

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
APRIL 11, 2023 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

1. Meeting opened by Mayor Odham. Prayer Coordinated by Alderman Prill. Pledge of Allegiance.
2. Roll Call.
3. Approve Agenda.
4. Request and Petition of Citizens.

Consent Agenda

5. Consider Approving a Proclamation for 2023 Resilient & Thriving Communities Week.
6. Consider Adopting a Resolution to Close the 900 and 1000 Blocks of Pollock Street for Tap That Beermuda Block Party.
7. Consider Adopting a Resolution to Close the 1900 Block of St. John Street for a Birthday Party.
8. Approve Minutes.

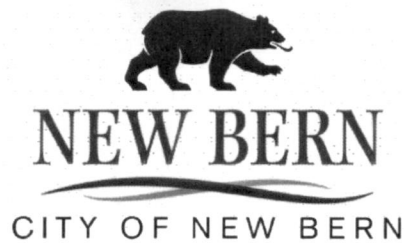
9. Presentation by Craven County Crime Stoppers.
10. Presentation on Coastal Carolina Regional Airport.
11. Recognition of 2023 Citizens Police Academy.
12. Recognition of New Bern 101 Graduates.
13. Presentation by Bradham's Legacy and Consideration of Adopting a Resolution Authorizing the Submission of an Application for a Rural Transformation Grant on Behalf of Bradham's Legacy.
14. Consider Adopting a Resolution Approving a Memorandum of Understanding and Cost Reimbursement Agreement with the FBI Taskforce.
15. Discuss Juneteenth Holiday.
16. Appointment(s).

17. Attorney's Report.
18. City Manager's Report.
19. New Business.
20. Closed Session.
21. Adjourn.

INDIVIDUALS WITH DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL
639-2931 NO LATER THAN 3 P.M. THE DATE OF THE MEETING

Aldermen

Rick Prill
Hazel B. Royal
Robert V. Aster
Johnnie Ray Kinsey
Barbara J. Best
Robert Brinson, Jr.



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

Jeffrey T. Odham
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: April 06, 2023
Re: April 11, 2023 Agenda Explanations

1. **Meeting opened by Mayor Jeffrey T. Odham. Prayer Coordinated by Alderman Prill. Pledge of Allegiance.**
2. **Roll Call.**
3. **Approve Agenda.**
4. **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

5. Consider Approving a Proclamation for 2023 Resilient & Thriving Communities Week.

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 April 29th – May 06th, 2023.

6. Consider Adopting a Resolution to Close the 900 and 1000 Blocks of Pollock Street for Tap That Beermuda Block Party.

(Ward 1) In conjunction with Religious Community Services, Tap That New Bern will be holding its annual block party. A request was received to close the 900 and 1000 blocks of Pollock Street to vehicular traffic on May 06, 2023 from 3 p.m. until 11:59 p.m. The organizers have also requested use of the public parking lot at 925 Broad Street, which is the back of the old Days Inn site. A rain date of May 13, 2023 has been designated. A memo from Kari Warren, Interim Director of Parks and Recreation, is attached.

7. Consider Adopting a Resolution to Close the 1900 Block of St. John Street for a Birthday Party.

(Ward 2) Melba Curmon of 1905 St. John Street has requested to close the 1900 block of St. John Street to vehicular traffic on July 15, 2023 from 9 am until 10 p.m. for a birthday party. There are four houses on the street, three of which are vacant. A memo from Mrs. Warren is attached along with the application and area map.

8. Approve Minutes.

Minutes from the February 14, 2023 and February 28, 2023 closed sessions and March 28, 2023 regular meeting are provided for review and approval.

9. Presentation by Craven County Crime Stoppers.

Craven County Crime Stoppers Board President, Jeff Haddock, and Cpl. Kelly Cox with the Craven County Sheriff's Department will share information on the local Crime Stoppers program.

10. Presentation on Coastal Carolina Regional Airport.

Andrew Shorter, Director of Coastal Carolina Regional Airport, will share information about the full-service airport.

11. Recognition of 2023 Citizens Police Academy.

Graduates of the recent Citizens Policy Academy will be in attendance to give an overview of their experience. The latest academy marked the 26th session to be held.

12. Recognition of New Bern 101 Graduates.

The Spring 2023 session of New Bern 101 concludes with this Board meeting. Participants have visited each department of the City to learn about the departments' responsibilities, services provided, various programs, and to tour facilities and meet staff. The final week of the program, participants attend a Governing Board meeting to observe the Board in action. Participants will be called forward for recognition and presentation of a certificate of completion.

13. Presentation by Bradham's Legacy and Consideration of Adopting a Resolution Authorizing the Submission of an Application for a Rural Transformation Grant on Behalf of Bradham's Legacy.

(Ward 1) Staff is seeking authorization to submit an application through the NC Department of Commerce for a Rural Transformation Grant in the amount of \$950,000. The grant cycle closes May 03, 2023, and approved grants will be announced June 13, 2023. If awarded, the funds will be used to develop a city-owned building to house a museum for the purpose of educating the public on Pepsi's historical relationship with New Bern. John Haroldson, Chair of Bradham's Legacy, will make a presentation to provide additional information.

14. Consider Adopting a Resolution Approving a Memorandum of Understanding and Cost Reimbursement Agreement with the FBI Taskforce.

The mission of the FBI's Western Hemisphere Task Force is to identify and target for prosecution criminal enterprise groups responsible for drug trafficking, money laundering, alien smuggling, crimes of violence such as murder and aggravated assault, robbery, and apprehension of dangerous fugitives. The New Bern Police Department ("NBPD") desires to assign its Gang Detective as a Taskforce Officer. The detective will remain in New Bern, work out of his current workspace, and will be provided with a vehicle and equipment that will benefit the NBPD. Any overtime will be paid by the FBI. The department is requesting the Board authorize the Mayor and Police Chief to enter into a Memorandum of Understanding and execute a cost reimbursement agreement for this relationship. A memo from Police Chief Patrick Gallagher is attached.

15. Discuss Juneteenth Holiday.

At the March 29th meeting, the Board directed this topic to be placed on the agenda after Juneteenth of New Bern requested the City add Juneteenth to its list of paid holidays. Juneteenth became a federal holiday in 2021, and the State of North

Carolina began providing 8 hours of personal leave in 2022 for employees of cabinet agencies. This is in addition to any other annual leave. North Carolina also encouraged other state agencies to adopt a similar policy to promote the recruitment and retention of a diverse and inclusive workforce. Out of 167 municipalities that participated in a survey by the NC League of Municipalities, a copy of which is provided, 50 have added Juneteenth as an additional paid holiday. If New Bern were to add the holiday, the approximate cost for the additional vacation day is \$136,000. This does not include overtime for any employee who works on the holiday.

16. Appointment(s).

Due to a conflict, Travis Oakley resigned from the Planning and Zoning Board. A new appointment is needed to fill the remainder of his term, which will expire on June 30, 2025. This seat is appointed by Ward 1, and Alderman Rick Prill is asked to make an appointment to fill the vacancy.

17. Attorney's Report.

18. City Manager's Report.

19. New Business.

20. Closed Session.

21. Adjourn.

INDIVIDUALS WITH DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL
639-2931 NO LATER THAN 3 P.M. THE DATE OF THE MEETING

AGENDA ITEM COVER SHEET

Agenda Item Title:

Proclamation for Resilient & Thriving Communities Week

Date of Meeting: 4/11/2022	Ward # if applicable:
Department: City Clerk	Person Submitting Item: Brenda Blanco
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Tamra Church, Chair & Executive Director of Coastal Coalition for Substance Abuse Prevention, has requested a proclamation for “resilient and thriving communities”. Ms. Church is discussing with those at a state level the idea of establishing a stationary week to be observed annually.
Actions Needed by Board:	Consider approving the proclamation
Backup Attached:	Proclamation
Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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

Additional Notes:



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

- WHEREAS,** resilient and thriving communities are vital to our community and state'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 well-being of an entire community; and
- WHEREAS,** Healthy North Carolina 2030: A Path Toward Health by the North Carolina Institute of Medicine, in partnership with the North Carolina Department of Health and Human Services, Division of Public Health, identifies reduction of adverse childhood experiences by 25% by 2030 as a goal; and
- WHEREAS,** it is our collective responsibility to collaborate in a nonpartisan fashion to promote positive experiences, secure relationships, and supportive environments to buffer stress and adversity, and to support local resilience coalitions, collaboratives, task forces, and initiatives across the state; and
- WHEREAS,** investing in policies, programs, and strategies that address adversity and strengthen community resilience is essential to the health of our community; and
- WHEREAS,** the City of New Bern encourages all individuals and all sectors, public and private, early childhood through post-secondary education, faith-based organizations, healthcare systems, justice systems, social service systems, businesses, and elected leaders to collaborate to strengthen our communities.

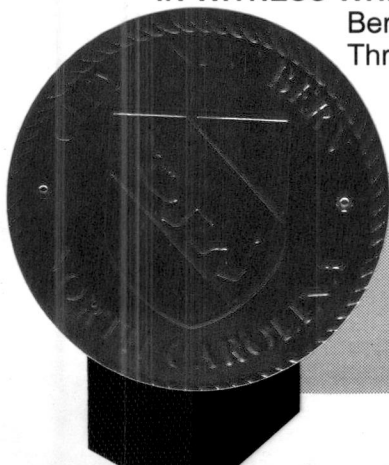
NOW THEREFORE, I, Jeffrey T. Odham, Mayor of the City of New Bern, on behalf of the New Bern Board of Aldermen do hereby proclaim April 29th – May 6th, 2023, as

"RESILIENT & THRIVING COMMUNITIES WEEK"

in the City of New Bern and recommend 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 11th day of April in the Year of Our Lord Two Thousand and Twenty-Three.

JEFFREY T. ODHAM, MAYOR



AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution to close a specific street to vehicular traffic for Tap That New Bern Beermuda Block Party in conjunction with religious Community Services.

Date of Meeting: 4/11/2023	Ward # if applicable: Ward 1
Department: Parks & Recreation	Person Submitting Item: Kari Warren, Director of Parks & Recreation
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	The event organizer has made a request to close the 900-1000 blocks of Pollock Street to vehicular traffic for Tap That New Bern Beermuda Block Party in conjunction with Religious Community Services from 3:00 p.m. until 11:59 p.m. on Saturday, May 6, 2023, with a rain date of May 13, 2023. Use the vacant parking lot located at 925 Broad Street (Days Inn) on May 6, 2023, with a rain date of May 13, 2023, from 3:00 p.m. until 11:59 p.m.
Actions Needed by Board:	Adopt the Resolution
Backup Attached:	Resolution – Memo – Map – Petition - Application
Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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

Additional Notes: N/A

Aldermen

Rick Prill
Hazel B. Royal
Bobby Aster
Johnnie Ray Kinsey
Barbara J. Best
Robert Brinson, Jr.



Kari Warren, CPRP
Interim Director of Parks & Recreation

Jeffrey T. Odham
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk
Kimberly A. Ostrom
Director of Finance



Date: March 24, 2023
Memo To: Mayor and Board of Aldermen
From: Kari Warren, CPRP *KW*
Director of Parks and Recreation
Re: Tap That New Bern Beermuda Block Party

Background Information:

The event organizer has made a request to close the 900-1000 blocks of Pollock Street to vehicular traffic for Tap That New Bern Beermuda Block Party in conjunction with Religious Community Services from 3:00 p.m. until 11:59 p.m. on May 6, 2023, with a rain date of May 13, 2023.

