

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
FEBRUARY 26, 2019 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

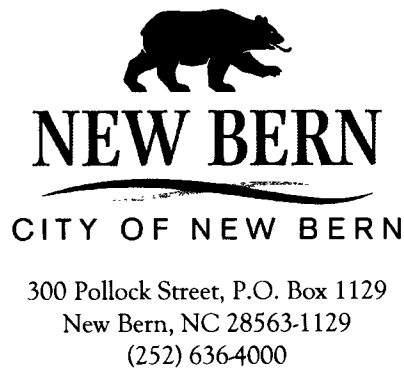
1. Meeting opened by Mayor Dana E. Outlaw. Prayer Coordinated by Mayor Outlaw. Pledge of Allegiance.
2. Roll Call.

Consent Agenda

3. Consider adopting a Resolution Calling for a Public Hearing to Rezone 4526 US Highway 17 South.
4. Approve Minutes.

5. Presentation of the Comprehensive Annual Financial Report.
6. Update on Resiliency Plan.
7. Consider Adopting a Resolution to Initiate the Upset Bid Process for 1620 National Avenue.
8. Consider Adopting a Resolution Approving a Contract with James L. Cayton Utilities, Inc. of New Bern, NC for Infrastructure Improvements.
9. Consider Adopting an Ordinance Amendment to Division 2 (Police Civil Service Board) of Article IV of Chapter 2 of the Code of Ordinances.
10. Appointment(s).
11. Attorney's Report.
12. City Manager's Report.
13. New Business.
14. Closed Session.
15. Adjourn.

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



Dana E. Outlaw
Mayor

Mark A. Stephens
City Manager

Memo to: Mayor and Board of Aldermen

From: Mark A. Stephens, City Manager

Date: February 22, 2019

Re: February 26, 2019 Agenda Explanations

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

Consent Agenda

3. **Consider adopting a Resolution Calling for a Public Hearing to Rezone 4526 US Highway 17 South.**

John Thomas of Thomas Engineering has requested 2.40+/- acres located at 4526 US Highway 17 South be rezoned from R-20 Residential District to C-3 Commercial District. The property is further identified as Tax Parcel 8-206-079, which is located in the City's extraterritorial jurisdiction. It is requested a public hearing be held on March 12, 2019 at 6 p.m. to consider this request. A memo from Morgan Potts, City Planner, is attached.

4. **Approve Minutes.**

Minutes from the February 12, 2019 work session and February 12, 2019 regular meeting are provided for review and approval.

5. Presentation of the Comprehensive Annual Financial Report.

Copies of the Comprehensive Annual Finance Report (“CAFR”) and Auditor’s Discussion and Analysis were previously distributed to the Board. A representative from Mauldin & Jenkins, the firm that performed the City’s audit, will be present to discuss the findings of the CAFR and audit. This report will also be made available on the City’s website on February 27, 2019.

6. Update on Resiliency Plan.

The City Manager will provide an update on the City’s efforts with respect to a resiliency plan and the hiring of a consultant.

7. Consider Adopting a Resolution to Initiate the Upset Bid Process for 1620 National Avenue.

(Ward 1) In July of 2016, after being vacated by Parks and Recreation’s administrative staff, the Board declared the City’s property at 1620 National Avenue as surplus property. A minimum reserve bid of \$85,000 was established. The property has since received substantial damage as a result of Hurricane Florence. An insurance payout is anticipated in the amount of \$65,833. Freddie Mercer has submitted an offer of \$15,000 to purchase the property in its current condition. If this resolution is approved, the offer will be duly advertised as required by state statute. If no upset bids are received and the property is sold for \$15,000, the City will receive approximately \$80,833 from the proceeds of the sale and the insurance funds. A memo from Brenda Blanco, City Clerk, is attached.

8. Consider Adopting a Resolution Approving a Contract with James L. Cayton Utilities, Inc. of New Bern, NC for Infrastructure Improvements.

(Ward 1) Aging water and sewer infrastructure is being replaced on Johnson Street between Craven and East Front Streets and King Street between Craven Street and Edgerton Drive. Once the infrastructure has been replaced, the streets will be resurfaced. The improvements will eliminate deteriorated mains and service lines, increase the reliability of the domestic water supply, reduce the potential for sewer backups, and improve drainage in the project area. Bids for this project were sought and obtained. After reviewing the bids, James L. Cayton Utilities, Inc. of New Bern, NC had the lowest bid at \$635,320. It is requested the contract be awarded to this bidder. A memo from Jordan Hughes, City Engineer, is attached.

9. Consider Adopting an Ordinance Amendment to Division 2 (Police Civil Service Board) of Article IV of Chapter 2 of the Code of Ordinances.

The City’s charter was amended in 2016, at which time changes were made in part to the section regarding the Police Civil Service Board. It has since been discovered the ordinance addressing the Police Civil Service Board was not

amended to reflect the charter changes. By adopting this ordinance, the charter and Code of Ordinances will be consistent.

10. Appointment(s).

- (a) Raymond Layton's second term on the Planning and Zoning Board has expired, and he is ineligible for reappointment. Alderman Kinsey is requested to make a new appointment to fill this vacancy. The new appointee shall serve a three-year term.
- (b) Carol Williams' second term on the Planning and Zoning Board has expired, and she is ineligible for reappointment. Alderwoman Harris is requested to make a new appointment to fill this vacancy. The new appointee shall serve a three-year term.
- (c) Rose Williams' appointment on the New Bern Appearance Commission expired February 8, 2019. She is eligible for reappointment, or a new appointment can be made to allow others an opportunity to serve. Mayor Outlaw is asked to make an appointment to serve a three-year term. The ordinance provides appointees shall be residents of the City's planning and zoning jurisdiction and shall, when possible, have had special training or experience in a design field such as architecture, landscape design, horticulture, city planning, or a closely-related field.
- (d) Mattie Tatum's appointment on the New Bern Appearance Commission will expire February 22, 2019. She is eligible for reappointment, or a new appointment can be made to allow others an opportunity to serve. Alderman Bengel is asked to make an appointment to serve a three-year term. The ordinance provides appointees shall be residents of the City's planning and zoning jurisdiction and shall, when possible, have had special training or experience in a design field such as architecture, landscape design, horticulture, city planning, or a closely-related field.

11. Attorney's Report.

12. City Manager's Report.

13. New Business.

14. Closed Session.

15. Adjourn.

AGENDA ITEM COVER SHEET

Agenda Item Title:

To call for a public hearing to consider amending the official zoning map.

Date of Meeting 02/26/2019

Ward # if applicable N/A

Department Development Services

Person Submitting Item: Morgan Potts

Call for Public Hearing ☒ Yes ☐ No

Date of Public Hearing 3/12/2019

Explanation of Item:

The Board of Aldermen is requested to call for a public hearing to be held on March 12, 2019, for the purpose of consideration of a rezoning request for 4526 US Highway 17 South. The property is further identified as Craven County Parcel Identification Numbers 8-206-079.

Actions Needed by Board:

Adoption of a resolution calling for a public hearing to be held on March 12, 2019, to consider rezoning 1 parcel, consisting of 2.40 +/- acres from R-20 Residential District to C-3 Commercial District, located at 4526 US Highway 17 South. The property is further identified as Craven County Parcel Identification Numbers 8-206-079.

Is item time sensitive? ☒ Yes ☐ No

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

Backup Attached:

Memo, site map, resolution to call for a public hearing.

