2022, and being the 8.86-acre tract and that portion of Bradham Boulevard shown thereon.

### **PETITION TO ANNEX**

### TO: BOARD OF ALDERMEN OF THE CITY OF NEW BERN

- 1. Weyerhaeuser NR Company, the undersigned owner of real property, respectfully requests that the area described in Paragraph 2 below be annexed to the City of New Bern.
- 2. The area to be annexed is contiguous to the City of New Bern, and the boundaries of such territory are more particularly described on Exhibit A attached hereto and incorporated herein by reference.

OWNER:

WEYERHAEUSER NR COMPANY

By: Clifford P. Parson

Clifford P. Parson, Authorized Representative

Date: April 19, 2022

Mailing Address: Ward and Smith, P.A.

Post Office Box 867 New Bern, NC 28563

### Exhibit A

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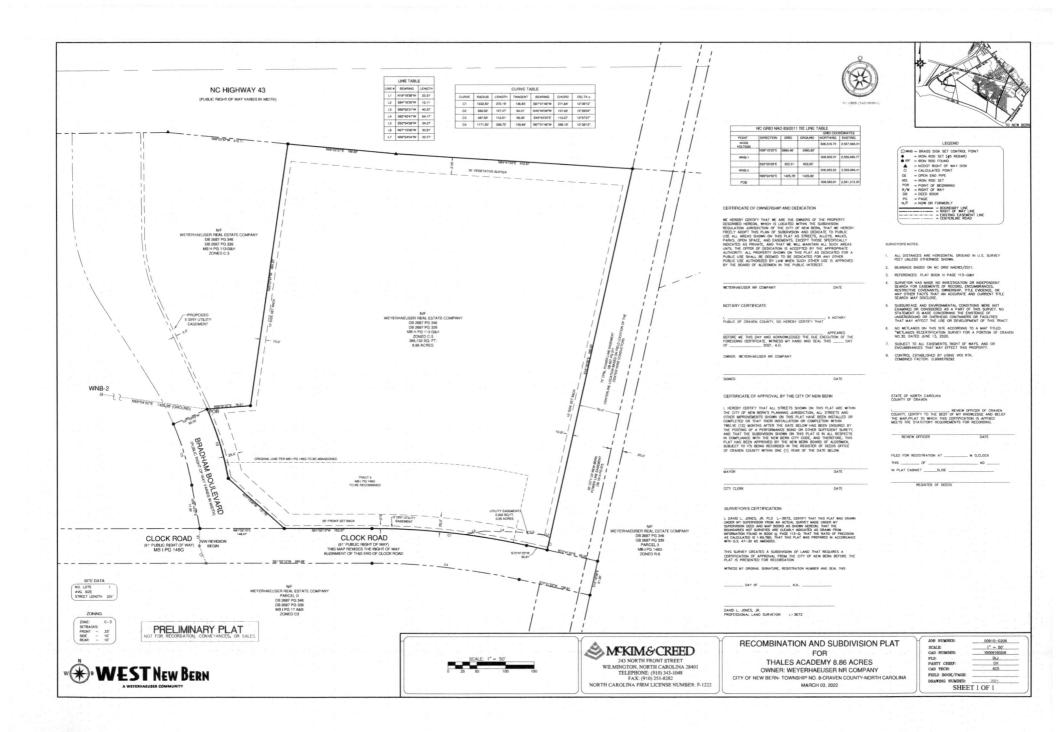
ND: 4852-0545-6065, v. 1

### **CERTIFICATE OF SUFFICIENCY**

I, BRENDA BLANCO, City Clerk of the City of New Bern, North Carolina, do hereby certify that I have investigated the sufficiency of the Petition of Weyerhaeuser NR Company, requesting annexation by the City of New Bern of a parcel of land located at 5001 Clock Road, south of Highway 43 in Number 8 Township, Craven County, which said Petition is dated April 14, 2022, and I do hereby certify that said Petition is in order in all respects.

THIS 10<sup>th</sup> DAY OF MAY, 2022.

BRENDA E. BLANCO, CITY CLERK



Agenda	<b>Item</b>	Title

Consider adopting a Resolution Calling for a Public Hearing on the Proposed Fiscal Year 2022-23 Budget.

Date of Meeting: 5/10/2022		Ward # if applicable:	
Department: Finance		Person Submitting Item: Kimberly Ostrom	
Call for Public Hearing: ⊠Yes□No		<b>Date of Public Hearing:</b> 5/24/2022	
Explanation of Item:	A Public Hearing Year 2022-23.	must be held on the proposed budget for Fiscal	
Actions Needed by Board:			
Backup Attached:			
Is item time sensitive? Description Will there be advocates.		e meeting? □Yes ⊠ No	
		een budgeted and are funds Director? □Yes □ No	

**Additional Notes:** 



Finance Department

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

FROM: Kimberly Ostrom - Director of Finance

DATE: April 29, 2022

RE: Call for Public Hearing for the FY2022-23 Proposed Budget

### **Background**

The proposed budget for FY2022-23 has been prepared, will be delivered to the Board on or before May 10, 2022 and will be made available for public inspection on the same date. A public hearing needs to be scheduled for May 24, 2022 on the proposed budget.

### **Requested Action**

It is recommended that the Board adopt the enclosed resolution to Call for a Public Hearing on the FY2022-23 proposed budget at its meeting on May 10, 2022.

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

WHEREAS, the City of New Bern is required to hold a public hearing to receive public comments on the proposed Fiscal Year 2022-2023 budget.

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 p.m., or as soon thereafter as the matter may be reached, on the 24<sup>th</sup> day of May, 2022 for public discussion on the proposed Fiscal Year 2022-2023 budget.

ADOPTED THIS THE 10<sup>TH</sup> DAY OF MAY, 2022.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK



Agenda Item Title:
Presentation on Juneteenth of New Bern / Duffest.

Date of Meeting: 5/10/2022  Department: City Clerk  Call for Public Hearing: □Yes⊠No		Ward # if applicable:  Person Submitting Item: Brenda Blanco  Date of Public Hearing:			
			Explanation of Item:	Talina Massey, organizer, will present information on the 2022 Juneteenth of New Bern / Duffest event.	
Actions Needed by Board:	Informational only				
Backup Attached:	Calendar of Events				
Is item time sensitive?					
Will there be advocates	s/opponents at t	he meeting?   Yes   No			
Cost of Agenda Item:					
If this requires an expe and certified by the Fir		been budgeted and are funds available  Yes  No			
		and the second of the second o			

**Additional Notes:** 



Friday, 6/10/22 - Kiss 101.9 FM Juneteenth Interview (details pending, Free)
- Artwalk at the 80A from 5 PM to 8 PM / Hosted By: Craven Arts Council (Free)

Saturday, 6/11/22 - FB/IG Live - The Truth About Africa and Juneteenth - Informative Conversation at 6 PM (details pending, Free)

Sunday, 6/12/22 - Juneteenth Sunday Service w/ Pastor Steve and local churches (details pending, Free)

Monday, 6/13/22 - Juneteenth Podcast w/Wendy Card and Special Guest at 7 PM / Hosted By: The Juneteenth Committee and New Bern Now (Free)

