CITY OF NEW BERN BOARD OF ALDERMEN MEETING MAY 08, 2018 – 6:00 P.M. CITY HALL COURTROOM 300 POLLOCK STREET

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

Consent Agenda

- 4. Consider Approving a Proclamation in Support of House Bill 551 for Marsy's Law.
- 5. Consider Adopting a Resolution to Call for a Public Hearing on the 2018-2019 CDBG Annual Action Plan.
- 6. Consider Adopting a Resolution to Call for a Public Hearing on Financing the Drainage Improvements and Garage Relocation Projects.
- 7. Consider Adopting a Resolution to Close the 500 Block of Roundtree Street on July 13, 2018 from 11 a.m. to 7 p.m. for the Colorfest Community Art Event.
- 8. Consider Adopting a Resolution to Close the 500-600 Blocks of Roundtree Street on August 7, 2018 from 3:00 p.m. to 9:00 p.m. for the Craven Terrace Residents' National Night Out Celebration.
- 9. Approve Minutes.

- 10. Presentation on 2018 Veterans Standdown.
- 11. Presentation on Emergency Fire Dispatch.
- 12. Presentation on GIS Annual Update.
- 13. Conduct a Public Hearing on the Proposed Budget for Fiscal Year 2018-19.
- 14. Conduct a Public Hearing on the Rezoning of 900 Broad Street and:
 - a) Consider Adopting a Statement of Zoning Consistency; and
 - b) Consider Adopting an Ordinance Rezoning 900 Broad Street.

- 15. Conduct a Public Hearing and Consider Adopting an Ordinance to Create a Redevelopment Commission.
- Consider Adopting a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Old Airport Road Project.
- 17. Consider Adopting a Resolution Approving a Greenway Trail Easement.
- 18. Consider Adopting a Resolution Authorizing the Filing of an Application with the Local Government Commission for Approval of the Drainage Improvements and Garage Relocation Projects.
- 19. Consider Adopting a Resolution Approving an Audit Contract for Fiscal Year Ending June 30, 2018.
- 20. Consider Adopting an Ordinance to Amend Section 66-85 of Chapter 66 for City-Sponsored Events.
- 21. Consider Adopting a Budget Ordinance Amendment for the FY2017-18 General Fund Operating Budget.
- 22. Appointment(s).
- 23. Attorney's Report.
- 24. City Manager's Report.
- 25. New Business.
- 26. Closed Session.
- 27. Adjourn.

Aldermen

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



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

Mc 17 5/4/18

Dana E. Outlaw Mayor

Mark A. Stephens City Manager

Memo to: Mayor and Board of Aldermen

From: Mark A. Stephens, City Manager

Date: May 3, 2018

Re: May 8, 2018 Agenda Explanations

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

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

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

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

Consent Agenda

4. Consider Approving a Proclamation in Support of House Bill 551 for Marsy's Law.

Kayla Saunders, Field & Digital Director for Mary's Law for North Carolina, reached out to the Board to request a proclamation in support of Marsy's Law. A copy of the request and the proposed Proclamation are attached.

5. Consider Adopting a Resolution to Call for a Public Hearing on the 2018-2019 CDBG Annual Action Plan.

The 2018-2019 CDBG Annual Action Plan provides a summary of actions, activities, and specific federal and non-federal resources to be used to address the needs and goals in the Strategic Plan section of the coming year's Consolidated Plan. It also serves as the City's application for funding under the Entitlement Cities program. New Bern's expected resources are identified on page 13 of the plan, and page 15 lists a summary of the goals with a breakdown of funding. The proposed plan has been available for public review and comment since April 20, 2018 and will remain available through May 21, 2018. It is requested the public hearing be called for May 22, 2018 to provide a final opportunity for citizens to comment on the draft plan. A memo from Landa Gaskins, Community Development Coordinator, is attached along with a copy of the proposed plan.

6. Consider Adopting a Resolution to Call for a Public Hearing on Financing the Drainage Improvements and Garage Relocation Projects.

Capital project funds have been established for the Drainage Improvements Project and the Garage Relocation Project. A request for proposal was issued on April 26, 2018 seeking financing proposals for a sum not to exceed \$2,320,000. Because these projects involve real property, the borrowing must be approved by the Local Government Commission and a public hearing is required pursuant to NCGS §160A-20. The hearing is proposed for May 22, 2018. A memo from J.R. Sabatelli, Director of Finance, is attached.

7. Consider Adopting a Resolution to Close the 500 Block of Roundtree Street on July 13, 2018 from 11 a.m. to 7 p.m. for the Colorfest Community Art Event.

(Ward 2) Derrick Bryant, President and CEO of Colorfest, Inc., has requested the 500 block of Roundtree Street be closed on Friday, July 13, 2018 from 11 a.m. to 7 p.m. for a community art event. A memo from Foster Hughes, Director of Parks and Recreation, is attached.

8. Consider Adopting a Resolution to Close the 500-600 Blocks of Roundtree Street on August 7, 2018 from 3:00 p.m. to 9:00 p.m. for the Craven Terrace Residents' National Night Out Celebration.

(Ward 2) Latisha Bell, Resident Services Coordinator for Craven Terrace, has requested the 500-600 blocks of Roundtree Street be closed on Tuesday, August 7, 2018 from 3 p.m. to 9 p.m. for a National Night Out celebration. A memo from Mr. Hughes is attached.

9. Approve Minutes.

Minutes from the April 11, 2018 special meeting and April 24, 2018 regular meeting are provided for review and approval.

10. Presentation on 2018 Veterans Standdown.

Lovay Wallace-Singleton, Executive Director of the Veterans Organic Garden, will provide a presentation on this year's upcoming Veterans Stand-Down.

11. Presentation on Emergency Fire Dispatch.

The first implementation phase of the Emergency Fire Dispatch ("EFD") system was begun on April 10, 2018 by the Police Department's Communication Center. This system was purchased utilizing funds from the NC 911 Board. Police Captain Bobby Jones and Fire Chief Bobby Boyd will share a video detailing the system.

12. Presentation on GIS Annual Update.

Alice Wilson, GIS Coordinator, will show a PowerPoint presentation on the progress made since the Strategic GIS Plan was approved in March 2015. This presentation will satisfy the plan's provision for an annual report to the Board of Aldermen.

13. Conduct a Public Hearing on the Proposed Budget for Fiscal Year 2018-19.

The recommended budget for FY2018-19 was distributed to the Board on April 24, 2018, at which time the highlights were reviewed by the City Manager. The budget has been made available for public inspection in the City Clerk's office, at the New Bern-Craven County Library, and on the City's website. Budget workshops were conducted on May 1st and 2nd and an additional workshop is slated for May 14th, all of which are open to the public. Approval of the budget will be considered at an upcoming Board meeting.

14. Conduct a Public Hearing on the Rezoning of 900 Broad Street and:

- a) Consider Adopting a Statement of Zoning Consistency; and
- b) Consider Adopting an Ordinance Rezoning 900 Broad Street.

(Ward 1) On behalf of One World Company, LLC, Danny Batten has requested the property at 900 Broad Street be rezoned from a C-4 Neighborhood Business District to a C-3 Commercial District. The property is an approximately .44-acre parcel near the intersection of Queen and Broad Streets further identified as tax parcel ID 8-008-151. The board is asked to consider adopting a statement of zoning consistency and an ordinance rezoning the property as requested. A memo from Morgan Potts, City Planner, is attached.

15. Conduct a Public Hearing and Consider Adopting an Ordinance to Create a Redevelopment Commission.

As discussed at a special meeting on April 11, 2018, consideration is being given to the creation of a Redevelopment Commission. The Board is to conduct a public hearing on this issue and then consider adopting an ordinance creating such a

commission. The proposed commission will consist of nine members who are residents of the City of New Bern and appointed by the Board of Aldermen. Commission members will serve staggered terms with each term being five years. However, initially two members shall serve a term of five years, two members shall serve a term of four years, two members shall serve a term of three years, two members shall serve a term of two years, and one member will serve a term of one year. The Governing Board may appoint one or more liaisons from among themselves to attend and participate in the Commission's meetings, but the liaison(s) shall not have the right to vote. A liaison may only serve in such capacity during their term on the Governing Board.

Consider Adopting a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Old Airport Road Project.

(Ward 3) In anticipation of widening and improving Old Airport Road between Taberna Circle and County Line Road, a Request for Qualifications was advertised on September 24, 2017 seeking professional services related to right-of-way improvements. The six responses received were ranked based on qualifications, and Kimley-Horne and Associates Inc. received the highest ranking. The Board is asked to authorize the City Manager to execute a Professional Services Agreement with Kimley-Horne for the scope of work and services as outlined in the agreement at a cost of \$128,540. A memo from Matt Montanye, Director of Public Works, is attached.

17. Consider Adopting a Resolution Approving a Greenway Trail Easement.

(Ward 4) As part of the 2009 Adopted Pedestrian Plan, the Board is asked to consider adopting a resolution approving a greenway trail easement with Pine Valley, LLC. This easement was a condition placed by the Board of Adjustment for the Pine Valley Apartments at 1000 Pine Tree Drive. A memo from Greg McCoy, Land and Community Developer Administrator, is attached.

18. Consider Adopting a Resolution Authorizing the Filing of an Application with the Local Government Commission for Approval of the Drainage Improvements and Garage Relocation Projects.

Financing that involves real property must be approved by the Local Government Commission ("LGC"). Financing will be utilized for the drainage improvements and garage relocation projects. After reviewing responses to a request for proposals for installment-loan financing, PNC Bank is the recommended lender with an interest rate of 3.34% for a 10-year period. A memo from Mr. Sabatelli, is attached.

19. Consider Adopting a Resolution Approving an Audit Contract for Fiscal Year Ending June 30, 2018.

Mauldin & Jenkins, LLC performed the City's audit for Fiscal Year Ending June 30, 2017 at a cost of \$34,000. Their proposed contract for the upcoming year-end (FYE

June 30, 2018) is \$36,000 and includes all major programs. The Board is asked to consider approving this contract and authorize the Mayor to execute it on behalf of the City. A memo from Mr. Sabatelli is attached.

20. Consider Adopting an Ordinance to Amend Section 66-85 of Chapter 66 for City-Sponsored Events.

An amendment is needed to the ordinance listing city-sponsored to reflect two minor changes. The Twin Rivers YMCA Healthy Kids Day and Healthy Kids Day 5K is referring to its 2018 run under the title of "Pancake Pursuit 5k and 10k" and in future years may choose to refer to the run under a different title. Therefore, for the purpose of the city-sponsored list, they desire the event simply be listed as the Twin Rivers YMCA 5k and 10k. The second change is the Neuse River Bridge Run will be held annually in the month of March instead of October. Copies of the requests for these changes are attached.

21. Consider Adopting a Budget Ordinance Amendment for the FY2017-18 General Fund Operating Budget.

(Wards 1 and 2) A budget ordinance amendment is sought to appropriate \$30,000 to Parks and Recreation for the repair and maintenance of Kidsville, a wooden playground structure that is approximately 24 years old. The structure is currently closed until the maintenance and repairs can be performed. The amendment also appropriates \$62,000 to Public Works for expenses related to the replacement of hardware in the City Hall clock tower. Fund balance will be appropriated to cover both of these items. A memo from Mr. Sabatelli is attached.

22. Appointment(s).

- (a) Nancy Gray has resigned from the Historic Preservation Commission as a result of relocating to a different city. Alderman Kinsey is asked to make an appointment to fill this vacancy. Ms. Gray's term will actually expire on May 15, 2018, so the appointee will start a new term instead of simply completing her existing term.
- (b) Tripp Eure's seat on the Historic Preservation Commission will expire on May 15, 2018. This is his second term, and he is ineligible for reappointment at this time. This is a rotating seat, and it is Ward 2's turn to make the next appointment. Alderman Harris is asked to make this appointment.
- 23. Attorney's Report.
- 24. City Manager's Report.
- 25. New Business.
- 26. Closed Session.
- 27. Adjourn.

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Approving a Proclamation in Support of House Bill 551 for Marsy's Law. Date of Meeting May 8, 2018 Ward # if applicable N/A **Department** City Clerk Person Submitting Item: Brenda Blanco Call for Public Hearing Yes VNO **Date of Public Hearing Explanation of Item:** Kayla Saunders has requested the Board's support in the form of a proclamation for House Bill 551 (Marsy's Law) which is to ensure victims' recieve the same rights that are afforded to criminals and have rights to notification of release, hearings, appropriate restitution, and the right to speak during criminal proceedings. Actions Needed by Board: Consider approving proclamation. Is item time sensitive? Yes No Will there be advocates/opponents at the meeting? ☐ Yes ☑ No **Backup Attached:** Cost of Agenda Item:

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

certified by the Finance Director: Yes No

Additional notes:



- WHEREAS, Marsy's Law For North Carolina and advocacy organizations statewide are dedicated to guaranteeing victims' rights and providing a voice; and
- WHEREAS, Marsy's Law For North Carolina supporters agree victims should always be treated with fairness and respect throughout the criminal justice process, protected from the defendant, reasonably heard at public proceedings regarding their case, and given a voice through the process of the case; and
- whereas, per the Federal Bureau of Investigation's (FBI) most recent "Crime in the United States" report, in 2013 a total of 33,700 North Carolinians were the victim of Violent "Index Crimes" including: murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson; and
- WHEREAS, Marsy's Law for North Carolina will ensure that victims receive the same rights that are afforded to criminals and have rights to notification of release, hearings, appropriate restitution, and the right to speak during criminal proceedings; and
- WHEREAS, Victims' Rights is a non-partisan, non-political issue, and Marsy's Law is a common sense approach to ensuring Victims' Rights

NOW THEREFORE, I, Dana E. Outlaw, Mayor of the City of New Bern, on behalf of the New Bern Board of Aldermen, do hereby proclaim

SUPPORT FOR HB 551/SB 595 (MARSY'S LAW)

and encourage all of our citizens to join in the commitment to protect the rights of North Carolina crime victims.

DANA E. OUTLAW, MAYOR

From: Kayla Saunders <ksaunders@MarsysLaw.us>

Sent: Tuesday, April 24, 2018 5:07 PM

To: Dana E. Outlaw < OutlawD@newbern-nc.org>; Sabrina Bengel < BengelS@newbern-nc.org>; Jameesha Harris < HarrisJ@newbern-nc.org>; Bobby Aster < AsterB@newbern-nc.org>; Johnnie R. Kinsey < KinseyJ2@newbern-nc.org>; Barbara Best < BestB@newbern-nc.org>; Jeffrey Odham < OdhamJ@newbern-nc.org>; Scott Davis

<msd@dhwlegal.com>; Brenda Blanco <BlancoB@newbern-nc.org>

Subject: Crime Victims' Rights Week | Marsy's Law for North Carolina

Dear New Bern Aldermen,

As you may have already heard, there is a victims' rights bill working its way through the North Carolina Legislature named Marsy's Law. Marsy's Law ensures victims basic rights as they navigate the judicial process. While we have victims' rights legislation in North Carolina, it is not always universally applied or enforced. Marsy's Law would change that by providing Constitutional level protections for victims in North Carolina. The bill (HB 551) passed the House by an astonishing 98-17 vote, with broad bipartisan support.

Should it pass the Senate with the required 3/5 majority (which appears likely), it will become a ballot initiative later this year. This would help in sending a strong message in support of victims' rights in North Carolina. We've already been endorsed by over 60 sheriffs, including Craven County Sheriff Jerry Monette, 42 cities, towns, and counties from across the state, as well as by many other elected officials and organizations. **We would be honored if you would join them by endorsing Marsy's Law for North Carolina!** I have attached some information and a sample resolution. I have also included a link to the bill so that you may review it. Please let me know if you have any questions and if we can include you in the growing list of supporters!

Note: If you plan on adding a proclamation or resolution to your monthly meeting, please send me an email letting me know as we like to keep track of all of our endorsements. We appreciate your consideration!



Thank you, Kayla Saunders Field & Digital Director Marsy's Law for North Carolina (919) 799-0134

LINK TO LEGISLATION:

http://www.ncleg.net/Sessions/2017/Bills/House/PDF/H551v2.pdf

LIST OF ENDORSERS:

http://nc.marsyslaw.us/endorsements

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

contain information which is confidential within the meaning of applicable federal and state laws.



Key Message: Marsy's Law for North Carolina seeks to amend the state constitution in order to provide an equal level of constitutional protections to victims of crimes that are already afforded to the accused and convicted. Marsy's Law is supported across the political spectrum to ensure that victims have the same "co-equal" rights as the accused and convicted - nothing more, nothing less.

Marsy's Law gives the victim a voice in the process; not a veto.

- The U.S. Constitution and many state constitutions give specific rights to individuals accused and convicted of a crime. Crime victims, however, have no enumerated rights in either the U.S. Constitution or in 15 state constitutions including North Carolina.
- Marsy's Law for All seeks to amend state constitutions like North Carolina that do not currently offer protections to give victims of crimes equal rights that are already afforded to the accused and convicted.
- While North Carolina does have victims' rights protections in its constitution, it is not always consistently applied from county to county and regionally, and there is a need to amend the constitution to better ensure consistent enforcement of those rights statewide.
- In January 2017, Marsy's Law for NC kicked off a campaign to begin the two-step process to amend the state constitution: the first step requires a bill passed by $\frac{3}{5}$ of both chambers of the state Legislature to then send it to a statewide vote the following year.
- Nearly eight out of ten North Carolinians support a constitutional amendment giving crime victims equal rights already afforded to the accused and convicted including the right to be treated fairly, with dignity and respect, to be informed regarding custody and to have a voice in the judicial process.
- We can all agree it's common sense that no rapist should have more rights than the victim. No murderer should be afforded more rights than the victim's family.
- It is not a partisan issue: giving crime victims important co-equal rights is a rare political issue that both Republicans and Democrats are unified in supporting.
- In recent years, voters in five states have passed Marsy's Law including the groundbreaking 2008 victims' rights law in California, Illinois, North and South Dakota and Montana.
- Marsy's Law for All campaigns are currently active in eight states beyond North Carolina including Nevada, Maine, Idaho, Oklahoma, Ohio, Wisconsin, Kentucky and Georgia.

A constitutional amendment for victims' rights will guarantee equal rights to crime victims by:

Informing victims and their families about their rights and services available to them

Giving them the right to receive notification of proceedings and major developments in a criminal case



Protecting their safety by notifying them in a timely manner regarding changes to the offender's custodial status



Allowing victims and their families to exercise their right to be present - and heard - at court proceedings; and to provide input to the prosecutor before a plea agreement is finalized



Establishing the right to restitution



AGENDA ITEM COVER SHEET

Adopt a resolution calling for a public hearing for the 2018-2019 CDBG Annual Action Plan

Agenda Item Title:

Additional notes:

Date of Meeting 5/08/18	Ward # if applicable N/A
Department Development Services	Person Submitting Item: Jeffrey Ruggieri
Call for Public Hearing Yes No	Date of Public Hearing 5/22/2018
Explanation of Item:	
non-federal resources that will be used to add	a summary of the actions, activities, and the specific federal and dress the priority needs and specific goals identified in the Strategic Plan. The Annual Action Plan comment period is from April 20 to May nal opportunity for citizens to comment on the contents of the draft roval by the Board of Alderman.
Actions Needed by Board: Adopt a resolution calling for a public	hearing on 5/22/2018.
Is item time sensitive? Ves \ N	0
Will there be advocates/opponents	at the méeting?□Yes ☑No
Backup Attached:	
Memo, resolution	
Cost of Agenda Item: 0.00	
If this item requires an expenditure certified by the Finance Director :	, has it been budgeted and are funds available and Yes No



(252)636-4000

MEMORANDUM

TO: Mayor and Board of Aldermen

Jeffrey Ruggieri, Director of Development Services FROM:

4/27/2018 DATE:

Call for a Public Hearing for the 2018-2019 CDBG Annual Action Plan SUBJECT:

Background Information:

The 2018-2019 Annual Action Plan provides a summary of the actions, activities, and specific federal and non-federal resources that will be used to address the priority needs and specific goals identified in the Strategic Plan section of the 2014-2019 Consolidated Plan for the coming year. The Annual Action Plan also serves as the City's application for funding under the Entitlement Cities program.

The draft 2018-2019 Community Development Block Grant (CDBG) Annual Action Plan will been available for public review and comment from April 20-May 21, 2018.

This public hearing will provide a final opportunity for citizens to comment on the contents of the draft Annual Action Plan. Following the public hearing, any comments from this public hearing will be summarized and added to the plan, which will be submitted to HUD for their review and comment.

Recommendation:

The Development Services Department recommends the Board adopt a resolution to conduct a public hearing to receive comments on the draft 2018-2019 Annual Action Plan on May 22, 2018.

If you have any questions or need additional information, please let me know.

RESOLUTION

WHEREAS, the draft 2018-2019 Community Development Block Grant ("CDBG") Annual Action Plan was made available for public review from April 20 - May 21, 2018, and no comments were received on the plan; and

WHEREAS, the City is required to conduct a public hearing to receive final comment regarding the contents of the Annual Action Plan.

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

That a public hearing will be conducted by the Board of Aldermen of the City of New Bern at 6:00 p.m., or as soon thereafter as the matter may be reached, on May 22, 2018 in the City Hall Courtroom, 300 Pollock Street, on the contents of the Annual Action Plan, in order that all interested parties may be given an opportunity to be heard.

ADOPTED this the 8th day of May, 2018.

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



Everything comes together here

CITY OF NEW BERN
2018-2019
Community Development Block Grant
(CDBG)
Annual Action Plan

Prepared by:

City of New Bern

Development Services Department
P.O. Box 1129

New Bern, NC 28563-1129

CITY OF NEW BERN

Dana E. Outlaw, Mayor

Mark A. Stephens, City Manager

BOARD OF ALDERMEN

Sabrina Bengel

Jameesha S. Harris

Robert V. Aster

Johnnie Ray Kinsey

Barbara J. Best

Jeffrey T. Odham

DEVELOPMENT SERVICES DEPARTMENT

Jeff C. Ruggieri, Director

Landa Gaskins, Community Development Coordinator

CDBG Program Contact

Landa Gaskins,
Community Development Coordinator
(252) 639-7586
GaskinsL@newbern-nc.org

ACKNOWLEDGEMENTS

Executive Summary

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

1. Introduction

The City of New Bern became an CDBG Entitlement City in 2014. This 2018-2019 Annual Action Plan implements the fifth year of the five year 2014-2019 Consolidated Plan. This Annual Action Plan establishes the priority for projects and funding for the upcoming year based on the goals of the Strategic Plan section of the Consolidated Plan.

2. Summarize the objectives and outcomes identified in the Plan

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

The goals and objectives for 2018-2019 include:

- 1. New affordable housing units in the Gateway District by CBDO.
- 2. Minor rehabilitation for eligible owner-occupied homes.
- 3. Funding for public service activities.
- 4. Infrastructure Improvements in the Gateway District
- 5. Administration and Planning Costs

3. Evaluation of past performance

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

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

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

Annual Action Plan 2018 A public listening session was conducted on February 13, 2018. The meeting was advertised in the Sun Journal, the City's Website and government television station, and distribution to the local Balance of State agency and community partner agency listservs. Online and on-site surveys were distributed to the Citizen Advisory Committee and other area partners.

5. Summary of public comments

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

Comments are attached

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

All citizen comments were accepted.

7. Summary

The City's 2018-2019 CDBG Annual Action Plan has been prepared with the goal of ensuring a viable community by providing decent, affordable housing, a suitable living environment, updating the infrastructure in the Gateway District, and public services that address the needs of LMI residents of the City. An approved Citizen Participation Plan was used to gather public comments through a public meeting. Information gathered from the public was used to identify needs, goals and the activities for the coming year.

Annual Action Plan 2018

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

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

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

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

Table 1 - Responsible Agencies

Narrative (optional)

Consolidated Plan Public Contact Information

Landa Gaskins

Community Development Coordinator

City of New Bern

P.O. Box 1129

New Bern, NC 28563-1129

Phone: (252)639-7586

Fax: (252)636-2146

Email: GaskinsL@newbern-nc.org

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The City of New Bern's Citizen Participation Plan identifies when public hearings and other consultations are to take place. This 2018-2019 Annual Action Plan was developed using the Citizen Participation Plan

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

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

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

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

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

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

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

Table 2 – Agencies, groups, organizations who participated

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

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

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

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

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

AP-12 Participation - 91.105, 91.200(c)

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

The City of New Bern conducted a public listening session on February 13, 2018 and online surveys for citizen participation. A newspaper ad was placed in the local New Bern Sun Journal announcing the comment period and public hearing.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non- targeted/broad community Residents of Public and Assisted	23 citizens attended the meeting	See the attached summary of comments	All comments were acceptable	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Hearing	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non- targeted/broad community Residents of Public	n/a	No comments received	and reasons	
		and Assisted Housing				

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Internet Outreach	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non- targeted/broad community Residents of Public and Assisted Housing	13 responses were received	See attached summary of comments	All comments were accepted	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
			Members of the			
			Citizens Advisory			
			Committee were			
	Comercinity	Non-	encouraged to attend			
	Community		the community public			
4	Development	targeted/broad	meeting and online			
	Advisory Committee	community	survey. all comments			
	Committee		from the public			
			meeting were			
			discussed with the			
			advisory committee.			