Cost of Agenda Item: 0

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

Additional notes:

The parcel is located in the City's Extraterritorial Jurisdiction. The applicant has requested a C-3 Commercial zoning for the parcel for the purpose of the establishment of an office building. The Planning & Zoning Board reviewed this request and voted unanimously to recommend approval of the requested rezoning.



MEMORANDUM

TO: Mayor Outlaw and Board of Aldermen

FROM: Morgan Potts, AICP
City Planner

DATE: February 14, 2019

SUBJECT: Call for a Public Hearing to consider a rezoning request for Craven County Parcel ID #8-206-079 from R-20 Residential District to C-3 Commercial District

Background

The Board of Aldermen is requested to hold a call for a public hearing to be held on March 12, 2019 at 6:00 p.m., or as soon thereafter as possible, to consider a request by John Thomas of Thomas Engineering, to rezone 2.40 +/- acres from R-20 Residential District to C-3 Commercial District, located at 4526 US Highway 17 South. The property is further identified as Craven County Parcel ID #8-206-079. The site is located in the City's Extraterritorial Jurisdiction.

Recommendation

To hold a call for a public hearing to be held on March 12, 2019 at 6:00 p.m., to consider a request by John Thomas of Thomas Engineering, to rezone 2.40 +/- acres from R-20 Residential District to C-3 Commercial District, located at 4526 US Highway 17 South. The property is further identified as Craven County Parcel ID #8-206-079. Staff has no concerns with this rezoning request.

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

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

WHEREAS, the Board of Aldermen of the City of New Bern desires to call for a public hearing to receive public comments on a request to rezone 2.40 +/- acres from R-20 Residential District to C-3 Commercial District, located at 4526 US Highway 17 South. The property is further identified as Craven County Parcel Identification Numbers 8-206-079.

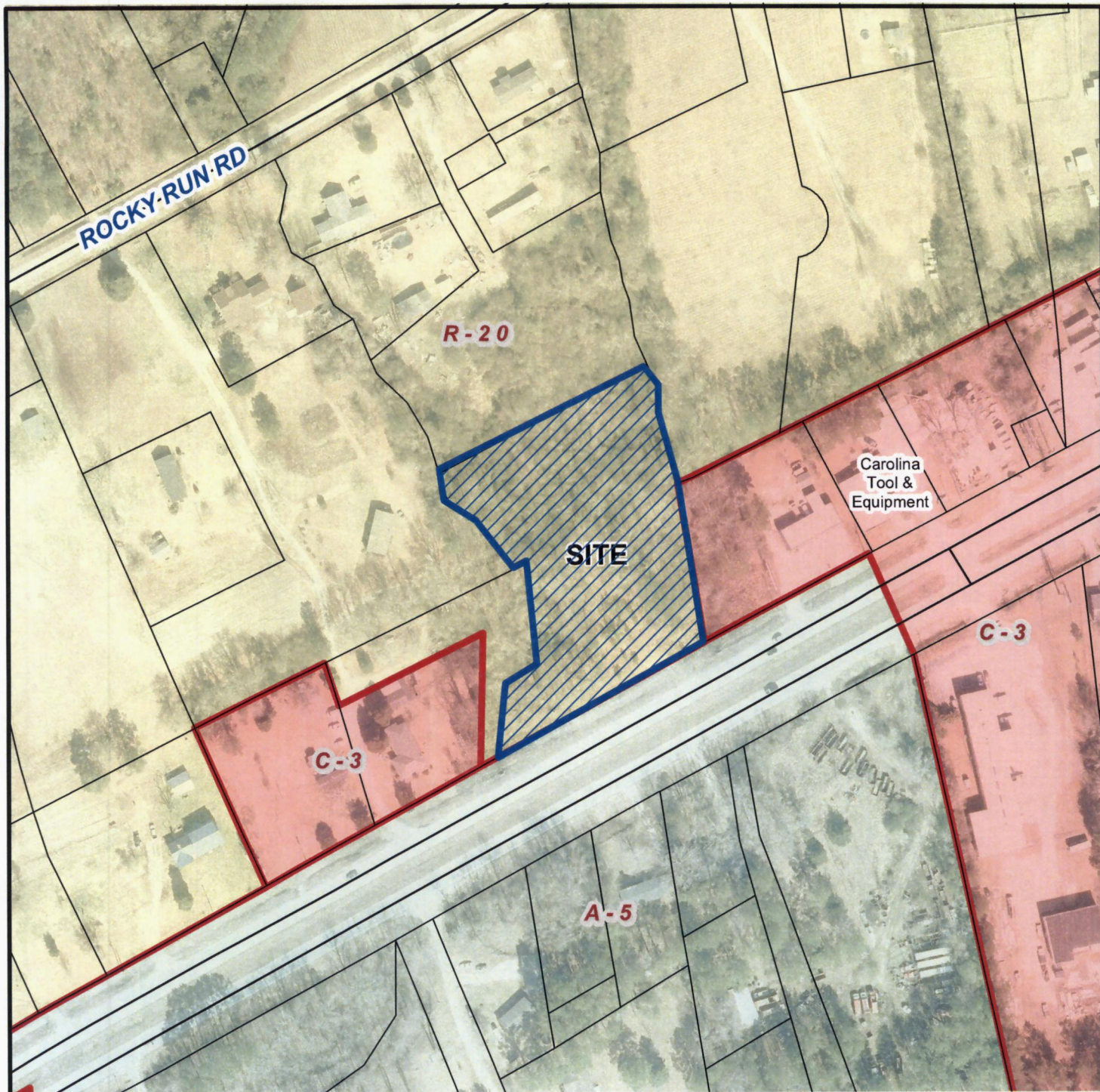
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That a public hearing will be conducted by the Board of Aldermen of the City of New Bern at 6:00 PM on Tuesday, March 12, 2019 in the City Hall Courtroom, or as soon thereafter as the matter may be reached, in order that all interested parties may be given an opportunity to be heard on a request to rezone 2.40 +/- acres from R-20 Residential District to C-3 Commercial District, located at 4526 US Highway 17 South. The property is further identified as Craven County Parcel Identification Numbers 8-206-079.

ADOPTED THIS THE 26th DAY OF FEBRUARY, 2019.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK



REZONING ZONING CASE: 4526 US 17 HWY. S (Moffett) - 2.38 Acres: PID: 8-206-079

LOCATION: North side fo US 17 Highway S. (ETJ Area) between Rocky Run Rd.



Existing Zone: R-20
Proposed Zone: C-3

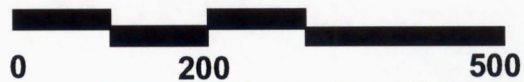


Zoning Boundaries

Imagery Early 2016

N CITY of NEW BERN
Development
Services

Scale: 1 = 200 ft



AGENDA ITEM COVER SHEET

Agenda Item Title:

Presentation of the Comprehensive Annual Financial Report and Audit for Fiscal Year Ending June 30, 2018

Date of Meeting 2/26/19

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:

A representative from Mauldin & Jenkins will discuss the CAFR and Audit for the fiscal year ending June 30, 2018

Actions Needed by Board:

None - Informational Purpose Only

Is item time sensitive? ☐ Yes ☒ No

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

Backup Attached:

The Comprehensive Annual Financial Report and Auditor's Discussion & Analysis has been provided to the Board members and will be posted to the City's website on February 27, 2018.