Tuesday, 6/14/22 - Health Day - Zumba in the Park (Ft. Totten) w/ K-Zone Fitness / By: Kayla Ingram (Free)

Wednesday, 6/15/22 - HBCU/Divine 9 Day Youth Event at The Village at 6 PM / Co-Chairs: Isaiah Daniels and Jameesha Harris (Free)

Thursday, 6/16/22 - Tryon Palace Lecture Series at the History Center at 7 PM / Hosted By: Sharon Bryant and Tryon Palace (Free, Sponship opportunity)

Friday, 6/17/22 - YUP Rooftop Social w/ DJ Kaoss at Oliver&Cheek Rooftop at 7 PM / Hosted By: YUP-ENC and Local, Small Businesses (Ticketed, Sponsorship/Vendor opportunities)

Saturday, 6/18/22 - Juneteenth Parade/Festival/Duffest 2022: Parade at 11 AM, Festival from 12-4 PM / Hosted By: The Juneteenth Committee and The Greater Duffyfield Residents Council (Free)

Sunday, 6/19/22 - Sankofa Play at the New Bern Civic Theater (details pending) / Hosted By: NBCT and AAHCC (Ticketed)

 Sankofa Remembrance Ceremony at UPP (details pending) / Nosted By: Various Community Members (Free)



**Agenda Item Title:** 

Conduct a Public Hearing on the Rezoning of 1301 South Glenburnie Road; and a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and b) Consider Adopting an Ordinance to Rezone 1301 South Glenburnie Road from C-4 Neighborhood Business District to C-3 Commercial District.

Date of Meeting: 05/10/2022		Ward # if applicable: Ward 4
Department: Development Services		Person Submitting Item: Matt Schelly, Interim Director of Development Services
Call for Public Hearing:	□Yes□No	<b>Date of Public Hearing:</b> 5/10/2022
Explanation of Item:	Quality Oil Company, LLC has requested consideration to rezone one parcel, totaling 0.95 +/- acres, from C-4 Neighborhood Business District to C-3 Commercial District.	
Actions Needed by Board:	Conduct Public Hearing, Adopt Ordinance	
Backup Attached:	Memo, Ordinance, Consistency or Inconsistency Statement, Map	
	Tay May	
Is item time sensitive?		
Will there be advocates/	opponents at t	he meeting?   Yes   No
Cost of Agenda Item: N/A		
		been budgeted and are funds available
and certified by the Fina	nce Director?	□Ves ⊠ No

**Additional Notes:** 



303 First Street, P.O. Box 1129 New Bern, NC 28563 (252)639-7587

### **MEMORANDUM**

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

FROM: Matt Schelly, Interim Director Development Services

**DATE:** April 29, 2022

SUBJECT: Conduct a Public Hearing on the Rezoning of 1301 South Glenburnie

Road; a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; b) Consider Adopting an Ordinance to Rezone 1301 South Glenburnie Road from C-4 Neighborhood Business District to C-3

Commercial District.

Quality Oil Company, LLC has requested consideration to rezone one parcel, totaling 0.95 +/- acres, from C-4 Neighborhood Business District to C-3 Commercial District. The parcel is located at 1301 South Glenburnie Road and is further identified as Craven County Parcel ID # 8-240-100. (Ward 4)

The Planning and Zoning Board unanimously approved this application at their April 5, 2022, meeting and recommend approval of the request.

Please contact Matt Schelly at 639-7583 should you have questions or need additional information.

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF NEW BERN SO AS TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY OWNED BY QUALITY OIL COMPANY, LLC CONSISTING OF APPROXIMATELY 0.95 +/- ACRES LOCATED AT 1301 SOUTH GLENBURNIE ROAD, AND IS FURTHER IDENTIFIED AS CRAVEN COUNTY PARCEL ID # 8-240-100, FROM THE EXISTING C-4 NEIGHBORHOOD BUSINESS DISTRICT TO C-3 COMMERCIAL DISTRICT.

THAT WHEREAS, the Quality Oil Company, LLC owns approximately 0.95 acres, more or less, located at 1301 South Glenburnie Road, and is further identified as Craven County Parcel ID #8-240-100, in the City of New Bern, and an application has been made to change the zoning classification of the subject property from Zone C-4 Neighborhood Business District to C-3 Commercial District consistent with the attached plat entitled "REZONING CASE: 1301 S. Glenburnie Rd.- Approx. 0.95-- Acres: PID: 8-240-100" prepared by the Development Services Department of the City of New Bern; and

WHEREAS, the Planning and Zoning Board unanimously recommended that said request be approved; and

WHEREAS, the Board of Aldermen of the City of New Bern conducted a duly advertised public hearing with respect to the proposed amendment on May 10, 2022, at which time all interested parties were given an opportunity to be heard; and

WHEREAS, the Board of Aldermen of the City of New Bern deems it advisable and in the public interest to effect said change, as the requested, to Zone C-3 Commercial District classification is consistent with the City Land Use Plans and nearby land uses.

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

Section 1. That the zoning map of the City of New Bern be and the same is hereby amended by changing the zoning classification of the subject property owned by the Quality Oil Company, LLC consisting of 0.95 acres, more or less, located at 1301 South Glenburnie Road, and is further identified as Craven County Parcel ID # 8-240-100, in the City of New Bern, from C-4 Neighborhood Business District to C-3 Commercial District, all more specifically shown on the plat entitled "REZONING CASE: REZONING CASE: 1301 S. Glenburnie Rd.- Approx. 0.95-Acres: PID: 8-240-100" prepared by the Development Services Department of the City of New Bern, a copy of which is attached hereto and incorporated herein by reference.

Section 2. That the Board deems it in the public interest to rezone the subject property consistent with the attached plat as the requested Zone C-3 Commercial District classification is consistent with the City Land Use Plans and nearby land uses.

Section 3. That this ordinance shall be in full force and effect from and after its adoption and publication as required by law.

ADOPTED THIS 10<sup>th</sup> DAY OF MAY, 2022.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

### Craven County Parcel ID # 8-240-100

### STATEMENT OF ZONING CONSISTENCY WITH ADOPTED PLANS

The Board of Aldermen of the City of New Bern finds the action to rezone Craven County Parcel ID #8-240-100 to C-3 Commercial District is reasonable and in the public interest, and consistent with the City Land Use Plans and nearby land uses. In that:

- 1. The C-3 Commercial District is deemed to be compatible with the "Developed" designation indicated in the Future Land Use Map found in the 2010 CAMA Regional Land Use Plan.
- 2. The proposed C-3 Commercial District is deemed to be compatible with adjacent zoning classifications.
- 3. The proposed C-3 Commercial District is deemed to be compatible with existing uses.

This certifies the above statement of zoning consistency was adopted by the Board of Aldermen on May 10, 2022.