Table 4 – Citizen Participation Outreach

Expected Resources

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

Introduction

Anticipated Resources

Program	Source of	Uses of Funds	Ехр	ected Amoun	t Available Yea	r 1	Expected	Narrative Description
	Funds		Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$	Amount Available Remainder of ConPlan	
CDBG	public -	Acquisition	-	-				
	federal	Admin and Planning						
		Economic						
		Development						
		Housing						
		Public Improvements						
		Public Services	250,955	0	998,048	1,249,003	0	

Table 5 - Expected Resources - Priority Table

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

Since the City does not receive HOME or ESG funds, no match is required. We anticipate that, as funded improvements are made to the Gateway District, private investment will follow.

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

The City has acquired numerous small lots, particularly in the Gateway District, through tax foreclosures. Collaborating with non-profit housing developers, publically owned property is then transferred to the non-profit developer at little or no cost to construct additional affordable single-family housing units. Other publicly owned land lots are available to the public for sale.

Discussion

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort	Goal Name	Start	End	Category	Geographic	Needs Addressed	Funding	Goal Outcome Indicator
Order		Year	Year		Агеа			
1	Housing	2014	2019	Affordable	City of New	Housing	CDBG:	Homeowner Housing
	Rehabilitation			Housing	Bern	Rehabilitation	\$100,000	Rehabilitated: 5 Household
								Housing Unit
2	Assistance to CBDO	2014	2019	Affordable	Gateway	Affordable Housing -	CDBG:	Homeowner Housing Added: 2
	to construct			Housing	District	Production of New	\$32,000	Household Housing Unit
	affordable housing					Units		
3	Provide Homeless	2014	2019	Homeless	City of New	Neighborhood	CDBG:	Public service activities for
	and At Risk				Bern	Stabilization	\$30,000	Low/Moderate Income
	Supportive Services					Support for Agencies		Housing Benefit: 150
						Serving the Homeless		Households Assisted
						Transformation of		
ĺ						the Gateway District		
4	Demolition of	2015	2019	Non-Housing	Gateway	Transformation of	CDBG:	Buildings Demolished: 3
	dilapidated			Community	District	the Gateway District	\$38,955	Buildings
	structures			Development				

Table 6 – Goals Summary

Goal Descriptions

Projects

AP-35 Projects - 91.220(d)

Introduction

The projects identified for funding year address the priorities identified in the Strategic Plan. Projects for this action plan include public service support to agencies addressing homelessness/Gateway District, minor rehabilitation for owner-occupied units within the City, construction of new construction for owner-occupied residences, and general administration for the program.

Projects

#	Project Name
1	General Administration
2	Public Service Set Aside
3	Affordable Housing- Habitat
4	Housing Rehabilitation
5	Slum and Blight- Demolition

Table 7 - Project Information

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

AP-38 Project Summary

Project Summary Information

.

Project Name General Administration Target Area Gateway District	
Target Area Gateway District	
-	
City of New Bern	
Goals Supported Housing Rehabilitation	
Provide Homeless and At Risk Supportive Services	
Assistance to CBDO to construct affordable housing Increase economic opportunities for LMI individual	
Needs Addressed	
Funding CDBG: \$50,000	
Description Administration of CDBG projects	
Target Date 6/30/2019	
Estimate the number n/a and type of families that will benefit from the proposed activities	į
Location Description	
Planned Activities General administration, staffing and equipment; and of administer, revise, implement and evaluate the day-to operation of entitlement programs. Activities include programs design; develop Annual Plans and grant administration recipient compliance monitoring, program outreach, program outreach, program and laborated review and laborated review.	o-day orogram n; Sub oublic
Public Service Set Aside	
Target Area City of New Bern	
Goals Supported Provide Homeless and At Risk Supportive Services	
Needs Addressed Support for Agencies Serving the Homeless	
Neighborhood Stabilization	
Transformation of the Gateway District	•
Funding CDBG: \$30,000	
Description Funding for agencies providing services to homeless, at ris homelessness, and low-moderate income families.	sk of
Target Date 6/30/2019	

	Estimate the number and type of families that will benefit from the proposed activities	An estimate of 150 persons will benefit from proposed activities.
	Location Description	
	Planned Activities	
3	Project Name	Affordable Housing- Habitat
	Target Area	Gateway District
	Goals Supported	Assistance to CBDO to construct affordable housing
	Needs Addressed	Neighborhood Stabilization Transformation of the Gateway District
	Funding	CDBG: \$32,000
	Description	Provide assistance to CBDO for new affordable housing.
	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	Two very-low, low, or moderate families will benefit from the proposed activity.
	Location Description	
	Planned Activities	
4	Project Name	Housing Rehabilitation
	Target Area	Gateway District City of New Bern
	Goals Supported	Homeowner Housing Rehabilitation
	Needs Addressed	Housing Rehabilitation
	Funding	CDBG: \$100,000
	Description	Rehabilitation of owner-occupied units within the City of New Bern
	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	6
	Location Description	

	Planned Activities	
5	Project Name	Slum and Blight- Demolition
	Target Area	Gateway District
	Goals Supported	Demolition of Dilapidated Structures
	Needs Addressed	Transformation of the Gateway District
	Funding	CDBG: \$38,955
	Description	Demolition of dilapidated structures within the Gateway District
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	3
	Location Description	
	Planned Activities	

AP-50 Geographic Distribution - 91.220(f)

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

The Gateway District is an area of approximately 462 acres located just west of Downtown New Bern. It is historically been a low wealth, primarily minority community.

Geographic Distribution

Target Area	Percentage of Funds
Gateway District	33
City of New Bern	67

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Throughout the three years of being an Entitlement City, the City has invested close to equal parts on projects within the Gateway District.

Affordable Housing

AP-55 Affordable Housing - 91.220(g)

Introduction

The City has partnered with a CBDO to construct new units of affordable housing within the Gateway District and approximately 8 houses are projected to be rehabilitated.

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

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

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	1
Rehab of Existing Units	8
Acquisition of Existing Units	0
Total	9

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

AP-60 Public Housing - 91.220(h)

Introduction

Actions planned during the next year to address the needs to public housing

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

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

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

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

NBHA is not designated as troubled.

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

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

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

Addressing the emergency shelter and transitional housing needs of homeless persons

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

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

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

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

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

obtain assistance.

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

Introduction:

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

The City has assisted affordable housing developers in the past, to the extent possible within the existing budgetary constraints by waiving of fees and charges, and providing developable city-owned lots at little or no cost, thereby reducing or eliminating land costs.

AP-85 Other Actions - 91.220(k)

Introduction:

Actions planned to address obstacles to meeting underserved needs

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

Actions planned to foster and maintain affordable housing

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

Actions planned to reduce lead-based paint hazards

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

Actions planned to reduce the number of poverty-level families

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

Actions planned to develop institutional structure

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

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

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

Program Specific Requirements

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

Introduction:

The City plans to pursue the following activities: housing rehabilitation, public services, construction of new affordable housing units within the Gateway District, and technical assistance to non-agencies assisting low-moderate income families and the Gateway District. Ther City will not conduct any activities that generate program income.

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(I)(1)

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

1. The total amount of program income that will have been received before the start of the next		
program year and that has not yet been reprogrammed	0	
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to	ı	
address the priority needs and specific objectives identified in the grantee's strategic plan.	0	
The amount of surplus funds from urban renewal settlements		
4. The amount of any grant funds returned to the line of credit for which the planned use has not	t	
been included in a prior statement or plan	0	
5. The amount of income from float-funded activities		
Total Program Income:	0	
Other CDBG Requirements		
1. The amount of urgent need activities	0	
2. The estimated percentage of CDBG funds that will be used for activities that		
benefit persons of low and moderate income. Overall Benefit - A consecutive period		
of one, two or three years may be used to determine that a minimum overall		
benefit of 70% of CDBG funds is used to benefit persons of low and moderate		
income. Specify the years covered that include this Annual Action Plan. 100	0.00%	

Emergency Solutions Grant (ESG) Reference 91.220(I)(4)

- 1. Include written standards for providing ESG assistance (may include as attachment)
- 2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.
- 3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).
- 4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.
- 5. Describe performance standards for evaluating ESG.

Housing Trust Fund (HTF) Reference 24 CFR 91.220(I)(5)

- 1. Distribution of Funds
- a. Describe the eligibility requirements for recipients of HTF funds (as defined in 24 CFR § 93.2).
- b. Describe the jurisdiction's application requirements for eligible recipients to apply for HTF funds.
- c. Describe the selection criteria that the jurisdiction will use to select applications submitted by eligible recipients.

Annual Action Plan 2018-2019

d. Describe the jurisdiction's required priority for funding based on geographic distribution, which is a description of the geographic areas of the State (including areas of low-income and minority concentration) in which it will direct assistance during the ensuing program year.
e. Describe the jurisdiction's required priority for funding based on the applicant's ability to obligate H funds and undertake eligible activities in a timely manner.
f. Describe the jurisdiction's required priority for funding based on the extent to which rents for units in the rental project are affordable to extremely low-income families.
g. Describe the jurisdiction's required priority for funding based on the financial feasibility of the project beyond the required 30-year period.
h. Describe the jurisdiction's required priority for funding based on the merits of the application in meeting the priority housing needs of the jurisdiction (such as housing that is accessible to transit or employment centers, housing that includes green building and sustainable development features, or housing that serves special needs populations).
i. Describe the jurisdiction's required priority for funding based on the location of existing affordable housing.
j. Describe the jurisdiction's required priority for funding based on the extent to which the application makes use of non-federal funding sources.
2. Does the jurisdiction's application require the applicant to include a description of the eligible activities to be conducted with HTF funds?

- 3. Does the jurisdiction's application require that each eligible recipient certify that housing units assisted with HTF funds will comply with HTF requirements?

 4. Performance Goals and Benchmarks. The jurisdiction has met the requirement to provide for
- 4. **Performance Goals and Benchmarks.** The jurisdiction has met the requirement to provide for performance goals, consistent with the jurisdiction's goals established under 24 CFR 91.215(b)(2), by including HTF in its housing goals in the housing table on the SP-45 Goals and AP-20 Annual Goals and Objectives screens.
- 5. Rehabilitation Standards. The jurisdiction must establish rehabilitation standards for all HTF-assisted housing rehabilitation activities that set forth the requirements that the housing must meet upon project completion. The jurisdiction's description of its standards must be in sufficient detail to determine the required rehabilitation work including methods and materials. The standards may refer to applicable codes or they may establish requirements that exceed the minimum requirements of the codes. The jurisdiction must attach its rehabilitation standards below. If the jurisdiction will not use HTF funds for the rehabilitation of housing, enter "N/A".

In addition, the rehabilitation standards must address each of the following: health and safety; major systems; lead-based paint; accessibility; disaster mitigation (where relevant); state and local codes, ordinances, and zoning requirements; Uniform Physical Condition Standards; and Capital Needs Assessments (if applicable).

- 6. **Resale or Recapture Guidelines.** Below, the jurisdiction must enter (or attach) a description of the guidelines that will be used for resale or recapture of HTF funds when used to assist first-time homebuyers. If the jurisdiction will not use HTF funds to assist first-time homebuyers, enter "N/A".
- 7. HTF Affordable Homeownership Limits. If the jurisdiction intends to use HTF funds for homebuyer assistance and does not use the HTF affordable homeownership limits for the area provided by HUD, it must determine 95 percent of the median area purchase price and set forth the information in accordance with §93.305. If the jurisdiction will not use HTF funds to assist first-time homebuyers, enter "N/A".
- 8. Limited Beneficiaries or Preferences. Describe how the jurisdiction will limit the beneficiaries or give preferences to a particular segment of the extremely low- or very low-income population to serve

unmet needs identified in its consolidated plan or annual action plan. If the jurisdiction will not limit the beneficiaries or give preferences to a particular segment of the extremely low- or very low-income population, enter "N/A."

Any limitation or preference must not violate nondiscrimination requirements in § 93.350, and the jurisdiction must not limit or give preferences to students. The jurisdiction may permit rental housing owners to limit tenants or give a preference in accordance with § 93.303 only if such limitation or preference is described in the action plan.

9. **Refinancing of Existing Debt.** Enter or attach the jurisdiction's refinancing guidelines below. The guidelines describe the conditions under which the jurisdiction will refinance existing rental housing project debt. The jurisdiction's refinancing guidelines must, at minimum, demonstrate that rehabilitation is the primary eligible activity and ensure that this requirement is met by establishing a minimum level of rehabilitation per unit or a required ratio between rehabilitation and refinancing. If the jurisdiction will not refinance existing debt, enter "N/A."

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting Resolution to Call for Public Hearing on Financing of Drainage Improvements & Garage Relocation Projects

Date of Meeting 05/08/2018	Ward # if applicable N/A
Department Finance	Person Submitting Item: Joseph R. Sabatelli, CPA
Call for Public Hearing ☑Yes ☐ No	Date of Public Hearing 5/22/2018
Explanation of Item:	
	to GS 160A-20 for citizen comment regarding the provements project and the garage relocation project.
Actions Needed by Board: Adopt Resolution calling for public hea	aring on May 22, 2018
Is item time sensitive? 🗸 Yes 🗌 No	
Will there be advocates/opponents a	at the meeting?□Yes ☑No
Backup Attached:	
Memo and Resolution	
Cost of Agenda Item: not to exceed \$2,320	0,000
If this item requires an expenditure, certified by the Finance Director : $\overline{\nu}$	has it been budgeted and are funds available and]Yes No
Additional notes:	



Office of the Director of Finance

TO:

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

FROM:

Joseph R. Sabatelli, CPA – Director of Finance

DATE:

April 27, 2018

RE:

Call for Public Hearing on Drainage Improvement and Garage Relocation Project

Financing

Background Information

As authorized by the Board of Alderman on July 11, 2017, a capital project fund for \$1,500,000 was established for the Drainage Improvements Project to be funded with proceeds of debt. In addition, on April 24, 2018, the Board authorized a capital project for \$850,000 for the relocation of the City's garage facility with \$820,000 to be funded with proceeds of debt. Request for Proposals were sent to banks on April 26, 2018 for an amount not to exceed \$2,320,000.

Because this finance involves improvements to real property, the borrowing must be approved by the Local Government Commission. As a result, a public hearing is required pursuant to G.S 160A-20. Attached is a resolution calling for a public hearing to be held at its next meeting on May 22, 2018 for comments on said financing.

Requested Action

It is recommended that the Board adopt the enclosed resolution at its meeting to be held on May 8, 2018.

RESOLUTION CALLING FOR PUBLIC HEARING

WHEREAS, the City of New Bern is required to hold a public hearing to receive public comments on financing contracts authorized under N.C.G.S. §160A-20 involving real property and contracts extending five or more years which require approval by the Local Government Commission.

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

That a public hearing will be conducted by the Board of Aldermen of the City of New Bern at 6:00 p.m., or as soon thereafter as the matter may be reached, on the 8th day of May, 2018, in the City Hall Courtroom in said City for public discussion on a request to enter into a financing agreement for the Drainage Improvements Project and the Garage Relocation Project.

ADOPTED this the 8th day of May, 2018.

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

AGENDA ITEM COVER SHEET

Agenda Item Title:

	pting Resolution to close to vehicular traffic the 500 block of Roundtree Street from ntil 7:00 p.m. on Friday, July 13, 2018 for Colorfest, Inc. Community Art Event.
Date of Meeti	Ward # if applicable Ward 2 If multiple, list: Ward 1
Department	Parks & Recreation Person Submitting Item: Mr. Foster Hughes
Call for Public	ic Hearing No Date of Public Hearing
Explanation o	of Item:
	t, President/CEO, has requested to close the 500 block of Roundtree Street for Community Art Event on Friday, July 13, 2018 from 11:00 a.m. until 7:00 p.m.
	ded by Board:
Adopt the Res	solution.
Will there be Backup Attac	sensitive? No e advocates/opponents at the meeting? Select ched:
Resolution Memos Event applicat Map	tions
If this item re	requires an expenditure, has it been budgeted and are funds available and
certified by t Additional no	the Finance Director : <u>Select</u>



Aldermen

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

Family, fitness and fun come together here Foster Hughes, CPRE

Director of Parks & Recreation

Dana E. Outlaw Mayor

Mark A. Stephens City Manager



Memo to: Mayor and Board of Aldermen

From: Foster Hughes, CPRE Director of Parks and Recreation

Re: Adopt the Resolution to close the 500 block of Roundtree Street to vehicle traffic

for Colorfest, Inc. Community Art Event on Friday, July 13, 2018 from 11:00 a.m.

until 7:00 p.m.

Background Information:

Derrick Bryant, CEO/Creator has requested to close the 500 block of Roundtree Street to vehicle traffic for Colorfest, Inc. Community Art Event on Friday, July 13, 2018 from 11:00 a.m. until 7:00 p.m.

Recommendation:

The Parks and Recreation Department recommends approval and request the Board adopt a Resolution approving to close the 500 block of Roundtree Street for Colorfest, Inc. Community Art Event on Friday, July 13, 2018 from 11:00 a.m. until 7:00 p.m.

If you have any questions concerning this matter, please call

RESOLUTION

THAT WHEREAS, Colorfest, Inc. has scheduled its annual Community Art Event and requested the 500 block of Roundtree Street be closed to vehicular traffic from 11:00 a.m. until 7:00 p.m. Friday, July 13, 2018; and

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

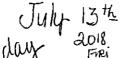
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That the 500 block of Roundtree Street be closed to vehicular traffic from 11:00 a.m. until 7:00 p.m. on Friday, July 13, 2018 for Colorfest, Inc.'s annual Community Art Event.

ADOPTED THIS 8TH DAY OF MAY 2018.

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

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





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

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

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

Name: Derrick B Bryant	Today's Date: <u>4/12/2018</u>
Address: 928 Queen St.	City: New Bern
State: NC Zip: 28562	Telephone: <u>252-636-2231</u> Cell: <u>404-725-3053</u>
E-mail address: <u>derrick.b.bryant@gma</u>	il.com
Facility Requested (check one):St	anley White Rec. CenterWest New Bern Rec. Center
George St. Park Spray Ground	_ New Bern Aquatics CenterAthletic FieldCity Park
x Other (example: Open Space/Ball	Field/Street): Roundtree St. Closure/See Map*
Date of Event: <u>July 13th</u>	Hours: From: <u>11am</u> To: <u>7pm</u>
Purpose of Event: Community Art Eve	nt
Is this an ongoing event?Yes _x_	_No (if yes, please explain, include dates & times:
Are-you requesting closure and/or use o	f State-owned streets/bridges in the City limits of New Bern?xY*N
returned to NCDOT. If you require this form, please	ion to gain permission to use/close State roads/bridges. A Special Event Form must be completed a e let our office know and we will supply one for you. Once the NCDOT Special Events Form is comple with a certificate of insurance naming the City of New Bern and NCDOT as an additional insured.
Is event for fundraising purposes?	Yes x No (If yes, please provide non-profit or not-for-profit organization name and tax I.D.
Number) Organization Name: Colorfest Ir	nc. ID #:
Projected Attendance: 200 Will you	u be charging admission?Yes _x_No (If yes, state how much \$)
Note: Security may be required at the organi	izers expense, given the attendance and projected nature of the event.
Recreation Center:	please check the area(s) you are requesting
Meeting RoomKitchen!	Multi-purpose RoomGame RoomFitness RoomGymnasium
Park Name:	Please check the area(s) you are requesting.
ShelterOpen Spac	eeStageGazeboOther:
Electricity? Yes No (Check	one) Water?YesNo (Check one)
Whi Durat	President/ CEO 4/12/2018
Signature	Title (if applicable) (Date)

Colorfest Inc.
Derrick B.Bryant
3185 Cloverhurst Dr.
404-725-3053 or 252-636-2231
derrick.b.bryant@gmail.com

COLORFEST

928 Queen Street New Bern, NC 28560 July 13th, 12-6pm

Attached:

Map of specific Street area needed for Event on July 13, 2018*





Area needed for Street Closure



Event Area locations



Area of Mural Project





AGENDA ITEM COVER SHEET

Agenda Item Title:

Roundtree Str		e specific streets to vehicle traffic the 500-600 blocks of ill 9:00 p.m. on Tuesday, August 7, 2018 for Craven Terrace ion
Date of Meet	ing 5/8/2018	Ward # if applicable Ward 2
		If multiple, list:
Department	Parks & Recreation	Person Submitting Item: Foster Hughes
Call for Publi	c Hearing <u>No</u>	Date of Public Hearing
Explanation of	of Item:	
		inator has requested to close specific streets to vehicle traffic Tuesday, August 7, 2018 from 3:00 pm. until 9:00 p.m.
Actions Need	led by Board:	
Adopt the Res	olution	
	sensitive? No	ts at the meeting? <u>Select</u>
Backup Attac		.s at the meeting.
Resolution	mea:	
Memo Event applicat	rion	
Мар	.1011	
Cost of Agen	da Item: N/A	
	equires an expenditu he Finance Director :	re, has it been budgeted and are funds available and <u>Select</u>
Additional no	otes:	
		<u> </u>



Aldermen

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

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

Foster Hughes, CPRE Director of Parks & Recreation



Dana E. Outlaw Mayor

Mark A. Stephens City Manager

Memo to: Mayor and Board of Aldermen

From: Foster Hughes, CPRE Director of Parks and Recreation

Re: Adopt the Resolution to close specific streets to vehicle traffic 500-600 blocks of

Roundtree Street for Craven Terrace Residents National Night Out celebration

on August 7, 2018 from 3:00 p.m. until 9:00 p.m.

Background Information:

Latisha Bell, Resident Services Coordinator has requested to close specific streets to vehicle traffic 500-600 blocks of Roundtree Street for Craven Terrace Residents National Night Out celebration on August 7, 2018 from 3:00 p.m. until 9:00 p.m.

Recommendation:

The Parks and Recreation Department recommends approval and request the Board adopt a Resolution approving to close the 500-600 blocks of Roundtree Street for Craven Terrace Residents National Night Out celebration on August 7, 2018 from 3:00 p.m. until 9:00 p.m.

If you have any questions concerning this matter, please call

RESOLUTION

THAT WHEREAS the Craven Terrace Residents Service Coordinator has scheduled the annual National Night Out celebration and requested the 500-600 blocks of Roundtree Street be closed to vehicular traffic from 3:00 p.m. until 9:00 p.m. on Tuesday, August 7, 2018; 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 500-600 blocks of Roundtree Street be closed to vehicular traffic from 3:00 p.m. until 9:00 p.m. on Tuesday, August 7, 2018 for the Craven Terrace Residents' National Night Out celebration.

ADOPTED THIS 8TH DAY OF MAY, 2018.