Cost of Agenda Item: N/A

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

Additional notes:

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution to Initiate the Upset Bid Process for 1620 National Avenue

Date of Meeting 02/26/19

Ward # if applicable Ward 1



Department City Clerk



Person Submitting Item: Brenda Blanco

Call for Public Hearing ☐ Yes ☒ No

Date of Public Hearing

Explanation of Item:

City-owned property located at 1620 National Avenue was declared as surplus in July of 2016. A minimum reserve bid was established at \$85,000. Recently, the property was substantially damaged during Hurricane Florence. An insurance payout is anticipated in the amount of \$65,833. Freddie Mercer has submitted an offer of \$15,000 for purchase of the property in its current condition.

Actions Needed by Board:

Consider adopting a resolution initiating the upset bid process.

Is item time sensitive? ☐ Yes ☒ No

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

Backup Attached:

Memo, resolution, offer to purchase, map of property

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:

Aldermen

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



Dana E. Outlaw
Mayor

Mark A. Stephens
City Manager

Memorandum

TO: Mayor and Board of Aldermen

FROM: Brenda Blanco, City Clerk *BBlanco*

DATE: February 18, 2019

SUBJECT: Offer to Purchase 1620 National Avenue (former Parks and Recreation Administrative Building)

On July 12, 2016, the Board of Aldermen adopted a resolution declaring the real property located at 1620 National Avenue as surplus and making it available for purchase pursuant to the upset bid process. A minimum reserve of \$85,000 was established for bids.

This property was substantially damaged during Hurricane Florence, and an insurance payout is anticipated in the amount of \$65,833. Freddie Mercer has submitted an offer of \$15,000 for the purchase of the property in its current condition. The Board is asked to consider this initial offer for the purpose of initiating the upset bid process. If no additional bids are received and the property is sold for the amount of this offer, the combined proceeds to the City will be approximately \$80,833.

/beb

RESOLUTION

THAT WHEREAS, the City of New Bern owns certain real property identified as 1620 National Avenue, Craven County parcel identification number 8-016-078; and

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

WHEREAS, the City has received an offer to purchase the above described property in the amount of \$15,000.00, submitted by Freddie and Rebecca Mercer; and

WHEREAS, Freddie and Rebecca Mercer have paid the required five percent (5%) deposit on the offer.

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

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

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

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

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

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

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

Section 7. The terms of the final sale are:

(a) The Board of Aldermen must approve the final high offer before the sale is closed, which it may do within thirty (30) days after the final upset bid period has passed; and

(b) The buyer must pay with cash at the time of closing.

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

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

ADOPTED THIS 26th DAY OF FEBRUARY, 2019.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

NORTH CAROLINA

OFFER TO PURCHASE AND CONTRACT

CRAVEN COUNTY

Freddie Mercer, as Buyer, hereby offers to purchase and CITY OF NEW BERN, as Seller, upon acceptance of said offer, agrees to sell and convey, all of that plot, piece or parcel of land described below (hereafter referred to as the "Property"), upon the following terms and conditions:

1. **REAL PROPERTY:** Located in or near the City of New Bern, Craven County, North Carolina, being known as and more particularly described as:

Street Address: 1620 National Ave

Subdivision Name: Riverside

Tax Parcel ID No.: 08-016-078

Plat Reference: _____

Being all of that property more particularly described in Deed Book 501, Page 349 in the Craven County Registry.

2. **PURCHASE PRICE:** The purchase price is \$ 15,000 and shall be paid as follows:

(a) \$ 750, EARNEST MONEY DEPOSIT with this offer by ☐ cash ☐ bank check ☒ certified check to be held by Seller until the sale is closed, at which time it will be credited to Buyer, or until this contract is otherwise properly terminated. In the event this offer is not accepted, then all earnest monies shall be refunded to Buyer. In the event of breach of this contract by Seller, all earnest monies shall be refunded to Buyer upon Buyer's request. In the event of breach of this contract by Buyer, then all earnest monies shall be forfeited to Seller upon Seller's request, but such forfeiture shall not affect any other remedies available to Seller for such breach.

(b) \$ 14,250, BALANCE of the purchase price in cash or readily available funds at Closing.

3. **CONDITIONS:**

(a) This contract is not subject to Buyer obtaining financing.

(b) The Property must be in substantially the same or better condition at Closing as on the date of this offer, reasonable wear and tear excepted.

(c) The Property is being sold subject to all liens and encumbrances of record, if any.

(d) Other than as provided herein, the Property is being conveyed "as is".

(e) This contract is subject to the provisions of G.S. §160A-269. Buyer acknowledges that this contract is subject to certain notice provisions and the rights in others to submit upset bids in accordance therewith.

(f) Title shall be delivered at Closing by QUITCLAIM DEED

4. **SPECIAL ASSESSMENTS:** Seller makes no warranty or representation as to any pending or confirmed governmental special assessments for sidewalk, paving, water, sewer, or other improvements on or adjoining the Property, or pending or confirmed owners' association special assessments. Buyer shall take title subject to all pending assessments, if any.

5. **PAYMENT OF TAXES:** Any ad valorem taxes to which the Property is subject shall be paid in their entirety by Buyer.

6. **EXPENSES:** Buyer shall be responsible for all costs with respect to any title search, title insurance, recording of the deed and its legal fees. Seller shall pay for preparation of a deed and all other documents necessary to perform Seller's obligations under this agreement, and for any excise tax (revenue stamps) required by law.

7. **EVIDENCE OF TITLE:** Not Applicable.

8. **CLOSING:** Closing shall be defined as the date and time of recording of the deed. All parties agree to execute any and all documents and papers necessary in connection with Closing and transfer of title within thirty (30) days of the granting of final approval of the sale by the City of New Bern's Board of Aldermen pursuant to G.S. §160A-269. The deed is to be made to

Freddie + Rebecca Mercer.

9. **POSSESSION:** Unless otherwise provided herein, possession shall be delivered at Closing.

10. **PROPERTY INSPECTION, APPRAISAL, INVESTIGATION:**

(a) This contract is not subject to inspection, appraisal or investigation, as the Property is being bought "as is." Seller makes no representation as to water, sewer, conditions, title, access, or fitness for any intended use.

(b) **CLOSING SHALL CONSTITUTE ACCEPTANCE OF THE PROPERTY IN ITS THEN EXISTING CONDITION.**

11. **RIGHT OF ENTRY, RESTORATION AND INDEMNITY:** Buyer and Buyer's agents and contractors shall not have the right to enter upon the Property for any purpose without advance written permission of the Seller. If such permission is given, Buyer will indemnify and hold Seller harmless from all loss, damage, claims, suits or costs, which shall arise out of any contract, agreement, or injury to any person or property as a result of any activities of Buyer and Buyer's agents and contractors relating to the Property. This indemnity shall survive this contract and any termination hereof.


12. **OTHER PROVISIONS AND CONDITIONS:** (ITEMIZE ALL ADDENDA TO THIS CONTRACT AND ATTACH HERETO.): None.