Brenda E. Blanco, City Clerk

### Craven County Parcel ID # 8-240-100

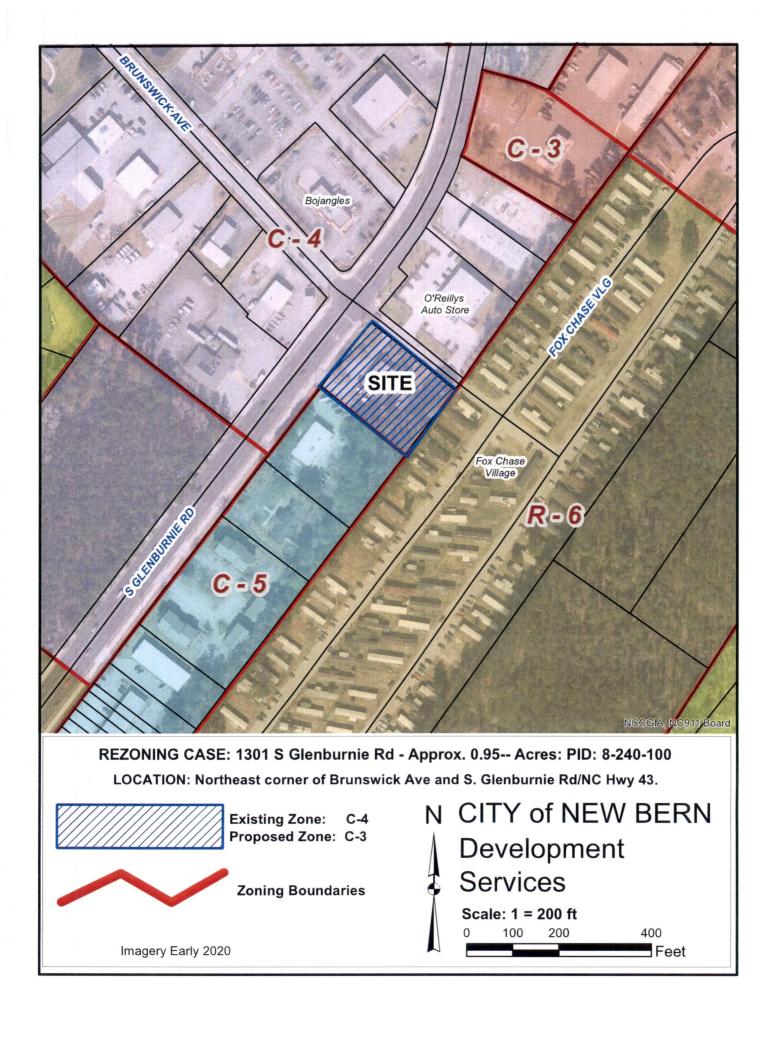
### STATEMENT OF ZONING INCONSISTENCY WITH ADOPTED PLANS

The Board of Aldermen of the City of New Bern finds the action to rezone Craven County Parcel ID # 8-240-100 to C-3 Commercial District is not reasonable and is not in the public interest and finds it to be inconsistent with the Regional Land Use Plan and nearby land uses in the proposed C-3 Commercial District is incompatible with the uses permitted on nearby properties, and other properties in the vicinity. And that:

The proposed C-3 Commercial District would be incompatible with adjacent use and the Future Land Use Map found in the 2010 CAMA Regional Land Use Plan.

This certifies the above statement of zoning inconsistency was adopted by the Board of Aldermen on May 10, 2022.

Brenda E. Blanco, City Clerk







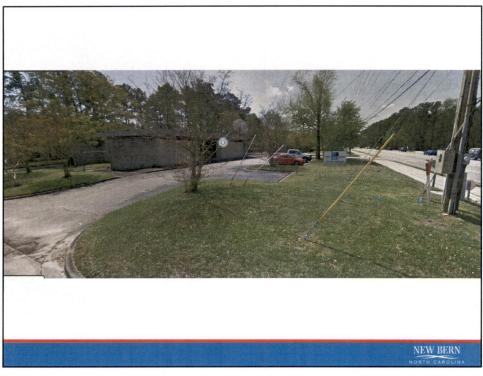
Request to Rezone 1301 South Glenburnie Road

May 10, 2022

1

## Rezoning Request Analysis

- · Applicant: Quality Oil Company, LLC.
- Location: 1301 S. Glenburnie Rd. (Craven County PID#8-240-100)
- Existing Zoning: C-4 Neighborhood Business District
- Proposed Zoning: C-3 Commercial District
- Size: 0.95 +/- acres
- History/Background: Historically this parcel has had a commercial use.
- Present Land Use: Office space (Ion Media of Greenville, INC.)



3

## **Existing Zoning**

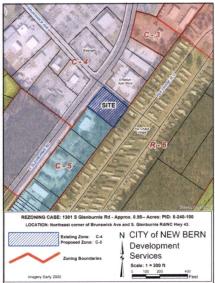


The C-4 neighborhood business district is established as a district in which the principal use of land is to provide for the retailing of goods and services to the nearby residential neighborhoods. The regulations of this district are designed to limit the businesses which may be established therein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

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4

### **Proposed Zoning**



### C-3 Commercial District:

The C-3 commercial district is established as a district for offices, personal services, and the retailing of durable and convenience goods. This district will generally be located on the city's major radial roads. Because these districts will be located on high-volume traffic arteries and will be subject to the view not only of local residents but tourists and other non-local motorists, ample off-street parking, controlled traffic movement, and an appropriate appearance including suitable planting shall be provided.

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5

## General Survey of Allowed Uses in C-3

- Single Family Residential
- Multi-family Residential
- High Traffic Retail
- · Car Sales, Rental or Repair
- Gas stations, Carwash
- Restaurants, with or without drive-through

## Surrounding Zoning

- North: Commercial (C-4 Neighborhood Business District)
- South: Commercial/Residential (C-5 office and institutional district/ R-6 residential district).
- East: Residential (R-6 Residential District)
- West: Commercial (C-4 Neighborhood Business District)

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7

### **Utilities**

 All city provided utilities and services are available to the general area.

## 2010 CAMA Regional Land Use Plan

• The area is classified as "Commercial", a mix of land uses are included in this designation. Residential densities range from a maximum of one to five dwelling units per acre. Higher densities are permitted within multi-family residential and planned unit developments and within some zoning overlay districts within commercial areas of New Bern. The intensity permitted varies depending on the zoning district and overlay standards specified in the Land Use Ordinance. Generally the area is characterized by urban and higher intensity uses that require urban municipal or public services. Incompatible uses within this land classification are industrial and agricultural land uses.

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9

### **Environment**

- According to the Regional Land Use Plan, the subject property has high suitability for development. There are no known environmental hazards on this property.
- According to the North Carolina Floodplain Mapping Program the property is located outside of the 100-year and 500-year floodplain, and is considered zone "X – Minimal Flood Risk" on the Flood Risk Information System.

## Recommendation

The proposal to rezone the subject property to C-3 commercial district is consistent with the character of the adjacent land uses and zoning classifications. Staff has found the proposed rezoning to be in the public interest and consistent with City Land Use and Transportation Plans. Staff recommends approval of the requested rezoning.