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

August 7.2018 National Night Jul

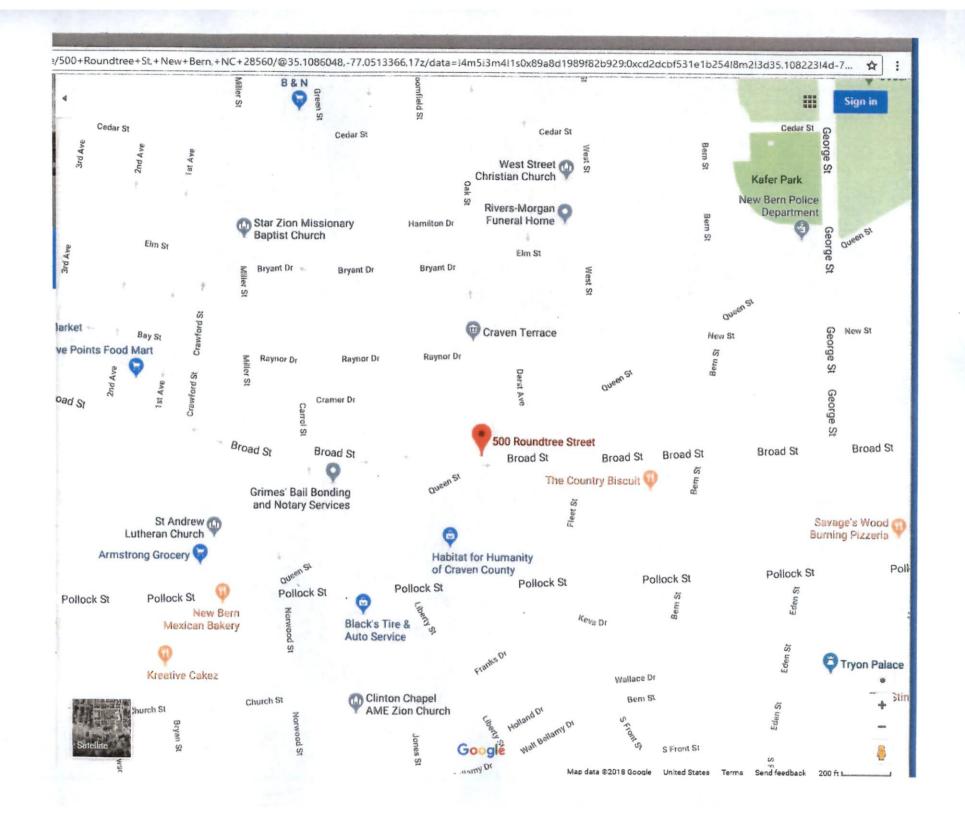
New Bern Parks, Recreation, & Cultural Resources Pre-Event or Permit Questionnaire

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

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

Please note: When requesting the use of City facilities for event purposes, allow for a minimum of 60 days prior

to the requested event date for consideration; for permits, allow for a minimum of 30 days prior to the requested permit date for consideration. Completing a pre-event or permit questionnaire does not guarantee approval. Address: State: E-mail address: Facility Requested (check one): ____Stanley White Rec. Center West New Bern Rec. Center _George St. Park Spray Ground____ New Bern Aquatics Center ____Athletic Field ____City Park __ Other (example: Open Space/Ball Field/Street): Hours: From: _ 3pm To: _ 9pm Purpose of Event: Is this an ongoing event? _No (if yes, please explain, include dates & times: Are you requesting closure and/or use of State-owned streets/bridges in the City limits of New Bern? *If yes, a 90-day notice is required by DOT regulation to gain permission to use/close State roads/bridges. A Special Event Form must be completed and returned to NCDOT. If you require this form, please let our office know and we will supply one for you. Once the NCDOT Special Events Form is complete, attached the following: a map of the route: along with a certificate of insurance naming the City of New Bern and NCDOT as an additional insured. is event for fundraising purposes? ____Yes Vo (If yes, please provide non-profit or not-for-profit organization name and tax I.D. Number) Organization Name: Projected Attendance: LOO __ Will you be charging admission? ___Yes ____No (If yes, state how much \$_____) Note: Securily may be required at the organizers expense, given the attendance and projected nature of the event. Recreation Center: _ please check the area(s) you are requesting _Meeting Room _____Kitchen ____Multi-purpose Room ____Game Room ____Fitness Room ___Gymnasium Park Name: ___ Please check the area(s) you are requesting. Shelter ___Open Space ____Stage ___ _Gazebo ___Other:_ (Check one) Water? (Check one) Title (if applicable)



AGENDA ITEM COVER SHEET

Agenda Item Title:

Presentation o	on 2018 Veterans Standd	lown
Date of Meeti	ing 5/8/2018	Ward # if applicable <u>N/A</u> If multiple, list:
Department	Administration	Person Submitting Item: Mark Stephens
Call for Publi	c Hearing No	Date of Public Hearing
Explanation	of Item:	
Lovay Wallace	-Singleton will make her	r annual presentation o nthe Veterans Standdown
Actions Need	led by Board:	
Informational		
		s at the meeting? <u>Select</u>
	rPoint presentation	
	da Item: N/A	
	equires an expenditur the Finance Director :	re, has it been budgeted and are funds available and <u>Select</u>
Additional no	otes:	





2018 VETERANS STANDDOWN

"The mission continues!"

2018 VETERAN STAND-DOWN

The idea of the Veterans Stand-down began after a conversation in 2013 with the Religious Community Services (RCS) Homeless Shelter Director when VEBCOG's Executive Director was advised that, RCS had provided services to 21 veterans.







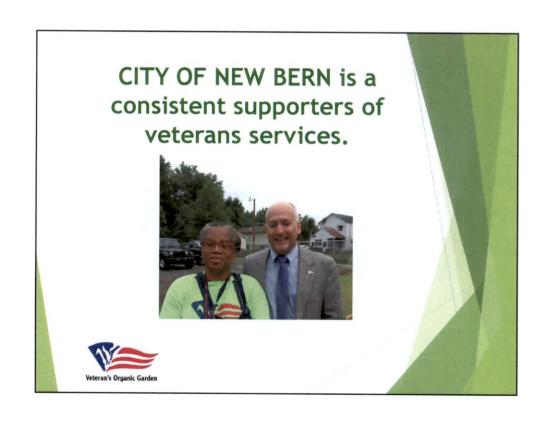


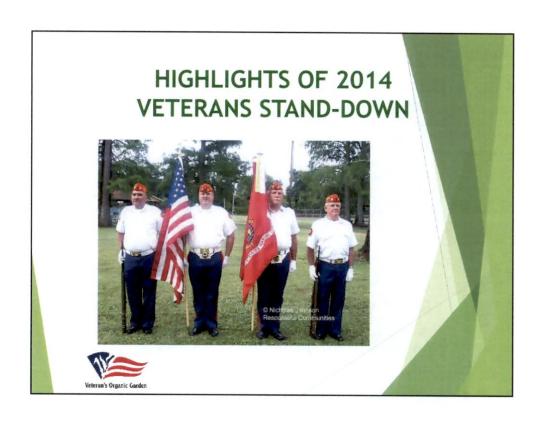




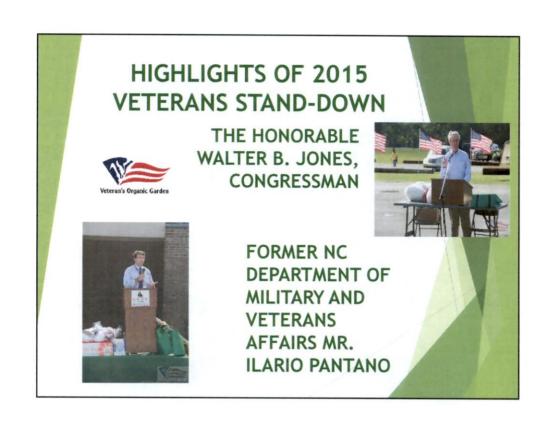


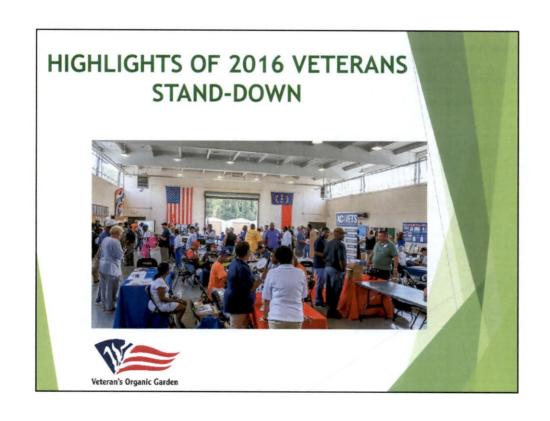


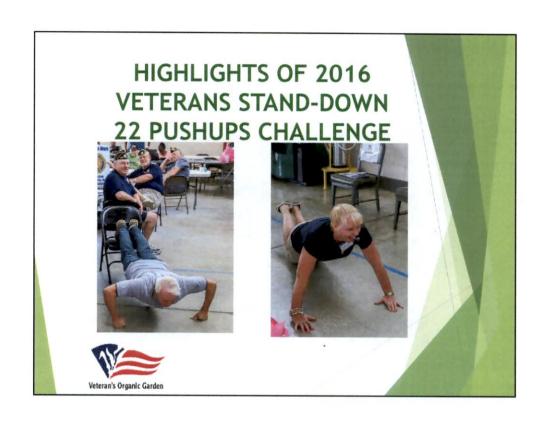


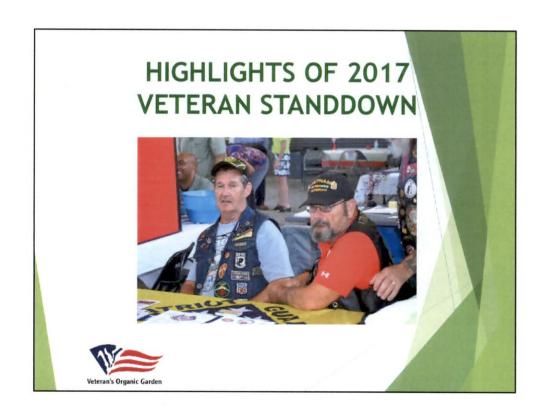


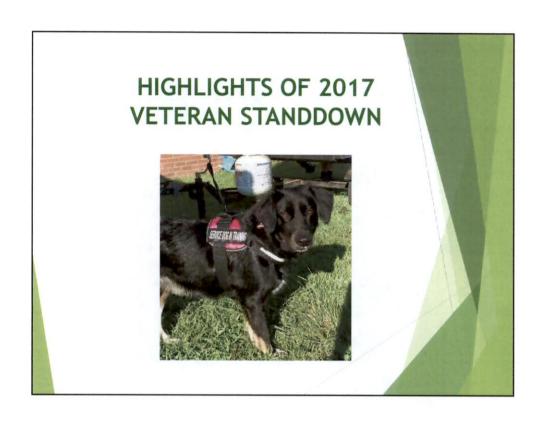
















- **▶ VETERANS SERVICES**
- ► FREE TRANSPORTATION
- ▶ BREAKFAST/LUNCH
- ▶ HAIRCUTS
- ▶ CLOTHING
- ▶ HYGIENE KITS
- ▶ APPRECIATION GIFTS

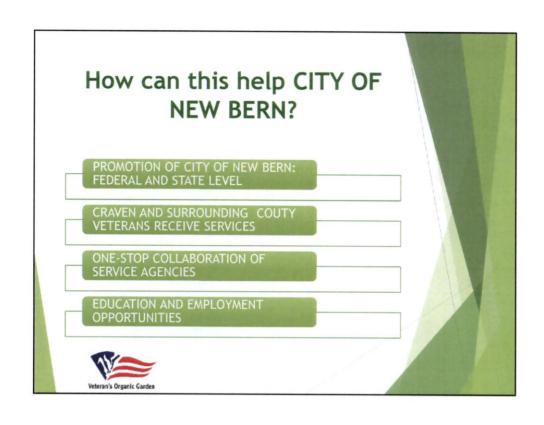




FRIDAY, SEPTEMBER 14TH 9AM-1PM

901 Chapman St. Stanley White Recreation Center New Bern, NC 28560 Doors open at 0830









AGENDA ITEM COVER SHEET

lgenda Item Tit	
Impiementation	of Emergency Fire Dispatch (EFD) System
F	
Date of Meeting	5/8/2018 Ward # if applicable N/A
Department <u>Po</u>	lice Person Submitting Item: Chief T.E. Summers, Jr
Call for Public H	earing No Date of Public Hearing
Explanation of I	
The Police Depart System.	ment is announcing the implementation of the Emergency Fire Dispatch (EFD)
Actions Needed	by Board:
None	
	vocates/opponents at the meeting? <u>No</u>
Backup Attached Memo	<u> </u>
Memo	-
Cost of Agenda 1	Item: \$0
-	ires an expenditure, has it been budgeted and are funds available and Finance Director: <u>Select</u>
Additional notes	; :
A video will be sh	own and remarks will be made by Chief Boyd.
	, ,
	-







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

Police and Community come together here.

Toussaint E. Summers, Jr. Chief of Police

TO:

Mayor Outlaw and the Board of Alderman

FROM:

Toussaint E. Summers, Jr., Chief of Police

SUBJECT:

Implementation of Emergency Fire Dispatch (EFD)

DATE:

April 11, 2018

On April 10, 2018, the New Bern Police Department Communications Center began the first phase of implementation of the Emergency Fire Dispatch (EFD) System. The EFD System utilizes an internationally recognized set of protocols to safely and accurately prioritize responses to fire and rescue related incidents. Telecommunicators are able to provide pre-arrival and post-dispatch instructions to callers. During the first phase, telecommunicators began using the software while the vendor was on site to address any potential issues.

Citizens calling 911 to report emergencies may notice telecommunicators asking more questions than previously. These additional questions are part of the protocols and allow telecommunicators to dispatch the appropriate equipment and responders to the scene, and to identify any potential safety issues for them. While one telecommunicator is taking the 911 call, another telecommunicator dispatches the call so units can respond while the caller continues to provide additional information.

Over the last several months, Police Department Communications Center staff worked closely with Fire Department staff during the pre-implementation stage and attended the training together. Police Department staff will work closely with Fire Department staff and the City's Public Information Officer to provide additional information to our citizens regarding EFD.

The EFD System was purchased utilizing funds from the North Carolina 911 Board. Utilizing the EFD protocols will help keep our citizens and our first responders safe.

AGENDA ITEM COVER SHEET

Agenda Item Title:

Annual GIS Plan Update and Report

Date of Meeting 5/8/2018	Ward # if applicable N/A
Department Development Services	Person Submitting Item: Alice Wilson
Call for Public Hearing Yes V No	Date of Public Hearing
Explanation of Item:	
the Board of Aldermen from the GIS I	tegic GIS plan (March 2015), this is an annual report to Manager on the progress made in implementing the emonstration of online maps and applications now
Actions Needed by Board:	
None	
Ya itan tima cancitiya? \(\tag{Vac} \(\tag{N} \)	,
Is item time sensitive? ☐ Yes ✓ N	
Will there be advocates/opponents	at the meeting? Yes VINO
Backup Attached:	
Power Point Presentation/PDF	
Cost of Agenda Item: 0	·
If this item requires an expenditure certified by the Finance Director : \Box	, has it been budgeted and are funds available and Yes 🗹 No
Additional notes:	



Development Services 248 Craven Street, P.O. Box 1129 New Bern, NC 28563 (252)639-7581

MEMORANDUM

Memo To: Honorable Mayor and Members of the Board of Aldermen

Memo From: Alice Wilson, AICP, GISP - GIS Manager

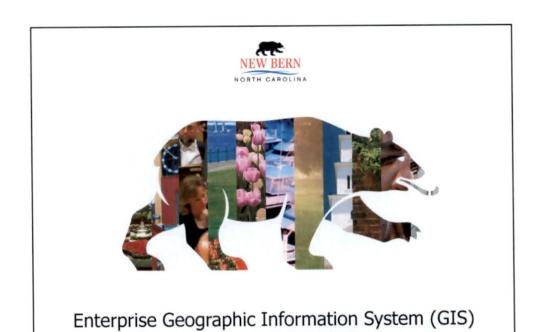
SUBJECT: Presentation: GIS Strategic Plan Annual Update

BACKGROUND INFORMATION:

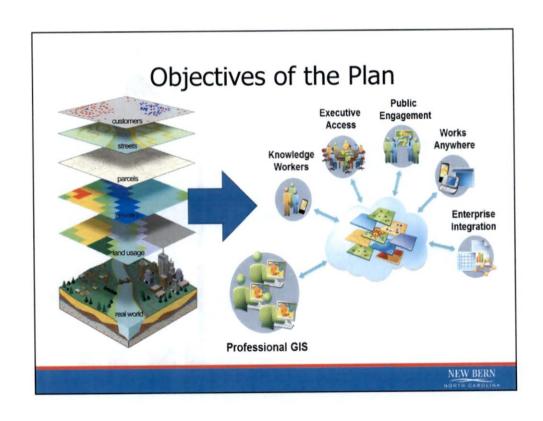
In March of 2015, The Board adopted a GIS Strategic Plan to guide the future direction of the City's Geographic Information System and assure that it becomes a true Enterprise System.

The Plan recommends that an annual report be given to the Board of Aldermen on the progress in implementing the recommendations of the plan.

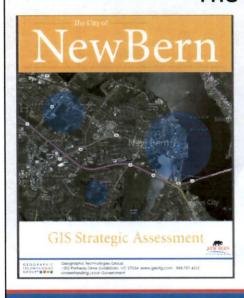
Staff would like to update the Board of the progress that has been made, demonstrate online maps and applications that have been completed as well as present future projects and goals.



Annual Report 2018



The Plan



- Phase I: Departmental needs assessment including stakeholders.
- Phase II: System Design & Governance.
- Phase III: Final five year implementation plan.
- Adopted March 27, 2015

Access:

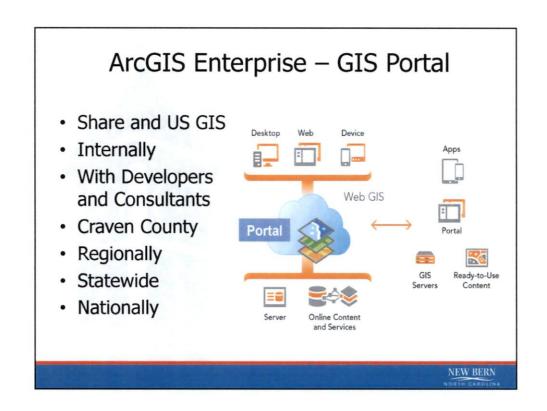
http://www.newbernnc.org/departments/development/gis/

NEW BERN

Formation of Committees

- · Steering Committee:
 - "Should be relied upon to guide the GIS implementation at a management level. Main function is to ensure that GIS is implemented effectively throughout the organization and the enterprise-wide goals and objectives are met."
- Technical Users Group (GTUG)
 - "Should discuss and work on issues related to: Data; Software; Hardware; Training; and Projects"





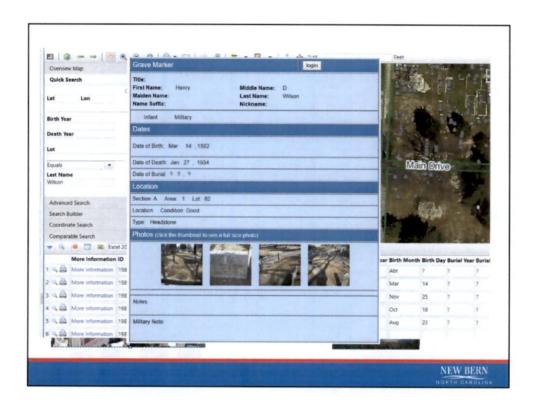
Public Maps & Apps

- · New Bern Citizen Maps and Apps Site:
 - Home Page > Business > Public Maps & Apps
 - Currently 15
 - · A Closer look at Development Projects (NEW)
 - Bike & Pedestrian Plan Locations (Sidewalks and River Walk)
 - Building Permits: 2015, 2016, & 2017 (NEW)
 - City of New Bern Offices
 - · Surplus City Properties (On Hold)
 - Events & Public Notifications (Street Closings/Agenda Items)
 - · General Information
 - Historic Districts
 - · Flood Hazard Changes
 - My Government Services (NEW)
 - Storm Map
 - · Zoning Map (connections to municode)
 - · Voter Polling Locations

NEW BERN

Projects: Ongoing & Future

- Enterprise / Portal Migration (18-19)
- Data Mining Data Extraction
- · Cemeteries: Look-Up and Inventory Map/App
- Inventory of all City Parks Parks Finder
- 2020 Census BAS, LUCA, PSAP
- Structure Condition Inventory Citywide
- Hazard Mitigation & Preparation
- Training and Software Migration
- Historic Markers Map/App
- Historic Neighborhoods and Walking Tours
- Development Tracker
- Citizen Reporter
- 3D Modeling



Acknowledgement & Awards

Presentations

- SERUG: Annual Conference Charlotte
 - · May 2016 (Southeast US)
- NCGIS: Bi-Annual Conference Raleigh
 - · February 2017 (North Carolina)
- ESRI: Annual International UC San Diego
 - July 2017 (16,000+ Worldwide)
- APWA-NC: Annual Conference New Bern (GIS Plan)
 - · August 2017 (North Carolina)
- URISA: National Conference Jacksonville FL
 - · October 2017 (National)
- Data 2 Knowledge: Workshop Jacksonville NC (GIS in CD)
 - · March 2018 (Regional)

Acknowledgement & Awards

Awards

- Exemplary System in Government (ESIG)
- Distinguished System for a Single Process
- Video (5 Minutes):

http://www.urisa.org/awards/exemplary-systems-ingovernment/



NEW BERN

Questions & Look at a Site or Two

If you want a happy ending, that depends, of course, on where you stop your story

Orson Welles



Alice C Wilson, AICP, GISP

GIS Manager

252-639-7588

gis@newbern-nc.org

AGENDA ITEM COVER SHEET

Agenda Item Title:

Conduct Public	Hearing on the Propos	ed FY2018-19 Budget
Date of Meeti	ing 5/8/2018	Ward # if applicable N/A If multiple, list:
Department	<u>Finance</u>	Person Submitting Item: Joseph R. Sabatelli, CPA
Call for Public	c Hearing <u>No</u>	Date of Public Hearing
Explanation of	of Item:	
A public hearir	ng must be held on the	proposed budget for FY2018-19 Budget
Actions Need	ad by Banki	
	c Hearing on the Propos	ed FY2018-19 Budget
		s at the meeting? <u>No</u>
Memo		
Cost of Agend		
	equires an expenditur he Finance Director :	re, has it been budgeted and are funds available and <u>Select</u>
Additional no	tes:	



Office of the Director of Finance

TO:

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

FROM:

JR Sabatelli, CPA – Director of Finance

DATE:

April 27, 2018

RE:

Conduct Public Hearing on Proposed FY2018-19 Budget

Background

At its meeting on April 24, 2018, the Board of Aldermen adopted a resolution calling for a public hearing to be held on May 8, 2018 on the proposed budget for FY2018-19.

The proposed budget was delivered to the Board on April 24, 2018 and made available for public inspection on April 25, 2017 at the City Clerk's office and the New Bern Craven County Library. The budget was also available on the City's website on April 26, 2018.

Requested Action

It is recommended that the Board conduct a public hearing on the proposed FY2018-19 budget at its meeting on May 8, 2018.

AGENDA ITEM COVER SHEET

Agenda Item Title:

To hold a public hearing to rezone Craven County Parcel ID 8-008-151 from C-4 Neighborhood Business to C-3 Commercial District.

Date of Meeting May 8, 2018	Ward # if applicable Ward 1
Department Development Services	Person Submitting Item: Morgan Potts, City Planner
Call for Public Hearing 🗹 Yes 🗌 No	Date of Public Hearing 5/8/2018
Explanation of Item:	
rezone a parcel consisting of .44 +/- ac Commercial District. The site is located	res the governing body to hold a public hearing to res from C-4 Neighborhood Business to C- 3 at the intersection of Queen, Fleet & Broad Streets. even County Parcel Identification #8- 008-151, and is
Actions Needed by Board:	
	approval or denial of the requested zoning map atement of consistency or inconsistency.
Is item time sensitive? ☑ Yes ☐ No	
Will there be advocates/opponents at	the meeting? ✓ Yes ☐ No
Backup Attached:	
Memo, Analysis, Consistency & Incons Minutes Excerpt, Rezoning Application	istency Statements, Site Map, Planning & Zoning Board and resolution.
Cost of Agenda Item: $^{ m 0}$	
If this item requires an expenditure, he certified by the Finance Director : \Box	as it been budgeted and are funds available and Yes No
Additional notes:	
	this request at it's April 3, 2018 Regular Meeting and ommending approval of the proposed rezoning.



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

MEMORANDUM

TO: Mayor Outlaw

City of New Bern Board of Aldermen

FROM: Morgan J. Potts, AICP

City Planner

DATE: April 26, 2018

SUBJECT: Consideration of a Request to Rezone Parcel ID #8-008 -151

Background

The Board of Aldermen is requested, at its May 8, 2018 regular meeting, to hold a public hearing for a request from Mr. Mr. Danny Batten. Mr. Batten is a registered agent of the company "One World Company, LLC", which has requested consideration of an application to rezone one parcel, totaling .44+/- acres, from C-4 Neighborhood Business to C-3 Commercial District. The parcel is located at 900 Broad Street, and is further identified as Craven County Parcel ID #8-008-151.

The C-3 commercial district is established as a district for offices, personal services, and the retailing of durable and convenience goods. The applicant proposes to utilize the parcel for the sale of retail goods and clothing screen-printing and embroidery,

Recommendation

The Planning & Zoning Board reviewed this request at its April 3, 2018 meeting and voted unanimously (6-0) to recommend approval of the initial zoning. Staff finds the requested initial zoning consistent with the City's CAMA Land Use Plan and nearby land uses, and recommends approval of the request.