Use the vacant parking lot located at 925 Broad Street (Days Inn) on Saturday, May 6, 2023, with a rain date of May 13, 2023, from 3:00 p.m. until 11:59 p.m.

Recommendation:

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

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

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

RESOLUTION

THAT WHEREAS, Tap That New Bern Beermuda Block Party has scheduled its 3rd Annual Block Party in conjunction with Religious Community Services and has requested the 900 and 1000 blocks of Pollock Street be closed to vehicular traffic on Saturday, May 6, 2023, with a rain date of May 13, 2023, from 3:00 p.m. until 11:59 p.m. for a block party; and

WHEREAS, Tap That New Bern Beermuda Block Party in conjunction with Religious Community Services has further requested to use the vacant parking lot located at 925 Broad Street (Days Inn) on Saturday, May 6, 2023, with a rain date of May 13, 2023 from 3:00 p.m. until 11:59 p.m.; and

WHEREAS, the 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:

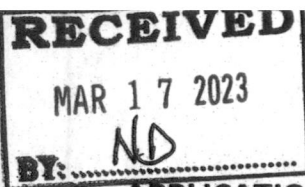
That the 900 and 1000 blocks of Pollock Street be closed to vehicular traffic on May 6, 2023, with a rain date of May 13, 2023, from 3:00 p.m. until 11:59 p.m. for Tap That New Bern Beermuda 3rd Annual Block Party in conjunction with Religious Community Services; and

Further, use of the vacant parking lot located at 925 Broad Street (back of former Days Inn site) is authorized on May 6, 2023, with a rain date of May 13, 2023, from 3:00 p.m. until 11:59 p.m.

ADOPTED THIS 11th DAY OF APRIL 2023.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK



CITY OF NEW BERN

May 6 - Saturday
May 13 - Raindate - Sat.

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

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

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

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

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

Name of Event/Activity: The Beermuda Block Party

Organization Name: Tap That New Bern / Religious Community Services

Responsible Contact: Taylor Shannon

Address: 901 Pollock Street

City: New Bern State: NC Zip code: 28560

Phone: 330-858-3430

Alternate Phone: _____

Email: Taylor@TailoredCreatives.com

Type of Event:

☐ Demonstration

☒ Festival

☐ Parade

Date of Event: 05/06/2023

Proposed Rain Date: 05/13/2023

Event Set up time: 3pm

Event Tear Down Completed Time: 11:59pm

Event Start Time: 4pm

Event End Time: 10pm

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

The 900 and 1000 Blocks of Pollock Street in Greater Downtown New Bern

Between Norwood & Fleet

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

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

The Block Party will celebrate the three establishments anniversaries as well as celebrate Religious Community Services

Estimated attendance: 1000

; Attendance not to exceed: 3,000

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

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

How will you handle trash generated from the event?

We are requesting # 10 trash cans.

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

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

Crowd Manager

street
closing

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

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

***What Street(s) are you requesting to close? Be specific:** Fleet Street to Norwood Street

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

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

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

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

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

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

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

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

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

☒ Certificate of Insurance – Listing the City of New Bern, PO Box 1129, New Bern, NC as “Additional Insured”.

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

☒ Payment in full of applicable fees and charges.

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

The following items must be submitted with Application:

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

Taylor Shannon03/16/2023

Authorized Signature

Date

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

Administrative Support SupervisorDate

This application has been approved.

Hari Warren3-31-2023

Director of Parks & Recreation

Date

Total Anticipated Charges

Barricades: # _____

\$ _____

Trash Collection:

\$ _____

City Staff:

\$ _____

Vendor Fees

\$ _____

Park/Facility Rental:

\$ _____

TBD

Total Due:

\$ _____

- ☒ Have HOA's been notified? ☒ Yes ☐ No Spoke with: petition of signatures
- ☒ Approved by Department Date: 3-31-23 Staff Initials: KW
- ☒ Submitted for Board Approval Date: 3-31-23 Staff Initials: KW
- ☐ All Paperwork collected Date: _____ Staff Initials: _____
- ☐ All fees collected \$ _____ Date: _____ Staff Initials: _____

City Sponsored Event☐ Yes ☒ No

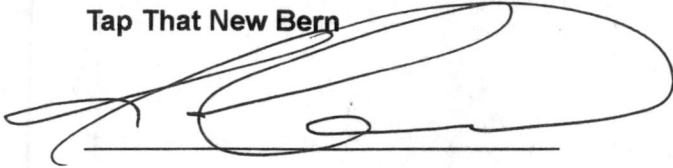
Updated 6-3-2019

Petition of Signatures

Tap That, Freshwater & Brewery 99 will be celebrating their 3rd Anniversary on Saturday,
May 6th with a rain date of May 13th from 3pm until 11:59pm.

If you need assistance in helping guests from your business get in/out - our team will be
happy to help to avoid inconvenience.

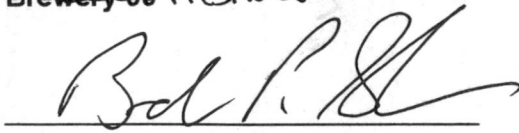
Tap That New Bern



925 Pollock Street



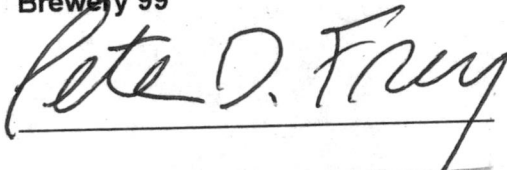
~~Brewery 99~~ Freshwater



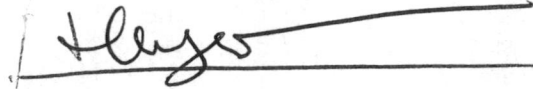
923 Pollock Street



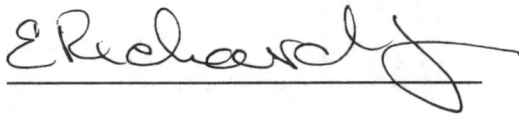
Brewery 99



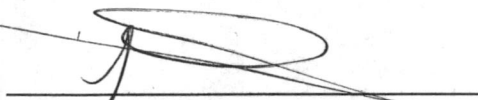
1023 Pollock Street



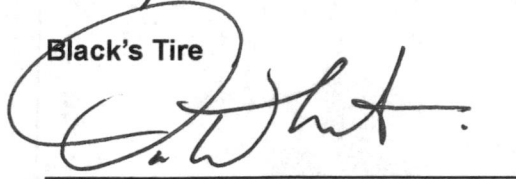
Habitat for Humanity



TaTa's Hair Salon



Black's Tire



Church Next to TT





AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution to close a specific street for a birthday party.

Date of Meeting: 4/11/2023	Ward # if applicable: Ward 2
Department: Parks & Recreation	Person Submitting Item: Kari Warren, Director of Parks & Recreation
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	Melba Curmon has made a request to close the 1900 block of St. John Street between McKinley Avenue and New Bern Avenue to vehicular traffic for a birthday party from 9:00 a.m. until 10:00 p.m. on Saturday, July 15, 2023.
Actions Needed by Board:	Adopt the Resolution
Backup Attached:	Resolution – Memo – Application – Map - Petition
Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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

Additional Notes: N/A

Aldermen

Rick Prill
Hazel B. Royal
Bobby Aster
Johnnie Ray Kinsey
Barbara J. Best
Robert Brinson, Jr.



Kari Warren, CPRP
Interim Director of Parks & Recreation

Jeffrey T. Odham
Mayor

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



Date: March 24, 2023

Memo To: Mayor and Board of Aldermen

From: Kari Warren, CPRP *hw*
Director of Parks and Recreation

Re: Street Closing for a Birthday Party.

Background Information:

Melba Curmon has made a request to close the 1900 block of St. John Street between McKinley Avenue and New Bern Avenue to vehicular traffic for a birthday party from 9:00 a.m. until 10:00 p.m. on Saturday, July 15, 2023.

There are only four houses on the 1900 block of St. John Street and three are vacant except for her residence.

Recommendation:

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

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

RESOLUTION

WHEREAS, Melba Curmon, a resident of St. John Street, has requested the 1900 block of St. John Street between McKinley Avenue and New Bern Avenue be closed to vehicular traffic on Saturday, July 15, 2023, from 9:00 a.m. until 10:00 p.m. for a birthday party; and

WHEREAS, the 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 1900 block of St. John Street between McKinley Avenue and New Bern Avenue be closed to vehicular traffic from 9:00 a.m. until 10:00 p.m. on July 15, 2023, for a birthday party.

ADOPTED THIS 11TH DAY OF APRIL 2023.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK

RECEIVED

MAR 01 2023

BY: ND

Sat July 15th

CITY OF NEW BERN

PUBLIC ASSEMBLY, PARADE & SPECIAL EVENTS IN CITY PARKS

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

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

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

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

Name of Event/Activity: Birthday Party

Organization Name: Melba Curmon

Responsible Contact: Melba Curmon

Address: 1905 St. John St.

City: New Bern State: NC Zip code: 28562

Phone: 252 636 7309 Alternate Phone: _____

Email: melbacurmon@hotmail.com

Type of Event:

☐ Demonstration

☐ Festival

☐ Parade

Date of Event: July 15, 2023 Proposed Rain Date: _____

Event Set up time: 9:00 AM

Event Tear Down Completed Time: _____

Event Start Time: 10 AM

Event End Time: 10:00 PM

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

Nothing will be on the street, But Kids playing, all set up will be in the yard.

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

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

Birthday Party

Estimated attendance: 50; Attendance not to exceed: _____

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

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

How will you handle trash generated from the event?

We are requesting # _____ trash cans.

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

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

street closing

No music After 8:00 AM

Are you requesting any City of New Bern Street Closures?

☒ Yes*

☐ No

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

***What Street(s) are you requesting to close? Be specific:**

1905 St. John Street
New Bern N.C. 28562

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

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

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

Will Inflatables or other Play features be part of this event? ☐ Yes ☒ No (Additional insurance may be required)

Will Food Vendors or Commercial/Non-Profit vendors be part of this event? ☒ Yes ☐ No NO

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

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

- ☐ A detailed map – including the location, route with beginning and ending point and street names included.
- ☐ Petition of Signatures – of business/residents affected – If roads are closed.

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

- ☐ Certificate of Insurance – Listing the City of New Bern, PO Box 1129, New Bern, NC as "Additional Insured".
- ☐ List of all food/commercial/non-profit vendors.
- ☐ Payment in full of applicable fees and charges.

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

The following items must be submitted with Application:

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

Nellie C.
Authorized Signature

3/1/2023
Date

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

Administrative Support Supervisor

Date

This application has been approved.