Buyer Initials FM RM Seller Initials _____

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

BUYER:

(If an individual)

 Rebecca Mercer (SEAL)
Name: Freddie + Rebecca Mercer
Date: 12/27/18
Address: 2207 Oakview Dr.
New Bern, NC 28562
Phone: (252) 617-0527

(If a business entity)

By: _____ (SEAL)
Its: _____
Address: _____

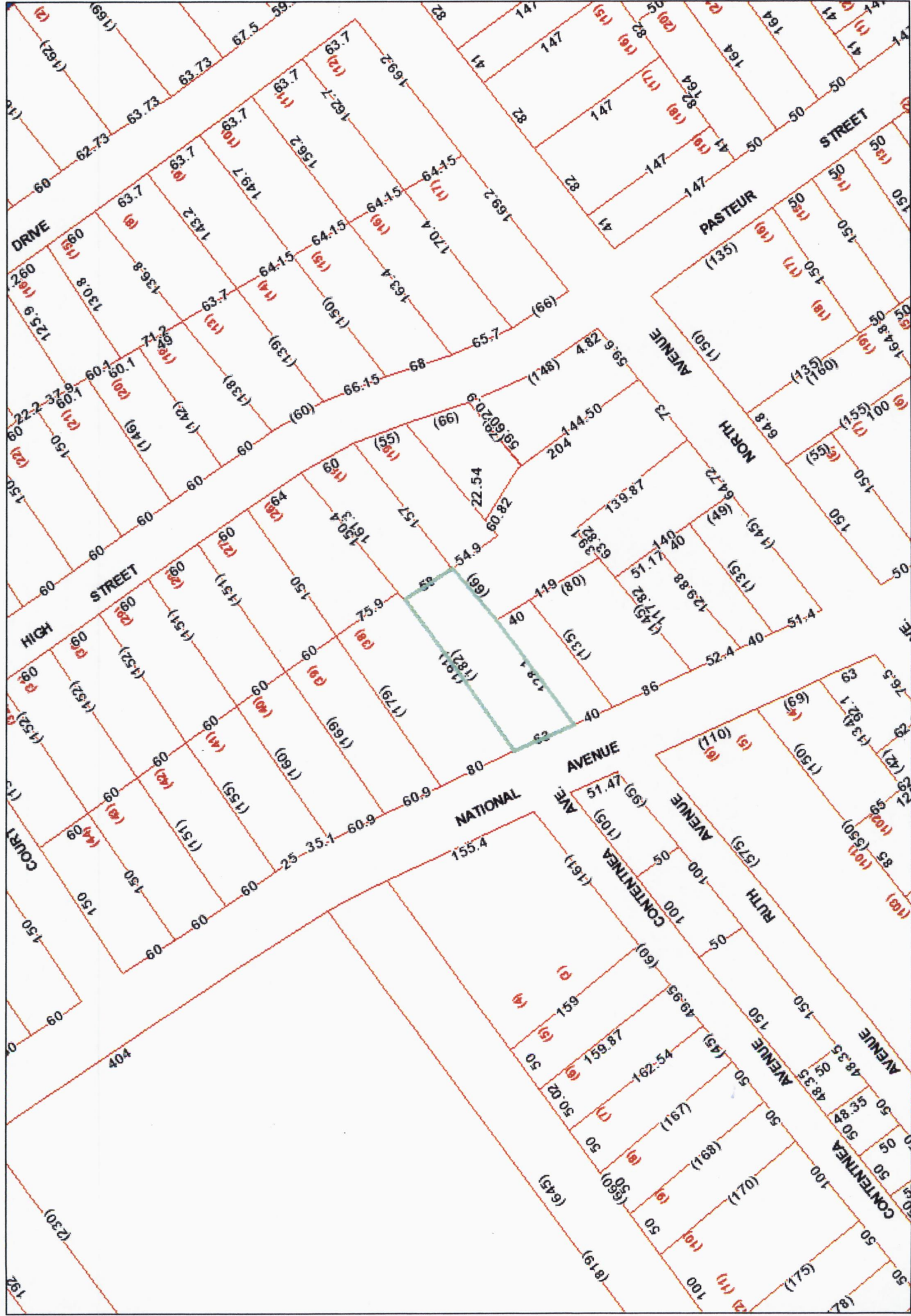
Phone: _____

SELLER

CITY OF NEW BERN

By: _____ (SEAL)
Its: _____
Date: _____

Buyer Initials FM RM Seller Initials _____



Craven County GIS 1620 National Avenue



1 inch = 122 feet



City of New Bern, NC
Multiple Locations
Executive Summary

Line #	Location Name	Address	DBI Recommended	
			Flood-Related	Wind-Related
A	B	C	D	E
1	Structures			
		116 Rhem St.	\$ -	\$ 47,262
2	Leaf and Limb Offices	1307 Country Club Rd	\$ 59,541	\$ -
3	Parks & Rec Admin	1309 Country Club Rd/Lawson Creek	\$ 16,626	\$ -
4	Lawson Creek - Restrooms	1620 National Avenue	\$ 65,833	\$ -
5	Old Parks and Rec Admin	223 Pollock Street	\$ 7,492	\$ -
6	Welcome Center	2602 Oaks Rd	\$ 7,041	\$ 15,372
7	BP Storage Bldg	300 Pollock St.	\$ -	\$ 158,009
8	City Hall	303 First Street	\$ -	\$ 4,333
9	Electric Utility Offices	307 Glenburnie Drive	\$ -	\$ 13,523
10	Waste Treatment Operations Bldg - Office	333 Glenburnie Road	\$ 108,630	\$ -
11	Training Classroom	500 Fort Totten Rd.	\$ -	\$ 21,758
12	Youth Vision - Leased - Old Fire Station #2	503 Guion Street	\$ -	\$ 68,591
13	Commercial Bldg - Leased (RCS)	600 Lagoon Rd	TBD	TBD
14	NB7 Lagoon Chemical	601 George St	TBD	TBD
15	New Police Dept	901 Chapman St.	\$ 606,732	\$ -
16	Recreation Center - Stanley White	940 Chapman St/Henderson Field	\$ 24,047	\$ -
17	Henderson Field Restrooms			
18	Lift Stations			
19	Lift Station #5	100 King Street	\$ 7,200	\$ -
20	Lift Station #6	400 E. Front Street	\$ 7,360	\$ -
21	Lift Station #7	210 E. Front Street	\$ 31,005	\$ -
22	Lift Station #8	102 Middle Street	\$ 37,725	\$ -
23	Lift Station #10	Trent Court	\$ 156,786	\$ -
24	Lift Station #20	National Cemetery	\$ 7,200	\$ -
25	Lift Station #24	125 Batts Hill Road	\$ 38,981	\$ -
26	Lift Station #27	624 Neuse Ave	\$ 37,792	\$ -
27	Lift Station #46	503 Clark Avenue	\$ 54,378	\$ -
28	Lift Station #47	620 Hwy 55 West	\$ -	\$ 1,500
29	Lift Station #48	2018 Emerson Street	\$ -	\$ 1,500
30	Lift Station #51	115 Allen Drive	\$ 1,556	\$ -
31	Lift Station #58	200A Attmore Drive	\$ 15,263	\$ -
32	Lift Station #59	Canterbury Rd	\$ 103	\$ -
33	Total		\$ 1,291,290	\$ 331,847

AGENDA ITEM COVER SHEET

Agenda Item Title:

Adopt Resolution Authorizing the City Manager to Execute Contract for the Johnson Street and King Street Water, Sewer, and Storm Drain Improvements Project and Any Change Orders Within the Budgeted Amount.

Date of Meeting **Ward # if applicable** Ward 1**If multiple, list:****Department** Public Utilities**Person Submitting Item:** **Call for Public Hearing** No**Date of Public Hearing** **Explanation of Item:**

The purpose of the Johnson Street & King Street Water, Sewer, and Storm Drain Improvements project is to replace aging infrastructure and resurface the street. The proposed improvements will eliminate deteriorated mains and service lines, increase the reliability of the domestic water supply, and reduce the potential for sewer backups and improve drainage within the project area. The area that will be involved in this project includes Johnson Street, between Craven Street and East Front Street, and King Street, between Craven Street and Edgerton Drive.

Actions Needed by Board:

Adopt Resolution Authorizing the City Manager to Execute Contract for the Johnson Street and King Street Water, Sewer, and Storm Drain Improvements Project and Any Change Orders Within the Budgeted Amount.