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

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF NEW BERN SO AS TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY OWNED BY ONE WORLD COMPANY, LLC CONSISTING OF APPROXIMATELY 0.44 ACRE LOCATED AT 900 BROAD STREET, FROM THE ZONING CLASSIFICATION OF C-4 NEIGHBORHOOD BUSINESS DISTRICT TO C-3 COMMERCIAL DISTRICT

THAT WHEREAS, One World Company, LLC owns approximately 0.44 acre, more or less, located at 900 Broad Street in the City of New Bern, and an application has been made to change the zoning classification of the subject property from C-4 Neighborhood Business District to C-3 Commercial District; and

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

WHEREAS, the Board of Aldermen of the City of New Bern conducted a duly advertised public hearing with respect to the proposed amendment on May 8, 2018, at which time all interested parties were given an opportunity to be heard; and

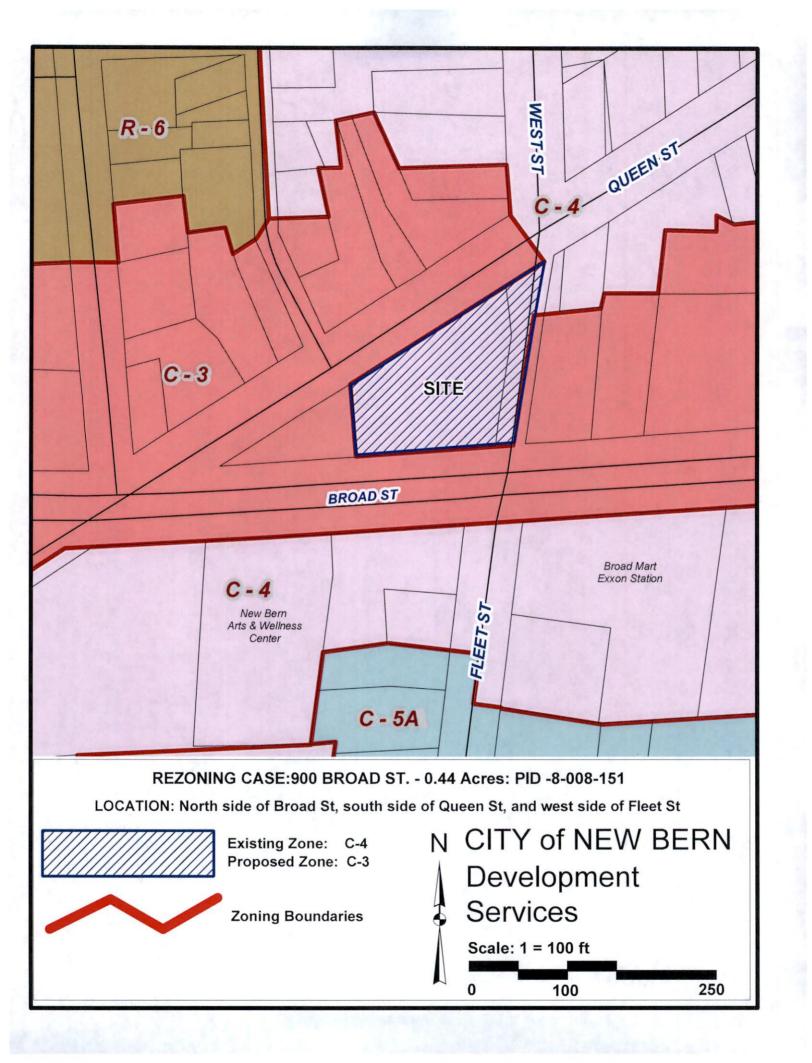
WHEREAS, the Board of Aldermen of the City of New Bern deems it advisable and in the public interest to effect said change, as the requested C-3 Commercial District classification is consistent with the CAMA Land Use Plan, the Choice Neighborhoods Transformation Plan and nearby land uses and will not result in significant traffic impact on the surrounding road network.

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

Section 1. That the zoning map of the City of New Bern be and the same is hereby amended by changing the zoning classification of the real property owned by One World Company, LLC consisting of 0.44 acre, more or less, located at 900 Broad Street in the City of New Bern, from C-4 Neighborhood Business District to C-3 Commercial District as more specifically shown on the plat entitled "REZONING CASE: 900 BROAD ST. – 0.44 Acres: PID 8-008-151" prepared by the Development Services Department of the City of New Bern, a copy of which is attached hereto and incorporated herein by reference.

Section 2. That the Board deems it in the public interest to rezone the subject property as the requested C-3 Commercial District classification is consistent with the CAMA Land Use Plan, the Choice Neighborhoods Transformation Plan and nearby land uses and will not result in significant traffic impact on the surrounding road network.

Section 3.	That this ordinance shall	be in full	force and	effect from	and after its
adoption and publicat	ion as required by law.				
ADOPTED TI	HIS 8 th DAY OF MAY, 201	8.			
		DANA	E. OUTLA	.W, MAYOI	R
BRENDA E. BLANC	CO, CITY CLERK				



Craven County Parcel ID's #8-008-151

STATEMENT OF ZONING CONSISTENCY WITH ADOPTED PLANS

The Board of Aldermen of the City of New Bern finds the action to rezone Craven County Parcel ID's 8-008-151 to C-3 Commercial District reasonable and in the public interest, and consistent with the CAMA Land Use Plan, the Craven County Land Use Plan, and nearby land uses. In that:

- 1. The C-3 Commercial District is deemed to be compatible with the residential designation given by the CAMA Future Land Use Map found in the 2009 Craven County Land Use Plan.
- 2. The proposed C-3 Commercial District is deemed to be compatible with adjacent uses.
- 3. The proposed C-3 Commercial District is deemed to be compatible with existing residential uses and will not result in significant traffic impacts on the surrounding road network.

Craven County Parcel ID's #8-008-151

STATEMENT OF ZONING INCONSISTENCY WITH ADOPTED PLANS

The Board of Aldermen of the City of New Bern finds the action to rezone Craven County Parcel ID #8-008-151 to C-3 Commercial District is not reasonable and is not in the public interest, and finds it to be inconsistent with the City's CAMA Land Use Plan, Craven County Land Use Plan, and nearby land uses in that the proposed C-3 Commercial District is incompatible with the uses permitted on nearby properties, and other properties in the vicinity. And that:

1. The proposed C-3 District would be incompatible with adjacent uses.



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

City of New Bern 900 Broad St. (Parcel ID# 8-008-151) Rezoning Request Analysis

Date: April 26, 2018

Applicant: Danny Batten/One World Company, LLC

Requested Change:

Existing: C-4 Neighborhood Business District (5,000 sq. ft. lots)

Proposed: C-3 Commercial District (5,000 sq. ft. lots)

Location:

The property is located at 900 Broad Street, and is further identified as Craven County Parcel ID# 8-008-151.

Size:

The property covers an area of approximately .44+/- acres.

Reason for Change:

The purpose of the proposed re-zoning request is to permit the establishment of retail space and apparel printing/embroidery.

History/Background:

The parcel was formerly utilized as a commercial establishment (former garage), and a vacant building exists upon the parcel.

Present Land Use:

Vacant. The property was formerly utilized as a garage.

Surrounding Land Uses and Zoning:

North: C-3 Commercial District

South: C-4 Neighborhood Business District

East: C-3 Commercial District/ C-4 Neighborhood Business District

West: C-3 Commercial District

*The parcel is included in the Broad Street/Queen Street Corridor Overlay Zone.

City Provided Utilities and Services:

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

Comprehensive Plan:

2010 CAMA Regional Land Use Plan

The area is classified as "Developed", whereas mixed land uses are included in area. Residential densities range from a maximum of one to five dwelling units per acre. Higher densities are permitted within multi-family residential and planning developments and within some overlay zoning districts within commercial areas of New Bern. The intensity permitted varies depending on the zoning district and overlay standards specified in various zoning districts. Generally the character of the area is urban, and higher intensity uses require urban municipal or public services. Incompatible uses within this land class are industrial and agricultural land uses.

1993 Thoroughfare Plan/Traffic:

According to the 1993 Thoroughfare Plan Broad Street is classified as Major Thoroughfare.

Environment:

According to the Regional Land Use Plan, the subject property has high suitability for development. There are no known environmental hazards.

Staff Comments:

The proposal to rezone the subject property to C-3 Commercial District is consistent with the character of the adjacent land uses and zoning classifications. Staff has found the proposed rezoning to be in the public interest and is consistent with the CAMA Land use Plan and Transportation Plan. Staff recommends approval of the requested rezoning.

Morgan Potts, AICP City Planner

APPLICATION TO AMEND LAND USE ORDINANCE

Fee: \$375.00



Morgan Potts (252) 639-7583 pottsm@newbern-nc.org Fax: (252) 636-2146

Everything comes tagether here

	$\widehat{}$	comes together here			
NAME:	Danny Batten				
ADDRESS:	<u> </u>	230	MIDDI	LE ST	. NB 282
CELL: 91	9 632 6044	HOME/WORK:	252	288=	5824
	anny 60 surfundand fire, c				
	HANGE REQUESTED	•			
A. ~ Ame	ndment to zoning classification, from	C4	to _	<u>C3</u>	
	ndment to Land Use Ordinance text _				
Give section	of City's Land Use Ordinance to be	amended and attach	explanatio	n to applicat	ion.
	•		•		
T OCATIO	NOF PROPERTY 900 P		Nit	2 17	560
	re is no street address, list other mean		Communi		
	ivision name, lot number highway nu		, commun	ity of Holgho	ornodd
•	equest, provide Metes and Bounds de		6 00	ملله (ا حمل احمد
n rezoning r	equest, provide infeces and bounds de	scription of propert	y: <u>Jee</u>	- 41190	M60 Clasco
		·			
~	e sheet if necessary and attaché to a ining the Metes, Bounds and Distar	^ ^			or's map
`` '	,		~		
If request in	ralizaa muamautri arimad hii magaana atk		. + list		
	volves property owned by persons of		it, iist nam	es and addres	sses (use
separate she	et if necessary and attach to application		it, iist nam	es and addre	sses (use
separate she			u, nsi nam	es and addre	sses (use
separate she			it, iist nam	es and addre	sses (use
separate she				es and addres	sses (use
separate she	et if necessary and attach to application	on,		es and addres	sses (use
separate she	et if necessary and attach to application	on,		es and addres	sses (use
separate she	et if necessary and attach to application	on,		es and addres	sses (use

6.	If property owners listed in Item 5 have given consent to this request, attach copy(s) of their approval to this application.
7.	Give concise statement of reasons why the proposed amendment would be in the public interest if change is granted.
	S.L. Revival Co. will use the space for small cetail stone (600 sangur ft). The majority of
	retail stone (600 squan It). The majority of the space (Approx, 1200 sq It) will be used to
	screen-print shirts embrofler hats and shirts.
	wave house finished goods and governal office use
	J
	
	-
	David (2 Cells)
	Signature of Applicant Date

Applications to be considered must be submitted 21 days before the Planning & Zoning Board meeting, which is held on the first Tuesday of each month.

Petitioners requesting City of New Bern Board action on property not owned by them must have this form completed by the owner of the property.

REZONING OWNERS AUTHORIZATION

Dear Sir or Madame:

I am the owner of the property located at:
900 Broad St. New Ben, NC 28560 (Address, city, zip code)
I hereby authorize Brian Grahar to appear with my consent, before the City of New Bern in order to request a rezoning from:
CH to C3 (Current Zoning Classification) (Requested Zoning Classification)
(Current Zoning Classification) (Requested Zoning Classification)
I authorize you to advertise and present this matter in my name as the owner of the property.
If there are any questions, please contact me at the following address and phone number:
230 MIDDLE St. Phone 919 632 6094
Owner's Signature 3/19/2018
Date '
Sworn to and subscribed before me thisday of
Notary Public: My commission expires: \(\begin{array}{c} \lambda & \lambda

Occ No: 10018029
Recorded: 01/30//2018,04:03:26 PM
Fee Amt: \$263.00 Page 1 of 5
Revenue Tax: \$237.00
CRAVEN County, North Carolina
Sherri B. Richard Register of Deeds
Bk 3525 Pg 1691

DEED

Prepared by & Return to: Richardson & Richardson Ernest C. Richardson, III/and PO Box 1594 New Bern, NC 28563 (252) 633-2470

NORTH CAROLINA CRAVEN COUNTY

If checked, the property includes the primary residence of at least one of the Parties depicted as Grantor.

THIS DEED, made this the 30 day of TANDARY, 2018, by and between Susan Hill Rivenbark and spouse, William Barbour Rivenbark, whose address is P.O. Company, Box 2399, Swansboro, NC 28584; (herein called the "Grantor") and One World 50, LLC, whose address is 608 New Street, New Bern, NC 28560 (herein called the "Grantee"). The designation Grantor and Grantee as used herein shall include the parties indicated, and their respective heirs, successors, legal representatives, and assigns, and shall include singular, plural, masculine, feminine



Doc No: 10018029 Bk 3525 Pg 1692

or neuter as required by the context.

WITNESSETH:

That the Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land lying and being situate in Number Eight (8) Township, Craven County, North Carolina, and more particularly described as follows:

EXHIBIT "A"

TO HAVE AND TO HOLD, the aforesaid tract of land together with privileges and appurtenances thereunto to the Grantee in fee simple forever.

And the Grantor covenants with the Grantee, that the Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, except as described above, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed the day and year first above written.

Susan Hill Rivenbark (SEAL)

whilemy () -low, , Co

Doc No: 10018029 Bk 3525 Pg 1693

STATE OF HOPTH CAROUNTA COUNTY OF CRAVEN	
I, ASHLETUM N. Davis, a Notary Public of the County and State aforesaid, certify that Susan Hill Rivenbark and spous William Barbour Rivenbark, personally appeared before me this day and acknowledged the de execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal, this 30 day 181-181-181-181-181-181-181-181-181-18	ie, uc
My Commission Expires: O3 24 22 (Affix Seal) Notary's Printed or Typed Name Notary's Printed or Typed Name Notary's Printed or Typed Name	5

EXHIBIT "A"

All those certain tracts or parcels of land located in Number Eight Township, Craven County, North Carolina and being more particularly described as follows:

TRACT 1:

All that certain lot of land situated in the City of New Bern, Number 8 Township, Craven County, North Carolina, on the Southern side of Queen Street and the Western side of Fleet Street. Beginning at a point where the Southern line of Queen Street intersects the Western line of Fleet Street; thence from said point of beginning so located and along the Southern line of Oueen Street South 63-00 West 82.00 feet to the property formerly belonging to G, A, Ives and now or formerly belonging to Jake M. Hill and wife, Christine B. Hill; thence along the Easterly line of said last mentioned property South 15-40 East 63.5 feet to another line of the property of the said Jake M. Hill and wife, Christine B. Hill; thence along the Northerly line of said property North 76-15 East 49.68 feet to the Western line of Fleet Street; thence along the Western line of Fleet Street North 12-40 East 37.76 feet and North 0-42 West 49.72 feet to the point of beginning. The said property is the same that was conveyed to Romulus A. Nunn by deed recorded in Book 255, Page 431, Craven County records. It is also the same that is shown as the "Judge R. A. Nunn Property" on a map recorded in map Book 4, at Page 45 in the Office of the Register of Deeds of Craven County. Title to said property became vested in Elizabeth Nunn Duffy and Eleanor Nunn Jones under the Last Wills and Testaments of Romulus A. Nunn and his wife, Elizabeth Nichols Nunn, which are recorded in the Office of the Clerk of Superior Court Division in the General Court of Justice, Craven County, North Carolina.

TRACT 2:

All that certain lot or parcel of land situated on the Northern side of Broad Street and on the Western side of Pleet Street and the Southern side of Queen Street in the City of New Bern, Craven County, North Carolina and more particularly described as follows: BEGINNING at a point in the Northern line of Broad Street where said street is intersected by the Western line of Fleet Street; thence from said point of beginning along the Northern line of Broad Street North 88-45 West 143.81 feet to the Southwestern corner of the lot of land that was conveyed by Mary Mokarzel to G. Allen Ives by deed dated May 29, 1964, and recorded in Book 664, at Page 515 in the Office of the Register of Deeds of Craven County; thence along the Western line of said lot that was conveyed by Mary Mokarzel to G. Allen Ives North 0-40 East 73.61 feet to the Southern line of Queen Street; thence along and with the Southern line of

Doc No: 10018029 Bk 3525 Pg 1695

Queen Street North 62-20 East 108.80 feet; thence South 15-40 East 63.5 feet; thence North 76-15 East 49.68 feet to the Western line of Fleet Street; thence along the Western line of Fleet Street South 12-40 West 86.04 feet to the point of beginning. The said property is the same that was conveyed to either G. Allen Ives or to G. Allen Ives and wife, Dorothy G. Ives in the following deeds:

- 1. from Doris M. Sheeler et al, dated June 26, 1950, and recorded in Book 444, at Page 3, as the THIRD TRACT therein described;
- 2. from Miss Henry C. Matts et al, dated May 24, 1951, and recorded in Book 457, at Page 550;
- 3. from Janie V. Jackson, dated February 1, 1958, and recorded in Book 561, at Page 409, as the FIRST TRACT therein described;
- 4. from Mary Mokarzel, dated May 29, 1964, and recorded in Book 664, at Page 515;

All in the Office of the Register of Deeds of Craven County, and which are by reference incorporated herein for a further description thereof.

This conveyance is subject to all valid and enforceable easements and encumbrances of record.

Being the same property as described in Deed Book 3115 at Page 592 of the Craven County Registry.

- File an Annual Report/Amend an Annual Report Upload a PDF Filing Order a Document Online
- Add Entity to My Email Notification List View Filings Print an Amended a Annual Report form
- Print a Pre-Populated Annual Report form

Limited Liability Company

Legal Name

One World Company, LLC

Information

SosId: 0910412

Status: Current-Active

Annual Report Status: Current

Citizenship: Domestic

Date Formed: 4/30/2007

Fiscal Month: December

Registered Agent: Batten, Daniel R

Addresses

Mailing	Principal Office	Reg Office	Reg Mailing
236-A Middle Street	236-A Middle Street	236-A Middle Street	236-A Middle Street
New Bern, NC 28560			

Company Officials

All LLCs are managed by their managers pursuant to N.C.G.S. 57D-3-20.

Manager

Daniel Roger Batten 230 Middle Street New Bern NC 28560 Page ; 1 of 1 04/26/2018 12:55:01

Order Number : 15490158

PO Number

Customer : 89029 CITY OF NEW BERN Contact : ACCOUNTS PAYABLE

Address1 : PO BOX 1129

Address2

City St Zip : NEW BERN NC 28563

Phone Fax (252) 639-2717 (252) 636-4108

Printed By Entered By Sharon Williams Sharon Williams

Keywords Notes PROPOSED BUDGET 2018-2019 4/26/18 Proof/price to Morgan. ssw

Zones :

Ad Number : 16941780

Ad Key

Salesperson : SW - Sharon Williams Publication : New Bern Sun Journal

Section : Classifieds Sub Section : Classifieds

Category : 015 Legal Notices
Dates Run : 04/28/2018-05/05/2018

Days : 2

Size : 2 x 1.22, 11 lines

Words : 101
Ad Rate : L1
Ad Price : 141.84
Amount Paid : 0.00
Amount Due : 141.84

PUBLIC NOTICE

The Board of Aldermen of the City of New Bern will meet at 6:00 PM on Tuesday, May 8, 2018 In the City Hall Courtroom, located at 300 Pollock Street, New Bern, NC 28560, for a public hearing on a request to rezone .44 +/- acres from C-4 Neighborhood Business District to C-3 Commercial District. The property located at the intersection of Queen, Fleet and Broad Streets, and is further identified as tax parcel ID 8-008-151, and is also known as 900 Broad Street. The public is invited to attend and comment.

April 28, 2018, May 5, 2018 (adv)



Development Services 303 First Street, P.O. Box 1129 New Bern, NC 28560 (252)639-7581

April 25, 2018

NOTICE TO ADJACENT PROPERTY OWNERS AND APPLICANT

The Board of Aldermen of the City of New Bern will meet at 6:00 PM on Tuesday, May 8, 2018 in the City Hall Courtroom, located at 300 Pollock Street, New Bern, NC 28560, for a public hearing on a request to rezone .44 +/- acres from C-4 Neighborhood Business District to C-3 Commercial District. The property located at the intersection of Queen, Fleet and Broad Streets, and is further identified as tax parcel ID 8-008-151, and is also known as 900 Broad Street. A map of the proposed rezoning is located on the back of this notice. According to the Craven County Tax Records, you are the owner of property located within 100 feet of the subject area.

A copy of the rezoning application is available for public review during normal business hours in the Development Services office, located at 303 First Street. For further information contact the City of New Bern Development Services Department at (252) 639-7581.

Morgan J. Potts, AICP

City Planner

Individuals with disabilities requiring special assistance should call (252)639-7501 no later than 3:00 p.m. the date of the meeting.



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

April 25, 2018

TO:

Andrew Schneider

Street Department

FROM:

Morgan Potts

City Planner

SUBJECT:

Posting for Public Hearing & Rezoning

The City of New Bern Board of Aldermen will hold a public hearing to consider a request for a rezoning located near the intersection of Queen, Fleet & Broad Streets on Tuesday, May 8, 2018 at 6:00 pm in the City Hall Courtroom. Please post the following information by 5:00 p.m. April 27, 2018 at the below noted locations and the attached map. Thank you in advance for your assistance and if you have any questions please call me at ext. 7583.

NOTICE OF PUBLIC HEARING

(Post sign #1 at the intersection of Broad & Fleet St. as shown on map)

WHERE: WHEN:

City Hall Courtroom May 8, 2018 at 6:00 pm

PURPOSE:

To consider a rezoning request from C-4 to C-3

(Post sign #2 on the property at Queen St. as shown on map)

WHERE:

City Hall Courtroom

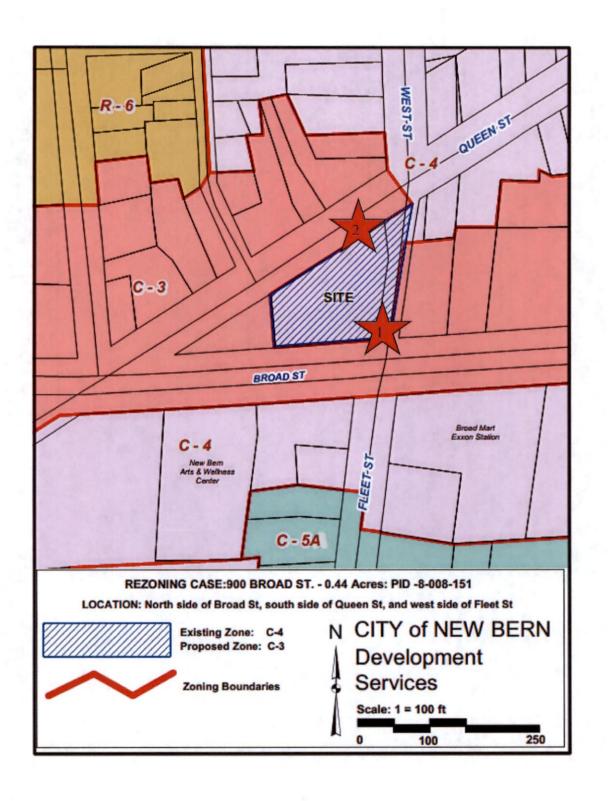
WHEN:

May 8, 2018 at 6:00 pm

PURPOSE:

To consider a rezoning request from C-4 to C-3

Morgan Potts, City Planner City of New Bern



DRAFT DRAFT DRAFT

Excerpt of Minutes of the New Bern Planning & Zoning Board April 3, 2018

The regular meeting of the New Bern Planning & Zoning Board was held in the City Hall Courtroom, 300 Pollock Street, on Tuesday, April 3, 2018 at 5:30 PM.

 Members present: Mr. Raymond Layton, Chair Mr. Sonny Aluzzo, Vice Chair

Mr. Pat Dougherty Mr. Jerry Walker Mr. Don Black Mr. Marshall Ballard

Members absent: Mr. Haron Beatty

Members excused: Mr. Jeffrey Midgett

Mr. Willie Newkirk, Sr. Ms. Carol Williams

Staff present: Ms. Morgan Potts, City Planner

Mr. Greg McCoy, Land & Community

Development Administrator

Chair Layton called the meeting to order.

New Business:

 A. Consideration of a request to rezone .44 +/- acres from C-4 Neighborhood Business to C-3 Commercial District, located at 900 Broad Street. The property is further identified in Craven County Parcel ID #8-0008-151.

Staff Comments: City staff presented the proposed rezoning request.

Applicant Comments: The applicant briefly presented the rezoning application and the need for the rezoning, and the proposed use of the facility for retail use and clothing screen printing and embroidery.

Public Comment: There was no public comment.

Board Discussion: Mr. Black inquired on the number of employees at the facility. The applicant answered 6. A motion was made to recommend approval by Mr. Black and seconded by Mr. Aluzzo. The motion passed unanimously (6-0).