Kari Warren
Director of Parks & Recreation

3-30-23
Date

Total Anticipated Charges

Barricades: # 4
\$ 20.00

Trash Collection: \$ _____

City Staff: # _____
\$ _____

Vendor Fees # _____
\$ _____

Park/Facility Rental: \$ _____

Total Due: \$ 20.00

- ☒ Have HOA's been notified? ☒ Yes ☐ No
- ☒ Approved by Department
- ☒ Submitted for Board Approval
- ☐ All Paperwork collected
- ☐ All fees collected \$ _____

Spoke with: Petition
Date: 3-30-23
Date: 3-31-23
Date: _____
Date: _____

Staff Initials: KW
Staff Initials: KW
Staff Initials: _____
Staff Initials: _____

City Sponsored Event

☐ Yes ☒ No
Updated 6-3-2019

To whom it may concern my name is
Melba Curmon, I am requesting that
St. John Street Be Closed on July. 15
for a Birthday party.

address on the street
are

1908 Vacon (vacant)

1909 Vacon (vacant)

1802 drive way is on New Bern Ave

1906 is Vacon (vacant)

about 50 people will attend.

btw NB Avenue / McKinley Ave



Google Earth

Imagery date: 3/12/19 - newer

20 m

Camera: 145 m 35°05'46"N 77°03'57"W

4 m

AGENDA ITEM COVER SHEET

Agenda Item Title:

Presentation by Craven County Crime Stoppers

Date of Meeting: 4/11/2023	Ward # if applicable: N/A
Department: City Clerk	Person Submitting Item: Brenda Blanco
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Craven County Crime Stoppers Board President, Jeff Haddock, and Cpl. Kelly Cox with the Craven County Sheriff's Department will provide a brief overview of Crime Stoppers
Actions Needed by Board:	Informational only
Backup Attached:	None
Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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

Additional Notes:

AGENDA ITEM COVER SHEET

Agenda Item Title:

Presentation on Coastal Carolina Regional Airport

Date of Meeting: 4/5/2023	Ward # if applicable:
Department: Administration	Person Submitting Item: Foster Hughes, City Manager
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Andrew Shorter, Airport Director with Coastal Carolina Regional Airport will provide an update on current activities
Actions Needed by Board:	
Backup Attached:	
Is item time sensitive? <input type="checkbox"/> Yes <input type="checkbox"/> No	

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

Additional Notes:

AGENDA ITEM COVER SHEET

Agenda Item Title: Presentation of Citizen's Police Academy

Date of Meeting: 4/11/2022	Ward # if applicable: N/A
Department: Police	Person Submitting Item: Patrick Gallagher, Chief of Police
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Presentation of 16 CPA graduate certificates and remarks from class President, Ken Lewis.
Actions Needed by Board:	N/A
Backup Attached:	N/A
Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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

Additional Notes:

AGENDA ITEM COVER SHEET

Agenda Item Title: Recognition of New Bern 101 Participants

Date of Meeting: 4/11/2023	Ward # if applicable: All
Department: Administration	Person Submitting Item: Colleen Roberts
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	<p>In February, the City launched its fourth season of New Bern 101. This eight-week program is designed to introduce participants to local government. Each week, participants visited a different city department, met staff, and learned about city programs, events and services. Tonight is the final session of the program, in which they got to meet the Governing Board and ask questions and provide feedback. The Board is asked to step down and congratulate the graduates as they are awarded Certificates of Completion.</p>
Actions Needed by Board:	
Backup Attached:	
Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

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

Additional Notes:

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution Authorizing the Submission of an Application for a Rural Transformation Grant on Behalf of Bradham's Legacy.

Date of Meeting: 4/11/2023	Ward # if applicable: 1
Department: Administration	Person Submitting Item: Foster Hughes, City Manager
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

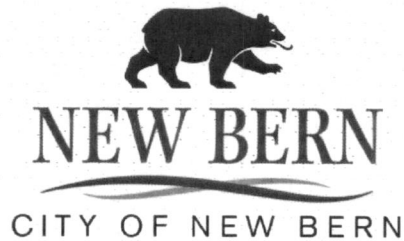
Explanation of Item:	Bradham's Legacy has made a request for the City of New Bern to apply for a Rural Transformation Grant in the amount of \$950,000 through the NC Department of Commerce. These funds would be used to develop a city-owned building to house a museum for the purpose of educating the public on Pepsi's important historical relationship with New Bern
Actions Needed by Board:	Consider approving the request to apply for the grant.
Backup Attached:	Memo, Letter from Bradham's Legacy, Project Information, Resolution
Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

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

Additional Notes:

Aldermen

Rick Prill
Hazel B. Royal
Robert V. Aster
Johnnie Ray Kinsey
Barbara J. Best
Robert Brinson, Jr.



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

Jeffrey T. Odham
Mayor

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

To: Mayor and Board of Aldermen

From: Foster Hughes, City Manager

Date: March 29, 2023

Subject: Consider Adopting a Resolution Authorizing the Submission of an Application for a Rural Transformation Grant on Behalf of Bradham's Legacy.

Background Information:

Bradham's Legacy has made a request for the City of New Bern to apply for a Rural Transformation Grant in the amount of \$950,000 through the NC Department of Commerce. If the grant is approved, these funds would be used to develop a city-owned building to house a museum for the purpose of educating the public on Pepsi's important historical relationship with New Bern.

A Rural Transformation Grant can be used for Main Street and downtown investment and revitalization efforts that help support downtown economic development. This grant cycle will close on May 3, 2023. Approved grants will be announced on June 13, 2023. John Haroldson, on behalf of Bradham's Legacy, will discuss this project and answer any questions.

Recommendation:

Receive the information presented and consider approving the request to apply for this grant.

RESOLUTION

WHEREAS, Bradham's Legacy has requested the City of New Bern apply for a Rural Transformation Grant in the amount of \$950,000 through the NC Department of Commerce. If received, these funds will be utilized to develop a city-owned building to house a museum for the purpose of educating the public on Pepsi's historical relationship with New Bern.

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

That the Mayor or City Manager are hereby authorized to execute a Rural Transformation Grant application with the NC Department of Commerce requesting \$950,000 in funds for the development of a city-owned building to house a Pepsi museum.

ADOPTED THIS 11th DAY OF APRIL, 2023.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK

Bradham's Legacy

316 South Front Street
New Bern, NC 28560

March 10, 2023

Mayor Jeffrey Odham
300 Pollock Street
New Bern, NC 28560

Re: NC Rural Transformation Grant

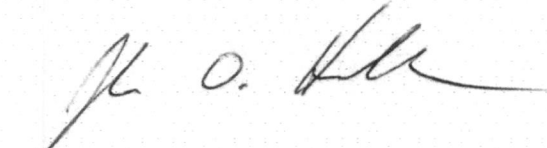
Dear Mayor Odham and Board of Aldermen,

Bradham's Legacy respectfully requests the City of New Bern to apply for the third and final round of the Rural Transformation Grant in the maximum amount of \$950,000. The grant program, administered through the NC Department of Commerce, is designed to provide funding and expert guidance to improve the economic vitality of rural communities.

It is our request that these funds be used for the development of a city-owned building which could house a museum for the purpose of educating the public on Pepsi's important historical relationship with New Bern. We believe this museum would be an important attraction to New Bern, especially given its proximity to future I-42. Our research corroborates significant visitation for museums of this sort, and our visitation estimates suggest that New Bern will experience a sizable boost to its local economy.

Thank you for your consideration of this exciting opportunity.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. O. Haroldson', written in a cursive style.

John Haroldson, Chair
Bradham's Legacy

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PROJECT SUMMARY

Introduction

New Bern was the colonial capital of North Carolina from 1766-1775, the state capital until 1792, and continues to be a voice of political influence for a period that has spanned 300+ years. Being located at the confluence of two rivers, on the original Post Road, and on an important rail line, New Bern experienced both the strife of war and benefits of commerce. These facts have led to a history that is politically rich, socially diverse, and filled with economic opportunities.

The invention of Pepsi Cola in New Bern is one of the most important economic and historical contributions to the City. A museum that highlights Pepsi's history, its importance to New Bern, and some of its most iconic memorabilia gives New Bern the opportunity to share this important chapter in our history. The Museum will act as an economic driver to the City and particularly Greater Downtown*, assisting in its recovery from Hurricane Florence and COVID-19 which severely impacted the Greater Downtown community.

The proposed location of the Pepsi Museum is Downtown New Bern which is within six blocks of Five Points. Additionally, Caleb Bradham's original and second drug stores are located downtown, and his house and the site of the first Pepsi manufacturing plant are within blocks of downtown. The downtown business district is also one block from the NC History Center and Tryon Palace.

Project Overview

Bradham's Legacy, a 501(c) (3), is a North Carolina non-profit that was formed to be the governing body for a museum that will illustrate Pepsi's historic ties and economic importance to New Bern, North Carolina. The proposed museum location is Downtown New Bern within close proximity of several significant Pepsi sites. Numerous artifacts (the "Collection") have been donated to the Tryon Palace Commission ("Commission") by a private donor and PepsiCo, Inc. ("PepsiCo") has a second significant collection they intend to donate. The City of New Bern will assist in providing land and a building for the proposed museum. Swiss Bear, Inc. ("Swiss Bear"), a 501 (c) (3) that has implemented the Main Street program for the City of New Bern since 1980, is coordinating fund-raising efforts in keeping with its mission of facilitating economic development in Greater Downtown.

*Greater Downtown is defined as Downtown, the Pollock and Broad Street corridors connecting Downtown to Five Points, and Five Points.

PROJECT SUMMARY (Continued)

Funding Opportunities and Commitments

Anticipated Grant Request

Rural Transformation Grant:

Recipient:	Pepsi Museum of New Bern
Amount:	\$950,000.00
Purpose:	The Grant funds will be used toward funding construction of a museum in downtown New Bern including design, construction materials, labor, and potentially installation of the exhibits.

Approved Grant

PepsiCo Foundation:

Recipient:	Pepsi Museum of New Bern
Amount:	\$750,000
Purpose:	The Grant funds will be used toward building and exhibit design, and installation of the Museum's exhibits.

Local Donations to Date

Recipient:	Bradham's Legacy
Amount:	\$100,000
Purpose:	Unrestricted within the scope of the Pepsi Museum

Public/Private Fundraising

Swiss Bear on behalf of Bradham's Legacy will assist in coordinating and implementing a capital campaign to raise the remaining project funds. The remaining funds will be solicited through a combination of state/local foundations, and regional/local businesses and donors. It is projected that 99% of the funds needed will be obtained by corporate, foundation, and public grants as well as targeted private giving. The last 1% will be through small donations made by the public giving the public an opportunity to complete the fundraising and be engaged in the project.

ORGANIZATIONAL STRUCTURE

PepsiCo's Donation

PepsiCo owns a substantial collection of objects associated with the history of the company that they desire to return to New Bern, the birthplace of Pepsi, under the control of the Tryon Palace Commission (Commission). Additionally, PepsiCo coordinated the donation of a substantial private collection that is already under the control of the Commission. Further, PepsiCo desires that the history of Pepsi be presented to the public visiting New Bern. To accomplish their goal, both collections will be donated to the Commission under an agreement between PepsiCo and the Commission.

The Commission's Loan of the Collection to the Museum

The Commission, that oversees Tryon Palace's extensive artifact and display collections, will loan the Collection to the Museum based on museum best practices, providing museum quality storage, cataloging and other oversight services as needed. Tryon Palace is and accredited museum.

The Commission and the Museum will enter into a Loan Agreement that will detail the use, storage, management, and facilitation of the PepsiCo donations' use by the Museum. The Commission has all necessary tools to provide support for the maintenance of the Collection, and the Loan Agreement will outline the rights and responsibilities of the parties to maximize the beneficial use of the Collection for display and facilitation of the continuing efforts to attract thousands of visitors to New Bern.