Is item time sensitive? Yes**Will there be advocates/opponents at the meeting?** No**Backup Attached:**

Memo from Jordan Hughes, certified bid tab and draft resolution for awarding the contract.

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

Additional notes:

N/A



Department of Public Utilities
Water Resources
527 NC Highway 55 West, P.O. Box 1129
New Bern, NC 28563
(252) 639-7526

MEMORANDUM

TO: Mayor and Board of Aldermen
FROM: Jordan B. Hughes P.E., City Engineer 
DATE: February 14, 2019

SUBJECT: Recommendation to Award- Johnson Street & King Street Water, Sewer, Storm Drain Improvements

Background Information:

The purpose of the Johnson Street & King Street Water, Sewer, and Storm Drain Improvements project is to replace aging infrastructure and resurface the street. The proposed improvements will eliminate deteriorated mains and service lines, increase the reliability of the domestic water supply, and reduce the potential for sewer backups and improve drainage within the project area. The area that will be involved in this project includes Johnson Street, between Craven Street and East Front Street, and King Street, between Craven Street and Edgerton Drive.

Bids for this first phase of the New Bern Water Resources Operations Facility project were opened at 11:00 am on June 7th, 2018. After reviewing the submitted bids, the low bidder is James L. Cayton Utilities, Inc. of New Bern, NC with a bid of \$635,320.00.

Recommendation:

The Department of Public Utilities is recommending the Johnson Street & King Street Water, Sewer, and Storm Drain Improvements project be awarded to James L. Cayton Utilities, Inc. for the amount of \$635,320.00.

Attached please find a copy of the certified Bid Tab and a draft resolution for awarding the contract.

Please contact me if there are any questions or if additional information should be required.

RESOLUTION

THAT WHEREAS, bids were sought for the Johnson Street and King Street Water, Sewer, and Storm Drain Improvements Project.

WHEREAS, the following bids were received and on opened June 7, 2018:

<u>VENDOR</u>	<u>BID AMOUNT</u>
James L. Cayton Utilities, Inc. New Bern, NC	\$635,230.00
Sunland Builders, Inc. Cape Carteret, NC	\$690,115.00
Thomas Simpson Construction Atlantic Beach, NC	\$789,335.60
Cieszko Construction, Inc. Havelock, NC	\$961,300.00

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

THAT the City Manager of the City of New Bern is hereby authorized to execute on behalf of the City of New Bern a contract with James L. Cayton Utilities, Inc. in the amount of \$635,320.00, and any change orders within the budgeted amount, for the Johnson Street and King Street Water, Sewer, and Storm Drain Improvements Project.

ADOPTED THIS 26TH DAY OF FEBRUARY, 2019.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

**City of New Bern
Certified Bid Tab
Johnson St. and King St.
Water, Sewer, and Storm Drain Improvements Project**

Item	Qty	Unit	Description	James L Cayton Associates New Bern, NC		Sunland Builders Newport, NC		Thomas Simpson Atlantic Beach, NC		Cieszko Construction Havelock, NC	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	1	LS	Mobilization and Bonding (3% max.)								
2	940	LF	2" PVC Water Main (SDR-21)	\$18,000.00	\$18,000.00	\$19,000.00	\$19,000.00	\$22,500.00	\$22,500.00	\$14,400.00	\$14,400.00
3	3	EA	2" Water Connection w/ Gate Valve	\$15.00	\$45.00	\$15.00	\$45.00	\$16.63	\$49.89	\$15.00	\$45.00
4	3	EA	Abandon Ex. Water Main Connection	\$1,200.00	\$3,600.00	\$2,600.00	\$7,800.00	\$3,075.00	\$9,225.00	\$2,100.00	\$6,300.00
5	1	EA	2" End of Line Blow Off	\$900.00	\$900.00	\$500.00	\$500.00	\$750.00	\$750.00	\$1,200.00	\$1,200.00
6	18	EA	New Water Service	\$1,300.00	\$23,400.00	\$1,700.00	\$30,600.00	\$1,900.00	\$34,200.00	\$1,500.00	\$27,000.00
7	11	EA	Water Service Reconnection	\$500.00	\$5,500.00	\$500.00	\$5,500.00	\$635.00	\$6,985.00	\$700.00	\$7,700.00
8	1,225	LF	1" PE Water Service Tubing	\$400.00	\$496,000.00	\$700.00	\$857,000.00	\$400.00	\$496,000.00	\$700.00	\$857,000.00
9	450	LF	Remove/Replace Existing Sewer Main w/ 8" PVC	\$10.00	\$4,500.00	\$6.00	\$2,700.00	\$4.85	\$2,167.50	\$12.00	\$5,400.00
10	700	LF	Remove/Replace Existing Sewer Main w/ 8" DIP	\$60.00	\$42,000.00	\$87.00	\$60,900.00	\$129.08	\$89,256.00	\$95.00	\$66,500.00
11	3	EA	Remove/Replace Existing Manhole	\$80.00	\$240.00	\$121.00	\$363.00	\$153.94	\$461.82	\$231.00	\$693.00
12	5	EA	Connect to Existing Manhole	\$4,800.00	\$24,000.00	\$3,380.00	\$16,900.00	\$3,245.00	\$16,225.00	\$4,500.00	\$22,500.00
13	29	EA	4" Sanitary Sewer Service Reconnection	\$1,000.00	\$29,000.00	\$990.00	\$28,710.00	\$2,342.00	\$67,918.00	\$800.00	\$23,200.00
14	725	LF	4" PVC Sewer Service Piping	\$750.00	\$543,750.00	\$950.00	\$686,250.00	\$800.00	\$582,000.00	\$1,500.00	\$1,087,500.00
15	880	LF	Remove/Replace 24" Storm Drain w/ A-2000	\$20.00	\$17,600.00	\$17.00	\$14,960.00	\$35.45	\$31,196.00	\$23.00	\$20,240.00
16	510	LF	Remove/Replace 15" Storm Drain w/ A-2000	\$54.00	\$27,540.00	\$71.00	\$36,210.00	\$101.81	\$51,932.10	\$100.00	\$51,000.00
17	3	EA	Conflict Box	\$42.00	\$126.00	\$47.00	\$141.00	\$95.51	\$286.53	\$80.00	\$240.00
18	4	EA	New 3x4x4 Curb Inlet	\$1,200.00	\$4,800.00	\$2,500.00	\$10,000.00	\$3,300.00	\$13,200.00	\$6,625.00	\$26,500.00
19	13	EA	New 3x4x4 Drop Inlet	\$2,900.00	\$37,700.00	\$1,750.00	\$22,750.00	\$1,990.00	\$25,870.00	\$3,800.00	\$49,400.00
20	3	EA	New Storm Manhole - 0-6'	\$3,300.00	\$9,900.00	\$1,900.00	\$5,700.00	\$1,960.00	\$5,880.00	\$5,000.00	\$15,000.00
21	4	EA	Connect to Existing Storm Structure	\$4,200.00	\$16,800.00	\$1,900.00	\$7,600.00	\$2,408.00	\$9,632.00	\$4,500.00	\$18,000.00
22	4	EA	Rehab Existing Storm Structure	\$4,000.00	\$16,000.00	\$800.00	\$3,200.00	\$1,115.00	\$4,460.00	\$800.00	\$3,200.00
23	6	EA	Abandon Existing Storm Structure	\$1,200.00	\$7,200.00	\$4,000.00	\$16,000.00	\$3,360.00	\$20,160.00	\$1,975.00	\$11,850.00
24	500	EA	Abandon Existing Storm Piping	\$500.00	\$250,000.00	\$600.00	\$300,000.00	\$750.00	\$375,000.00	\$450.00	\$225,000.00
25	5,000	SY	Pavement Removal & Disposal	\$15.00	\$75,000.00	\$26.00	\$130,000.00	\$25.00	\$125,000.00	\$29.00	\$145,000.00
26	5,000	SY	2" S9.5-B Surface Course	\$5.00	\$25,000.00	\$5.00	\$25,000.00	\$5.00	\$25,000.00	\$8.50	\$42,500.00
27	5,000	SY	ABC Stone (Compacted Sub-base), 8" Depth	\$30.00	\$150,000.00	\$25.00	\$125,000.00	\$14.00	\$70,000.00	\$34.00	\$170,000.00
28	100	SY	Remove/Replace Existing 6" Conc. Drive	\$18.00	\$1,800.00	\$20.00	\$2,000.00	\$17.00	\$1,700.00	\$20.00	\$2,000.00
29	400	LF	Remove/Replace Existing Conc. Curb & Gutter	\$55.00	\$22,000.00	\$74.00	\$29,600.00	\$81.00	\$32,400.00	\$55.00	\$22,000.00
30	1	LS	Seeding & Mulching	\$27.00	\$27.00	\$24.00	\$24.00	\$55.00	\$55.00	\$29.00	\$29.00
31	1	LS	Testing Allowance	\$6,000.00	\$6,000.00	\$8,000.00	\$8,000.00	\$45,000.00	\$45,000.00	\$3,000.00	\$3,000.00
				\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
			Total Bid		\$635,230.00				\$789,335.60		\$961,300.00