AGENDA ITEM COVER SHEET

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

Conduct a Public Hearing and Consider Adopting an Ordinance Creating a Redevelopment Commission

Date of Meeting $05/08/18$ Ward # if applicable N/A
Department Administration Person Submitting Item: Mark Stephens
Call for Public Hearing ☐ Yes ✓ No Date of Public Hearing
Explanation of Item:
This ordinance will create a Redevelopment Commission consisting of nine members who are residents of the City of New Bern and appointed by the Board of Aldermen.
Actions Needed by Board: Conduct a public hearing and consider adopting the ordinance to create a Redevelopment Commission.
Is item time sensitive? ☐ Yes ☑ No
Will there be advocates/opponents at the meeting? Yes No
Backup Attached: Copy of legal notice of Public Hearing
Cost of Agenda Item: If this item requires an expenditure, has it been budgeted and are funds available and
certified by the Finance Director: Yes No
Additional notes:

AN ORDINANCE CREATING THE REDEVELOPMENT COMMISSION OF THE CITY OF NEW BERN

THAT WHEREAS, the Board of Aldermen of the City of New Bern, at its May 8, 2018, meeting, determined that blighted areas as defined by North Carolina General Statute Section 160A-503 exist within the territorial limits of the City of New Bern; and

WHEREAS, notice of the intent of the Board of Aldermen of the City of New Bern to consider the passage of an ordinance creating a redevelopment commission and to hold a public hearing on said ordinance was published in the *Sun Journal* on April 26, 2018; and

WHEREAS, a public hearing was held to consider the adoption of an ordinance creating a redevelopment commission at the May 8, 2018 regular meeting of the Board of Aldermen of the City of New Bern and all persons were given an opportunity to be heard; and

WHEREAS, North Carolina General Statute Section 160A-504 authorizes the Board of Aldermen of the City of New Bern to adopt an ordinance to create a redevelopment commission to function within the territorial limits of the City of New Bern.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN, NORTH CAROLINA, AS FOLLOWS:

Section 1. <u>Required Findings</u>. It is hereby found and determined that: (1) blighted areas as defined by North Carolina General Statute Section 160A-503 exist within the territorial limits of the City of New Bern; and (2) the redevelopment of the blighted areas within the territorial limits of the City of New Bern is necessary and in the interest of the public health, safety, morals or welfare of the residents of the City of New Bern.

Section 2. <u>Creation</u>. There is hereby created the Redevelopment Commission of the City of New Bern to function within the territorial limits of the City of New Bern in accordance with the provisions of Article 22 of Chapter 160A of the North Carolina General Statutes.

Section 3. <u>Members - Number</u>. The Redevelopment Commission of the City of New Bern shall consist of nine (9) members, all of whom shall be residents of the City of New Bern. Each member shall be appointed by the Board of Aldermen of the City of New Bern. The Board of Aldermen of the City of New Bern may at any time, by resolution or ordinance, increase or decrease the membership of the Redevelopment Commission of the City of New Bern, within the limitations prescribed by North Carolina General Statute Section 160A-508.

Section 4. Members -Terms of Office. Members of the Redevelopment Commission of the City of New Bern shall serve staggered terms with each term being five (5) years. For the initial Redevelopment Commission of the City of New Bern, two (2) members shall have an initial term of five years, two (2) members shall have an initial term of three years, two (2) members shall have an initial term of two years, and one (1) member shall have an initial term of one year. A member shall hold office until his successor has been appointed and qualified.

Section 5. Redevelopment Commission Liaison(s). The Board of Aldermen of the City of New Bern may appoint one (1) or more redevelopment commission liaisons from among themselves who shall attend and participate in meetings of the Redevelopment Commission. Any liaison appointed hereunder shall not be considered a member of the Redevelopment Commission, shall have no rights of a member of the Redevelopment Commission, specifically including the right to vote on any matter, and shall comply with the requirements of North Carolina General Statute Section 160A-511. A liaison shall serve in such capacity only during their term of office on the Board of Aldermen of the City of New Bern.

Section 6. <u>Organization</u>. The members of the Redevelopment Commission of New Bern shall select from among themselves a chairman, a vice-chairman, and such other officers as the Redevelopment Commission of the City of New Bern may determine. A majority of the members of the Redevelopment Commission of New Bern shall constitute a quorum for its meetings.

Section 7. <u>Powers</u>. The Redevelopment Commission of the City of New Bern shall have the powers of a redevelopment commission as set forth in Article 22 of Chapter 160A of the North Carolina General Statutes.

Section 8. <u>Budgeting and Accounting Systems</u>. The Board of Aldermen of the City of New Bern may by resolution provide that the budgeting and accounting systems of the Redevelopment Commission of the City of New Bern shall be an integral part of the budgeting and accounting systems of the City of New Bern.

Section 9. This ordinance shall be effective from and after the date of its adoption.

ADOPTED THIS 8th DAY OF MAY, 2018.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

: 1 of 1 Page

Order Number

15490042

PO Number Customer Contact

89029 CITY OF NEW BERN **ACCOUNTS PAYABLE**

04/23/2018 15:02:45

Address1

Address2

NEW BERN NC 28563

City St Zip Phone Fax

(252) 639-2717 (252) 636-4108

PO BOX 1129

Printed By **Entered By**

Sharon Williams Sharon Williams

Keywords Notes

: MAY 8, 2018 PUBLIC HEARING 4/23/18 Proof/price to Peggy. ssw

Zones

16941329 Ad Number

Ad Key SW - Sharon Williams Salesperson

Publication New Bern Sun Journal Classifieds Section Sub Section Classifieds

Category 015 Legal Notices 04/26/2018-04/26/2018 Dates Run

Days

2 x 2.55, 23 lines Size

204 Words Ad Rate L1 148.61 Ad Price **Amount Paid** 0.00 148.61 **Amount Due**

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Aldermen of the City of New Bern will conduct a public hearing at its next regularly scheduled meeting on the 8th day of May, 2018, beginning at 6:00 p.m. in the City Hall Courtroom located at 300 Pollock Street in the City of New Bern, in order to consider the adoption of an Ordinance which will create a redevelopment commission. The Board of Aldermen intends to consider the passage of such an Ordinance at said meeting in accordance with the provisions of Article 22 of Chapter 160A of the North Carolina General Statutes. A copy of the proposed Ordinance is on file in the City Clerk's office located at 300 Pollock Street, and is available for public Inspection during normal working hours Monday through Friday.

On the basis of objection, debate and discussion at the hearing, changes may be made from what has been proposed. Persons having an interest In this matter and desiring to speak either for or against the proposed Ordinance are invited to be present and will be given an opportunity to be

This the 26th day of April, 2018.

BRENDA BLANCO, CITY CLERK

April 26, 2018 (adv)

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Aldermen of the City of New Bern will conduct a public hearing at its next regularly scheduled meeting on the 8th day of May, 2018, beginning at 6:00 p.m. in the City Hall Courtroom located at 300 Pollock Street in the City of New Bern, in order to consider the adoption of an Ordinance which will create a redevelopment commission. The Board of Aldermen intends to consider the passage of such an Ordinance at said meeting in accordance with the provisions of Article 22 of Chapter 160A of the North Carolina General Statutes. A copy of the proposed Ordinance is on file in the City Clerk's office located at 300 Pollock Street, and is available for public inspection during normal working hours Monday through Friday.

On the basis of objection, debate and discussion at the hearing, changes may be made from what has been proposed. Persons having an interest in this matter and desiring to speak either for or against the proposed Ordinance are invited to be present and will be given an opportunity to be heard.

This the 26th day of April, 2018.

BRENDA BLANCO, CITY CLERK

Run date: April 26, 2018

AGENDA ITEM COVER SHEET

Agenda Item Title:

Pate of Meeting 5/8/2018	Ward # if applicable <u>Ward 3</u>
	If multiple, list:
Pepartment Public Works	Person Submitting Item: Matt Montanye
all for Public Hearing No	Date of Public Hearing
xplanation of Item:	
	ng the City Manager to execute a professional services and Kimley-Horne and Associates Inc. for design
Actions Needed by Board:	
Consider adopting the resolution	
is item time sensitive? <u>No</u>	
	nts at the meeting? No
Backup Attached: Resolution Memo from Public Works RFQ Tabulation Sheet Scope of Old Airport Road Widening	
Backup Attached: Resolution Memo from Public Works RFQ Tabulation Sheet Scope of Old Airport Road Widening Professional Services Contract	
Resolution Memo from Public Works RFQ Tabulation Sheet Scope of Old Airport Road Widening Professional Services Contract Cost of Agenda Item:	Project ure, has it been budgeted and are funds available and
Resolution Memo from Public Works RFQ Tabulation Sheet Scope of Old Airport Road Widening Professional Services Contract Cost of Agenda Item: If this item requires an expendit certified by the Finance Director	Project ure, has it been budgeted and are funds available and
Resolution Memo from Public Works RFQ Tabulation Sheet Scope of Old Airport Road Widening Professional Services Contract Cost of Agenda Item: If this item requires an expendit certified by the Finance Director	Project ure, has it been budgeted and are funds available and
Resolution Memo from Public Works RFQ Tabulation Sheet Scope of Old Airport Road Widening Professional Services Contract Cost of Agenda Item: If this item requires an expendit certified by the Finance Director	Project ure, has it been budgeted and are funds available and
Backup Attached: Resolution Memo from Public Works RFQ Tabulation Sheet Scope of Old Airport Road Widening Professional Services Contract Cost of Agenda Item: If this item requires an expendit certified by the Finance Director Additional notes:	Project ure, has it been budgeted and are funds available and
Resolution Memo from Public Works RFQ Tabulation Sheet Scope of Old Airport Road Widening Professional Services Contract Cost of Agenda Item: If this item requires an expendit certified by the Finance Director	Project ure, has it been budgeted and are funds available and



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

April 27, 2018

Memo to: Mayor and Board of Aldermen

From: Matt Montanye, Director of Public Works 1. 4/187/18

Re: Consider adopting a resolution authorizing the City Manager to execute on behalf of the

City of New Bern a professional services agreement between the City of New Bern and Kimley-Horne and Associates Inc. for design services related to Improvements on Old

Airport Road.

Background Information:

In early 2017, the Board of Aldermen expressed a desire to work out an agreement with NCDOT to widen and improve Old Airport Road between Taberna Circle and County Line Road due to the narrow width and unsafe driving conditions. As part of this agreement, The City of New Bern would take over ownership and/or maintenance responsibilities for all sections of Old Airport Road, between Taberna Circle and bridge located just past the Evans Mill Subdivision as well as ownership of bridge number ten located on Old Airport Road. The City would also be responsible for making improvements to Old Airport Road that would include widening, pavement repairs and resurfacing. In return, NCDOT would make a payment to the City in the amount of \$687,000, the estimated cost for the resurfacing portion of this project. All other cost associated with professional services, widening and pavement repairs would be the responsibility of the City and that all improvements would be completed within 24 month of the agreement.

In anticipation of this agreement, the City of New Bern Board of Aldermen approved a budget amendment to place \$250,000 into a project fund for professional services related to this project, as well as a separate project along Trent Road. On September 24, 2017, the Public Works Department advertised a Request for Qualifications for professional services, related to the Old Airport Road and Trent Road projects and on October 24, 2017 received six qualification packages. These packages were individually ranked by four different City of New Bern staff members and in each case Kimley-Horne and Associates of Raleigh, N.C., was ranked as the most qualified firm for these projects. On November 16, 2017, the City staff, along with a group of engineers from Kimley-Horne and Associates Inc., met to discuss the scope of these projects and since that time have been negotiating the scope of the projects as well as the professional services fee. As a result of these discussions the decision was made to focus on the Old Airport Road and Trent Road projects separately and to move forward with the Old Airport Road project first to ensure that

the obligations in the agreement with NCDOT were met. After weeks of negotiations the agreed upon price for professional services related to Old Airport Road is \$128,540.00 with the final construction plans being completed by February 8, 2019.

Recommendation:

The Public Works Department recommends and request the Board adopt a Resolution authorizing the City Manager to execute on behalf of the City of New Bern a professional services agreement between the City of New Bern and Kimley-Horne and Associates Inc. for design services related to Improvements on Old Airport Road.

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

Enclosures

Cc: Andrew Schneider, Streets Superintendent

RESOLUTION

THAT WHEREAS, a Request for Qualifications was publicly advertised on September 24, 2017 for professional services related to right-of-way improvements along Old Airport Road; and

WHEREAS, six responses were received on October 24, 2017 and were ranked based on qualifications as follows:

Rank	Engineering Firm
1	Kimley-Horne and Associates Inc.
2	Zapata-LIB, PLLC
3	Draper Aden and Associates
4	SEPI Engineering & Construction
5	Bohler Engineering NC, PLLC
6	Parker and Associates, Inc.

WHEREAS, the Director of Public Works of the City of New Bern recommends the City Manager be authorized to execute a contract for professional services in the amount of \$128,540.00 with Kimley-Horne and Associates Inc. for right-of-way improvements along Old Airport Road.

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

That the City Manager is hereby authorized to execute on behalf of the City of New Bern a Professional Services Agreement with Kimley-Horne and Associates Inc., a copy of which is attached hereto and incorporated herein by reference, for services related to right-of-way improvements along Old Airport Road.

ADOPTED THIS 8TH DAY OF MAY, 2018.

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

CONTRACT NO. 1

STATE OF NORTH CAROLINA

PROFESSIONAL SERVICES AGREEMENT

COUNTY OF CRAVEN

THIS AGREEMENT (hereinafter the "Agreement") is made and entered into this day of	
, 20, by and between the City of New Bern, a North Carolina municipal corporation	'n,
hereinafter referred to as the "CITY", and Kimley-Horn and Associates, Inc. hereinafter referred to as the	he
"CONTRACTOR".	

WITNESSETH

WHEREAS, the CITY desires to retain and engage the CONTRACTOR to perform certain professional services hereinafter described, and further that the parties hereto desire to reduce the terms of this Agreement to writing:

NOW THEREFORE, for and in consideration of the mutual promises to each other, as hereinafter set forth, the parties hereto do mutually agree as follows:

- 1. <u>Term of Agreement</u>. The term of this Agreement shall commence as of the date set forth above and continue through the 31st day of July, 2022 unless sooner terminated as provided herein.
- 2. <u>Contractor's Services</u>. The CONTRACTOR hereby agrees to perform, in a manner satisfactory to the CITY, professional and timely services as set forth in Exhibit "A" attached hereto and incorporated herein by this reference. The parties hereto acknowledge that the terms outlined in Exhibit "A" shall be valid and enforceable to the extent they are not inconsistent with the provisions as set forth herein, and to the extent that they are inconsistent, the provisions as set forth in this Agreement shall control. The parties hereto further agree that the terms, conditions and requirements as set forth in any Request for Proposal ("RFP") put forth by CITY and responded to by CONTRACTOR shall be binding upon the parties to the extent that they do not conflict with the provisions as set forth herein, said RFP, if applicable, being attached hereto as Exhibit "B" and incorporated herein by this reference.
- 3. <u>Compensation to Contractor</u>. The CITY hereby agrees to pay to CONTRACTOR the amount of <u>One-Hundred Twenty-Eight Thousand</u>, <u>Five-Hundred Forty Dollars</u> (\$128,540.00) for services as provided herein and as set forth in Exhibit "B" attached hereto and incorporated herein by this reference. Payment will be made within 30 days after receipt of an approved invoice.
- 4. <u>Termination</u>. CITY shall have the right to terminate this Agreement at any time and without cause upon thirty (30) days written notice to the other party.

- 5. Records. The CITY has the right to audit all records pertaining to this Agreement both during its performance and after its completion. Further, upon termination of this Agreement, the CONTRACTOR shall deliver to the CITY all records, notes, memorandum, data, documents or any other materials produced by CONTRACTOR in connection with services rendered pursuant to this Agreement. If compensation for expenses shall be provided to CONTRACTOR, the CONTRACTOR shall maintain all expense charge documents for a period of three (3) years following the completion of this agreement and said documents shall only be forwarded to the CITY upon request.
- 6. Ownership of Documents. The CONTRACTOR agrees that all materials and documents developed pursuant to this Agreement shall be the exclusive property of the CITY upon payment for services, and the CONTRACTOR shall retain no property or copyright interest therein. Further, upon termination of this Agreement, the CONTRACTOR shall deliver to the CITY all records, notes, memorandum, data, documents or any other materials received or obtained from the CITY in connection with services rendered pursuant to this Agreement.
- 7. Independent Contractor. This Agreement does not create an employee/employer relationship between the parties. It is the intention of the parties that the CONTRACTOR will be an independent contractor and not the CITY's employee for all purposes, including, but not limited to, the application of the Fair Labor Standards Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the federal Internal Revenue Code, the provisions of the North Carolina revenue and taxation laws, the North Carolina Wage and Hour Act, the North Carolina Workers' Compensation Act, and the provisions of the North Carolina Employment Security Law. The CONTRACTOR will retain sole and absolute discretion in the judgment of the manner and means of carrying out the CONTRACTOR's activities and responsibilities hereunder. The CONTRACTOR agrees that he/she/it is a separate and independent enterprise from the CITY; and that it has a full opportunity to find other business, that it has made its own investment in its business, and that it will utilize a high level of skill necessary to perform the services described herein. This Agreement shall not be construed as creating any joint employment relationship between the CONTRACTOR and the CITY, and the CITY will not be liable for any obligation incurred by the CONTRACTOR, including but not limited to unpaid minimum wages and/or overtime premiums.
- 8. <u>Indemnity</u>. The-CONTRACTOR agrees, to the fullest extent permitted by law, to indemnify and hold the CITY harmless from any damage, liability or cost (including reasonable attorneys' fees and costs of defense) to the extent caused by the CONTRACTOR's negligent acts, errors or omissions in the performance of professional services under this Agreement and those of his or her subconsultants or anyone for whom the CONTRACTOR is legally liable. The CITY agrees, to the fullest extent permitted by law, to indemnify and hold the CONTRACTOR harmless from any damage, liability or cost (including reasonable attorneys' fees and costs of defense) to the extent caused by the CITY's negligent acts, errors or omissions and those of his or her contractors, subcontractors or consultants or anyone for whom the CITY is legally liable, arising from the project that is the subject of this Agreement.

9. Representatives of the Parties. Matt Montanye, Public Works Director, is designated as the CITY's contract administrator for this Agreement. The contract administrator shall work with City requesting department to monitor the CONTRACTOR's performance, coordinate the CONTRACTOR's activities, approve all administrative requests by the CONTRACTOR and approve all payments to the CONTRACTOR pursuant to this Agreement. Further, any notice required to the CITY under this Agreement shall be sufficient if mailed to the CITY by certified mail as indicated below:

Matt Montanye, Public Works Director City of New Bern P.O. Box 1129 New Bern, NC 28562

<u>Jeffrey W. Moore, P.E.</u> shall be the CONTRACTOR's representative for this Agreement. Any notice required to the CONTRACTOR under this Agreement shall be sufficient if mailed to the CONTRACTOR by certified mail as indicated below:

Kimley-Horn and Associates, Inc. 421 Fayetteville Street, Suite 600 Raleigh, North Carolina 27601

- 10. Other Laws and Regulations. CONTRACTOR will comply with any and all applicable federal, state and local standards, regulations, laws, statutes and ordinances including those regarding toxic, hazardous and solid wastes and any pollutants; public and private nuisances; health or safety; and zoning, subdivision or other land use controls. CONTRACTOR will take all reasonably necessary, proper or required safety, preventative and remedial measures in accordance with any and all relations and directives from the North Carolina Department of Human Resources, the United States Environmental Protection Agency, the North Carolina Department of Environmental Management, Health Departments, and any other federal, state or local agency having jurisdiction, to insure the prompt prevention or cessation (now or in the future) of violations of either the applicable provisions of such standards, regulations, laws, statutes, and ordinances or any permits or conditions issued thereunder. CONTRACTOR specifically acknowledges and agrees that CONTRACTOR, and any subcontractors it uses, has complied with and shall continue to comply with the provisions of the federal E-Verify program in compliance with Article 2 of Chapter 64 of the North Carolina General Statutes. CONTRACTOR shall maintain adequate safeguards with respect to sensitive customer information in conformance with and pursuant to 16 C.F.R. §681.1 and in accordance with N.C. Gen. Stat. §132-1.10 and §75-65.
- 11. <u>Insurance Requirements</u>. The amount of insurance to be provided for all coverages listed under this section shall be not less than \$1,000,000.00 unless otherwise specified, per occurrence for claims arising from bodily injury and/or property damage, including accidental death which may arise directly or indirectly from CONTRACTOR's performance of its obligations Agreement.

- a. CONTRACTOR shall maintain during the life of this contract WORKERS' COMPENSATION and EMPLOYER'S LIABILITY INSURANCE covering all of CONTRACTOR's employees to be engaged in the work under this contract, providing the required statutory benefits under North Carolina Workers Compensation Law, and Employers Liability Insurance providing limits at least in the amount of \$500,000/500,000/500,000 applicable to claims due to bodily injury by accident or disease. Whenever work under this contract includes exposure to claims under the U. S. Longshoremen's and Harbor Worker's Act, such coverage shall be provided by appropriate endorsement to this policy.
- b. CONTRACTOR shall take out and maintain during the life of this contract COMMERCIAL GENERAL LIABILITY INSURANCE, including coverage for INDEPENDENT CONTRACTOR OPERATIONS, CONTRACTUAL LIABILITY assumed under the provisions of this contract, PRODUCTS/COMPLETED OPERATIONS LIABILITY and BROAD FORM PROPERTY DAMAGE LIABILITY insurance coverage. Exclusions applicable to explosion, collapse and underground hazards are to be deleted when the work to be performed involves these exposures. The CITY shall be named as an additional insured under this policy. Unless otherwise specified, this coverage shall be written providing liability limits at least in the amount of \$1,000,000, Combined Single Limits, applicable to claims due to bodily injury and/or property damage arising from an occurrence.
- c. CONTRACTOR shall take out and maintain during the life of this Agreement AUTOMOBILE LIABILITY INSURANCE. Such coverage shall be written on a comprehensive form covering owned, non-owned and leased vehicles.

CONTRACTOR shall furnish the schedule of insurance carried under this contract in the form of a Certificate of Insurance attested by the insurance carrier or appointed agent, indicating the type, amount, class of operations covered, effective date and expiration date of all policies. This Certificate shall be in six (6) counterparts and when the contract is signed by CONTRACTOR, a copy thereof shall be inserted in each copy of the contract documents and upon insertion shall become a part of such documents. CONTRACTOR will notify the CITY by registered mail at least twenty (20) days prior to any cancellation or non-renewal of these coverages.

- 12. <u>E-Verify.</u> As a condition of payment for services rendered under this agreement, CONTRACTOR shall comply with the requirements of Article 2 Chapter 64 of the General Statutes. Further, if Seller provides the services to the City utilizing a subcontractor, Seller shall require the subcontractor to comply with requirements of Article 2 Chapter 64 of the General Statutes as well.
- 13. <u>No Presumption</u>. None of the Parties shall be considered the drafter of this Agreement or any provision hereof for the purpose of any statute, case law, or rule of interpretation or construction that would or might cause any provision to be construed against the drafter hereof. This Agreement was

drafted with substantial input by all Parties and their counsel, and no reliance was placed on any representations other than those contained herein.

- 14. Entire Agreement and Amendment. This Agreement, including any Exhibits attached, which are incorporated herein and made a part hereof, constitutes the entire contract between the parties, and no warranties, inducements, considerations, promises or other inferences shall be implied or impressed upon this Agreement that are not set forth herein. This Agreement shall not be altered or amended except in writing signed by all Parties.
- 15. <u>No Assignment</u>. No party shall sell or assign any interest in or obligation under this Agreement without the prior express written consent of all the parties.
- 16. <u>Conflict of Interest</u>. No paid employee of the CITY shall have a personal or financial interest, direct or indirect, as a contracting party or otherwise, in the performance of this Agreement.
- 17. <u>Non-Waiver of Rights</u>. It is agreed that the CITY's failure to insist upon the strict performance of any provision of this Agreement, or to exercise any right based upon a breach thereof, or the acceptance of any performance during such breach, shall not constitute a waiver of any rights under this Agreement.
- 18. <u>Binding Effect</u>. Subject to the specific provisions of this Agreement, this Agreement shall be binding upon and inure to the benefit of and be enforceable by the parties and their respective successors and assigns.
- 19. <u>Reference</u>. Use of the masculine includes feminine and neuter, singular includes plural; and captions and headings are inserted for convenience of reference and do not define, describe, extend or limit the scope of intent of this Agreement.
- 20. <u>Interpretation/Governing Law.</u> All of the terms and conditions contained herein shall be interpreted in accordance with the laws of the State of North Carolina without regard to any conflicts of law principles and subject to the exclusive jurisdiction of federal or state courts within the State of North Carolina. In the event of a conflict between the various terms and conditions contained herein or between these terms and other applicable provisions, then the more particular shall prevail over the general and the more stringent or higher standard shall prevail over the less stringent or lower standard. The place of this Agreement, its situs and forum, shall be New Bern, Craven County, North Carolina, and in said County and State shall all matters, whether sounding in contract or tort relating to the validity, construction, interpretation or enforcement of this Agreement be determined.
- 21. <u>Saving Clause</u>. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Agreement is for any reason held invalid, unlawful, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

- 22. <u>Time</u>. Services will be performed in accordance with a mutually agreed upon schedule.
- 23. <u>Immunity Not Waived</u>. This Agreement is governmental in nature, for the benefit of the public. CONTRACTOR acknowledges that City reserves all immunities, defenses, rights or actions arising out of City's sovereign status under applicable law. No waiver of any such immunities, defenses, rights or actions shall be implied or otherwise deemed to exist by reason of City's entry into this Agreement.
- 24. Non-Appropriation. In the event no City funds or insufficient City funds are appropriated or otherwise available by any means whatsoever in any fiscal year for any payment due under this Agreement, then the City will immediately notify CONTRACTOR of such occurrence and this Agreement shall create no further obligation of the City as to such fiscal year and shall be null and void, except as to the portions of payments for which funds shall have been appropriated and budgeted. In such event, this Agreement shall terminate on the last day of the fiscal year for which appropriations were received without penalty or expense to the City of any kind whatsoever.