Private Collectors

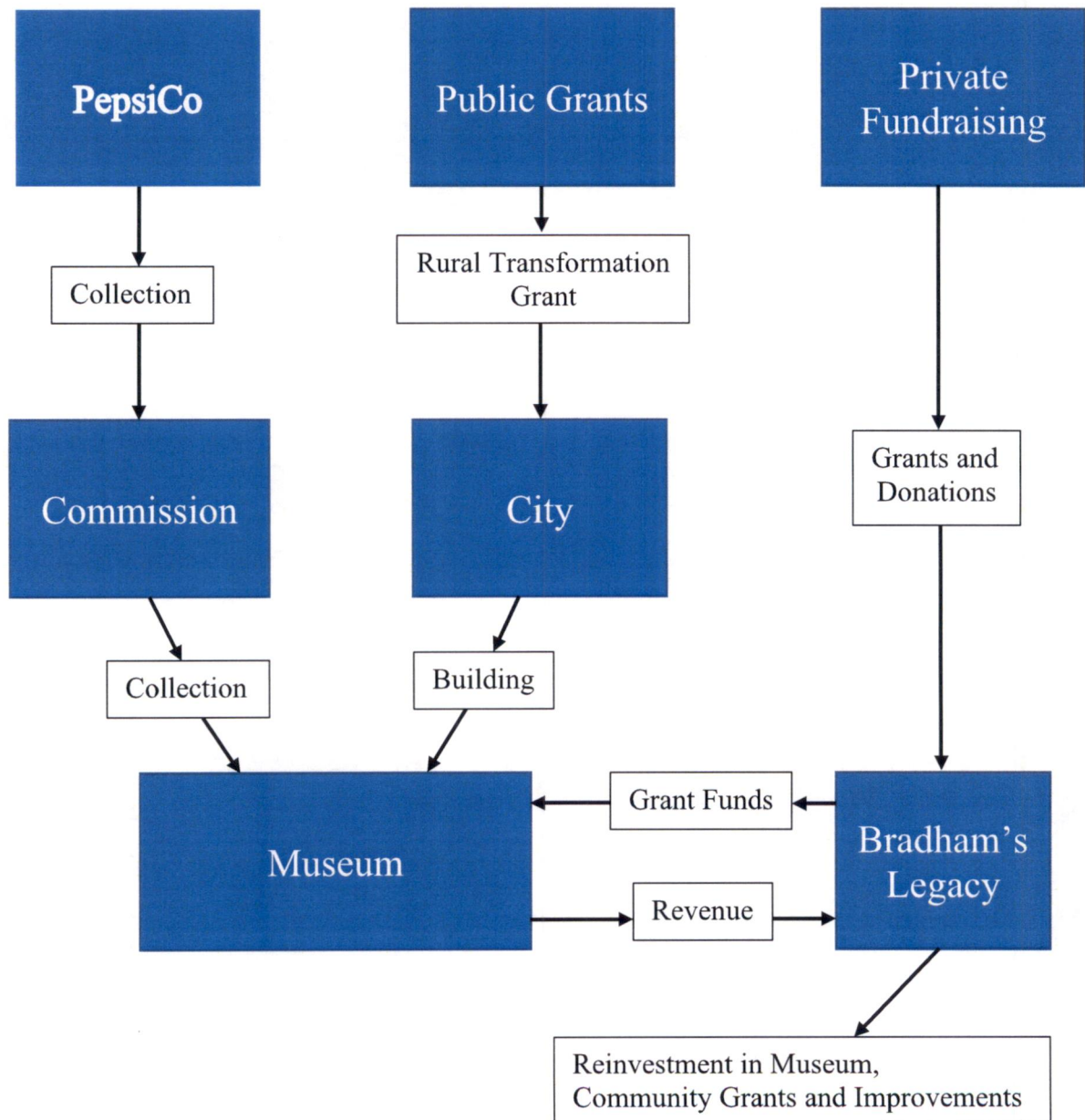
Numerous private collectors have expressed an interest in sharing significant items from their collections with the public through the Museum.

Museum Lease

A lease agreement will be written to lease a facility for the Museum for an unspecified annual fee. Bradham's Legacy believes the City is receptive to the proposed lease due to the potential economic impact within the NC Opportunity Zone and within Greater Downtown. An Opportunity Zone is an incentive for community investment established by Congress in the Tax Cuts and Jobs Act of 2017 to encourage long-term investments in low-income census tracts.

ORGANIZATIONAL STRUCTURE (Continued)

Transaction Chart



MUSEUM OPERATIONS

Museum Staffing

Staffing for the Museum will include a Director, Assistant Director, Interpreter, and Gift Shop Manager as full-time permanent staff. Additionally, for weekends, two part-time positions will be established. Museum and sales revenues should cover the staffing and operating costs of the Museum.

The scale of the Museum is equivalent to a small state historic site. The positions, salaries, and benefits below are based on the operation of a small historic site in the Department of Natural and Cultural Resources (salaries listed below are based on 2019 standards).

Director – Responsible for the overall management of the Museum.

Assistant Director – Fills in for the Director as needed and oversees the artifact collection and the overall maintenance of the Museum and its exhibits.

Interpreter – Greets visitors, provides overall security, and answers questions.

Gift Shop Manager – Oversees all operations of the Museum Shop including purchasing, inventory, sales, and merchandizing.

<u>Position</u>	<u>Salary</u>	<u>Benefits*</u>	<u>Total</u>
Director	\$37,411	\$16,022	\$53,433
Assistant Director	\$33,960	\$15,107	\$49,067
Interpreter	\$31,200	\$14,375	\$45,575
Gift Shop Manager	\$33,960	\$15,107	\$49,067
Part time positions (2)	\$10/hour - 1,352 hours/year		\$13,520
Total	\$150,051	\$60,611	\$210,662

Tryon Palace Staffing

The Collection donated to the Commission is stored in the Tryon Palace Annex on Pollock Street. The Collection will be made available to the Museum on a long-term loan basis. To catalogue and care for the Collection on a long-term basis, Tryon Palace will need one ½-time position. A part-time Tryon Palace position with no benefits will be an additional annual cost of approximately \$20,000 (salary is based on 2019 standards).

Total for all positions: \$230,662 (based on 2019 standards).

* Benefits are for salaried employees and include retirement, health care and Social Security.

MUSEUM OPERATIONS (Continued)

Bradham's Legacy Board of Directors Composition

Eight (8) members of the Board of Directors will be designated representatives of the following organizations and may serve in that capacity for only so long as they continue to be part of that organization. The ninth member of the Board of Directors will be an At-large member.

- City of New Bern, Mayor or Designee
- City of New Bern, City Manager or Designee
- PepsiCo Designee
- PepsiCo Designee
- Swiss Bear, Executive Director or Designee
- Swiss Bear, Chairman or Designee
- Tryon Palace, Executive Director or Designee
- Tryon Palace, Chairman of Collections Committee or Designee
- At-large, elected by the other Directors

Additionally, up to six (6) additional At-large members of the Board of Directors may be elected who either demonstrate interest in the objectives and work of the Museum, or who represent identifiable relevant knowledge that would assist the Museum in its purpose.

The director of the Pepsi Museum of New Bern reports to the Board.

COLLECTION

PepsiCo Donation

PepsiCo has come into possession of a valuable private collection of historic objects and memorabilia associated with the history of the Company and desires to have these objects returned to New Bern, the birthplace of Pepsi. Further, the Company desires that the history of Pepsi be presented to the public visiting New Bern.

Additionally, Pepsi coordinated the donation of a second significant private collection that is already under the control of the Commission.

Below are several photographs of items representative of the contents in the collections.



COLLECTION (Continued)



COLLECTION (Continued)



COMPARABLE EXHIBITS

In considering the feasibility of the Museum in New Bern, a number of comparable museums featuring iconic brands were evaluated. Most are from a “Top Ten” list of company museums. The ones we studied are as follows:

Ben & Jerry’s Factory Tour, Waterbury, VT

- \$6 Adult (13 - 64), \$5 Senior (65+), \$1 children (12 and under)
- 350,000 annual attendance
- Produce product on site
- 10 - 20 miles from larger cities
- Hosts events as well as tours
- Waterbury has a Population of 5,320 (2021)

Crayola Experience, Easton, PA

- \$28.99 at door, \$25.99 online General Admission (3+)
- No published attendance and unwilling to share
- Very large facility, 65,000 Sq. Ft.
- Highly interactive
- City of Easton population of 28,057 (2021) and is located mid-way between NYC and Philadelphia

Dr. Pepper Museum & Free Enterprise Institute, Waco, TX

- \$10 Adult (ages not given), children 4 years and under free
- Opened in 1991 and has attracted over a million visitors; no current figures
- Displays equipment but does not actually bottle
- Also functions as a Free Enterprise Institute; builds on life and values of founder
- Waco has a population of 139,594 (2021)

LEGO Millyard Project - SEE Science Center, Manchester, NH

- \$12 (3+).
- Reached 150,000 attendance in 2007
- Heavy influence on science and education and robotics
- Seems to be non-profit, originally financed by a Community Block Grant
- Hosts many events
- Manchester has a population of 115,462 (2021)

COMPARABLE EXHIBITS (Continued)

PEZ Visitor Center, Orange, CT

- \$5 Adult, \$4 Senior (60+), \$4 Children (3 – 12), free (0 - 3)
- 100,000 visitors annually
- Features actual production as well as tours
- Hosts events and school visits
- Orange has a population of 14,246 (2021)

The Hershey Story, Hershey, PA

- Museum Experience \$16.50 Adult (13 - 61), \$15.50 Senior (62+), \$12.50 Junior (3 - 12), Active Duty Military FREE
- No attendance figures
- Is separate from the amusement park but located adjacent to the park
- Some exhibits on chocolate but seems heavily focused on Mr. Hershey, his life and Hershey family contributions
- Hershey has a population of 13,858 (2020)

The Walmart Museum Heritage Lab, Bentonville, AR

- Free admission
- No attendance figures
- Located in the original Walmart store in Bentonville
- Tells the story of Walmart and has a soda fountain
- Bentonville has a population of 56,734 (2021)

The Walmart Museum, Bentonville, AR

- Free admission – currently under renovation through Spring 2024
- No attendance figures
- Located in the original Walmart store in Bentonville
- Tells the story of Walmart and has a soda fountain
- Bentonville has a population of 56,734 (2021)

World of Coca-Cola, Atlanta, GA

- \$19 Adult (13 - 64), \$17 Senior (65+), \$15 Youth (3-12), free (0 - 2 with adult)
- 20-acre facility opened in 2007, previous facility drew one million plus annually
- Many other locations
- Atlanta metropolitan area has a population of 5,911,000 (2021)

COMPARABLE EXHIBITS (Continued)

Most of the comparable museums are iconic in the food and beverage industry with two (2) being outside of the industry. All are established museums. Attendance varies from 100,000 to 350,000 for those with published figures. Entrance fees vary from free to \$28.99. In looking at the most comparable in size, offerings, ticket price, and location in terms of proximity to population centers, the Pepsi Museum attendance projections appear to be well within range. In addition to giving guidance on expected visitation, a great deal of information was gained about the makeup, offerings, and operation of these successful museums.

BUILDING DESIGN & RENOVATION

Location

The museum would be located in the Greater Downtown New Bern, a NC Opportunity Zone. It would also be in close proximity to four important and historic Pepsi sites.

Summary of Museum Facility

The proposed facility would be between 6000-8000 square feet. The majority of the space will be utilized for an exhibit area with a tasting room that can be opened to access an exterior courtyard that might be used for such things as a patio with table seating and outdoor displays. Approximately 500 square feet will be used for an office and small meeting room. Toilets and other service areas will require approximately another 500 square feet. Detailed design plans will be developed in 2023 once the site is secured.