I certify that this is a record of all received bids for the Johnson & King Water, Sewer, & Storm Drain Improvements project.

*Numbers in RED indicate a corrected figure


 Jordan B. Hughes, P.E. - City Engineer
 6/28/18

AGENDA ITEM COVER SHEET

Agenda item title:

An Ordinance amending Division 2, Police Civil Service Board, of Article IV, Boards, Commissions and Committees, of Chapter 2, Administration, of the Code of Ordinances

Date of Meeting/Work Session February 26, 2019 **Ward # if applicable** _____

Department Police **Person submitting item** Scott Davis

Call for Public Hearing _____ **Date of Public Hearing** _____

Explanation of the item:

To amend Division 2, Police Civil Service Board, of Article IV, Boards, Commissions and Committees, of Chapter 2, Administration, of the Code of Ordinances so that it is consistent with the City Charter

Actions needed by Board:

Adopt Ordinance

Is item time sensitive? _____

Will there be advocates/opponents at the meeting? _____

Backup attached:

Ordinance

Cost of Agenda Item N/A

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

Additional notes:

AN ORDINANCE TO AMEND DIVISION 2. "POLICE CIVIL SERVICE BOARD" OF ARTICLE IV. "BOARDS, COMMISSIONS AND COMMITTEES" OF CHAPTER 2. "ADMINISTRATION" OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN

THAT WHEREAS, the Chief of Police of the City of New Bern recommends that certain amendments be made to Division 2. "Police Civil Service Board" of Article IV. "Boards, Commissions and Committees" Of Chapter 2. "Administration" 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 revisions to Division 2. "Police Civil Service Board" of Article IV. "Boards, Commissions and Committees" of Chapter 2. "Administration" 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 Division 2. "Police Civil Service Board" of Article IV. "Boards, Commissions and Committees" of Chapter 2. "Administration" of the Code of Ordinances of the City of New Bern be and the same is hereby amended by deleting the same in its entirety and inserting in its stead the following:

"DIVISION 2. - POLICE CIVIL SERVICE BOARD

Section 2-106. Members; term of office.

The police civil service board of the City of New Bern, hereinafter referred to as the "board," shall consist of five (5) members. All appointments shall be for a two-year term. Terms shall begin on the first day of July and expire on the last day of June. The present members of the board shall continue to serve until their current terms expire to maintain staggered terms such that two (2) terms shall expire on even-numbered years, and three (3) terms shall expire on odd-numbered years.

(City Charter Amendment, Section 5.1, 6/27/2016)

Section 2-107. Appointment of members; vacancies; reappointments.

All members of the board shall be appointed by the board of aldermen based upon relevant professional experience. Vacancies on the board shall be filled by appointment in the same manner, and any member appointed to fill a vacancy shall serve the remainder of the unexpired term. No member of the board, after having served a full term shall be eligible for reappointment to the next succeeding term.

(City Charter Amendment, Section 5.2, 6/27/2016)

Section 2-108. Qualifications; removal from office; quorum.

Any person, other than a member of the board of aldermen, an elective officer, a member or employee of the police department, a person who has served as a volunteer in the police department within the previous thirty-six (36) months, or an employee of the City, who is a qualified voter in the municipal election in the city, shall be eligible for membership on the board. Each member of the board shall take an oath (or affirmation) for the faithful discharge of the duties of the office.

The members of the board shall be subject to removal from office by a two-thirds vote of the board of aldermen, with or without cause.

A majority of the board shall constitute a quorum.

(City Charter Amendment, Section 5.3, 6/27/2016)

Section 2-109. Election of chairman.

The board shall elect from its membership a chairman who shall preside at all meetings of the board.

The city clerk shall act as secretary to the civil service board, and shall be custodian of all papers and records pertaining to the business of said board. The clerk shall keep the minutes of the board's meetings, and shall perform such other duties as the board may require.

(City Charter Amendment, Section 5.4, 6/27/2016)

Section 2-110. Police chief.

Promotions and demotions of members of the police department shall be within the discretion of the chief of police.

Each new officer of the police department shall serve in a probationary status for a period of twelve (12) months, during which said period the officer may be dismissed by the chief of police, with or without cause. The officer so dismissed shall have no opportunity for a hearing before the civil service board, or otherwise, on the subject of his dismissal.

The chief of police may suspend any member of the police department for violation of the rules and regulations of the police department for a period of time not to exceed thirty (30) days at any one time, said suspension to be without pay. Such suspension by the chief of police shall not be subject to review by the civil service board, but may be appealed to the city manager consistent with the provisions of the City's personnel ordinance; provided, however, that in the event the officer is subjected to another suspension within ninety (90) days, said officer shall have the right to appeal such additional suspension to the civil service board, and any hearing conducted by the civil service board pursuant to such appeal shall be covered by the rules hereinbelow set forth.

In the event the chief of police shall determine that a member of the police department should be discharged or subjected to disciplinary action not within the power of the chief of police

under the above provisions of this section, the chief shall reduce his charges against the said member of the police department to writing, including his recommendation relative to discharge, fine, or suspension without pay, and shall file a copy of the same with the clerk to the civil service board and deliver a copy to the said member of the police department personally or by certified mail, return receipt requested. Upon delivery of said written charges and recommendations to the member of the police department, if the chief's recommendation is that the member be discharged or be suspended, the chief of police shall suspend such member from duty forthwith. If the charged officer shall not file a request for hearing by the civil service board with the clerk to said board within five (5) days after the delivery of the charges and recommendations to him, the recommendation of the chief shall thereupon become effective. In the event said charged officer requests a hearing within said specified period of time, then and in that event, the hearing by the board shall be conducted as soon as is reasonably possible, and in no event later than thirty (30) days after the written charges have been filed with the clerk to said board, unless the suspended member of the police department shall, in writing, file with said clerk a request for delay beyond said period of time, stating the reason therefore. In the event of such request, the board shall grant a reasonable postponement if, in its opinion, it is merited by the request, keeping in mind the welfare of the individual and the police department.