25.	Authority to Act.	Each of the persons ex	ecuting this Agreement on behalf of
CONTRACT	OR does hereby cov	enant, warrant and rep	resent that the Organization is a duly organized
and validly ex	isting	that the	has full right and authority to enter into
this Agreemen	nt, and that each and	l all persons signing on	behalf of the CONTRACTOR were authorized
to do so.			

- 26. Non-Discrimination. CONTRACTOR will take affirmative action not to discriminate against any employee or applicant for employment or otherwise illegally deny any person participation in or the benefits of the program which is the subject of this agreement because of race, creed, color, sex, age, disability or national origin. To the extent applicable, CONTRACTOR will comply with all provisions of Executive Order No. 11246 the Civil Rights Act of 1964, (P.L. 88-352) and 1968 (P.L. 90-284), and all applicable federal, state and local laws, ordinances, rules, regulations, orders, instructions, designations and other directives promulgated to prohibit discrimination. Violation of this provision, after notice, shall be a material breach of this agreement and may result, at CITY's option, in a termination or suspension of this agreement in whole or in part.
- 27. <u>Counterparts.</u> This Agreement may be executed in several counterparts, including separate counterparts. Each shall be an original, but all of them together constitute the same instrument.

IN WITNESS WHEREOF, the CITY and the CONTRACTOR have each executed this Agreement in duplicate originals, one of which shall be retained by each of the parties.

	CITY OF NEW BERN
Approved as to Form by Scott Davis	By: Mark Stephens, City Manager
	R'S CERTIFICATION STATEMENT in the manner required by The Local Government Budget
This day of	
Joseph	Sabatelli, Finance Officer
Project Number: Account Number: Amount of Contract: Requisition/PO Number:	<u></u>
STATE OF NORTH CAROLINA	
City of New Bern, a North Carolina Munici act of the City of New Bern, the foregoing	_, a Notary Public in said State and County, certify that Marks day and acknowledged that he is the City Manager of the pal Corporation, and that by authority duly given and as the instrument was signed in its named by him as its Manager.
WITNESS my hand and notarial sea	al, this the day of, 20
[SEAL] My Commission Expires:	Notary Public

CONTRACTOR KIMLEY-HORN AND ASSOCIATES, INC. By: Charles A. Nuckols, P.E. (NAME) Senior Vice President (TITLE)

STATE OF NORTH CAROLINA

COUNT	Y	OF	<u>WAK</u>	<u>.E</u>

that,			and County, do hereby certify acknowledged that he (she) is
the	of_		owledged the due execution of
the for	regoing instrument.		
	Witness my hand and official seal, t	his the day of	, 20
		Notary Public	
Му Со	ommission Expires:		
	[SEAL]		

EXHIBIT A

OLD AIRPORT ROAD WIDENING PROJECT

SCOPE OF SERVICES

Task 1 – 25% Preliminary Plans

Old Airport Road will be widened to 44 feet from edge of pavement (EOP) to EOP from Taberna Circle to Landscape Way (1.2 miles) at the existing pavement slopes and at a uniform overlay depth. Engineer will prepare preliminary design plans for a 40-mile per hour (mph) design speed for Old Airport Road and conduct a roadway field visit. Preliminary design plans will consist of preliminary horizontal alignment, intersection layouts, roadway plans (1"= 40' horizontal), profile sheets (1"= 40' horizontal and 1" = 4' vertical), and cross sections (1" = 10'). Profile sheets will illustrate resurfacing of Old Airport Road at a uniform depth.

Engineer will conduct a field investigation of the project corridor to determine the absence or presence of streams, wetlands, and/or open waters within the study area utilizing the three-parameter approach for wetland delineation as described in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. The jurisdictional limits will be flagged following the guidelines presenting in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and the 2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain (Version 2.0). Data forms required for certification by the USACE and NCDWR will be completed with the data necessary obtained during field reviews. Any jurisdictional streams will be classified as either perennial or intermittent. The delineated wetland or stream boundaries will be flagged and GPS located.

Task 2 - Hydraulic and Hydrologic Design

Engineer will perform drainage studies, designs and field reconnaissance. The storm drain design will be completed using GEOPAK Drainage software and the cross pipes sized using Culvertmaster software by Haestead's Methods. Engineer will perform hydraulic analysis for drainage pipe crossings and linear ditches along the proposed Old Airport Road alignment. This analysis will be based upon the topographical information included in the survey and base information available for drainage designs such as GIS contour information, USGS Quad maps, and FEMA information. The anticipated tasks associated with the drainage design include:

- A. Conduct field reconnaissance of existing and proposed drainage features and patterns associated with existing and proposed storm drain systems, pipe crossings and ditches.
- B. Size all cross pipes along the alignments for the 50-year design storm event. Culverts will be sized using Culvertmaster software by Haestead's Methods.
- C. Design proposed ditches necessary to appropriately drain low areas adjacent to proposed improvements and to replace existing ditches impacted by the proposed improvements. The 25year design storm event will be utilized to design the proposed roadside ditches.
- D. Evaluate and design necessary revisions to existing hydraulic structures (storm drain, drop inlets, cross pipes, headwalls) that may be impacted by the proposed improvements.

- E. Finalize hydraulic designs for ditches, drop inlet locations, outfall analyses, and final cross pipe designs.
- F. Draft the proposed drainage features (storm drain, ditches, cross pipes, inlets, etc.) and all associated labeling.
- G. Draft the proposed ditches and final cross pipes into the profile sheets.
- H. Engineer will evaluate the stream crossing under Old Airport Road (unnamed tributary to Brice Creek, FEMA Zone AE with mapped backwater from Brice Creek) for existing capacity and condition as well as future development. For the structures that result in structures sizes large enough to be reinforced box culverts (RCBC) or large diameter pipes, we will present these sizing options (precast RCBC or Corrugated Aluminum Pipes) to the City for input prior to finalizing sizing.
- I. The Craven County Flood Insurance Rate Map (#3720549700J dated July 2, 2004) indicates the existing triple barrel corrugated metal pipes under Old Airport Road that convey the unnamed tributary to Brice Creek are within a FEMA regulated Zone AE with mapped backwater from Brice Creek. Per City Ordinance (Section 15-300 Standards for floodplains with BFE but without established floodways or non-encroachment areas), no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. Based on this ordinance the Engineer will utilize Culvert Master software to evaluate the hydraulic structure size options for a potential culvert replacement and report these findings to the City for approval in a brief memorandum. Engineer will submit a floodplain development permit for City approval.

Task 3 - 65% Plans

The roadway plans will be developed to a stage where they are approximately 65% complete. All existing roadways, structures, utilities, and other items affected by the project will be shown in addition to the proposed construction. The plans will include horizontal geometrics, pavements, drainage layout and calculations, cross sections, right-of-way and easements, property lines, typical sections, pavement marking plans, erosion control plans, and special details. Engineer will submit three (3) hard copy sets of 65% right-of-way plans and an electronic set in PDF format to the City.

Engineer will also develop and submit an Opinion of Probable Construction Cost (OPCC) to the City. Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. All provided opinions of probable costs are based on the information known to Engineer at the time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.

<u>Task 4 – Erosion Control Plans</u>

Engineer will design and specify erosion control measures, which minimize erosion and limit off-site sedimentation during construction of the Project. The design will be in accordance with the requirements of the North Carolina Department of Environmental Quality (NCDEQ) and the requirements of the City. The Engineer will show erosion control measures and special details in the

plans. Following an initial review by the City, the Engineer will submit erosion control plans to the NCDEQ Regional Engineer for review and approval.

Task 5 – 100% Construction Plans

Final design plans will include roadway design and details, pavement marking plans, erosion control plans and details, and material quantities; and will identify existing right-of-way, proposed right-of-way, and permanent, utility, and construction easements sufficient to encompass all improvements.

The Engineer will develop final plans in sufficient form and detail for the City to let construction contracts. Engineer will submit three (3) hard copy sets of 100% plans and an electronic set in PDF format and final OPCC to the City.

After applicable comments have been received, Engineer will furnish one reproducible set of 100% final sealed construction plans and documents for use by the City in the bidding and construction phases. Reproducible drawings will be 22" by 34". The Engineer will provide a CD with one (1) electronic set (in PDF format) of the sealed plans and specifications and applicable CADD files to the City for approval. Engineer will prepare and furnish to the City a final OPCC based on the final bid items in the contract proposal.

<u>Task 6 – Meetings and Coordination</u>

Engineer will conduct miscellaneous coordination with City staff and provide project administration through the anticipated project duration. The coordination will include regular transmittals of project correspondence and records; review of analyses, documents and designs; and telephone contact for items requiring attention. Engineer will attend 65% Plan Review Meeting with the City.

Kimley-Horn will maintain coordination with the Town as required for review of analyses, documents, and designs throughout the anticipated project duration. Kimley-Horn will develop a project work plan, conduct project administration, summarize the project schedule, and maintain the schedule for the project duration.

ADDITIONAL SERVICES

If authorized in writing by the City, Engineer will provide Additional Services of the types listed below:

- Location and Surveys (Topographic, Property)
- NC811 Utility Marking and Surveys
- Subsurface Utility Engineering
- Traffic Capacity Analysis
- Roundabout Layout and Design
- Public Meeting Materials and Attendance
- Monthly Conference Calls
- Temporary Drainage, Outfall Analysis
- Stormwater Management Plan
- HEC-RAS Model or Culvert Survey Report
- Conditional Letter of Map Revision or No Rise Certification
- Drafting Storm Drain Systems into Profiles

- Geotechnical and Geo-Environmental Design
- Utility Conflict Analysis and Coordination
- Wetland and Buffer Permit Drawings
- Environmental (401/404) Permits
- Transportation Management and Signing Plans
- Water and Sewer Relocation Design
- Water and Sewer Relocation and Incidental Design
- Right of Way Exhibit Preparation
- Right of Way and Easement Monumentation
- Right-of-way Appraisals, Negotiation, and Acquisition
- Contract Documents and Specifications
- Bid Phase Services
- Construction Phase Services
- Construction Materials Testing
- Shop Drawing and Submittal Review
- Record Drawings

EXHIBIT B

TASK LIST/FEE ESTIMATE

OLD AIRPORT ROAD WIDENING PROJECT

Task Numbers	Task	0	ld Airport Road
1	25% Preliminary Plans	\$	24,298.00
2	Hydraulic Design	\$	42,396.00
3	65% Plans	\$	12,508.00
4	Erosion Control Plans	\$	12,638.00
5	100% Construction Plans	\$	27,658.00
6	Meetings and Coordination	\$	6,842.00
	Expenses	\$	2,200.00
	Total	;\$;	128,540.00



Road Improvements to Old Airport Road & Trent Road RFQ Evaluation Rankings

NEW BERN		RFQ-RE	VIEWERS		The second secon
NORTH CAROLINA	Matt Montanye Director of Public Works	Krissy Culler Assistant City Manger	Jordan Hughes, PE City Engineer	Andrew Schneider, PE Streets Superintendent	TOTALSCORE
Kimley Horn & Associates	172	169	167	163	671
Zapata-UB	163	152	165	156	636
Draper Aden Associates	150	155	164	137	606
SEPI Enginering	132	138	164	162	3596
Bohler Engineering	139	149	146	129	7563
Parker and Associates	109	143	95	123	470

OLD AIRPORT ROAD - WIDENING PLAN 1

Widening Plan 1 consists of widening Old Airport Road to 32-feet from Taberna Way to Landscape Way. This width is more in line with the city's width requirements for major collectors and minor arterials streets.

The pavement would consist of (2) 12-foot travel lanes and (2) 4-foot paved shoulders. There would also be a 6-foot grassed shoulder on each side of Old Airport Road, which would allow vehicles to be on the side of the road while not interfering with traffic. This width is similar to South Glenburnie Road between Neuse Blvd. and Oaks Road.

The finished shoulder width would vary at different locations depending on the existing drainage swales.

Widening Plan 1 would incorporate turn lanes at the intersection of Old Airport Road and Thurman Road as recommended in the Traffic Impact Study performed in 2006 by Kimley-Horne and Associates of Raleigh, N.C. (See Appendix B). This would allow vehicles turning onto Thurman Road to stack up without interfering with regular traffic flow and would be similar to the existing turn lane on Landscape Drive (See Photo 6).

The width of the road for the turning lane located at Landscape Drive is approximately 36-feet, which would fit within the existing right-of-way.

Scope:

- Grading and reshaping the shoulders and drainage swales.
- Full depth patching with a final 2" resurfacing layer.
- Widening at full depth to match existing asphalt thickness (5").
- Relocating existing mailboxes.
- Restriping with thermoplastic.
- Remove and installing new drain tiles for access points.
- Replacing most of the drainage pipes underneath driveways.

OLD AIRPORT ROAD - WIDENING PLAN 2

Widening Plan 2 would consist of widening the Old Airport Road to 26' from Landscape Way to the existing bridge located just past the Evans Mill Subdivision. This width was determined from field inspections where we could achieve a width where we could minimize the amount of reconstruction impact to the shoulders and drainage swales while still noticing a difference in improved road widths.

This width is more in line with the city's width requirements for minor streets rather than major collectors and minor arterials streets.

The pavement would consist of (2) 11-foot travel lanes and (2) 2-foot paved shoulders. There would also be an 8-foot grassed shoulder on each side of Old Airport Road, which would allow vehicles to be on the side of the road while not interfering with traffic.

Scope:

- Grading and reshaping the shoulders and drainage swales.
- Full depth patching with a final 2" resurfacing layer.
- Widening at the full depth to match existing asphalt thickness (5").
- Relocating existing mailboxes.
- Restriping with thermoplastic.
- Remove and replacing a minimal number of drainage pipes at some access points.

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution to approve the Greenway Trial Easement between the City of New Bern and Pine Valley, LLC.

Date of Meeting May 8, 2018	Ward # if applicable Ward 4	<u> </u>
Department Development Services 🔽 🏻 p	Person Submitting Item: Gre	g McCoy
Call for Public Hearing ☐ Yes Ⅳ No	Date of Public Hearing	
Explanation of Item: As noted in the 2009 adopted Pedestria Greenway Easement to the City of New County Register of Deeds.	• • • • • • • • • • • • • • • • • • • •	•
Actions Needed by Board: Consider Adopting the Resolution.		
Is item time sensitive? Ves No		
Will there be advocates/opponents at	the meeting? Yes 🗹 No	
Backup Attached: Memo, Resolution, Greenway Trail Eas	ement, and Map.	
Cost of Agenda Item:		
If this item requires an expenditure, he certified by the Finance Director: \square		funds available and
Additional notes: See attached.		

Aldermen

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



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

Mark A. Stephens City Manager

MEMORANDUM

To:

Mayor Outlaw

City of New Bern Board of Aldermen

FROM:

Greg McCoy, CZO-

Land and Community Development Administrator

DATE:

April 30, 2018

SUBJECT: Adopt a resolution to approve a greenway trail easement between the

City of New Bern and Pine Valley, LLC.

The Board of Aldermen is requested, at its May 8, 2018 regular meeting, to adopt a resolution to approve a greenway trail easement between the City of New Bern and Pine Valley, LLC. The easement is part of the 2009 Adopted Pedestrian Plan. The greenway easement was placed as a condition of the Board of Adjustment for Pine Valley Apartments located at 1000 Pine Tree Drive.

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

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

That the Greenway Trail Easement bearing date May 8, 2018, by and between the City of New Bern and Pine Valley, LLC, copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute the same for and on behalf of the City.

ADOPTED THIS 8th DAY OF MAY 2018.

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

GREENWAY TRAIL EASEMENT

RETURN TO:	Blanco Tackabery & Matamoros, P.A. P.O. Drawer 25008					
DRAFTED BY:	Winston-Salem, NC 27114-5008 Deborah L. McKenney					
STATE OF NO	PRTH CAROLINA)					
COUNTY OF	CRAVEN)					
limited liability	GREENWAY TRAIL EASEMENT, entered into this day of, 2018, by and between PINE VALLEY, LLC, a North Carolina company ("Owner") and the CITY OF NEW BERN, a North Carolina oration (the "City").					
	RECITALS:					
entitled "Final	Owner is the owner of Lot 1 (the "Property") as shown on that certain plat Plat of Pine Valley Subdivision" recorded at Plat Cabinet I, Slides 79A on County Registry.					
	Owner desires to grant a greenway trail easement to the City for and maintenance of greenway trails on a portion of the Property, as more scribed herein.					
	THEREFORE, in consideration of the covenants and conditions, the fficiency of which are hereby acknowledged, the parties hereto agree as					

Owner does hereby establish, grant and convey to the City, for the benefit

of the public, a perpetual, non-exclusive greenway trails easement (the "Easement") over and across the area identified as "Proposed 20' Green Way Easement" (the "Easement

BTM:705397v1 1

Area") on that certain survey entitled "ALTA/ACSM Land Title Survey For Pine Valley, LLC" attached hereto as **Exhibit A** for the purpose of constructing and maintaining a greenway trail within the Easement Area. Once constructed by the City, members of the general public shall be entitled to access and use the greenway trail within the Easement Area, subject to the laws and ordinances of the City of New Bern, for walking, educational tours, hiking, bicycle riding and jogging. Dumping of trash, garbage or other materials within the Easement Area is prohibited.

- 2. The City agrees that Owner shall have no obligation for construction or maintenance of the greenway trail or the Easement Area, and that such construction and maintenance shall be at the sole cost and expense of the City. The City acknowledges that a portion of the Easement Area is within jurisdictional wetlands and agrees that it has the sole obligation to obtain all necessary approvals, consents and/or permits from the U.S. Army Corps of Engineers and any other necessary governmental agency prior to commencement of any work within such wetlands (the "Required Approvals"), such Required Approvals to be obtained at the sole cost and expense of the City. In addition, prior to the commencement of any such work, the City shall provide evidence of the receipt of the Required Approvals to the Owner.
- 3. Owner, for itself and its successors and assigns, does covenant to the City that it is the fee owner of the Easement Area and that it has the full right and authority to grant the foregoing Easement, and that it will warrant and defend the title to the Easement Area against lawful claims of all persons claiming by, through or under Owner, except for easements, encumbrances and restrictions of record

TO HAVE AND TO HOLD the Easement and all privileges and appurtenances thereunto belonging to the City and its successors and assigns forever.

[SEPARATE SIGNATURE PAGES FOLLOW]

2

BTM:705397v1

IN WITNESS WHEREOF, the parties have executed this Greenway Trail Easement as of the day and year first above written.

	PINE	VALLEY, LLC
	Ву:	Pine Valley Managing Member, LLC, managing member
	Ву:	Landmark Asset Services, Inc., managing member
	Ву:	Lisa A. Sari, President
STATE OF NORTH CAROLINA		
COUNTY OF FORSYTH		
I,State aforesaid, certify that Lisa A. Sari, by satisfactory evidence, personally cam is President of Landmark Asset Serv managing member of Pine Valley Man liability company, the managing membe liability company and that she, as Preexecuted the foregoing on behalf of said the purposes stated therein. WITNESS my hand and official seconds.	te before a rices, Inc. aging More of Pine esident, but corporate	me this day and acknowledged that she, a North Carolina corporation, the ember, LLC, a North Carolina limited Valley, LLC, a North Carolina limited being authorized to do so, voluntarily
My Commission Expires:		Notary Public
[Notarial Seal/Stamp]		

3

BTM:705397v1

CITY OF NEW BERN

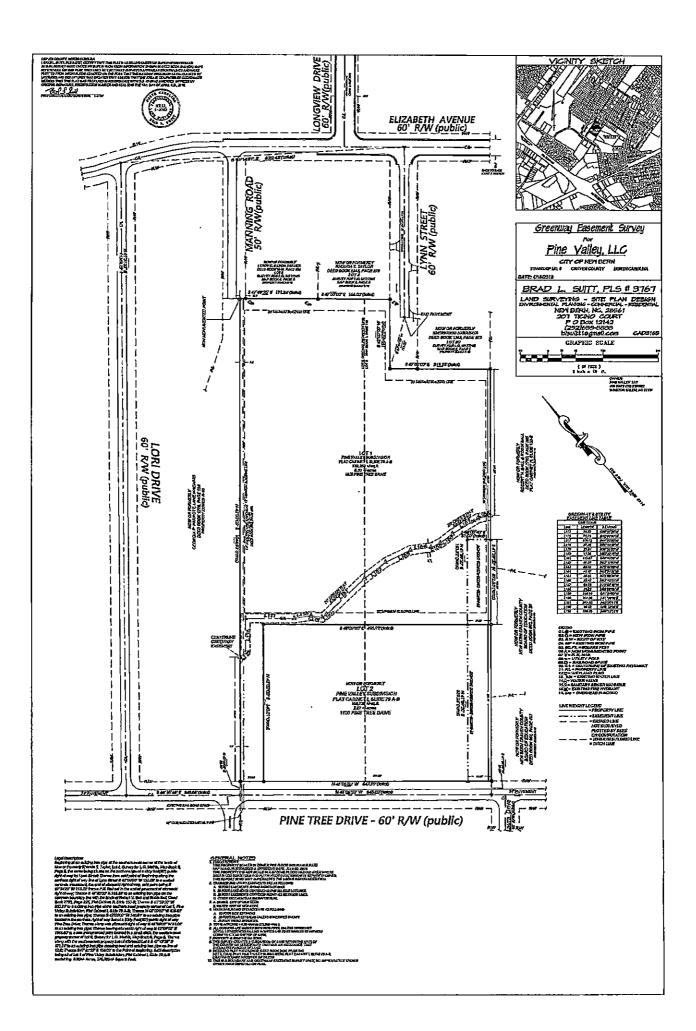
	Ву:
	Name:
	Title:
STATE OF NORTH CAROLINA	
COUNTY OF CRAVEN	
I,	, a Notary Public of the County and
State aforesaid, certify that	, a Notary Public of the County and, either being personally known to
me or proven by satisfactory evidence.	personally appeared before me this day and
acknowledged that (s)he is the	of the City of New Bern, a North as being I the foregoing on behalf of the City for the
Carolina municipal corporation, (s)he,	as being
purposes stated therein.	the foregoing on behalf of the City for the
purposes stated therein.	
WITNESS my hand and official sta	ump or seal, this of,
2018.	
	Notary Public
My Commission Expires:	
My Commission Expires.	
[Notarial Seal/Stamp]	

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EXHIBIT A

See attached.

BTM:705397v1 . 5



AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution Authorizing Filing of Application with LGC for Approval of Financing the Drainage Improvements Project and Garage Relocation Project

Date of Meeting 05/8/2018	Ward # if applicable N/A
Department Finance	Person Submitting Item: Joseph R. Sabatelli, CPA, Director of Finance
Call for Public Hearing Yes V No	Date of Public Hearing
Explanation of Item:	
	Drainage Improvements and Garage Relocation ed authorizing the filing of an application with the Local I of a financing agreement.
Actions Needed by Board: Adopt Resolution Authorizing Filing of Draining Improvement Project and Ga	Application with LGC for Approval of Financing the trage Relocation Project
Is item time sensitive? $\crewvert Yes \crewvert No.$ Will there be advocates/opponents a	<u></u>
Backup Attached:	
Memo from Director of Finance Resolution	
Cost of Agenda Item: \$1,250	
If this item requires an expenditure, certified by the Finance Director: \crewt	has it been budgeted and are funds available and]Yes No
Additional notes:	



Office of the Director of Finance

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

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

DATE: April 27, 2018

RE: Resolution Approving Submission of Application to LGC for Drainage Improvements

Project and Garage Relocation Project

Background

Pursuant to the Board's approval of the Garage Relocation Project, and previous approval of the Drainage Improvements Project, it is now necessary to submit an application to the North Carolina Local Government Commission (LGC) for its approval of the financing. This is required because the financing involves real property. Part of the approval process is the adoption of a resolution authorized by N.C. General Statute 160A-20.

We anticipate obtaining LGC approval at their June 5, 2018 meeting and closing on the loan shortly thereafter.

Requested Action

It is recommended that the Board adopt the Resolution authorizing the filing of an application for approval of a financing agreement authorized by N.C. General Statute 160A-20 at its meeting on May 8, 2018.