Regarding exhibit space, basic static exhibits cost approximately \$500/square foot (based on 2019 estimates). Exhibits that are environmental, have interactive components and incorporate multimedia are \$1,000/square foot or more (based on 2019 estimates). The more complex the exhibit, the more technical support it will require for daily maintenance. Assuming approximately 4,000 square feet of exhibits, museum quality work, as estimated by Design Dimensions Inc., would range from \$1.5 to \$2.4 million (based on 2019 estimates). Maintenance of technology and interactive exhibits need to be calculated.

Total project cost, including professional fees, is approximately \$5-\$6 million.

MBF Architects PA, New Bern, NC

MBF is a full-service architectural firm established in September of 1993. The firm offers comprehensive professional services for the programming, design and documentation of new construction projects, renovation of existing facilities and historic preservation.

MBF has been a pro-bono advisor on the project and may participate as part of the selected design team in bringing their knowledge of local design and HPC requirements.

We anticipate soliciting proposals from qualified architects with museum experience. MBF will continue to assist Bradham's Legacy in this process.

BUILDING DESIGN & RENOVATION (Continued)

Design Dimensions Inc., Raleigh, NC

Design Dimension is a North Carolina-based company that has been serving the southeast for over 51 years. Established in 1967, as an industrial design consulting firm by Wayne Poole, Design Dimension has since grown steadily in size and scope. In 2018 Lead Designer, Betsy Peters Rascoe, acquired the company to carry on the legacy. With 7 full-time employees, it offers a full range of design and production services that cater to a wide variety of regional, national, and international clients. These services include museum design and planning, educational and interactive exhibits, prototypes/models, graphics, wayfinding, as well as custom fabrications for museums, visitor centers, and corporate environments.

The company's focus is on building a team of personnel and equipment to enable it to take a project from conception to finished product. The staff analyze each client's problems and ideas to pinpoint their needs through discussion, presentation rendering, modeling, and mechanical drawing. Design, fabrication, and graphic production are done in-house to maintain firm control of cost, schedule, and quality. The company's facility allows it to fabricate almost anything - from high-tolerance machining in metal and plastic to custom furnishings and casework of natural wood and plastic laminate.

The majority of the company's business comes as referrals from satisfied clients. Word-of-mouth referrals indicate relationships based on trust, honesty, professionalism, and a commitment to quality. The company and its staff are avid proponents of community involvement in design approach, and they have witnessed first-hand how practicing this philosophy enriches both museums and the communities they serve. Whether through oral histories, donations of photos or artifacts, or workshops with the design team, there are many ways local communities can get involved in the exhibit process. This community involvement is a "win-win" situation that not only adds local character and flair, but also fosters further community support, enhances repeat visitation and makes the museum a part of the fabric of the community.

Airborne & Special Operations Museum, Fayetteville, NC

Cone Mills "The Fabric of Memory", Greensboro, NC

Gorges State Park Visitor Center, Sapphire, NC

H.L. Hunley Conservation Lab, Charleston, SC

Roanoke Canal Trail and Museum, Roanoke Rapids, NC

Wilson Whirligig Park Signage and Wayfinding, Wilson, NC

New Bern Historical Society 100th Anniversary Exhibit, Tryon Palace, New Bern, NC

ECONOMIC IMPACT

Improved Community and Economic Vitality

Tryon Palace and the New Bern-Craven County Convention & Visitor Center believe there is a strong desire by the visiting public for a Pepsi Museum based on interaction between guests and the ticketing staff at Tryon Palace and inquiries at the Visitor Center. They estimate that a Pepsi Museum of high quality would command an average ticket price of \$8 per person. It is likely to reach or exceed annual visitation of 50,000.

With a Pepsi Museum in Greater Downtown New Bern, we expect the average tourist visitation stay to increase from one (1) day to two (2) days increasing hotel occupancy throughout the City of New Bern. With extended visitation we expect to see an increase in retail, gallery, gasoline, and food and beverage sales especially in the Greater Downtown Area.

We anticipate that approximately 50% of those people who visit the Pepsi Museum will also visit other businesses in the City of New Bern while here. This percentage estimate is representative of people visiting Tryon Palace.

Below are annual economic impact estimates.

Annual estimates*

Lodging	\$ 3,056,779
Transportation (gas, air, bus, etc.) Food & Beverage	\$ 830,700
Retail	\$ 244,367
Other (Recreation, Rental, and Services)	<u>\$ 1,982,450</u>
Total Local Sales	\$ 6,114,296

New FTE Jobs	13
New PT Jobs	34

*Economic impact estimates obtained through Craven County Tourism and Development Authority

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution Authorizing the Execution of a MOU and Cost Reimbursement Agreement with the Federal Bureau of Investigation

Date of Meeting: 4/11/2023	Ward # if applicable: N/A
Department: Police	Person Submitting Item: Chief Patrick L. Gallagher
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	The task force will enhance the New Bern Police Department's effectiveness in investigating violent crime within our community through a well-coordinated partnership with other local, state, and federal resources
Actions Needed by Board:	Consider approving the resolution
Backup Attached:	Memo, MOU, Cost Reimbursement Agreement, Resolution
Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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

Additional Notes:



Founded 1797

NEW BERN

NEW BERN POLICE DEPARTMENT

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

Police and Community Come Together Here



Patrick L. Gallagher
Chief of Police

To: Mayor Jeffrey T. Odham and the Board of Aldermen
From: Chief Patrick Gallagher
Date: April 11, 2023
Subject: New Bern Police Department MOU and Cost Reimbursement Agreement with FBI. Triangle Area Criminal Enterprise Transnational Organized Crime Western Hemisphere Task Force

We are engaged in discussions with the FBI to join their taskforce. The mission of the Western Hemisphere Task Force (WTOC) is aligned with our Violent Crime Unit's mission.

The mission of the WTOC-TF is to identify and target for prosecution criminal enterprise groups responsible for drug trafficking, money laundering, alien smuggling, crimes of violence such as murder and aggravated assault, robbery, and violent street gangs, as well as to intensely focus on the apprehension of dangerous fugitives where there is or may be a federal investigative interest. The WTOC-TF will enhance the effectiveness of federal/state/local law enforcement resources through a well-coordinated initiative seeking the most effective investigative/prosecutive avenues by which to convict and incarcerate dangerous offenders.

Our strategy is to assign our Gang Detective as the Taskforce Officer (TFO). We will not lose his ability to engage in activities and responsibilities locally. Our taskforce member will remain in New Bern and work out of his current workspace. We gain the full support of the FBI's WTOC Task Force. Our TFO will also obtain a vehicle and equipment that the NBPD will benefit from. OT for our TFO will also be paid by the FBI. Note, this TFO will not reduce our staffing from any area of our organizational chart. This TFO's responsibilities will be added to a currently assigned employee.

This is a win-win for the NBPD and will greatly benefit our agency and our community in addressing our mission to reduce crime and the fear of crime.



A Nationally Accredited Agency

Integrity – Motivation – Professionalism – Accountability – Commitment – Trust

RESOLUTION

WHEREAS, the Chief of Police and the City Manager have recommended the adoption of a Memorandum of Understanding ("MOU") and Cost Reimbursement Agreement with the Federal Bureau of Investigation ("FBI") to participate in the Triangle Area Criminal Enterprise Transnational Organized Crime Western Hemisphere Taskforce, and

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of New Bern that the MOU with the FBI and Cost Reimbursement Agreement, copies of which are attached hereto and incorporated herein by reference, are hereby approved, and the Chief of Police and Mayor are authorized to execute said documents in duplicate originals.

ADOPTED THIS 11th DAY OF APRIL 2023

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK

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**FEDERAL BUREAU OF INVESTIGATION
TRIANGLE AREA CRIMINAL ENTERPRISE TRANSNATIONAL ORGANIZED CRIME
WESTERN HEMISPHERE TASK FORCE
MEMORANDUM OF UNDERSTANDING**

PARTIES

1. This Memorandum of Understanding (MOU) is entered into by and between the **Federal Bureau of Investigation (FBI)** and the New Bern Police Department (Parties). Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation which exists between these agencies.

AUTHORITIES

2. Authority for the FBI to enter into this agreement can be found at Title 28, United States Code (U.S.C.), Section (§) 533; 34 U.S.C. § 10211; Title 28, Code of Federal Regulations (C.F.R.), § 0.85; and applicable United States Attorney General's Guidelines.

PURPOSE

3. The purpose of this MOU is to delineate the responsibilities of the **TRIANGLE AREA CRIMINAL ENTERPRISE** Transnational Organized Crime – Western Hemisphere Task Force (WTOC-TF) personnel; formalize relationships between participating agencies for policy guidance, planning, training, public and media relations; and maximize inter-agency cooperation. This MOU is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law or otherwise by any third party against the parties, the United States, or the officers, employees, agents, or other associated personnel thereof. No assignment or rights, duties, or obligations of this MOU shall be made by any party without the express written approval of a duly authorized representative of all other parties.

MISSION

4. The mission of the WTOC-TF is to identify and target for prosecution criminal enterprise groups responsible for drug trafficking, money laundering, alien smuggling, crimes of violence such as murder and aggravated assault, robbery, and violent street gangs, as well as to intensely focus on the apprehension of dangerous fugitives where there is or may be a federal investigative interest. The WTOC-TF will enhance the effectiveness of federal/state/local law enforcement resources through a well-coordinated initiative seeking the most effective investigative/prosecutive avenues by which to convict and incarcerate dangerous offenders.

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SUPERVISION AND CONTROL

A. Supervision

5. Overall management of the WTOC-TF shall be the shared responsibility of the FBI and participating agency heads and/or their designees.
6. The Special Agent in Charge (SAC) of the FBI Charlotte Division shall designate one Supervisory Special Agent (WTOC-TF Supervisor) to supervise the WTOC-TF. The WTOC-TF Supervisor may designate a Special Agent to serve as the WTOC-TF Coordinator. Either the WTOC-TF Supervisor or the WTOC-TF Coordinator shall oversee day-to-day operational and investigative matters pertaining to the WTOC-TF.
7. Conduct undertaken outside the scope of an individual's WTOC-TF duties and assignments under this MOU shall not fall within the oversight responsibility of the WTOC-TF Supervisor or WTOC-TF Coordinator.
8. WTOC-TF personnel will report to his or her respective agency for personnel and administrative matters. Each participating agency shall be responsible for the pay, overtime, leave, performance appraisals, and other personnel matters relating to its employees detailed to the WTOC-TF. The FBI and the participating agency may provide for overtime reimbursement by the FBI by separate written agreement.
9. All FBI personnel will adhere to the FBI's ethical standards, including Department of Justice (DOJ)/FBI regulations relating to outside employment and prepublication review matters, and will remain subject to the Supplemental Standards of Ethical conduct for employees of the DOJ.
10. All WTOC-TF personnel, which includes Task Force Officers, Task Force Members, and Task Force Participants, must adhere to the applicable U.S. Attorney General's Guidelines and Domestic Investigations and Operations Guide (DIOG).
11. WTOC-TF personnel will continue to report to their respective agency heads for non-investigative administrative matters not detailed in this MOU.
12. Continued assignment of personnel to the WTOC-TF will be based on performance and at the discretion of appropriate management. The FBI SAC and WTOC-TF Supervisor will also retain discretion to remove any individual from the WTOC-TF.