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11

## **AGENDA ITEM COVER SHEET**



Agenda Item Title:
City Manager's Presentation of the Fiscal Year 2022-2023 Budget

<b>Date of Meeting:</b> 5/10/2	2022	Ward # if applicable:	
Department: Administration  Call for Public Hearing: □Yes⊠No		Person Submitting Item: Foster Hughes  Date of Public Hearing:	
Explanation of Item:	The Manager will present the FY 23 budget. During this meeting, the budget will be distributed to the Board. On 5/10/22, The budget will also be available for review in the Clerk's office, the Library and www.NewBernNC.gov		
Actions Needed by Board:	Receive the information		
Backup Attached:	Memo		
Is item time sensitive? Will there be advocates		he meeting? □Yes ⊠ No	
Cost of Agenda Item:			

### 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
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk
Kimberly Ostrom
Director of Finance

To:

Mayor and Board of Aldermen

From:

Foster Hughes, City Manager

Date:

May 6, 2022

Subject:

City Manager's Presentation of Fiscal Year 2022-2023 Budget

### **Background Information:**

During the meeting, the FY 23 budget will be distributed to the board. An overview of the budget will be provided. The budget will also be available for review by the public in the City Clerk's office, the Library, and online at <a href="https://www.NewBernNC.gov">www.NewBernNC.gov</a>.

A public hearing will be scheduled for May 24, 2022. Our goal is for the board to approve the budget on June 14, 2022.

## **AGENDA ITEM COVER SHEET**



## **Agenda Item Title:**

Consider adopting a resolution authorizing the City Manager to execute on behalf of the City of New Bern all documents related to the Memorandum of Understanding with Sound Rivers for the installation of a *Trash Trout Jr.* in the Trent River Drainage Basin.

Date of Meeting: 5/10/2022		Ward # if applicable: Ward 2	
Department: Public Works		Person Submitting Item: Al Cablay, Director of Public Works	
Call for Public Hearing: □Yes⊠No		Date of Public Hearing: N/A	
Explanation of Item:	permission to S Jr. within the Tr	requesting the City of New Bern grant ound Rivers to install and maintain a Trash Trout ent River Basin for the purpose of data minimum of 2 years.	
Actions Needed by Board:	Adopt attached	resolution	
Backup Attached:	Memo, MOU, Resolution, Trash Trout Brochure, Installation Location Map.		
Is item time sensitive?	□Yes ⊠No		
Will there be advocates	s/opponents at t	he meeting? □Yes ☒ No	
Cost of Agenda Item:	NA		
		peen budgeted and are funds available	
and certified by the Fin	ance Director?	□Yes □ No	

**Additional Notes:** 



Public Works Department
P.O. Box 1129, 1004 S. Glenburnie Road
New Bern, N.C. 28563-1129
Phone: (252) 639-7501
Fax: (252) 636-1848

April 29, 2022

Memo to:

Mayor and Board of Aldermen

From:

Al Cablay, Director of Public Works

Re:

Consider adopting a resolution authorizing the City Manager to execute on behalf of the City of New Bern the Memorandum of Understanding, between

the City of New Bern and Sound Rivers related to the installation of a Trash

Trout Jr. within the Trent River Drainage Basin

### **Background Information:**

Sound Rivers has requested permission to install a Trash Trout Jr. within the Trent River Drainage Basin to assist in the collection of data related manmade trash finding its way into to rivers. The Trash Trout Jr. will be installed, cleaned and monitored by Sound River staff and volunteers for a period of no less than two years.

### Recommendation:

The Public Works Department is recommending and request the Board consider adopting a resolution authorizing the City Manager to execute on behalf of the City of New Bern, the Memorandum of Understanding, between the City of New Bern and Sound Rivers related to the installation of a Trash Trout Jr. within the Trent River Drainage Basin.

If you have any questions concerning this matter, please feel free to contact me directly.

### RESOLUTION

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

That the Memorandum of Understanding by and between the City of New Bern and Sound Rivers, a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the City Manager is authorized and directed to execute the same in duplicate originals for and on behalf of the City.

ADOPTED THIS 10th DAY OF MAY 2022.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK



### Memorandum of Understanding for Trash Trout Installation and Management

Sound Rivers
City of New Bern

This Memorandum of Understanding, effective this the 10<sup>th</sup> day of May 2022, is entered into by and between Sound Rivers and the City of New Bern to cover the installation and maintenance of one Trash Trout Junior located in Lawson Creek. The trash trout will remain in place for a minimum of two years to complete the necessary data collection.

Sound Rivers commits to the following:

- Assumes liability for the installation, maintenance and removal of the trash trout.
- Replace or repair trash trout if damaged, as grant funds allow.
- Installing the Trash Trout Junior with no permanent impacts to the stream buffer.
- Daily inspection of the Trash Trout Junior during the first week of installation, and weekly inspection during the first month.
- Maintaining the trash trap and coordinating litter removal every two weeks for the duration of the project.
- Removal of trash trout if requested by the City or other entities due to stream bank damage, pending flood event, or other emergencies or identified hazards.
- Coordinating with the appropriate state and federal agencies to ensure any applicable permits have been obtained.

The City of New Bern commits to the following:

• Granting Sound Rivers permission to install and maintain a Trash Trout in the Lawson Creek watershed.

This Memorandum of Understanding will go into effect when all parties have signed and dated this Document

Sound Rivers, Inc.	
By:	<u> </u>
Name:	
Title:	
City of New Bern	
By:	
Name: Foster Hughes	
Title: City Manager	







## TRASH TROUT™

This larger trap is meant for waterways with higher flow rates, large inlets and wider connection points.





## TRASH TROUT JR™

This device is perfect for smaller urban tributaries. It is easy to install, access, and move around for educational and research purposes.

## **AGENDA ITEM COVER SHEET**



Agenda Item Title:
Consider Adopting a Resolution Approving Audit Contract for Fiscal Year Ending June 30, 2022

Date of Meeting: 05/10/2022		Ward # if applicable:	
Department: Finance		Person Submitting Item: Kimberly Ostrom, Director of Finance	
Call for Public Hearing:	□Yes⊠No	Date of Public Hearing:	
Explanation of Item:	Request for Proposals were received and scored. It is recommended to contract with Thompson, Price, Scott, Adams & Co. P.A. to perform the FY22 audit. Consider adopting a resolution approving the audit contract for Fiscal Year Ending June 30, 2022.		
Actions Needed by Board:	Adopt resolution and authorize execution of contract to audit accounts.		
Backup Attached:	Memo, Resolution Summary	n, Contract to Audit Accounts, Proposal Score Sheet	
Is item time sensitive? ⊠	Yes □No		
Will there be advocates/o	pponents at th	e meeting?   Yes   No	
Cost of Agenda Item: \$34	,500		
If this requires an expend and certified by the Fina		een budgeted and are funds available  XYes  No	

**Additional Notes:** 



Office of the Director of Finance

TO:

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

FROM:

Kimberly Ostrom, Director of Finance

DATE:

April 29, 2022

RE:

Fiscal Year Ending June 30, 2022 Audit Contract

### **Background**

North Carolina General Statute 159-34 requires each governmental until to have an annual independent audit and specifies the general terms and conditions of the audit.

A formal Request for Proposal (RFP) was advertised on the City of New Bern and State of North Carolina procurement websites. Two firms returned proposals for completing the audit. The selection team reviewed and scored these two proposals. While costs play a factor in the selection process, the RFP focuses more on the qualifications and experience of those providing services. A summary of the results is attached.

Thompson, Price, Scott, Adams and Co., P.A. received the highest score and is recommended by the selection team with a fee proposal of \$42,500. The proposal includes all major program as required by the State Single Audit Implementation Act or the Federal Uniform Guidance.