CITY OF NEW BERN

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the City of New Bern, North Carolina desires to finance its drainage improvements project and its garage relocation project (the "Project"). The drainage improvements project will include the repair and replacement of drainage infrastructure in various locations throughout the city. The central garage facility project includes relocating the city garage from its current location to the city's Neuse Boulevard location along with renovations to the existing structure. This financing will be refunded through an installment loan with PNC Bank at 3.34% interest for a 10 year period; and

WHEREAS, the City of New Bern, North Carolina desires to finance the Project by use of an installment contract authorized under North Carolina General Statue 160A, Article 3, Section 20; and

WHEREAS, the City of New Bern, North Carolina desired to begin making purchases prior to finalization of the financing agreement and adopted a Declaration of Official Intent to Reimburse on July 11, 2017 for the drainage improvements project and on April 24, 2018 for the garage relocation project; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the City of New Bern, North Carolina, meeting in regular session on the 8th day of May 2018, make the following findings of fact:

- 1. The proposed contract is necessary because the city is in need of drainage improvements throughout the city and is relocating the central garage in a strategic effort to better utilize existing city owned properties.
- 2. The proposed contract is preferable to a bond issue for the same purpose because the cost to issue general obligation bonds would be greater. The cost of the proposed Project exceeds the amount that can be prudently raised from currently available appropriations and unappropriated fund balances, and the City does not have any non-voted bonds that could be issued pursuant to Article V, Section 4, of the North Carolina Constitution (the "two-thirds limitation") to fund the project.
- 3. The sums to fall due under the contract are adequate to complete the Project and are not excessive for the proposed purpose based upon engineering estimates.

- 4. The City of New Bern's debt management procedures and policies are good because the City carries out policies in strict compliance with the law and will continue to provide adequate debt management as directed by the Local Government Commission.
- 5. No increases in ad valorem taxes will be necessary to meet debt obligations.
- 6. The City of New Bern is not in default in any of its debt service obligations.
- 7. The attorney for the City of New Bern has rendered an opinion that the proposed project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.
- 8. The probable net revenues of the project to be financed will be sufficient to meet the sums to fall due under the proposed contract.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to act on behalf of the City of New Bern in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

Т	This	resolutio	n is	effectiv	e upo	n its adoption	on this	s 8 th day	of N	May, 2018.	
Т	The	motion	to	•		resolution			-		
				, sec	conde	d by Aldern	nan				_ and passed by
a vote of	f	to	_								
		•									
								DANIA	T 0	T 1777 A 337 N. A	A VOD
ATTEST	Г:							DANA	E. O	UTLAW, M	AYUK
BRE	ND.	A E. BL	ANC	CO, CIT	Y CL	ERK					

AGENDA ITEM COVER SHEET

Agenda Item Title: Consider Adopting a Resolution Approving Audit Contract for Fiscal Year Ending June 30, 2018 Date of Meeting 5/8/2018 Ward # if applicable N/A

Department Finance Person Submitting Item: JR Sabatelli, Director of Fina...

If multiple, list:

Call for Public Hearing No Date of Public Hearing

Explanation of Item:

It is recommended that the City contract with Mauldin & Jenkins, LLC to perform the audit for Fiscal Year Ending June 30, 2018. Their fee to conduct this audit and prepare financial statements is \$36,000.

Actions Needed by Board:

Adopt Resolution and authorize execution of Contract to audit accounts.

Is item time sensitive? Yes

Will there be advocates/opponents at the meeting? Select...

Backup Attached:

Memo, Resolution, Contract to Audit Accounts, Engagement letter

Cost of Agenda Item: \$36,000

If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director: Yes

Additional notes:



Office of the Director of Finance

TO:

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

FROM:

JR Sabatelli, CPA – Director of Finance

DATE:

April 26, 2018

RE:

Fiscal Year Ending June 30, 2018 Audit Contract

Background

North Carolina General Statutes (G.S.) 159-34 requires each governmental until to have an annual independent audit and specifies the general terms and conditions of the audit. The firm of Mauldin & Jenkins, LLC performed our audit for Fiscal Year Ending June 30, 2017.

Please consider this request for the Board of Aldermen to authorize the Mayor to execute a contract (copy enclosed) with the firm of Mauldin & Jenkins, LLC to audit our accounts for the fiscal year ending June 30, 2018. The contract fee is \$ \$36,000 and includes all major programs. For reference, prior year auditing fees were \$ 34,000.

Requested Action

The Board adopt a resolution naming Mauldin & Jenkins, LLC as the audit firm for the City of New Bern for fiscal year ending June 30, 2018 at a cost not-to-exceed \$36,000, and authorize the Mayor to execute a contract for the same.

RESOLUTION

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

That the "Contract to Audit Accounts" by and between the City of New Bern and Mauldin & Jenkins, LLC, a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the Mayor be and he is hereby authorized and directed to execute the same for and on behalf of the City.

ADOPTED this 8th day of May, 2018.

BRENDA E. BLANCO, CITY CLERK

DANA E. OUTLAW, MAYOR

SEAL

CONTRACT TO AUDIT ACCOUNTS

Primary Government Unit			
n/a			
	Discre	etely Presented Component Unit (DI	PCU) if applicable
	On this 23rd	day of April	, 2018
Au	ditor: Mauldin & Jenkins, PLLC	Auditor Mailin	g Address: 200 Galleria Parkway
Atla	anta, Georgia 30339		Hereinafter referred to as The Auditor
and	Board of Aldermen	(Governing Board(s)	of City of New Bern
			(Primary Government)
and	1 n/a (Discretely Presented Compon		o as the Governmental Unit(s), agree as follows:
1.	The Auditor shall audit all statements and disclosures required by accounting principles generally accepted in the United States of America (GAAP) and additional required legal statements and disclosures of all funds and/divisions of the Governmental Unit (s) for the period beginning July 1 , 2017 , are ending June 30 , 2018 . The non-major combining, and individual funds statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financist statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiducial fund types).		
2	At a minimum, the Auditor sh	all conduct his/her audit and rend	ler his/her report in accordance with

- 2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with a uditing standards generally accepted in the United States of America. The Auditor shall perform the audit in accordance with Government Auditing Standards if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards, (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board). County and Multi-County Health Departments: The Office of State Auditor will require Auditors of these Governmental Units to perform agreed upon procedures (AUPs) on eligibility determination on certain programs. Both Auditor and Governmental Unit agree that Auditor shall complete and report on these AUPs on Eligibility Determination as required by Office of the State Auditor (OSA) and in accordance with the instructions and timeline provided by OSA.
- 3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's Auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 §600.42.
- 4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the SLGFD staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances.

 Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

n/a

Discretely Presented Component Unit (DPCU) if applicable

5. If this audit engagement is subject to the standards for audit as defined in Government Auditing Standards, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he has met the requirements for a peer review and continuing education as specified in Government Auditing Standards. The Auditor agrees to provide a copy of their most recent peer review report regardless of the date of the prior peer review report to the Governmental Unit and the Secretary of the LGC prior to the execution of the audit contract. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to Government Accounting Standards or if financial statements are not prepared in accordance with GAAP and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment.

- 6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to the SLGFD within four months of fiscal year end. Audit report is due on: 10/31/2018. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.
- 7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the AICPA Professional Standards (Clarified). The Auditor shall file a copy of that report with the Secretary of the LGC.
- 8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoices shall be sent via upload through the current portal address: https://nctreasurerslgfd.leapfile.net. Subject line should read "Invoice [Unit Name]. The PDF invoice marked 'approved' with approval date shall be returned by email to the Auditor to present to the Governmental Unit for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
- 9. In consideration of the satisfactory performance of the provisions of this contract, the Primary Government shall pay to the Auditor, upon approval by the Secretary of the LGC, the fee, which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. (Note: Fees listed on Fees page.). This does not include fees for any Pre-Issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item #12).
- 10. If the Governmental Unit has outstanding revenue bonds, the Auditor shall submit to the SLGFD either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to the SLGFD simultaneously with the

n/a

Discretely Presented Component Unit (DPCU) if applicable

Governmental Unit's audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

- 11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the fiscal year end.
- 12. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to the SLGFD. The pre-issuance review report shall accompany the audit report upon submission to the SLGFD.
- 13. The Auditor shall electronically submit the report of audit to the SLGFD as a text-based PDF file when (or prior to) submitting the invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the SLGFD by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit report Reissuance form. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings, by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit without subsequent consent of the Auditor. If the SLGFD determines that corrections need to be made to the Governmental Unit's financial statements, those corrections shall be provided within three days of notification unless another deadline is agreed to by the SLGFD.

If the OSA designates certain programs to be audited as major programs, as discussed in item #2, a turnaround document and a representation letter addressed to the OSA shall be submitted to the SLGFD.

The SLGFD's process for submitting contracts, audit reports and invoices is subject to change. Auditors shall use the submission process in effect at the time of submission. The most current instructions will be found on our website: https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx

- 14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be varied or changed to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.
- 15. If an approved contract needs to be amended for any reason, the change shall be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee. This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted through the audit contract portal to the Secretary of the LGC for approval. The portal address to upload the amended contract is https://nctreasurerslgfd.leapfile.net. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

Contract to Audit Accounts (cont.) City of New E
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n/a

Discretely Presented Component Unit (DPCU) if applicable

- 16. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit shall be attached to the contract, and by reference here becomes part of the contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item #23 of this contract. Engagement letters containing indemnification clauses shall not be accepted by the SLGFD.
- 17. Special provisions should be limited. Please list any special provisions in an attachment. See attached Engagement Letter
- 18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the parent government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.
- 19. The contract shall be executed, pre-audited, physically signed by all parties including Governmental Unit and the Auditor and then submitted in PDF format to the Secretary of the LGC. The current portal address to upload the contractual documents is https://nctreasurerslgfd.leapfile.net. Electronic signatures are not accepted at this time. Included with this contract are instructions to submit contracts and invoices for approval as of November 2017. These instructions are subject to change. Please check the NC Treasurer's web site at https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx for the most recent instructions.
- 20. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.
- 21. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
- 22. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.
- 23. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted: (See Item 16 for clarification).
 - Number 22, because Auditor does not have 25 or more employees in the State of North Carolina.

SIGNATURE PAGES FOLLOW FEES PAGE

Contract to Audit Accounts (cont.)

City of New Bern

Primary Government Unit

n/a

Discretely Presented Component Unit (DPCU) if applicable

FEES - PRIMARY GOVERNMENT	
AUDIT: \$ 36,000	
WRITING FINANCIAL STATEMENTS: \$	
ALL OTHER NON-ATTEST SERVICES: \$	
For all non-attest services the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and <i>Governmental Auditing Standards</i> (as applicable). Bookkeeping and other non-attest services necessary to perform the audit shall be included under this contract. However, bookkeeping assistance shall be limited to the extent that the Auditor is not auditing his or her own work or making management decisions. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience necessary to oversee the services and accept responsibility for the results of the services. Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. The Auditor shall maintain written documentation of his or her compliance with these standards in the audit work papers.	
Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee.	
75% of the prior year audit fee. The 75% cap for interim invoice approval for this audit contract is \$\frac{27,000}{** NA if there is to be no interim billing}	
** NA if there is to be no interim billing	
FEES - DPCU (IF APPLICABLE)	
AUDIT: \$ -	
WRITING FINANCIAL STATEMENTS: \$	
WRITING FINANCIAL STATEMENTS: \$	
For all non-attest services the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and <i>Governmental Auditing Standards</i> (as applicable). Bookkeeping and other non-attest services necessary to perform the audit shall be included under this contract. However, bookkeeping assistance shall be limited to the extent that the Auditor is not auditing his or her own work or making management decisions. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience necessary to oversee the services and accept responsibility for the results of the services. Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. The Auditor shall maintain written documentation of his or her compliance with these standards in the audit work papers.	
For all non-attest services the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and <i>Governmental Auditing Standards</i> (as applicable). Bookkeeping and other non-attest services necessary to perform the audit shall be included under this contract. However, bookkeeping assistance shall be limited to the extent that the Auditor is not auditing his or her own work or making management decisions. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience necessary to oversee the services and accept responsibility for the results of the services. Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. The Auditor shall	

** NA if there is to be no interim billing

n/a	
Discretely Presen	ted Component Unit (DPCU) if applicable
Communication regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below. Audit Firm Signature: Mauldin & Jenkins, PLLC Name of Audit Firm By Adam M. Fraley	PRE-AUDIT CERTIFICATE: Required by G.S. 159-28 (a) This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.
Authorized Audit firm representative name: Type or print Signature of authorized audit film representative Date 4/23/18 afraley@mjcpa.com	By Joseph R. Sabatelli, Director of Finance Primary Government Unit Finance Officer: Type or print name .
Email Address of Audit Firm	Primary Government Finance Officer Signature Date_May, 2018
Governmental Unit Signatures: <u>City of New Bern</u> Name of Primary Government By Dana E. Outlaw, Mayor Mayor / Chairperson: Type or print name and title	sabatellij@newbern-nc.org Email Address of Finance Officer
Date May 8, 2018 By N/A Chair of Audit Committee - Type or print name	Date Primary Government Governing Body Approved Audit Contract - G.S. 159-34(a)
** Signature of Audit Committee Chairperson Date	May 8, 2018

Contract to Audit Accounts (cont.) City of New Bern

Please provide us the most current email addresses available as we use this information to update our contact database

Contract to Audit Accounts (cont.) City of New Bern	
Primary Governm	nent Unit
n/a	
Discretely Present	ted Component Unit (DPCU) if applicable
•	
** This page to only be completed by Discret	ely Presented Component Units If Applicable **
Communication regarding audit contract requests for	
modification or official approvals will be sent to the	PRE-AUDIT CERTIFICATE: Required by G.S. 159-28
email addresses provided in the spaces below.	(a)
DPCU Governmental Unit Signatures:	This instrument has been pre-audited in the manner
	required by The Local Government Budget and Fiscal
Name of Discreetly Presented Component Unit	Control Act or by the School Budget and Fiscal Control
	Act.
Ву	
DPCU Board Chairperson: Type or print name and title	
	By
Signature of Chairperson of DPCU governing board	DPCU Finance Officer:
	Type or print name
Date : "	
	DPCU Finance Officer Signature
By	Date
Chair of Audit Committee - Type or print name	(Pre-audit Certificate must be dated.)
**	
Signature of Audit Committee Chairperson	Email Address of Finance Officer
Date ** If Governmental Unit has no audit committee, mark this section "N/A"	
** If Governmental Unit has no audit committee, mark	
this section "N/A"	Date DPCU Governing Body Approved Audit
	Contract - G.S. 159-34(a)

Please provide us the most current email addresses available as we use this information to update our contact database

n/a

Discretely Presented Component Unit (DPCU) if applicable

Steps to Completing the Audit Contract

- Complete the header information If a DPCU is subject to the audit requirements found in the Local Government
 Budget and Fiscal Control Act and a separate report is being issued for that DPCU, a separate audit contract for the
 DPCU is required. If a separate report is not being issued for the DPCU it is being included in the Primary
 Government's audit the DPCU shall be named with the Primary Government on the audit contract for the
 Primary Government. The Board Chairperson of the DPCU shall sign the audit contract in addition to the elected
 leader of the Primary Government.
- 2. Item No. 1 Complete the period covered by the audit
- 3. Item No. 6 Fill in the audit due date. For Governmental Unit (s), the contract due date can be no later than 4 months after the end of the fiscal year, even though amended contracts may not be required until a later date.
- 4. Item No. 8 If the process for invoice approval instructions changed, the Auditor should make sure he and his administrative staff are familiar with the current process. Instructions for each process can be found at the following link. https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx
- 5. Item No. 9 Please note that the new fee section has been moved to page 5.
- 6. Item No. 16 Has the engagement letter been attached to the contract that is being submitted to SLGFD?
 - a. Do the terms and fees specified in the engagement letter agree with the Audit contract? "In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence."
 - b. Does the engagement letter contain an indemnification clause? The audit contract shall not be approved if there is an indemnification clause refer to LGC Memo # 986.
- 7. Complete the fee section for BOTH the Primary Government and the DPCU (if applicable) on the fees page; please note:
 - The cap on interim payments is 75% of the current audit fee for services rendered if the contracted fee amount is a fixed amount. If any part of the fee is variable, interim payments are limited to 75% of the prior year's total audit fee. If the contract fee is partially variable, we shall compare the authorized interim payment on the contract to 75% of last year's actual approved total audit fee amount according to our records. There is a report of audit fees paid by each governmental unit on our web site:

 https://www.nctreasurer.com/slg/lfm/audit_acct/Pages/default.aspx select "audit fees"
 - Please call or email Lorna Hodge at 919-814-4299 <u>lorna.hodge@nctreasurer.com</u> if you have any questions about the fees on this list.
 - For variable fees for services, are the hourly rates or other rates clearly stated in detail? If issued separately in an addendum, has the separate page been acknowledged in writing by the Governmental Unit?

Primary Government Unit not applicable

Discretely Presented Component Unit (DPCU) if applicable

- For fees for services that are a combination of fixed and variable fees, are the services to be provided for the fixed portion of the fee clearly stated? Are the hourly rates or other rates clearly stated for the variable portion of the fee? (Note: See previous bullet point regarding variable fees.)
- If there is to be no interim billing, please indicate N/A instead of leaving the line blank.
- 8. Signature Area There are now 2 Signature Pages: one for the Primary Government and one for the DPCU. Plcase only send the page(s) that are applicable to your Unit of Government and do not include the instructions pages. Make sure all signatures have been obtained, and properly dated. The contract shall be approved by Governing Boards pursuant to G.S. 159-34(a). If this contract includes the audit for a DPCU that is a Public Authority that falls under the Local Government Budget and Fiscal Control Act, it shall be named in this contract and the Board Chairperson of the DPCU also shall sign the contract in the area indicated. If the DPCU is filing a separate audit, a separate audit contract is required for that DPCU.
- 9. Please place the date the Primary Government's Governing Board and the DPCU's Governing Board (if applicable) approved the audit contract in the space provided.
 - a. Please make sure that you provide email addresses for the audit firm and finance officer as these will be used to communicate official approval of the contract.
 - b. Has the pre-audit certificate for the Primary Government (and the DPCU if applicable) been signed and dated by the appropriate party?
 - c. Has the name and title of the Mayor or Chairperson of the Unit's Governing Board and the DPCU's Chairperson (if applicable) been typed or printed on the contract and has he/she signed in the correct area directly under the Auditor's signature?
- 10. If the Auditor is performing an audit under the yellow book or single audit rules, has year-end bookkeeping assistance been limited to those areas permitted under the revised GAO Independence Standards? Although not required, we encourage Governmental Units and Auditors to disclose the nature of these services in the contract or an engagement letter. Fees for these services should be shown in the space indicated on the fees page.
- 11. Has the most recently issued peer review report for the audit firm been included with the contract? This is required if the audit firm has received a new peer review report that has not yet been forwarded to us. The audit firm is only required to send the most current Peer Review report to us once not multiple times.
- 12. After all the signatures have been obtained and the contract is complete, please convert the contract and all other supporting documentation to PDF. When submitting for approval send the documents as one PDF file to include the Audit contract, any applicable addendums, the engagement letter and Peer Review Report. Submit these documents using the most current submission process which can be obtained at the NC Treasurer's web site

https://www.nctreasurer.com/slg/Audit%20Forms%20and%20Resources/Instructions%20for%20Contract%20Submission.pdf

13. If an audit cannot be completed by the due date, the Auditor or Governmental Unit shall file an Amended Contract form (Amended LGC-205). This form shall be signed by the Governmental Unit representative and the Auditor. The explanation for the delay in completing the audit is part of this contract amendment form and shall be provided. The parties that signed the original audit contract shall sign the amended contract form as well. If the signing representatives are unable to sign the amended contract, please include an explanation for this in the submitted amended contract form.



Report on the Firm's System of Quality Control

To the Shareholders of Mauldin & Jenkins, LLC and the National Peer Review Committee:

We have reviewed the system of quality control for the accounting and auditing practice of Mauldin & Jenkins, LLC (the firm), applicable to engagements not subject to PCAOB permanent inspection, in effect for the year ended May 31, 2017. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under Government Auditing Standards, including compliance audits under the Single Audit Act; audits of employee benefit plans, an audit performed under FDICIA, and examinations of service organization's SOC 1 and SOC 2 engagements.

As part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Mauldin & Jenkins, LLC applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended May 31, 2017, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of pass, pass with deficiency(ies) or fail. Mauldin & Jenkins, LLC has received a peer review rating of pass.

PBMares, LLP

PBMares, LLP October 30, 2017



April 23, 2018

Honorable Mayor and Members of the Board of Aldermen City of New Bern, North Carolina 300 Pollock Street New Bern, North Carolina 28563

Attn: Mr. JR Sabatelli, Director of Finance and Mr. Mark Stephens, City Manager

We are pleased to confirm our understanding of the services we are to provide the City of New Bern, North Carolina (the City) for the year ended June 30, 2018. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the City of New Bern, North Carolina as of and for the year then ended. These statements will include the budgetary comparison information for the General Fund. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1. Management's Discussion and Analysis (MD&A).
- 2. Law Enforcement Officers' Special Separation Allowance Schedule of Funding Progress.
- 3. Local Government Employees' Retirement System Schedule of the City's Proportionate Share of the Net Pension Liability.
- 4. Local Government Employees' Retirement System Schedule of City Contributions.
- 5. Other Post-employment Benefits Schedule of Changes in the Net OPEB Liability and Related Ratios.
- 6. Other Post-employment Benefits Schedule of City Contributions.

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

- 1. Schedule of expenditures of federal awards.
- 2. Combining and individual fund statements.
- 3. Supplemental ad valorem tax schedules.

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, we have no responsibility for determining whether such other information is properly stated, and our auditor's report will not provide an opinion or any assurance on that other information:

- 1. Introductory section
- 2. Statistical section

Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on -

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

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



that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the Members of the Board of Aldermen for the City of New Bern, North Carolina. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements or the Single Audit compliance opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue reports, or may withdraw from this engagement.

Management Responsibilities

Management is responsible for the financial statements, schedule of expenditures of federal awards, and all accompanying information as well as all representations contained therein.

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

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance, (3) additional information that we may request for the purpose of



the audit, and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

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

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

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

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains



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

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

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

Audit Procedures-General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or



governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

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

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

Audit Procedures-Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to Government Auditing Standards.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to



render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

Audit Procedures—Compliance

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

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

Other Services

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

Audit Administration, Fees, and Other

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form



and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditors' reports or nine months after the end of the audit period.

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

The audit documentation for this engagement is the property of Mauldin & Jenkins and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Mauldin & Jenkins personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

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

We expect to begin our audit on approximately August 27, 2018 and to issue our reports no later than October 31, 2018. Adam Fraley is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be \$36,000 for the year ended June 30, 2018. Our hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered as work progresses and are payable upon presentation. The above fees are based on anticipated cooperation from your personnel (including complete and timely receipt by us of the information on the respective client participation listings) and the assumption that unexpected circumstances (including scope changes) will not be encountered during the audit. If significant additional time is necessary, we will discuss it with management and arrive at a new fee estimate before we incur the additional costs.

As a result of our prior or future services to you, we might be requested or required to provide information or documents to you or a third party in a legal, administrative, arbitration, or similar proceeding in which we are not a party. If this occurs, our efforts in complying with such requests will be deemed billable to you as a separate engagement. We shall be entitled to compensation for our time and reasonable reimbursement for our expenses (including legal fees) in complying with the request. For all requests we will observe the confidentiality requirements of our profession and will notify you promptly of the request.



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

Sincerely,

MAULDIN & JENKINS, LLC

RESPONSE:

This letter correctly sets forth the understanding of the City of New Bern, North Carolina
Ву:
Title:



AGENDA ITEM COVER SHEET

Agenda Item Title:
Consider Adopting an Ordinance to Amend Section 66-85 of Chapter 66 "Streets, Sidewalks and Other Public Places"

Date of Meeting 05/08/18	Ward # if applicable N/A
Department Administration	Person Submitting Item: Mark Stephens
Call for Public Hearing ☐ Yes 🗹 No	Date of Public Hearing
Explanation of Item:	
This ordinance amends the list of city. Twin Rivers YMCA event and to chan	-sponsored events to reflect a minor name change in the age the event month for the Bridge Run.
Actions Needed by Board: Consider approval	
Is item time sensitive? Ves N	
Will there be advocates/opponents	at the meeting? Yes 🗹 No
Backup Attached:	
Ordinance & Memo	
Cost of Agenda Item:	
If this item requires an expenditure certified by the Finance Director :	, has it been budgeted and are funds available and Yes
Additional notes:	

AN ORDINANCE TO AMEND SECTION 66-85 "DEFINITIONS" OF CHAPTER 66 "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES" OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN

THAT WHEREAS, the Director of Parks and Recreation of the City of New Bern recommends that an amendment be made to Section 66-85 "Definitions" of Chapter 66 "Streets, Sidewalks and Other Public Places" of the Code of Ordinances of the City of New Bern; and

WHEREAS, the Board of Aldermen of the City of New Bern deems it advisable and in the public interest to effect said revision to Section 66-85 "Definitions" of Chapter 66 "Streets, Sidewalks and Other Public Places" of the Code of Ordinances of the City of New Bern.