B. Case Assignments

13. The FBI WTOC-TF Supervisor will be responsible for opening, monitoring, directing, and closing WTOC-TF investigations in accordance with existing FBI policy and the applicable U.S. Attorney General's Guidelines.

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14. Assignments of cases to personnel will be based on, but not limited to, experience, training, and performance, in addition to the discretion of the WTOC-TF Supervisor.
15. For FBI administrative purposes, WTOC-TF cases will be entered into the relevant FBI computer system.
16. WTOC-TF personnel will have equal responsibility for each case assigned. WTOC-TF personnel will be responsible for complete investigation from predication to resolution.

C. Resource Control

17. The head of each participating agency shall determine the resources to be dedicated by that agency to the WTOC-TF, including personnel, as well as the continued dedication of those resources. The participating agency head or designee shall be kept fully apprised of all investigative developments by his or her subordinates.

OPERATIONS

A. Investigative Exclusivity

18. It is agreed that matters designated to be handled by the WTOC-TF will not knowingly be subject to non-WTOC-TF law enforcement efforts by any of the participating agencies. It is incumbent on each agency to make proper internal notification regarding the WTOC-TF's existence and areas of concern.
19. It is agreed that there is to be no unilateral action taken on the part of the FBI or any participating agency relating to WTOC-TF investigations or areas of concern as described in paragraph 4. All law enforcement actions will be coordinated and cooperatively carried out.
20. WTOC-TF investigative leads outside of the geographic areas of responsibility for the FBI Charlotte Division will be communicated to other FBI offices for appropriate investigation.

B. Confidential Human Sources

21. The disclosure of FBI informants, or Confidential Human Sources (CHSs), to non-WTOC-TF personnel will be limited to those situations where it is essential to the effective performance of the WTOC-TF and only with prior FBI approval. These disclosures will be consistent with applicable FBI guidelines and policy.
22. Non-FBI WTOC-TF personnel may not make any further disclosure of the identity of an FBI CHS, including to other individuals assigned to the WTOC-TF. No documents or information which identify, tend to identify, or may indirectly identify an FBI CHS may be released without prior FBI approval.

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23. In those instances where a participating agency provides a CHS, the FBI may become solely responsible for the CHS's continued development, operation, and compliance with necessary administrative procedures regarding operation and payment as set forth by the FBI.
24. The U.S. Attorney General's Guidelines and FBI policy and procedure for operating FBI CHSs shall apply to all FBI CHSs opened and operated in furtherance of WTOC-TF investigations. Documentation of, and any payments made to, FBI CHSs shall be in accordance with FBI policy and procedure.
25. Operation, documentation, and payment of any CHS opened and operated in furtherance of an WTOC-TF investigation must be in accordance with the U.S. Attorney General's Guidelines, regardless of whether the handling agency is an FBI WTOC-TF participating agency. Documentation of state, county, or local CHSs opened and operated in furtherance of WTOC-TF investigations shall be maintained at an agreed upon location.

C. Reports and Records

26. All investigative reporting will be prepared in compliance with existing FBI policy. Subject to pertinent legal and/or policy restrictions, copies of pertinent documents created by WTOC-TF personnel will be made available for inclusion in the respective investigative agencies' files as appropriate.
27. WTOC-TF reports prepared in cases assigned to WTOC-TF personnel will be maintained at an FBI approved location; original documents will be maintained by the FBI.
28. Records and reports generated in WTOC-TF cases which are opened and assigned by the WTOC-TF Supervisor with designated oversight for investigative and personnel matters will be maintained in the FBI investigative file for WTOC-TF.
29. WTOC-TF investigative records maintained at the Charlotte Field Office of the FBI will be available to all WTOC-TF personnel, as well as their supervisory and command staff subject to pertinent legal, administrative and/or policy restrictions.
30. All evidence and original tape recordings (audio and video) acquired by the FBI during the course of the WTOC-TF investigations will be maintained by the FBI. The FBI's rules and policies governing the submission, retrieval, and chain of custody will be adhered to by WTOC-TF personnel.
31. All WTOC-TF investigative records will be maintained at an approved FBI location. Placement of all or part of said information into participating agency files rests with the discretion of supervisory personnel of the concerned agencies, subject to WTOC-TF Supervisor approval.

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32. Classified information and/or documents containing information that identifies or tends to identify an FBI CHS shall not be placed in the files of participating agencies unless appropriate FBI policy has been satisfied and only with prior FBI approval.

INFORMATION SHARING

33. Records or reports created or obtained by the WTOC-TF are the property of the FBI and disclosure of such records, if it occurs, shall be pursuant to applicable federal law, with the approval of the FBI. If such records are shared outside of the [Abbreviated Name of Task Force] with state and/or local law enforcement agencies, such records are merely loaned to the non-Federal agency and are subject to retrieval by the FBI at its discretion. In the event that the New Bern Police Department receives a request pursuant to North Carolina's public records statute, N.C. General Statute 132, the civil or criminal discovery process, or other judicial, legislative, or administrative process, to disclose WTOC-TF records, the New Bern Police Department will immediately notify the FBI of any such request in order to allow sufficient time for the FBI to seek to prevent disclosure through appropriate channels, if necessary.
34. No information possessed by the FBI, to include information derived from informal communications between WTOC-TF personnel and FBI employees not assigned to the WTOC-TF, may be disseminated by WTOC-TF personnel to non-WTOC-TF personnel without the approval of the WTOC-TF Supervisor and in accordance with the applicable laws and internal regulations, procedures, or agreements between the FBI and the participating agencies that would permit the participating agencies to receive that information directly. Likewise, WTOC-TF personnel will not provide any participating agency information to the FBI that is not otherwise available to it unless authorized by appropriate participating agency officials.
35. The Parties acknowledge that this MOU may provide WTOC-TF personnel with access to information about U.S. persons which is protected by the Privacy Act of 1974 and/or Executive Order 12333. The Parties expressly agree that all such information will be handled lawfully pursuant to the provisions thereof. The Parties further agree that if this access to information by WTOC-TF personnel requires a change in privacy compliance documents, those changes will be accomplished prior to access being granted.
36. Each Party that discloses personally identifiable information (PII) is responsible for making reasonable efforts to ensure that the information disclosed is accurate, complete, timely, and relevant.
37. The FBI is providing access to information from its records with the understanding that in the event the recipient becomes aware of any inaccuracies in the data, the recipient will promptly notify the FBI so that corrective action can be taken. Similarly, if the FBI becomes aware that information it has received pursuant to this MOU is inaccurate, it will notify the contributing Party so that corrective action can be taken.

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38. Each Party is responsible for ensuring that information it discloses was not knowingly obtained or maintained in violation of any law or policy applicable to the disclosing Party, and that information is only made available to the receiving Party as may be permitted by laws, regulations, policies, or procedures applicable to the disclosing Party.
39. Each Party will immediately report to the other Party each instance in which data received from the other Party is used, disclosed, or accessed in an unauthorized manner (including any data losses or breaches).
40. Each party agrees to provide, upon request, details regarding the handling and maintenance of data in electronic and paper recordkeeping systems maintained pursuant to the provisions of this MOU, in order to allow the other party to ensure that appropriate security and privacy protections are in place. Such information shall be provided to the extent allowable by the laws, regulations, and policies governing each party.

PROSECUTIONS

41. WTOC-TF investigative procedures, whenever practicable, are to conform to the requirements which would allow for either federal or state prosecution.
42. A determination will be made on a case-by-case basis whether the prosecution of WTOC-TF cases will be at the state or federal level. This determination will be based on the evidence obtained and a consideration of which level of prosecution would be of the greatest benefit to the overall objectives of the WTOC-TF.
43. In the event that a state or local matter is developed that is outside the jurisdiction of the FBI or it is decided to prosecute a WTOC-TF case at the state or local level, the FBI agrees to provide all relevant information to state and local authorities in accordance with all applicable legal limitations.

A. Investigative Methods/Evidence

44. For cases assigned to an FBI Special Agent or in which FBI CHSs are utilized, the Parties agree to conform to federal standards concerning evidence collection, processing, storage, and electronic surveillance. However, in situations where the investigation will be prosecuted in the State Court where statutory or common law of the state is more restrictive than the comparable federal law, the investigative methods employed by FBI case agents shall conform to the requirements of such statutory or common law pending a decision as to venue for prosecution.
45. In all cases assigned to state, county, or local law enforcement participants, the Parties agree to utilize federal standards pertaining to evidence handling and electronic surveillance activities as outlined in the DIOG to the greatest extent possible. However, in situations where the statutory or common law of the state is more restrictive than the comparable federal law, the investigative methods employed by state and local law

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enforcement agencies shall conform to the requirements of such statutory or common law pending a decision as to venue for prosecution.

46. The use of other investigative methods (search warrants, interceptions of oral communications, etc.) and reporting procedures in connection therewith will be consistent with the policies and procedures of the FBI.

B. Undercover Operations

47. All WTOC-TF undercover operations will be conducted and reviewed in accordance with FBI guidelines and the U.S. Attorney General's Guidelines on FBI Undercover Operations. All participating agencies may be requested to enter into an additional agreement if an employee of the participating agency is assigned duties which require the officer to act in an undercover capacity.

USE OF LESS-THAN-LETHAL-DEVICES¹

48. The parent agency of each individual assigned to the WTOC-TF will ensure that while the individual is participating in FBI-led task force operations in the capacity of a task force officer, task force member, or task force participant, the individual will carry only less-lethal devices that the parent agency has issued to the individual, and that the individual has been trained in accordance with the agency's policies and procedures.
49. The parent agency of each individual assigned to the WTOC-TF will ensure that the agency's policies and procedures for use of any less-lethal device that will be carried by the task force officer, task force member, or task force participant are consistent with the DOJ policy statement on the Use of Less-Than-Lethal Devices.²

DEADLY FORCE AND SHOOTING INCIDENT POLICIES

50. WTOC-TF personnel will follow their own agencies' policies concerning firearms discharge and use of deadly force.

¹ Pursuant to Section VIII of the DOJ Less-Than-Lethal Devices Policy dated May 16, 2011, all state/local officers participating in joint task force operations must be made aware of and adhere to the policy and its limits on DOJ officers.

² Less-lethal – When use of force is required, but deadly force may not be appropriate, law enforcement officers may employ less-lethal weapons to gain control of a subject. Less-lethal weapons are designed to induce a subject to submit or comply with directions. These weapons give law enforcement officers the ability to protect the safety of officers, subjects, and the public by temporarily incapacitating subjects. While less-lethal weapons are intended to avoid causing any serious harm or injury to a subject, significant injuries and death can occur from their use.

The term "less-than-lethal" is synonymous with "less-lethal", "non-lethal", "non-deadly", and other terms referring to devices used in situations covered by the DOJ Policy on the Use of Less-Than-Lethal Devices. "Less-lethal" is the industry standard and the terminology the FBI has elected to utilize in reference to this policy.

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DEPUTATIONS

51. Local and state law enforcement personnel designated to the WTOC-TF, subject to a limited background inquiry, shall be sworn as federal task force officers either by acquiring Title 21 or Title 18 authority (via the United States Marshals), with the FBI securing the required deputation authorization. These deputations should remain in effect throughout the tenure of each investigator's assignment to the WTOC-TF or until the termination of the WTOC-TF, whichever comes first.
52. Deputized WTOC-TF personnel will be subject to the rules and regulations pertaining to such deputation. Administrative and personnel policies imposed by the participating agencies will not be voided by deputation of their respective personnel.
53. State, local, tribal, and territorial law enforcement officers (LEOs) who serve on the WTOC-TF must be federally deputized under Title 18 and/or Title 21 of the USC while assigned to the WTOC-TF. The FBI may likewise require federal LEOs who serve on the WTOC-TF to be deputized while assigned to the WTOC-TF. The FBI will secure the required authorization for deputations, as needed.
54. Under the terms of this MOU, the Participating Agency agrees that non-LEOs detailed to the WTOC-TF will not: (1) participate in law enforcement activities; (2) carry a weapon, either lethal or non-lethal; or (3) participate in the execution of search/arrest warrants.