If a charged member of the police department, who has requested such hearing, shall withdraw his request, the recommendation of the chief shall become effective immediately, and no hearing shall be conducted by the civil service board.

The provisions of this section shall not apply to the chief of police. The city manager shall be responsible for the hiring, firing, discipline and termination of the police chief.

(City Charter Amendment, Section 5.5, 6/27/2016)

Section 2-111. Powers and duties.

The civil service board shall have the power to secure by subpoena both the attendance and testimony of witnesses and the production of any documents or papers of any kind relative to such investigation, at such hearing. Such subpoenas may be directed to any law enforcement officer within the State of North Carolina for service.

The civil service board may make such rules and regulations, from time to time, with respect to the manner in which the hearing shall be conducted as shall be desired by the board. Such hearings shall be closed to spectators. Witnesses who are to appear before the board may be sequestered. Testimony offered before the board shall be recorded by mechanical process or by court reporter. The ordinary rules of evidence shall not apply, but the hearing shall be conducted with decorum. The decision of the civil service board shall be final.

In the event the charged police officer is found guilty of violating the rules and regulations of the police department, the civil service board may discharge, fine, or suspend such officer without pay for a period not to exceed ninety (90) days. In addition, the civil service board may attach such conditions to such officer's reinstatement to duty as it deems advisable. Should the civil service board discharge such officer, the date of discharge shall be the effective date of the suspension from duty imposed by the chief of police.

(City Charter Amendment, Section 5.6, 6/27/2016)

Section 2-112. Employment of members of police department; equal opportunity.

Members of the police department shall be hired consistent with the city's hiring policies.

The board shall maintain a program to insure that all employment decisions made by any person under this section shall be made without regard to race, religion, color, creed, national origin, sex, age, or disability.

(City Charter Amendment, Section 5.7, 6/27/2016)

Section 2-113. Compensation.

The members of the board shall serve without compensation.

(City Charter Amendment, Section 5.8, 6/27/2016)

Section 2-114. Decisions final.

Decisions regarding disciplinary actions made by the chief, where no right to appeal exists, and all decisions of the board under this section, shall be final and not subject to judicial review.

(City Charter Amendment, Section 5.9, 6/27/2016)

Section 2-115. Position elimination.

This section shall not apply to position eliminations due to workforce reductions.

(City Charter Amendment, Section 5.10, 6/27/2016)

Sections 2-116 – 2-130. Reserved.”

SECTION 2. This ordinance shall be effective from and after the date of its adoption.

ADOPTED THIS 26th DAY OF FEBRUARY, 2019.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

AN ORDINANCE TO AMEND DIVISION 2. "POLICE CIVIL SERVICE BOARD" OF ARTICLE IV. "BOARDS, COMMISSIONS AND COMMITTEES" OF CHAPTER 2. "ADMINISTRATION" OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN

THAT WHEREAS, the Chief of Police of the City of New Bern recommends that certain amendments be made to Division 2. "Police Civil Service Board" of Article IV. "Boards, Commissions and Committees" Of Chapter 2. "Administration" 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 revisions to Division 2. "Police Civil Service Board" of Article IV. "Boards, Commissions and Committees" of Chapter 2. "Administration" 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 Division 2. "Police Civil Service Board" of Article IV. "Boards, Commissions and Committees" of Chapter 2. "Administration" of the Code of Ordinances of the City of New Bern be and the same is hereby amended by deleting the same in its entirety and inserting in its stead the following:

"DIVISION 2. - POLICE CIVIL SERVICE BOARD

~~Sec. 2-106. Created; composition.~~

~~There shall be created a civil service board for the city, which shall consist of five members who shall be representative citizens of the city.~~

~~Sec. 2-107. Appointment and terms of members.~~

~~The members of the civil service board shall be appointed by the board of aldermen to serve for a period of two years, except that the initial members shall serve staggered terms. No member of the civil service board may serve more than one consecutive term.~~

~~Sec. 2-108. Compensation of members.~~

~~The members of the civil service board shall serve without compensation.~~

~~Sec. 2-109. Oath of office.~~

~~The members of the civil service board shall take an oath to faithfully perform their duties.~~

~~Sec. 2-110. Restrictions on members.~~

~~No member of the civil service board may serve on the board of aldermen or on the police force of the city.~~

~~Sec. 2-111. Removal of members.~~

~~The members of the civil service board shall be subject to removal from office by a two-thirds vote of the board of aldermen, with or without cause.~~

~~Sec. 2-112. Filling vacancies.~~

~~In case of a vacancy on the civil service board, the board of aldermen shall fill the vacancy for the unexpired term of the member.~~

~~Sec. 2-113. Quorum.~~

~~A majority of the members of the civil service board shall constitute a quorum.~~

~~Sec. 2-114. Manager or designee to act as secretary.~~

~~The city manager or his designee shall act as secretary to the civil service board and shall keep the minutes of its meetings and shall be custodian of all papers and records pertaining to the business of the civil service board and shall keep a record of all examinations held and shall perform such other duties as the civil service board may require.~~

~~Sec. 2-115. Examination of applicants for employment with the police department.~~

~~The civil service board shall establish and fix the requirements for applicants for employment in the police department and all applicants for a position in the police department shall be subject to the provisions of section 42 of the Charter.~~

~~Sec. 2-116. Disciplinary proceedings.~~

~~Except for police officers on probation under the provisions of section 42 of the Charter, no member of the police department of the city shall be dismissed, removed, or discharged except for cause upon written complaint filed by the chief of police and until after he has been given an opportunity to be heard by the civil service board in his own defense, and if such member is convicted of violating the rules and regulations of the police department, the civil service board may dismiss or discharge him from service or may fine him or suspend him without pay for a period not to exceed 90 days. The civil service board may suspend any member of the police department pending an investigation and hearing but for a time not to exceed 30 days at any one time. In the conduct of investigations, each member of the civil service board shall have the power to secure by subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to the investigation. The chief of police may suspend any member of the police~~

~~department for violating any rules or regulations of the police department for a period of time not exceeding 30 days without pay.~~

~~Sec. 2-117. Annual report.~~

~~The civil service board shall make an annual report of its actions for the preceding year and the annual report shall be kept in the files of the civil service board and a copy shall be delivered to the board of aldermen.~~

~~Sec. 2-118. This division not to apply to the chief of police.~~

~~The provisions of this division shall not apply to the chief of police.~~

~~Secs. 2-119 – 2-130. Reserved.~~

Section 2-106. Members; term of office.

The police civil service board of the City of New Bern, hereinafter referred to as the "board," shall consist of five (5) members. All appointments shall be for a two-year term. Terms shall begin on the first day of July and expire on the last day of June. The present members of the board shall continue to serve until their current terms expire to maintain staggered terms such that two (2) terms shall expire on even-numbered years, and three (3) terms shall expire on odd-numbered years.

(City Charter Amendment, Section 5.1, 6/27/2016)

Section 2-107. Appointment of members; vacancies; reappointments.

All members of the board shall be appointed by the board of aldermen based upon relevant professional experience. Vacancies on the board shall be filled by appointment in the same manner, and any member appointed to fill a vacancy shall serve the remainder of the unexpired term. No member of the board, after having served a full term shall be eligible for reappointment to the next succeeding term.

(City Charter Amendment, Section 5.2, 6/27/2016)

Section 2-108. Qualifications; removal from office; quorum.