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

SECTION 1. That Section 66-85 "Definitions" of Chapter 66 "Streets, Sidewalks and Other Public Places" of the Code of Ordinances of the City of New Bern be and the same is hereby amended by deleting the definition of *City-sponsored event* and inserting in its stead the following:

"City-sponsored event means the following events:

George Washington's Southern Tour

Name of Event

Month of Event

April"

Beary Merry Christmas	November-December
Christmas Parade	December
City's New Year's Eve Celebration	December
Martin Luther King, Jr. Parade	January
Shriners Parade	January
Neuse River Senior Games	April
Duffest	May
Antique Car Show	May
Twin Rivers YMCA 5K & 10K	May
Neuse River Days	June
Vision Forward	August
MS Bike Tour	September
Crop Walk	October
MumFest	October
Bridge Run	March
Ghost Walk	October
Library Book Sale (2 times per year)	March/October
National Night Out	August
Relay for Life	April

SECTION 2. This ordinance shall be effective f	rom and after the date of its adoption.
ADOPTED THIS 8 th DAY OF MAY, 2018.	
DANA E.	OUTLAW, MAYOR
BRENDA E. BLANCO, CITY CLERK	

Brenda Blanco

From:

gary kenefick <ctkid1948@yahoo.com>

Sent:

Tuesday, April 24, 2018 1:18 PM

To:

Brenda Blanco

Subject:

Neuse River Bridge Run

Brenda,

Thank you very much for your help and information when we spoke a few minutes ago. The Neuse River Bridge Run has changed and will be held every March. We plan to maintain an annual March-to-March schedule for this event.

Again, thank you for your help. Please let me know if you need more or other information.

Have a great day.

Gary Kenefick Chairperson, Neuse River Bridge Run 252-617-8705 http://www.bridgerun.org



Neuse River Bridge Run

The annual Neuse River Bridge Run takes place in historic New Bern, North Carolina. Featuring several race optio...

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To Whom It May Concern,

The TWIN RIVERS YMCA (The Eastern Carolina Young Men's Christian Association), would like to change the name of our spring city sponsored event. The current name of the event is YMCA Healthy Kids Run. We would like for it to be changed to YMCA 5k &10k.

Sincerely,
TWIN RIVERS YMCA

Marissa Zinni Race Director TWIN RIVERS YMCA mzinni@trymca.org 252-638-8799

The Y: We are for Youth Development, Healthy Living and Social Responsibility.

TWIN RIVERS YMCA 100 YMCA Lane New Bern NC 28560 P 252 638 8799 F 252 638 3871 trymca.org

AGENDA ITEM COVER SHEET

Consider Adopting Amendment to the FY2017-18 General Fund Operating Budget

Agenda Item Title:

Additional notes:

Date of Meeting 04/24/2018	Ward # if applicable N/A
Department Finance	Person Submitting Item: JR Sabatelli, CPA, Director of Finance
Call for Public Hearing Yes No	Date of Public Hearing
Explanation of Item:	
This amendment is to appropriate \$30,000 to Parks & Recreation to cover expenses related to the maintenance and repair to Kidsville Playground. Additionally, this amendment appropriates \$62,000 to Public Works for expenses related to the replacement of hardware associated with the City Hall clock tower. These will be funded through fund balance appropriated.	
Actions Needed by Board:	
Adopt budget amendment	
Is item time sensitive? ☐ Yes ✓ No	
Will there be advocates/opponents a	at the meeting?□Yes ☑No
Backup Attached:	
Memo from Director of Finance Memo from Director of Parks & Recreation Memo from Director of Public Works Budget Amendment	
Cost of Agenda Item: \$92,000	
If this item requires an expenditure, certified by the Finance Director:	has it been budgeted and are funds available and]Yes No



Office of the Director of Finance

TO:

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

FROM:

J.R. Sabatelli, CPA – Director of Finance

DATE:

April 27, 2018

RE:

Amendment to the FY2017-18 General Fund Operating Budget

General Fund

The enclosed amendment increases appropriations to Parks & Recreation by \$30,000 to cover initial expenses related to the maintenance and repair of Kidsville playground. Please see the attached memo from Foster Hughes, Director of Parks & Recreation, for additional information. This amount will be funded through appropriated fund balance.

Additionally, this amendment increases appropriations to Public Works by \$62,000 for the replacement of hardware associated with the City Hall clock tower. Please see the attached memo from Matt Montayne, Director of Public Works, for additional information. This amount will be funded through appropriated fund balance.

Requested Action

It is requested that the Board adopt the budget amendment at its meeting on May 8, 2018.



Aldermen

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

Family, fitness and fun come together here

Foster Hughes, CPRE Director of Parks & Recreation



Dana E. Outlaw Mayor

Mark A. Stephens City Manager

To: J.R. Sabatelli, Director of Finance

From: Foster Hughes, CPRE - Director of Parks and Recreation

Re: Kidsville Playground

Date: April 27, 2018

The Kidsville Playground, which is located at Seth West Parrott Park is currently closed due to maintenance and repair concerns. The wooden structure is approximately 24 years old.

In order to begin the process of completely assessing this playground and starting the maintenance/repair process, we are requesting a budget amendment in the amount of \$30,000.

Please let me know if you have any questions.



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

April 26, 2018

Memo to:

Joseph Sabatelli, Director of Finance

From:

Matt Montanye, Director of Public Works Souther 1/94/18
City Hall Clock To-

Re

The City of New Bern Public Works Department is requesting that funds be allocated for the replacement of the hardware associated with the City Hall Clock Tower. Verdin Services installed the existing clock movements in 1974 and has continued to service the clock tower for the past 44 years. With parts now becoming obsolete we are now at a point where one side of the clock is not operational and a second side is not functioning properly.

Verdin Services has provided the City with a quote to replace all of the clocks hardware, including upgrading the clock with daylight savings time technology for \$38,814.30 with an LED option of \$61,648.12. These costs would include utilizing the existing clock face, clock hands and bell.

For your use I have included a copy of the quote from Verdin Services and if you have any questions please feel free to give me a call.

CITY OF NEW BERN, NORTH CAROLINA REQUESTED AMENDMENT TO Fiscal Year 2017-2018

FROM: JR Sabatelli, CPA, Director of Finance	Meeting Date:	May 8, 2018		
EXPLANATION:				
This amendment increases appropriations to maintenance and repair of Kidsville playgrou Public Works by \$62,000 for the replacemen amounts will be funded with an increase in form	nd. Additionally, this amendment it of hardware associated with the C	ncreases appropriations to		
BE IT ORDAINED BY THE BOARD OF ALDERMI 2017-2018 Annual Budget ORDINANCE IS AN		TTHE		
Section 1 - Appropriations				
Schedule A - GENERAL FUND Increase: Recreation Parks & Grounds Increase: Public Works Public Buildings		\$ 30,000 \$ 62,000 \$ 92,000		
Section 2 - Estimated Revenues				
Schedule A - GENERAL FUND Increase: Fund Balance Appropriated		\$ 92,000		
NATURE OF TRANSACTION: ADDITIONAL REVENUE AVAILABLE TRANSFER WITHIN ACCOUNTS OF				
X OTHER: APPROPRIATION OF F				
APPROVED BY THE BOARD OF ALDERMEN AND ENTERED ON MINUTES DATED MAY 8, 2018 AGENDA ITEM NUMBER				
	BRENDA E. BLANCO, CITY CLERK			

PROPOSED

TOWER CLOCK TIMEPIECE WITH OPTION FOR RETROFIT LED LIGHTS

DESIGN, DEVELOPMENT, AND FABRICATION AGREEMENT

FOR

CITY OF NEW BERN NEW BERN, NC

UPDATED AND REVISED APRIL 11, 2018

SUBMITTED BY STACEY DICKERSON, AREA MANAGER



CITY OF NEW BERN – NEW TOWER CLOCK TIMEPIECE AND LIGHTING RETROFIT

The Verdin Company is pleased to submit this proposal and scope of work for the installation of replacement tower clock movements. As America's most experienced tower clock manufacturer, operated and managed by the Verdin family for 175 years, The Verdin Company is uniquely qualified to provide City of New Bern, New Bern, NC with the finest and most accurate tower clocks in the industry. Verdin installed the existing clock movements when we renovated the City Hall clock in 1974.

Verdin installed its first product, a tower clock, in 1842 at Old St. Mary's Church in Cincinnati, Ohio. When Francois de Sales Verdin, one of the original founders, turned the business over to his son, Alois Nicholas Verdin, he began a tradition of successfully passing the business from one generation to the next.

Six generations of Verdin family members have been dedicated to creating the finest bells, clocks and carillons that have become cherished legacies for years to come. This experience has been gained from the more than 50,000 installations throughout North America; and the understanding of customer requirements, how our products are utilized, and the value our customers place on the tower clocks. We are responsible and accountable directly to our customers. Verdin manufactures, sells, and services its products directly, never through dealers or third party resellers.

Verdin has distinguished itself by blending innovative technology with superior customer service. Creating fine timepieces has been the hallmark of Verdin's clock business since the company's founding in 1842. Clocks are individually designed and built to meet every customer's specific desire.

If you've noticed a magnificent timepiece gracing a city square, courthouse, university or business center, there's a good chance it has a Verdin name on it. Verdin builds and installs clocks in airports, amusement parks, churches, hotels, restaurants, freestanding towers and shopping centers. Clocks add elegance and stature to any building or tower.

What Makes a Verdin Clock Better?

- Verdin clocks are built in our factory by skilled technicians and craftsmen who have accrued decades of experience.
- Verdin clocks are waterproof and windproof and are built to withstand extreme climate conditions.
- Verdin clocks conform to ANSI/UL standards and come with optional preventative maintenance assurance that other companies do not offer.
- Verdin's durable timepieces are accurate to within one minute per year.
- Verdin backlighting is the highest quality in the industry. Verdin clocks light up like a full moon never any shadows.
- Verdin's factory-trained installation and service teams are unparalleled in the industry.

DESIGN, DEVELOPMENT, AND FABRICATION AGREEMENT

This Design, Development, and Fabrication Agreement for one central drive timepiece with 4-way distribution gearing cluster, universal joints, couplings, drive rods, skates, dial gears for the lighted hands, re-hubbing of existing clock hands, and clock, bell, and light controls for the four existing 15 ft. diameter clock dials of the tower clock, at City of New Bern, New Bern, NC (this "Agreement") is made and effective April 11, 2018 by and between THE VERDIN COMPANY, an Ohio corporation located at 444 Reading Road, Cincinnati, Ohio 45202 ("Verdin") and City of New Bern, New Bern, NC ("Purchaser").

<u>Tower Clock Movements.</u> Verdin Clock Equipment, for one central drive timepiece, will be constructed in the following manner:

- 1. Clock Movements. One Heavy-duty, central drive clock timepiece will be provided. The timepiece will be driven by a totally enclosed, high torque, hysteresis type motor and included 4-way distribution gearing cluster to transmit the drive to each clock dial. Universal joints, Couplings, drive rods, and dial gears will be provided for each dial face. The drive shafts for the hour and minute hand will be sized appropriately for the installation. The dial gears will include electrical transmission capability to the light fixtures integrated into the clock hands. All parts of the motor drive systems will utilize corrosion-free gearing and self lubricating type bearings. The modern design of the Verdin movement provides for long life and virtually maintenance free operation. Verdin clock movements are extremely accurate and are not subject to frequency variations of the incoming line.
- 2. Clock Hands. Verdin will modify and re-use the existing clock hands. The clock hands will be removed by Verdin personnel and transported to the Verdin Factory to be retrofitted to the new drive shafts. Verdin will replace the hand hubs and make any other adjustments as required, then balance appropriately, prior to re-installation. The existing lighting fixtures will be removed and replaced with new LED lighting assemblies, described below. This proposal does not include any touchup or re-painting of the clock hands. The customer will be required to provide scaffolding, lifts, or crane to facilitate access and removal and reinstallation of the hands at the job site.
- 3. Clock Dials. Verdin will utilize the existing clock dials in place. This proposal does not include any repair, replacement, or painting of the exiting clock dials.
- <u>5. Clock and Bell Controller</u>. This electronic device will be the primary user interface and will allow simple and reliable operation of your clock, lighting, and bell ringing system. This controller will provide the signals to the existing bell ringing equipment in place in the tower.

The digital bell controller 870 module is designed to control both stationary bells and swinging bells, clocks and lights. The driver boards will be furnished with the stationary bell solenoid strikers. The striker price will include these driver boards. Driver boards

are solid state devices which will convert to 220 VAC to approximately 200 VDC through a bridge rectifier to operate the D. C. solenoids. Each driver board is equipped with an automatic cut-out circuit. The automatic cut-out circuit will be activated by any short circuit in a solenoid, rectifier, or if the circuit should cause the solenoid to be ON more than three continuous minutes. After the defect has been corrected, there is a re-set button to place the driver unit back into operation. For swinging bells, the driver boards, as used with stationary bells, will be replaced with solid state relays, one for each bell.

- A. Dimensions: 13.0" L x 7.5" H x 2.25" D. The modules are metal and will be painted in matte black/ gold finish. Keypad operation can be inhibited via a user pass code. The electrical current requirement will be 1 amp at 115 volts AC. The output control voltage is 12 volts DC.
- B. The all new Digital Bell Controller 870 is furnished as a shelf mounted unit or a wall mounted unit where required. The time will be adjusted <u>unattended</u> in the Spring and the Fall of the year (to accommodate Daylight Savings Time).
- C. The enclosure will contain basic components for operation of the bell(s) as follows:
 - 1. Parent solid state control board.
 - 2. 1 Push Button for instant toll. (Each time the instant toll button is depressed, the largest bell of system will strike one blow.)
 - 3. 1 Stop Button (used to stop any bell function.)
 - 4. 1 Fuse block.
 - 5. 1 AC power cord.
 - 6. Cover panels and labels.
 - 7. Plug in for output control wires.
 - 8. 5 Quick start buttons
- D. The Verdin DBC 870 Bell Controller is a micro-processor directed program control system comprising a highly accurate crystal-controlled clock with a digital time base program memory, programming keypad and display, and required input and output interfacing especially designed for the control of bell ringing schedules. This system can also operate and tower clock synchronization, and time-strike functions, if these functions have been ordered for this installation.
- E. The control system maintains accurate present time in accordance with internal crystal-controlled time base. One or more independent program control channels may be provided, which shall be used to control assigned bell ringing function(s). Program times may be programmed at any minute interval of the day, and a given time of operation may be on each day of the week or on one or more days only. For daily operation at a given time, only one program instruction is required. The DBC 870 has 10,000 program points.
- F. In case of power failure, internal time base is maintained by means of internal backup batteries (which are constantly kept charged when normal power is available). A programming electronic key-code is provided to prevent unauthorized use. All program times are held in Non Volatile flash memory that does not require a battery.
- G. All initial time setting and bell ringing schedule programming is done by means of a simple, twenty character touch keypad mounted on the panel with associated alpha/numeric display. Programming is simplified with easily understood prompts being furnished to the user at all steps during programming or setting.

- H. The system is provided with fully automatic daylight saving time set feature. At any time a time change is to occur, the master clock will then set itself automatically to the new time (and will at the same time reset any tower clock(s) that may be controlled by this system to the new time).
 - 1. **Doppler.** This solid state device is designed to simulate the effect of a swinging bell through the use of a stationary bell striker. The modular printed circuit board is provided with three (3) adjustments for regulating tempo or rate of striking, regulating alternate hard/soft strikes and for regulating rhythm; thus all functions may be adjusted for the weight of the bell to be struck.
 - 2. Funeral Toll. The largest bell in the tower is controlled by the microprocessor to toll one (1) blow each ten (10) seconds. Depressing the toll switch one (1) time allows the bell to toll continuously until the stop switch is depressed or for five (5) minutes, with automatic shut off.
 - 3. Hour and Half-Hour Strike. This microprocessor-controlled time strike system shall be included as a part of the Master Program Controller. The mode of operation is as follows:
 - a) The proper number of each hour will be struck on the bell being controlled, (at a standard rate of one strike each three seconds), at all hours when the hour strike is programmed to be in operation.
 - b) One strike on the bell will mark the half hour, if the system is programmed to do so. The unit can be programmed to omit striking at any desired hour, half-hour, or range of hours.
- I. Interface: The interface is necessary for the conversion of low voltage triggers to operate high voltage equipment.
- J. Tower Clock Interface: A tower clock interface will be provided for the automatic control of the tower clock equipment.

Bell Ringing Equipment. This proposal does not address the existing cast bell, bell hardware, or electro-mechanical bell ringing equipment in the clock tower, other than providing ring control of the electro-mechanical bell ringing equipment.

Terms and Conditions

<u>Delivery.</u> Verdin will select and contract a carrier for transportation of the Tower Clock Equipment and all components thereof to the jobsite. Upon receipt of order, down payment in accordance with terms delineated below and customer approved shop drawings, the above listed equipment shall be shipped within 120 to 150 days. Transportation costs are included in the total pricing listed below.

<u>Verdin Installation</u>. Verdin shall provide the labor and tools necessary to complete installation, complete programming for all electronic control Products supplied by Verdin; and perform a final check-off of all Products to confirm proper working order; provided, however, that Purchaser shall provide at its own expense Purchaser Installation Responsibilities below.

Purchaser Installation Responsibilities. Purchaser shall be responsible for providing at its own expense the following items and services required to perform the installation: (i) off-loading and safe storage of the Products at the Job Site; (ii) sufficient access (exterior or interior) to the area in which the Products will be installed, including safe ladders or lift equipment; (iii) construction of any platforms, bracing, or other support required to safely secure the area in which the Products will be installed; (iv) design, engineering, and construction of a concrete foundation required for a tower, including provision of mounting bolts according to Verdin's specifications; (v) any cranes, lifts, or hoists required to move or install the Products; (vi) all necessary electrical wiring in accordance with specifications furnished by Verdin, including all final connections to terminal strips, striker leads, mounting of electrical panels, or splicing of wires; (vii) any permits, licenses, or stamps of engineering approval, and (viii) any necessary civil, structural, or electrical engineering services.

Limited Warranty. Verdin warrants the Tower Clock Products to be free from defects in materials and workmanship for the periods shown below after the date of installation, provided the Tower Clock and it components are maintained in accordance with instructions provided by Verdin. To the extent permitted by applicable law, for each product, Purchaser's exclusive remedy and Verdin's exclusive liability for any loss, damage, or destruction resulting from any non-conformity of any shipment made by Verdin to Purchaser under this Agreement from any defects in the Tower Clock within the warranty period will be limited strictly to the repair or replacement, at Verdin's discretion, of any nonconforming or defective materials upon examination of such by Verdin. Verdin shall have a reasonable time to repair or replace any nonconforming materials, including the time for the manufacture of replacement of such materials. THIS WARRANTY IS IN LIEU OF ANY AND ALL OTHER WARRANTIES, EXPRESS OR IMPLIED.

Tower Clock: 3 years Control Equipment: 3 years

NO EVENT SHALL VERDIN BE LIABLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES WHATSOEVER, INCLUDING, WITHOUT LIMITATION, DAMAGES FOR ECONOMIC LOSS OR LOSS OF PROFITS SUFFERED OR INCURRED BY PURCHASER IN CONNECTION WITH ANY BREACH OF THIS AGREEMENT BY VERDIN EVEN IF PURCHASER HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

<u>Liability for Negligence</u>. Neither party shall be responsible for personal injury or property damage or loss except that resulting from its own negligence or the negligence of those within its control or employ.

<u>Change Orders</u>. Verdin, in its discretion, may accept any additions, deletions, or changes to this Agreement without invalidating this Agreement, provided that all such changes are authorized by a written amended purchase order signed by Purchaser and Verdin (the "Change Order"). Such Change Order shall specify any additional charges (or credits) to the Customer

and the payment terms for such charges. The Change Order shall become effective only upon acceptance by Verdin.

Governing Law. The parties agree that any dispute or default arising from this Agreement shall be governed by the laws of the State of Ohio.

Force Majeure. To the extent permitted by applicable law, Verdin shall not be liable for any loss or damage, including consequential loss, from the failure wholly or in part to fulfill the terms of this Agreement by reason force majeure, including labor strike, lock-out, trade dispute, fire, drought, flood, bad weather, interruption of transport, restriction by Government or other competent authority, destruction of premises, plant or machinery failure, shortage of power supplies, or inability to obtain adequate supplies.

<u>Pricing.</u> The Verdin Company offers the City of New Bern, New Bern, NC all of the equipment and services, including transportation and handling, for the for one central drive timepiece with 4-way distribution gearing cluster, universal joints, drive rods, dial gears, and clock controls for the four existing clock dials of the tower clock, at City of New Bern, New Bern, NC, as described above, for a total of:

LIST PRICE \$36,360.00 Equipment and Services

\$ 2,454,30 Taxes \$38,814.30 Total

Payment terms are as follows:

\$19,407.15 Deposit with Order

\$19,407.15 Upon Installation of Equipment

Offer Term. This offer is valid and in effect until July 31, 2018.

Entire Agreement. This Agreement constitutes the entire understanding between the parties and supersedes all prior negotiations or representations, either written or oral.

Respectfully Offered,	Accepted by,	
April 11, 2018	Date:	
floor Hakam_		
Stacey A. Dickerson		
Area Manager	Name:	
The Verdin Company		
Cincinnati, OH	Title	
	City of New Bern	
	New Bern, NC	

OPTION FOR RETROFIT LED LIGHTS

The following additional equipment may be included with this proposal for the price listed below. If the option is accepted the listed price will be added to the pricing detailed above and the payment terms adjusted proportionally. All other terms and conditions remain unchanged.

Add LED Light Assemblies. Verdin will fabricate new replacement light fixtures for each of the eight clock hands, as well as, new replacement light fixtures at each of the hour mark locations on the four clock dials. Verdin will conduct a site survey to determine the dimensions of the current light assemblies/fixtures to design for dimensional fit and anchoring to the substrate on the hands and dials. The customer will be required to provide scaffolding, lifts, or crane to facilitate access and removal of the exiting light fixtures and installation of the new light fixtures at the job site.

The assemblies themselves will consist of a weather resistant can, made of either aluminum or stainless steel, painted to match the color of the dial or hand to which it will be attached. The front to be white translucent acrylic, unless another color is chosen by the customer, and illuminated with internally mounted LED's, of the color specified by the customer. Customer will have final approval of the colors used for the exterior of the fixtures canister, the translucent acrylic cover, and the LED lights used.

	Added Price for LED Lighting	Option:	\$21,390.00	
	New Total Proposal LIST PR	NCE:	\$57,570.00 \$ 3,898.12 Taxes \$61,648.12 Total	
	New Payment Terms:		\$30,824.06 Deposit with Order \$30,824.06 Upon Installation	
Option Offer Term. This offer is valid and in effect until July 31, 2018.				
Sign option acceptance or rejection as appropriate:				
Option Accep	oted:	Option Rej	ected:	



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

TO:

Alderman Johnnie Ray Kinsey

FROM:

Morgan Potts, AICP

City Planner

DATE:

April 19, 2018

SUBJECT: Historic Preservation Commission Appointment

Alderman Kinsey,

HPC Commissioner Nancy Gray has relocated from the City of New Bern, and the Historic Preservation Commission currently has a vacancy to be filled. Ms. Gray has served two terms with distinction, and her appointment was set to expire May 15, 2018. You are requested to nominate a replacement to fill this important vacancy on the Historic Preservation Commission. An appointment is limited to a 3-year term with a maximum of two consecutive terms of office. To aid in the selection process, the City Clerk maintains a file of interested applicants and their resumes.

The Historic Preservation Commission is a "quasi-judicial" administrative board consisting of nine members. The Commission's major responsibilities are to monitor and protect the City's valuable historic and cultural resources. Appointees must have demonstrated special interest, experience or education in history, architecture, archeology or similarly related fields. The Historic Preservation Commission meets twice each month; first in an informal design review at 5:30 p.m. on the first Wednesday of the month and second in a full regular meeting on the third Wednesday of the month at 5:30 p.m. Members must be able and willing to commit the necessary time and energy to carry out the responsibilities required for the position and must attend approximately two hour meetings twice a month and as otherwise needed. It is strongly recommended that whoever is appointed have a strong background in, and familiarity with New Bern's Historic Districts and is capable of allotting the necessary time and effort to historic preservation.

To nominate the person of your choice, please provide the contact information to the City Clerk for inclusion on the Board's next meeting agenda. If you have questions or need additional information, please contact me at 639-7583.

Everything comes together here.



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

TO: Alderman Jameesha Harris

FROM: Morgan Potts, AICP

City Planner

DATE: April 19, 2018

SUBJECT: Historic Preservation Commission Appointment

Alderman Harris,

HPC Commissioner Tripp Eure's second term of office as a member of the City of New Bern Historic Preservation Commission expires May 15, 2018. Mr. Eure has served two terms with distinction, and may not be reappointed at this time. You are requested to nominate a replacement to fill this important vacancy on the Historic Preservation Commission. An appointment is limited to a 3-year term with a maximum of two consecutive terms of office. To aid in the selection process, the City Clerk maintains a file of interested applicants and their resumes.

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