### **Requested Action**

The Board adopt a resolution naming Thompson, Price, Scott, Adams and Co., P.A. as the audit firm for the City of New Bern for fiscal year ending June 30, 2022, and authorize the Mayor to execute a contract for the same.

### RESOLUTION

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

That the "Contract to Audit Accounts" by and between the City of New Bern and Thompson, Price, Scott, Adams and Co., P.A., a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the Mayor be and he is hereby authorized and directed to execute the same in duplicate originals for and on behalf of the City.

ADOPTED this 10th day of May, 2022.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

(SEAL)

The	Governing Board
	BOARD OF ALDERMAN
of	Primary Government Unit
	CITY OF NEW BERN
and	Discretely Presented Component Unit (DPCU) (if applicable)
	N/A
	Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)
and	Auditor Name

THOMPSO

THOMPSON, PRICE, SCOTT, ADAMS & CO, P.A.

Auditor Address

1626 S MADISON STREET WHITEVILLE, NC 28472

Hereinafter referred to as Auditor

for

Audit Report Due Date	
10/31/22	
10/31/22	

Must be within four months of FYE

### hereby agree as follows:

- 1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.
- 2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

- 3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 §600.42.
- 4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
- 5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

- 6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.
- 7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the AICPA Professional Standards (Clarified). The Auditor shall file a copy of that report with the Secretary of the LGC.
- 8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit- related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
- 9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.)[G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved 'with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

- 10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).
- 11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.
- 12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.
- 13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.
- 14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.
- 15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

- 16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.
- 17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.
- 18. Special provisions should be limited. Please list any special provisions in an attachment.
- 19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.
- 20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.
- 21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.
- 22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.
- 23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.
- 24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.
- 25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

- 26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.
- 27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

- 28. Applicable to audits with fiscal year ends of June 30, 2021 and later. The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:
  - a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
  - b) the status of the prior year audit findings;
  - c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
  - d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.
- 29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

- 30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).
- 31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit
- 32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.
- 33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

### **FEES FOR AUDIT SERVICES**

Code of Conduct (as applicable) and Gover		m 27 of	
If applicable: Individual at Governmental U	nit designated to have the suitable skills, knowledge, e non-attest services and accept responsibility for		
Name: Title a	and Unit / Company: Email Address:		
KIM OSTROM Finance	ce Director/ City of New Berry ostromk@newbernnc.gov		
OR Not Applicable (Identification of SKE Individu	ual not applicable for GAAS-only audit or audits with FYEs prior to Jur	ne 30, 2020.)	
(AFIRs), Form 990s, or other services not as	for work performed on Annual Financial Information Repositions of Sociated with audit fees and costs. Such fees may be included in this contract or in any invoices requiring approval of table and excluded fees.	cluded in	
this contract, or to an amendment to this comapproval for services rendered under this confor the unit's last annual audit that was submitted to the cap calculated by LGC calculation prevails. All invoices for services shall be submitted to the Commission for approviolation of law. (This paragraph not applicable)	tract (if required) the Auditor may submit interim invoices tract (if required) the Auditor may submit interim invoices ntract to the Secretary of the LGC, not to exceed 75% of itted to the Secretary of the LGC. Should the 75% cap proceed to the 15% cap proceed to the	for the billings rovided C 0.0503 roval is a	
Primary Government Unit	CITY OF NEW BERN		
Audit Fee	\$ 39,000		
Additional Fees Not Included in Audit Fee:			
Fee per Major Program	\$		
Writing Financial Statements	<b>\$</b> 3,500		
All Other Non-Attest Services	\$		
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	<b>\$</b> 31,875.00		
DP	CU FEES (if applicable)		
Discretely Presented Component Unit	N/A		
Audit Fee	\$		
Additional Fees Not Included in Audit Fee:			
Fee per Major Program	\$		
Writing Financial Statements	\$		
All Other Non-Attest Services	\$		
5% Cap for Interim Invoice Approval state of applicable to hospital contracts)			

### SIGNATURE PAGE

### AUDIT FIRM

Audit Firm*	
THOMPSON, PRICE, SCOTT, ADAMS & CO, P.A.	
Authorized Firm Representative (typed or printed)* ALAN W. THOMPSON	Signature* (Slake) Thompson
Date*	Email Address*
04/21/22	alanthompson@tpsacpas.com

### **GOVERNMENTAL UNIT**

Governmental Unit* CITY OF NEW BERN				
Date Primary Government Unit Governing (G.S.159-34(a) or G.S.115C-447(a))	g Board Appr	oved Audit Contract*	05/10/2022	-
Mayor/Chairperson (typed or printed)* Dana E. Outlaw, Mayor	1	Signature*		SIGN HER
Date 05/10/2022	~	Email Address outlawd@newbernnc.gov		-

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

### **GOVERNMENTAL UNIT - PRE-AUDIT CERTIFICATE**

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

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

Primary Governmental Unit Finance Officer* (typed or printed) KIM OSTROM	Signature*	SIGN HERE
Date of Pre-Audit Certificate*	Email Address* ostromk@newbernnc.gov	



### Thompson, Price, Scott, Adams & Co, P.A.

P.O. Box 398 1626 S Madison Street Whiteville, NC 28472 Telephone (910) 642-2109 Fax (910) 642-5958

Alan W. Thompson, CPA R. Bryon Scott, CPA Gregory S. Adams, CPA

April 20, 2022

City of New Bern PO Box 1129 New Bern, NC 28562

To Management and Those Charged with Governance:

We are pleased to confirm our understanding of the services we are to provide the City of New Bern for the year ended June 30, 2022.

### **Audit Scope and Objectives**

We will audit the financial statements of the governmental activities, business-type activities, each major fund, and the aggregate remaining fund information, including the disclosures, which collectively comprise the basic financial statements, of City of New Bern as of and for the year ended June 30, 2022. Accounting standards generally accepted in the United States of America (GAAP) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of New Bern's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of New Bern's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by GAAP and will be subjected to certain limited procedures, but will not be audited:

- 1. Management's discussion and analysis.
- 2. Schedule of the Proportionate Share of the Net Pension Liability and Schedule of Contributions LGERS
- 3. Schedule of Changes in Total Pension Liability and Schedule of Total Pension Liability as a Percentage of Covered Payroll Law Enforcement Officers' Special Separation Allowance
- 4. Schedule of Changes in the Total OPEB Liability and Related Ratios

We have also been engaged to report on supplementary information other than RSI that accompanies City of New Bern's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS, and we will provide an opinion on it in relation to the financial statements as a whole in a report combined with our auditors' report on the financial statements:

- 1. Schedule of Expenditures of Federal and State Awards.
- 2. Combining and Individual Fund Financial Statements, Budgetary Schedules, and Other Schedules

Members

American Institute of CPAs - N.C. Association of CPAs - AICPA Division of Firms

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information.

1. Introductory and Statistical Schedules (prepared for Annual Comprehensive Financial Report presentation)

Our responsibility for other information included in documents containing the entity's audited financial statements and auditors' report does not extend beyond the financial information identified in the report. We have no responsibility for determining whether such other information contained in these documents is properly stated.