VEHICLES

55. In furtherance of this MOU, employees of participating agencies may be permitted to drive FBI owned or leased vehicles for official WTOC-TF business and only in accordance with applicable FBI policy, rules and regulations, including those outlined in the FBI Government Vehicle Use Policy Guide (1093PG). The assignment of an FBI owned or leased vehicle to participating agency WTOC-TF personnel will require the execution of a separate Vehicle Use Agreement.
56. The participating agencies agree that FBI vehicles will not be used to transport passengers unrelated to WTOC-TF business.
57. Neither the FBI nor the United States shall be responsible for any liability arising from the use of an FBI owned or leased vehicle by WTOC-TF while engaged in any conduct outside the scope of their duties and assignments pursuant to their federal deputation on the [task force].
58. To the extent permitted by applicable law, New Bern Police Department agrees to hold harmless the FBI and the United States for any claim for property damage or personal injury arising from any use of an FBI owned or leased vehicle by WTOC-TF which is outside the scope of their duties and assignments.

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SALARY/OVERTIME COMPENSATION

59. The FBI and each participating agency remain responsible for all personnel costs for their WTOC-TF representatives, including salaries, overtime payments, and fringe benefits consistent with their respective agency, except as described in paragraph 60 below.
60. Subject to funding availability and legislative authorization, the FBI will reimburse to participating agencies the cost of overtime worked by non-federal WTOC-TF personnel assigned full-time to WTOC-TF, provided overtime expenses were incurred as a result of WTOC-TF-related duties, and subject to the provisions and limitations set forth in a separate Cost Reimbursement Agreement to be executed in conjunction with this MOU. A separate Cost Reimbursement Agreement must be executed between the FBI and participating agencies for full-time employee(s) assigned to WTOC-TF, consistent with regulations and policy, prior to any reimbursement by the FBI. Otherwise, overtime shall be compensated in accordance with applicable participating agency overtime provisions and shall be subject to the prior approval of appropriate personnel.

PROPERTY AND EQUIPMENT

61. Property utilized by the WTOC-TF in connection with authorized investigations and/or operations and in the custody and control and used at the direction of the WTOC-TF, will be maintained in accordance with the policies and procedures of the agency supplying the equipment. Property damaged or destroyed which was utilized by WTOC-TF in connection with authorized investigations and/or operations and is in the custody and control and used at the direction of WTOC-TF, will be the financial responsibility of the agency supplying said property.

FUNDING

62. This MOU is not an obligation or commitment of funds, nor a basis for transfer of funds, but rather is a basic statement of the understanding between the Parties hereto of the tasks and methods for performing the tasks described herein. Unless otherwise agreed in writing, each Party shall bear its own costs in relation to this MOU. Expenditures by each Party will be subject to its budgetary processes and to the availability of funds and resources pursuant to applicable laws, regulations, and policies. The Parties expressly acknowledge that the above language in no way implies that Congress will appropriate funds for such expenditures.

FORFEITURES

63. The FBI shall be responsible for processing assets seized for federal forfeiture in conjunction with WTOC-TF operations.

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64. Asset forfeitures will be conducted in accordance with federal law and the rules and regulations set forth by the FBI and DOJ. Forfeitures attributable to WTOC-TF investigations may be equitably shared with the agencies participating in the WTOC-TF.

DISPUTE RESOLUTION

65. In cases of overlapping jurisdiction, the participating agencies agree to work in concert to achieve the WTOC-TF's objectives.
66. The participating agencies agree to attempt to resolve any disputes regarding jurisdiction, case assignments, workload, etc., at the field level first before referring the matter to supervisory personnel for resolution.

MEDIA RELEASES

67. All media releases and statements will be mutually agreed upon and jointly handled according to FBI and participating agency guidelines.
68. Press releases will conform to DOJ Guidelines regarding press releases. No release will be issued without FBI final approval.

SELECTION TO WTOC-TF AND SECURITY CLEARANCES

69. If a participating agency candidate for the WTOC-TF will require a security clearance, he or she will be contacted by FBI security personnel to begin the background investigation process prior to the assigned start date.
70. If, for any reason, the FBI determines that a participating agency candidate is not qualified or eligible to serve on the WTOC-TF, the participating agency will be so advised and a request will be made for another candidate.
71. Upon being selected, each candidate will receive a comprehensive briefing on FBI field office security policies and procedures. During the briefing, each candidate will execute non-disclosure agreements (SF-312 and FD-868), as may be necessary or required by the FBI.
72. Before receiving unescorted access to FBI space identified as an open storage facility, WTOC-TF personnel will be required to obtain and maintain a "Top Secret" security clearance. WTOC-TF personnel will not be allowed unescorted access to FBI space unless they have received a Top Secret security clearance.
73. Upon departure from the WTOC-TF, each individual whose assignment to the WTOC-TF is completed will be given a security debriefing and reminded of the provisions contained in the non-disclosure agreement to which he or she previously agreed.

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LIABILITY

74. The Parties acknowledge that this MOU does not alter the applicable law governing civil liability, if any, arising from the conduct of personnel assigned to the WTOC-TF.
75. Each party agrees to notify the other in the event of receipt of a civil claim arising from [scope of the FBI's relationship with the MOU's other party]. Both parties agree to cooperate fully with one another in the event of any investigation arising from alleged negligence or misconduct arising from acts or omissions related to the [operational relationship]. Nothing in this paragraph prevents any party from conducting an independent administrative review of any incident giving rise to a claim. In the event that a civil claim or complaint is brought against a state or local officer assigned to the WTOC-TF, the officer may request legal representation and/or defense by DOJ, under the circumstances and pursuant to the statutes and regulations identified below.
76. COMMON LAW TORT CLAIMS
- A. Congress has provided that the exclusive remedy for the negligent or wrongful act or omission of an employee of the U.S. Government, acting within the scope of his or her employment, shall be an action against the United States under the Federal Tort Claims Act, 28 U.S.C. § 1346(b), and §§ 2671-2680.
 - B. Notwithstanding any other provision contained in this MOU, for the limited purpose of defending civil claims arising out of [operational relationship] activity, any employee detailed from a Participating Agency who is acting within the course and scope of his or her official duties and assignments pursuant to this MOU may be considered an "employee" of the U.S. government, as defined at 28 U.S.C. § 2671. See 5 U.S.C. § 3374(c)(2).
 - C. Under the Federal Employee Liability Reform and Tort Compensation Act of 1998 (commonly known as the Westfall Act), see 28 U.S.C. § 2679(b)(1), if an employee of the United States is named as a defendant in a civil action, the Attorney General or his or her designee may certify that the defendant acted within the scope of his or her employment at the time of the incident giving rise to the suit. 28 U.S.C. § 2679(d)(1)&(2). The United States can then be substituted for the employee as the sole defendant with respect to any tort claims alleged in the action. 28 U.S.C. § 2679(d)(1)&(2). Decisions to certify that an employee was acting within the scope of his or her employment at the time of the incident giving rise to the suit, see 28 U.S.C. § 2679(d)(1)&(2), are made on a case-by case-basis, and such certification cannot be guaranteed.
 - D. If the Attorney General declines to certify that an employee was acting within the scope of employment, "the employee may at any time before trial petition the court to find and certify that the employee was acting within the scope of his office or employment." 28 U.S. C. § 2679(d)(3)."
77. For the limited purpose of defending against a civil claim arising from an alleged violation of the U.S. Constitution pursuant to 42 U.S.C. § 1983 or Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971): an individual assigned to the WTOC-TF who is named as a defendant in a civil action as a result of or in

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connection with the performance of his or her official duties and assignments pursuant to this MOU may request individual-capacity representation by DOJ to defend against the claims. 28 C.F.R. §§ 50.15, 50.16. Any such request for individual-capacity representation must be made in the form of a letter from the individual defendant to the U.S. Attorney General. The letter should be provided to Chief Division Counsel (CDC) for the FBI Charlotte Division, who will then coordinate the request with the FBI Office of the General Counsel. In the event of an adverse judgment against the individual, he or she may request indemnification from DOJ. 28 C.F.R. § 50.15(c)(4). Requests for DOJ representation and indemnification are determined by DOJ on a case-by-case basis. The FBI cannot guarantee the United States will provide legal representation or indemnification to any WTOC-TF personnel.

78. Liability for any conduct by [task force personnel] undertaken outside of the scope of their duties and assignments pursuant to their federal deputation on the WTOC-TF shall not be the responsibility of the FBI or the United States.

DURATION

79. The term of this MOU is for the duration of the WTOC-TF's operations, contingent upon approval of necessary funding, but may be terminated at any time upon written mutual consent of the agency involved.
80. Any participating agency may withdraw from the WTOC-TF at any time by written notification to the WTOC-TF Supervisor with designated oversight for investigative and personnel matters or program manager of the WTOC-TF at least 30 days prior to withdrawal.
81. Upon termination of this MOU, all equipment provided to the WTOC-TF will be returned to the supplying agency/agencies. In addition, when an entity withdraws from the MOU, the entity will return equipment to the supplying agency/agencies. Similarly, remaining agencies will return to a withdrawing agency any unexpended equipment supplied by the withdrawing agency during any WTOC-TF participation.

MODIFICATIONS

82. This agreement may be modified at any time by written consent of all involved agencies.
83. Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.