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a shole are free from material misstatement, whether due to fraud or error, and issue an auditors' report that includes our opinions about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and Government Auditing Standards will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually, or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements. The objective also includes reporting on-

- Internal control over financial reporting and compliance with the provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).

### Auditors' Responsibilities for the Audit of the Financial Statements and Single Audit

We will conduct our audit will be conducted in accordance with GAAS; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility

as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts and may include tests of the physical existence of inventories (if material), and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

Our audit of financial statements does not relieve you of your responsibilities.

#### **Audit Procedures-Internal Controls**

We will obtain an understanding of the entity and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. Test of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

### **Audit Procedures-Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of City of New Bern's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of City of New Bern's major programs. For federal programs that are included in the Compliance Supplement, our compliance and internal control procedures will relate to the compliance requirements that the Compliance Supplement identifies as being subject to audit. The purpose of these procedures will be to express an opinion on City of New Bern's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

#### Other Services

We will also assist in preparing the financial statements, schedule of expenditures of federal and State awards, and related notes of City of New Bern in conformity with U.S. generally accepted accounting principles and the Uniform Guidance based on information provided by you. We may also assist in preparing year end cash to accrual entries. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal and State awards, and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities relating to the financial statements, schedules of expenditures of federal and State awards, related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal and State awards, and related notes and that you have reviewed and approved the financial statements, the schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, (Kim Ostrom), who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

### Responsibilities of Management for the Financial Statements and Single Audit

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for (1) designing, implementing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal and State awards, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal and State awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes), rules, and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

You are also responsible for making drafts of the schedule of expenditures of federal awards, all financial records, and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements; schedule of expenditures of federal and State awards; federal or State award programs; compliance with laws, regulations, contracts, and grant agreements; and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. You are also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan. The summary schedule of prior audit findings should be available for our review by May 1, 2022.

You are responsible for identifying all federal and State awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal and State awards (including notes and noncash assistance received, and COVID-19-related concepts, such as lost revenues, if applicable) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal and State awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal and State awards. You also agree to make the audited financial statements readily available to intended users of schedules of expenditures of federal and State awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal and State awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal and State awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal and State awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles (GAAP). You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information. With regard to publishing the financial statements on your website, you understand that websites are a means of distributing information and, therefore, we are not required to read the information contained in those sites or to consider the consistency of other information on the website with the original document.

#### Engagement Administration, Fees, and Other

You may request that we perform additional services not addressed in this engagement letter. If this occurs, we will communicate with you regarding the scope of the additional services and the estimated fees. We also may issue a separate engagement letter covering the additional services. In the absence of any other written communication from us documenting such additional services, our services will continue to be governed by the terms of this engagement letter.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing. We will schedule the engagement based in part on deadlines, working conditions, and the availability of your key personnel. We will plan the engagement based on the assumption that your personnel will cooperate and provide assistance by performing tasks such as preparing requested schedules, retrieving supporting documents, and preparing confirmations. If for whatever reason your personnel are unavailable to provide the necessary assistance in a timely manner, it may substantially increase the work we have to do to complete the engagement within the established deadlines, resulting in an increase in fees over our original fee estimate.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditors' report or nine months after the end of the audit period.

We will provide copies of our reports to the Board; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Thompson, Price, Scott, Adams & Co., P.A. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request in a timely manner to Oversight Agencies (or its designee), a federal agency provided direct or indirect funding, or the U.S. Government Accounting Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Thompson, Price, Scott, Adams & Co., P.A. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parities may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the federal cognizant agency. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party contesting the audit finding for guidance prior to destroying the audit documentation.

Alan Thompson is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. We expect to begin our audit by approximately May 1, 2022, and to issue our reports no later than October 31, 2022. Our audit engagement ends on delivery of our audit report. Any follow-up services that might be required will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, should not exceed \$42,500. Also, any excessive additional fees incurred in obtaining required audit evidence (i.e. bank confirmations) will be billed directly to the Board. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You

will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit.

#### Reporting

We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the Board of Commissioners and management of City of New Bern. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditors' report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement. If circumstances occur related to the condition of your records, the availability of sufficient appropriate audit evidence, or the existence of a significant risk of material misstatement of the financial statements caused by error, fraudulent financial reporting, or misappropriation of assets, which in our professional judgment prevent us from completing the audit or forming an opinion on the financial statements, we retain the right to take any course of action permitted by professional standards, including declining to express an opinion or issue a report, or withdrawing from the engagement.

The Government Auditing Standards report on internal control over financial reporting and on compliance and other matters will state that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

We appreciate the opportunity to be of service to the City of New Bern and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Alan W. Thompson, CPA

Thompson, Price, Scott, Adams & Co., P.A.

# RESPONSE: This letter correctly sets forth the understanding of the City of New Bern. Management signature: Title: Director of Finance Date: Governance signature: Title: Mayor Date: 05/10/2022

CC: Board of Alderman

# City of New Bern

Audit Proposal Evaluations Summary and Information April 18, 2022

		FIRM		
	;	SPD&A		pson, Price, t & Adams
Score Summary Total Score (Max 100 Points)		76		98
Examination, Compliance and Financia	al Staten	nent Preparation		
June 30, 2022 June 30, 2023 June 30, 2024	\$	34,500 35,750 35,800	\$	42,500 43,500 44,500
	\$	106,050	\$	130,500
Proposed Annual Hours		228		360
Average Hourly Rate	\$	155	\$	121

#### Note:

After the first year, the costs are estimated fees for audit services. Generally these estimates are what the fees will be unless there are unusual or extenuating circumstances.

# AGENDA ITEM COVER SHEET



**Agenda Item Title:** 

Consider Adopting a Resolution Designating Agents for the FEMA Hazard Mitigation and Resiliency Plan

<b>Date of Meeting:</b> 05/10/20	022	Ward # if applicable: N/A
Department: Development	Services	Person Submitting Item: Matt Schelly, Interim Director Development Services
Call for Public Hearing:	□Yes⊠No	Date of Public Hearing:
Explanation of Item:	FEMA requires the Board appoint primary and secondary agents. The attached resolution assigns designees for the FEMA Hazard Mitigation and Resiliency Plan.	
Actions Needed by Board:	Adopt Resolution	
Backup Attached:	Memo, Resolution, NC Department of Emergency Management Designation of Applicant's Agent and Applicant Assurances for Public Assistance	
Is item time sensitive?		
Will there be advocates/o	opponents at th	e meeting? □Yes ☒ No
Cost of Agenda Item:		
_		een budgeted and are funds available
and certified by the Finance Director?   Yes   No		

**Additional Notes:** 



303 First Street, P.O. Box 1129 New Bern, NC 28563 (252)639-7587

#### **MEMORANDUM**

TO:

Mayor Dana Outlaw, City of New Bern Board of Aldermen

FROM:

Matt Schelly, Interim Director Development Services

DATE:

April 29, 2022

SUBJECT:

Consider Adopting a Resolution Designating Applicant's Agent for the

Hazard Mitigation and Resiliency Plan Grant.

#### Background

Hurricane Florence made landfall in September 2018 and devastated 4,325 homes and 300 businesses in the City of New Bern as a result, the city applied for a grant to assist with the Hazard Mitigation and Resiliency Plan Grant to develop an implementable resiliency plan to combat against environmental and economic losses from the impacts of hazards, sea level rise and climate change. The city is required to designate a primary and secondary agent through a resolution approved by the Board of Aldermen. The attached Designation of Applicant's Agent form provided by the North Carolina Division of Emergency Management updates the City's agents and approves the naming of Senior Accountant Kimberly Rose as the primary agent and City Manager Foster Hughes as the secondary agent of the city.

#### Requested Action

Consider adopting a Resolution authorizing Kimberly Rose and Foster Hughes as primary and secondary agents, respectively, for the City of New Bern to execute the necessary documents for Hazard Mitigation and Resiliency Plan Grant reimbursements.

# RESOLUTION **DESIGNATION OF APPLICANT'S AGENT**North Carolina Division of Emergency Management

Organization Name (hereafter named Organization) City of New Bern	Disaster Number: 4393-DR-NC		
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):			
Applicant's Fiscal Year (FY) Start  Month: July Day: 1			
Applicant's Federal Employer's Identification Number  56 - 6000235			
Applicant's Federal Information Processing Standards (FIPS) Number  049 - 46340 - 00			
PRIMARY AGENT	SECONDARY AGENT		
Agent's Name Kimberly K. Rose	Agent's Name Foster Hughes		
Organization City of New Bern	Organization City of New Bern		
Official Position Senior Accountant	Official Position City Manager		
Mailing Address PO Box 1129 ■	Mailing Address PO Box 1129 ■		
City ,State, Zip New Bern, NC 28563	City ,State, Zip New Bern, NC 28563		
Daytime Telephone (252) 639-2715	Daytime Telephone (252) 639-2700		
Facsimile Number (252) 636-4108	Facsimile Number (252) 639-2841		
Pager or Cellular Number (910) 381-7051	Pager or Cellular Number (252) 626-1430		
BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and <b>the assurances printed on the reverse side hereof</b> . BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this day of ,20.			
APPROVED this day of , 20 .  GOVERNING BODY	CERTIFYING OFFICIAL		
Name and Title Dana E. Outlaw, Mayor	Name Brenda E. Blanco		
Name and Title	Official Position City Clerk		
Name and Title	Daytime Telephone (252) 639-2701		
CERTIFICATION			
I, Brenda Blanco , (Name) duly appointed and City Clerk (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of the City of New Bern (Organization) on the 10th day of May , 2022.			
Date: Rev. 06/02	Signature:		
Rev. 00/02			

# AGENDA ITEM COVER SHEET



**Agenda Item Title:**Consider Adopting a Resolution for ARP/CSLFRF Funds Records Retention Policy

Date of Meeting: 5/10/202	2	Ward # if applicable:	
Department: Finance		Person Submitting Item: Kimberly Ostrom – Finance Director	
Call for Public Hearing:	□Yes⊠No	Date of Public Hearing: N/A	
Explanation of Item:	To adopt an additional records retention policy to comply with federal statutes and regulations under the ARPA/CSLFRF award terms and conditions.		
Actions Needed by Board:	Consider adopting resolution		
Backup Attached:	Memo, resolution	n, and policy	
	-		
Is item time sensitive?	Yes □No		
Will there be advocates/	opponents at th	e meeting? □Yes ☒ No	
Cost of Agenda Item: No			
If this requires an expenand certified by the Fina		een budgeted and are funds available  Yes  No	

**Additional Notes:** 



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

FROM: Kimberly Ostrom - Director of Finance

DATE: May 10, 2022

RE Resolution to Adopt a Records Retention Policy for ARPA/CSLFRF

The North Carolina Records Retention Policy is not sufficient to meet federal regulations under the American Rescue Plan Act/Coronavirus State and Local Fiscal Recovery Funds (ARPA/CSLFRF) award terms and conditions; therefore, an additional records retention policy must be adopted for ARPA/CSLFRF compliance.

### RESOLUTION

**THAT WHEREAS**, the Board of Aldermen of the City of New Bern desires to establish an ARP/CSLFRF Records Retention Policy to specifically address the U.S. Department of Treasury's record retention requirements for the American Rescue Plan ("ARP")/Coronavirus Local Fiscal Recovery Funds ("CSLFRF") as required under 2 C.F.R. § 200.329.

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

That the Records Retention Policy for documents created or maintained pursuant to the ARP/CSLFRF award and subawards, a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby adopted.

ADOPTED THIS 10th DAY OF MAY, 2022.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

# City of New Bern Record Retention Policy: Documents Created or Maintained Pursuant to the ARP/CSLFRF Award Effective May 10, 2022

**Retention of Records**: The Coronavirus Local Fiscal Recovery Funds ("CSLFRF") Award Terms and Conditions and the Compliance and Reporting Guidance set forth the U.S. Department of Treasury's ("Treasury") record retention requirements for the ARP/CSLFRF award.

It is the policy of the City of New Bern to follow Treasury's record retention requirements as it expends CSLFRF pursuant to the APR/CSLFRF award. Accordingly, the City of New Bern agrees to the following:

- Retain all financial and programmatic records related to the use and expenditure
  of CSLFRF pursuant to the ARP/CSLFRF award for a <u>period of five (5) years</u> after
  all CLFRF funds have been expended or returned to Treasury, whichever is later.
- Retain records for real property and equipment acquired with CSLFRF for five years after final disposition.
- Ensure that the financial and programmatic records retained sufficiently evidence compliance with section 603(c) of the Social Security Act "ARPA," Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
- Allow the Treasury Office of Inspector General and the Government Accountability
  Office, or their authorized representatives, the right of timely and unrestricted
  access to any records for the purpose of audits or other investigations.
- If any litigation, claim, or audit is started before the expiration of the 5-year period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved.

<u>Covered Records</u>: For purposes of this policy, records are information, regardless of physical form or characteristics, that are created, received, or retained that evidence the City of New Bern's expenditure of CSLFRF funds on eligible projects, programs, or activities pursuant to the ARP/CSLFRF award.

Records that shall be retained pursuant to this policy include, but are not limited to, the following:

• Financial statements and accounting records evidencing expenditures of CSLFRF for eligible projects, programs, or activities.

- Documentation of rationale to support a particular expenditure of CSLFRF (e.g., expenditure constitutes a general government service);
- Documentation of administrative costs charged to the ARP/CSLFRF award;
- Procurement documents evidencing the significant history of a procurement, including, at a minimum, the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for contract cost or price;
- Subaward agreements and documentation of subrecipient monitoring;
- Documentation evidencing compliance with the Uniform Guidance property management standards set forth in 2 C.F.R. §§ 200.310-316 and 200.329;
- Personnel and payroll records for full-time and part-time employees compensated with CSLFRF, including time and effort reports; and
- · Indirect cost rate proposals

<u>Storage</u>: The City of New Bern's records must be stored in a safe, secure, and accessible manner. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

<u>Departmental Responsibilities</u>: Any department or unit of the City of New Bern, and its employees, who are responsible for creating or maintaining the covered documents in this policy shall comply with the terms of this policy. Failure to do so may subject the City of New Bern to civil and/or criminal liability. Any employee who fails to comply with the record retention requirements set forth herein may be subject to disciplinary sanctions, including suspension or termination.