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SIGNATORIES

Special Agent in Charge
Federal Bureau of Investigation

Date

Chief Patrick L. Gallagher
New Bern Police Department
New Bern, North Carolina

Date

Mayor Jeffrey T. Odham
City of New Bern
New Bern, North Carolina

Date

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**FEDERAL BUREAU OF INVESTIGATION
TRIANGLE AREA CRIMINAL ENTERPRISE TRANSNATIONAL ORGANIZED CRIME
WESTERN HEMISPHERE TASK FORCE
Cost Reimbursement Agreement**

WTOC-TF File No.: 281C-CE-C2065557

Pursuant to Congressional appropriations, the Federal Bureau of Investigation (FBI) receives authority to pay overtime for police officers assigned to the formalized **TRIANGLE AREA CRIMINAL ENTERPRISE TRANSNATIONAL ORGANIZED CRIME WESTERN HEMISPHERE TASK FORCE (WTOC-TF)**, as set forth below, for expenses necessary for detection, investigation, and prosecution of crimes against the United States. It is hereby agreed between the FBI and New Bern Police Department (NBPD), located at 601 George Street, New Bern, North Carolina (NC) 28560, Taxpayer Identification Number: [56-6000235], and Telephone Number: 252-633-2020 that:

1. This Agreement is entered into pursuant to, and as an annex to, the FBI WTOC-TF Memorandum of Understanding (MOU) signed by the Chief of Police of NBPD on [April 11, 2023], and shall be read and interpreted in conformity with all terms of that document.
2. Commencing upon execution of this Agreement, the FBI will, subject to availability of required funding, reimburse NBPD for overtime payments made to officers assigned to and working full time on WTOC-TF related matters.
3. Requests for reimbursement shall be made on a monthly basis utilizing the United States Department of the Treasury Invoice Processing Platform (IPP) software system and shall be submitted to the FBI Charlotte Field Office immediately after the first of the month which follows the month for which reimbursement is requested. The reimbursement request shall be approved by the appropriate Supervisor (or their designee) at NBPD prior to the invoice submission in IPP. The invoice submitted in IPP will automatically route to the FBI WTOC-TF personnel for their review, approval, and processing for payment.
4. Overtime reimbursement payments from the FBI will be made via electronic funds transfer (EFT) directly to NBPD using the FBI's Unified Financial Management System (UFMS). To facilitate EFT, NBPD shall establish an account online in the System for Award Management (SAM) at www.SAM.gov. Verification of NBPD banking information is required on an annual basis in order to keep payment information current. For additional information regarding the UFMS and SAM, contact the FBI Charlotte Financial Liaison Specialist.
5. Overtime reimbursements will be calculated at the usual rate for which the individual officer's time would be compensated in the absence of this Agreement. However, said reimbursement, per officer, shall not exceed monthly and/or annual limits established annually by the FBI. The limits, calculated using Federal pay tables, will be in effect for the Federal fiscal year running from October 1st of one year through September 30th of the following year, unless changed during the period. The FBI reserves the right to change the reimbursement limits, upward or downward, for subsequent periods based on fiscal priorities and appropriations limits. The FBI will notify NBPD of the applicable annual limits prior to October 1st of each year.
6. The number of NBPD deputies assigned full-time to the WTOC-TF and entitled to overtime reimbursement by the FBI shall be approved by the FBI in advance of each fiscal year. Based on the needs of the WTOC-TF, this number may change periodically, upward or downward, as approved in advance by the FBI.

7. Prior to submission of any overtime reimbursement requests, NBPB shall prepare an official document setting forth the identity of each officer assigned full-time to the WTOC-TF, along with the regular and overtime hourly rates for each officer. Should any officers change during the fiscal year, a similar statement shall be prepared regarding the new officers prior to submitting any overtime reimbursement requests for the officers. If the rate changes during the fiscal year for a previously assigned officer, an updated letter shall be attached with the invoice submission in IPP that reflects the new rate. The updated letter shall be mailed to the Charlotte Field Office WTOC-TF personnel to maintain in FBI records.

8. Each request for reimbursement shall be submitted via IPP to the FBI. The request for reimbursement shall include an invoice number, invoice date, the name, overtime compensation rate, number of reimbursable hours claimed, and the dates of those hours for each officer for whom reimbursement is sought. An attachment signed and dated by an authorized Agency representative noting the dates and hours for each officer overtime reimbursement claimed shall be uploaded in IPP as supporting documentation for the invoice to confirm the information described in this paragraph is accurate, and the personnel for whom reimbursement is claimed were assigned full-time to the WTOC-TF.

9. Requests for reimbursement shall be submitted monthly and all requests shall be received by the FBI no later than December 31st of the next fiscal year for which the reimbursement applies. For example, reimbursements for the fiscal year ending September 30, 2022, shall be received by the FBI monthly and not later than December 31, 2022. The FBI is not obligated to reimburse any requests received untimely and not in accordance herewith.

10. This Agreement is effective upon signatures of the parties and will remain in effect for the duration of NBPB's participation on the WTOC-TF, contingent upon approval of necessary funding, and unless terminated in accordance with the provisions herein. This Agreement may be modified at any time by written consent of the parties or based on changing business operations and practices of the FBI. It may be terminated at any time upon mutual consent of the parties, or unilaterally upon written notice from the terminating party to the other party at least 30 days prior to the termination date.

Signatories:

Robert M. DeWitt
Special Agent in Charge
Federal Bureau of Investigation

Date: _____

Patrick L. Gallagher
Police Chief
New Bern Police Department

Date: _____

Financial Liaison Specialist
Federal Bureau of Investigation

Date: _____

Jeffrey T. Odham
Mayor
City of New Bern

Date: APR 11 2023

AGENDA ITEM COVER SHEET

Agenda Item Title:

Discussion on a Proposed Juneteenth Holiday.

Date of Meeting: 4/3/2023	Ward # if applicable:
Department: Administration	Person Submitting Item: Foster Hughes, City Manager
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

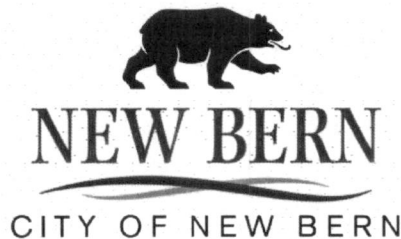
Explanation of Item:	Discussion on a Juneteenth Holiday. During the March 28th Governing Board meeting, Juneteenth of New Bern made a request for the City to consider adding this day as a City Holiday. The Board asked for further discussion on this item.
Actions Needed by Board:	Discuss the proposed holiday and take any necessary action.
Backup Attached:	Memo, Survey results, List of current City Holidays
Is item time sensitive? <input type="checkbox"/> Yes <input type="checkbox"/> No	

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

Additional Notes:

Aldermen

Rick Prill
Hazel B. Royal
Robert V. Aster
Johnnie Ray Kinsey
Barbara J. Best
Robert Brinson, Jr.



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

Jeffrey T. Odham
Mayor

Foster Hughes
City Manager

Brenda E. Blanco
City Clerk

Kimberly A. Ostrom
Director of Finance

To: Mayor and Board of Aldermen

From: Foster Hughes, City Manager

Date: April 3, 2023

Subject: Discussion on a Proposed Juneteenth Holiday.

Background Information:

During the March 28, 2023 Governing Board Meeting, Juneteenth of New Bern made a request for the City to consider adding the Juneteenth celebration as a City Holiday. After discussion, the Board gave direction to include additional discussion on the Juneteenth Holiday during the April 11th meeting.

- Juneteenth became a Federal Holiday on June 17, 2021.
- Juneteenth has been recognized by the State of North Carolina since 2007, but is currently not a paid state holiday. On June 6, 2022, Governor Cooper signed Executive Order # 262, which provides 8 hours of Personal Observance Leave to employees of cabinet agencies. Other state agencies are encouraged to adopt this or similar policies to promote the recruitment and retention of a diverse and inclusive workforce. Employees choose the day they wish to take off. This is in addition to any annual leave employees may receive.
- A recent survey conducted by the NCLM shows that out of 552 member cities receiving the survey, 167 cities responded. 50 municipalities have added Juneteenth as a paid holiday (*2 of those municipalities did not participate in the survey*). This information will be included in the agenda packet.
- For FY 2023, the approximate cost for one vacation day is \$136,000, however, this does not include the cost of overtime for those employees that have to work on a holiday.
- This year, Juneteenth will be observed on Monday, June 19, 2023.

Recommendation:

Consider this information as part of your discussion concerning Juneteenth as a possible paid holiday.

CITIES CURRENTLY OBSERVING JUNETEENTH AS A PAID HOLIDAY

Source: NCLM Benefits Survey 22-23

Municipality	June- teenth	Total Holidays
Population Group: Below 2,500		
Belhaven	1	13
Brunswick	1	12
Cameron	1	13
Dobbins Heights	1	12
Enfield	1	13
Fremont	1	12/13
Hertford	1	13
Pinetops	1	13
Powellsville	1	12
Rose Hill	1	13
Sylva	1	14
Population Group: Between 2,500 and 4,999		
Elizabethtown	1	15
Population Group: Between 5,000 and 9,999		
Angier	1	15
Black Mountain	1	12/13
Cherryville	1	13
Gibsonville	1	13
Marion	1	13
Rockingham	1	13
Washington	1	13
Population Group: Between 10,000 and 24,999		
Albemarle	1	13
Boone	1	13
Carrboro	1	13
Clayton	1	14
Elizabeth City	1	13
Elon	1	13
Henderson	1	13
Kinston	1	14
Knightdale	1	13
Lexington	1	13
Spring Lake	1	12
Tarboro	1	12
Waynesville	1	11
Wendell	1	13

CITIES CURRENTLY OBSERVING JUNETEENTH AS A PAID HOLIDAY

Source: NCLM Benefits Survey 22-23

Municipality	June- teenth	Total Holidays	
Population Group: Between 25,000 and 99,999			
Asheville	1	13	
Chapel Hill	1	12	
Goldsboro	1	13	
Greenville *	1	12	<i>Did not participate in study.</i>
Huntersville	1	13	
Indian Trail	1	13	
Jacksonville	1	12	
Monroe	1	14	
Mooresville	1	13/14	
New Bern		12	
Rocky Mount	1	11	
Salisbury	1	13	
Population Group: Above 100,000			
Cary	1	12	
Durham	1	13/14	
Fayetteville	1	11/12	
High Point	1	12	
Raleigh	1	13	
Wilmington*	1	13	<i>Did not participate. Adopted on April 4, 2023.</i>

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***Out of 552 member cities, 167 cities participated in the survey.**

***28.7% of the participants recognize Juneteenth as a paid holiday.**

The number of paid holidays has increased from 12 to 13, largely due to the adoption of the Juneteenth Holiday.

Source: North Carolina League of Municipalities Benefits Survey 22-23

***Juneteenth is not a paid holiday for state employees.**

The State of North Carolina does provide 8 hours of Personal Observance Leave to employees of cabinet agencies. Other state agencies are encouraged to adopt this or similar policies to promote the recruitment and retention of a diverse and inclusive workforce. Employees choose the day they may take. This is in addition to annual leave.

Source: Governor Cooper Executive Order #262 - June 6, 2022

*For FY 2023, The approximate cost for 1 day of vacation is \$136,000, however, this does not include the cost of overtime for those employees that have to work on a holiday.

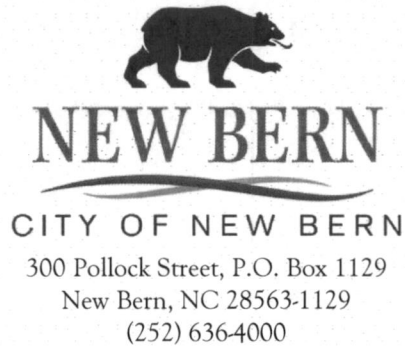
City of New Bern 2023 Holiday Schedule



Monday	January 2, 2023	New Year's Day
Monday	January 16, 2023	Martin Luther King, Jr. Day
Friday	April 7, 2023	Good Friday
Monday	May 29, 2023	Memorial Day
Tuesday	July 4, 2023	Independence Day
Monday	September 4, 2023	Labor Day
Friday	November 10, 2023	Veterans Day
Thursday	November 23, 2023	Thanksgiving Day
Friday	November 24, 2023	Day After Thanksgiving
Monday	December 25, 2023	Christmas Holiday
Tuesday	December 26, 2023	Christmas Holiday
Wednesday	December 27, 2023	Christmas Holiday

Aldermen

Rick Prill
Hazel B. Royal
Robert V. Aster
Johnnie Ray Kinsey
Barbara J. Best
Robert Brinson, Jr.



Jeffrey T. Odham
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk
Kimberly A. Ostrom
Director of Finance

Memorandum

TO: Alderman Rick Prill

FROM: Brenda Blanco, City Clerk

DATE: March 17, 2023

SUBJECT: Appointment to Planning and Zoning Board

Travis Oakley resigned from the Planning and Zoning Board on March 14, 2023. A new appointment is needed to fill the remainder of his term, which will expire on June 30, 2025.

/beb