The Finance Director is responsible for identifying the documents that City of New Bern must or should retain and arrange for the proper storage and retrieval of records. The Finance Director shall also ensure that all personnel subject to the terms of this policy are aware of the record retention requirements set forth herein.

Reporting Policy Violations: The City of New Bern is committed to enforcing this policy as it applies to all forms of records. Any employee that suspects the terms of this policy have been violated shall report the incident immediately to that employee's supervisor. If an employee is not comfortable bringing the matter up with the supervisor, the employee may bring the matter to the attention of the Finance Director. The City of New Bern prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting incidents of inappropriate conduct of any kind, pursuing any record destruction claim, or cooperating in related investigations.

**Questions About the Policy**: Any questions about this policy should be referred to Kimberly Ostrom, 252-639-2713, ostromk@newbernnc.gov, who oversees administering, enforcing, and updating this policy.

# **AGENDA ITEM COVER SHEET**



**Agenda Item Title:** 

Consider Adopting a Resolution for ARP/CSLFRF Funds Nondiscrimination Policy

Date of Meeting: 5/10/2022  Department: Finance  Call for Public Hearing: □Yes⊠No		Ward # if applicable:		
		Person Submitting Item: Kimberly Ostrom – Finance Director  Date of Public Hearing: N/A		
				T. I. CY
Explanation of Item:	To adopt a Nondiscrimination Policy to comply with the federal statutes and regulations under the ARPA/CSLFRF award terms and conditions.			
Actions Needed by Board:	Consider adopting resolution			
Backup Attached:	Memo, resolution, and policy			
Is item time sensitive?	MVos DNo			
		he meeting? □Yes ☒ No		
will there be advocates	opponents at t	ne meeting. Lites 22 110		
Cost of Agenda Item:				
If this requires an expeand certified by the Fir		een budgeted and are funds available ☐Yes ☐ No		

**Additional Notes:** 



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

FROM: Kimberly Ostrom - Director of Finance

DATE: May 10, 2022

RE Resolution to Adopt a Nondiscrimination Policy for ARPA/CSLFRF funds

Before American Rescue Plan Act/Coronavirus State and Local Fiscal Recovery Funds (ARPA/CSLFRF) funds can be disbursed, local government recipients must adopt a Nondiscrimination Policy to comply with federal regulations.

# Resolution Approving Nondiscrimination Policy Pursuant to the ARP/CSLFRF Award Effective May 10, 2022

**WHEREAS**, the City of New Bern has received an allocation of funds from the "Coronavirus State Fiscal Recovery Fund" or "Coronavirus Local Fiscal Recovery Fund" (together "CSLFRF funds"), established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (the "ARP/CSLFRF award").

**WHEREAS**, CSLFRF funds are subject to the U.S. Department of Treasury ("Treasury") regulations, including the Final Rule, the Award Terms and Conditions, and the Title VII implementing regulations at 31 C.F.R. Part 22.

**WHEREAS**, pursuant to the ARP/CSLFRF Award Terms and Conditions, and as a condition of receiving CSLFRF funds, the City of New Bern agrees to follow all federal statutes and regulations prohibiting discrimination in its administration of CSLFRF under the terms and conditions of the ARP/CSLFRF award, including, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin within programs or activities receiving federal financial assistance:
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

**BE IT RESOLVED**, that the governing board of the City of New Bern hereby adopts and enacts the following nondiscrimination policy, which shall apply to the operations of any program, activity, or facility that is supported in whole, or in part, by expenditures CSLFRF pursuant to the ARP/CSLFRF award.

## **Nondiscrimination Policy Statement**

It is the policy of the City of New Bern to ensure that no person shall, on the ground of race, color, national origin (including limited English Proficiency), familial status, sex, age, or disability, be excluded from participation in, be denied the befits of, or be otherwise subject to discrimination under any program or activity administered by the City of New Bern, including programs or activities that are funded in whole or part, with Coronavirus State and Local Fiscal Recovery Funds ("CSLFRF"), which the City of New Bern received from the U.S. Department of Treasury ("Treasury") pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (herein the "ARP/CSLFRF award").

# I. Governing Statutory & Regulatory Authorities

As required by the CSLFRF <u>Award Terms and Conditions</u>, the City of New Bern shall ensure that each "activity," "facility," or "program" that is funded in whole, or in part, with CSLFRF and administered under the ARP/CSLFRF award, will be facilitated, operated, or conducted in compliance with the following federal statutes and federal regulations prohibiting discrimination. These include, but are not limited to, the following:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit

<sup>&</sup>lt;sup>1</sup> 22 C.F.R. § 22.3 defines "program" and "activity" as all operations of an entity, including local governments, that receive Federal financial assistance, and the departments, agencies, or special purpose districts of the local governments to which Federal financial assistance is distributed. "Federal financial assistance" includes, among other things, grants and loans of federal funds. "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

- discrimination on the basis of age within programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

# II. <u>Discriminatory Practices Prohibited in the Administration of the</u> ARP/CSLFRF Award

To ensure compliance with Title VII of the Civil Rights Act of 1964, and Title 31 Code of Federal Regulations, Part 22, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities, the City of New Bern shall prohibit, at a minimum, the following practices in its administration of CSLFRF pursuant to the ARP/CSLFRF award:

- 1. Denying to a person any service, financial aid, or other program benefit without good cause;
- 2. Providing to a person any service, financial aid, or another benefit which is different in quantity or quality, or is provided in a different manner, from that provided to others under the program.
- 3. Subjecting a person to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under the program;
- 4. Restricting a person in the enjoyment of any advantages, privileges, or other benefits enjoyed by others receiving any service, financial aid, or other benefit under the program;
- 5. Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet to be provided any service, financial aid, or other benefit provided under the program;
- 6. Implementing different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities to the program;
- 7. Adopting methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
- 8. Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations;

- 9. Discriminating against any person, either directly or through a contractual agreement, in any employment resulting from the program, a primary objective of which is to provide employment;
- 10. Committing acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because an individual made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

## III. Reporting & Enforcement

- The City of New Bern shall cooperate in any enforcement or compliance review activities by the Department of the Treasury. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The City of New Bern shall comply with information requests, on-site compliance reviews, and reporting requirements.
- 2. The City of New Bern shall maintain a complaint log and inform the Treasury of any complaints of discrimination on the grounds of race, color, or national origin (including limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, whether pending or completed, including the outcome. The City of New Bern shall inform the Treasury if it has received no complaints under Title VI.
- 3. Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Treasury. Any such complaint must be in writing and filed with the Treasury's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.
- 4. Any person who believes that because of that person's race, color, national origin, limited English proficiency, familial status, sex, age, religion, or disability that he/she/they have been discriminated against or unfairly treated by the City of New Bern in violation of this policy should contact the following office within 180 days from the date of the alleged discriminatory occurrence:

# Marvin Williams, Assistant City Manager williamsm@newbernnc.gov 252-639-2703

ADOPTED this the 10<sup>th</sup> day of May, 2022.

D.	ANA E. OUTLAW, MAYOR
BRENDA E. BLANCO, CITY CLERK	