Any person, other than a member of the board of aldermen, an elective officer, a member or employee of the police department, a person who has served as a volunteer in the police department within the previous thirty-six (36) months, or an employee of the City, who is a qualified voter in the municipal election in the city, shall be eligible for membership on the board. Each member of the board shall take an oath (or affirmation) for the faithful discharge of the duties of the office.

The members of the board shall be subject to removal from office by a two-thirds vote of the board of aldermen, with or without cause.

A majority of the board shall constitute a quorum.

(City Charter Amendment, Section 5.3, 6/27/2016)

Section 2-109. Election of chairman.

The board shall elect from its membership a chairman who shall preside at all meetings of the board.

The city clerk shall act as secretary to the civil service board, and shall be custodian of all papers and records pertaining to the business of said board. The clerk shall keep the minutes of the board's meetings, and shall perform such other duties as the board may require.

(City Charter Amendment, Section 5.4, 6/27/2016)

Section 2-110. Police chief.

Promotions and demotions of members of the police department shall be within the discretion of the chief of police.

Each new officer of the police department shall serve in a probationary status for a period of twelve (12) months, during which said period the officer may be dismissed by the chief of police, with or without cause. The officer so dismissed shall have no opportunity for a hearing before the civil service board, or otherwise, on the subject of his dismissal.

The chief of police may suspend any member of the police department for violation of the rules and regulations of the police department for a period of time not to exceed thirty (30) days at any one time, said suspension to be without pay. Such suspension by the chief of police shall not be subject to review by the civil service board, but may be appealed to the city manager consistent with the provisions of the City's personnel ordinance; provided, however, that in the event the officer is subjected to another suspension within ninety (90) days, said officer shall have the right to appeal such additional suspension to the civil service board, and any hearing conducted by the civil service board pursuant to such appeal shall be covered by the rules hereinbelow set forth.

In the event the chief of police shall determine that a member of the police department should be discharged or subjected to disciplinary action not within the power of the chief of police under the above provisions of this section, the chief shall reduce his charges against the said member of the police department to writing, including his recommendation relative to discharge, fine, or suspension without pay, and shall file a copy of the same with the clerk to the civil service board and deliver a copy to the said member of the police department personally or by certified mail, return receipt requested. Upon delivery of said written charges and recommendations to the member of the police department, if the chief's recommendation is that the member be discharged or be suspended, the chief of police shall suspend such member from duty forthwith. If the charged

officer shall not file a request for hearing by the civil service board with the clerk to said board within five (5) days after the delivery of the charges and recommendations to him, the recommendation of the chief shall thereupon become effective. In the event said charged officer requests a hearing within said specified period of time, then and in that event, the hearing by the board shall be conducted as soon as is reasonably possible, and in no event later than thirty (30) days after the written charges have been filed with the clerk to said board, unless the suspended member of the police department shall, in writing, file with said clerk a request for delay beyond said period of time, stating the reason therefore. In the event of such request, the board shall grant a reasonable postponement if, in its opinion, it is merited by the request, keeping in mind the welfare of the individual and the police department.

If a charged member of the police department, who has requested such hearing, shall withdraw his request, the recommendation of the chief shall become effective immediately, and no hearing shall be conducted by the civil service board.

The provisions of this section shall not apply to the chief of police. The city manager shall be responsible for the hiring, firing, discipline and termination of the police chief.

(City Charter Amendment, Section 5.5, 6/27/2016)

Section 2-111. Powers and duties.

The civil service board shall have the power to secure by subpoena both the attendance and testimony of witnesses and the production of any documents or papers of any kind relative to such investigation, at such hearing. Such subpoenas may be directed to any law enforcement officer within the State of North Carolina for service.

The civil service board may make such rules and regulations, from time to time, with respect to the manner in which the hearing shall be conducted as shall be desired by the board. Such hearings shall be closed to spectators. Witnesses who are to appear before the board may be sequestered. Testimony offered before the board shall be recorded by mechanical process or by court reporter. The ordinary rules of evidence shall not apply, but the hearing shall be conducted with decorum. The decision of the civil service board shall be final.

In the event the charged police officer is found guilty of violating the rules and regulations of the police department, the civil service board may discharge, fine, or suspend such officer without pay for a period not to exceed ninety (90) days. In addition, the civil service board may attach such conditions to such officer's reinstatement to duty as it deems advisable. Should the civil service board discharge such officer, the date of discharge shall be the effective date of the suspension from duty imposed by the chief of police.

(City Charter Amendment, Section 5.6, 6/27/2016)

Section 2-112. Employment of members of police department; equal opportunity.

Members of the police department shall be hired consistent with the city's hiring policies.

The board shall maintain a program to insure that all employment decisions made by any person under this section shall be made without regard to race, religion, color, creed, national origin, sex, age, or disability.

(City Charter Amendment, Section 5.7, 6/27/2016)

Section 2-113. Compensation.

The members of the board shall serve without compensation.

(City Charter Amendment, Section 5.8, 6/27/2016)

Section 2-114. Decisions final.

Decisions regarding disciplinary actions made by the chief, where no right to appeal exists, and all decisions of the board under this section, shall be final and not subject to judicial review.

(City Charter Amendment, Section 5.9, 6/27/2016)

Section 2-115. Position elimination.

This section shall not apply to position eliminations due to workforce reductions.

(City Charter Amendment, Section 5.10, 6/27/2016)

Sections 2-116 – 2-130. Reserved.”

SECTION 2. This ordinance shall be effective from and after the date of its adoption.

ADOPTED THIS 26th DAY OF FEBRUARY, 2019.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK



TO: Alderman Kinsey

FROM: Morgan Potts, AICP

DATE: February 7, 2019

SUBJECT: Planning and Zoning Board Appointment

Dear Alderman Kinsey:

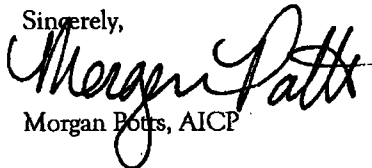
Raymond Layton's second term on Planning and Zoning Board has ended and is not eligible for reappointment at this time due to term limits. You are requested to nominate an appointee whose term will conclude June 30, 2020. Mr. Layton may continue to serve until an appointment has been made.

The duties of the Planning and Zoning Board are to conduct studies and make recommendations to the Board of Aldermen on matters concerning plans, goals and objectives relating to the growth, development and redevelopment of the City and the surrounding extra-territorial planning area. In addition, the Board makes recommendations on proposed conditional use permits, zoning and rezoning requests, subdivision plan approvals, and changes to the Land Use Ordinance.

The Land Use Ordinance requires that all Planning and Zoning Board members have demonstrated special interest, experience or education in banking, economics, environmental and land use policy, housing or other industry. Members must be able and willing to commit the necessary time and energy to carry out the responsibilities required for the office and must regularly attend meetings lasting 1-3 hours each month.

To appoint a person of your choosing, please provide the contact information to the City Clerk for inclusion on the Board's next meeting agenda. If you have anyone in mind or have any other questions or need information, please contact me at 639-7583.

Sincerely,


Morgan Potts, AICP



TO: Alderwoman Harris

FROM: Morgan Potts, AICP

DATE: February 7, 2019

SUBJECT: Planning and Zoning Board Appointment

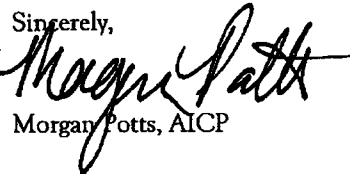
Dear Alderwoman Harris:

Carol Williams' second term on Planning and Zoning Board has ended and is not eligible for reappointment at this time due to term limits. You are requested to nominate an appointee whose term will conclude June 30, 2021. Ms. Williams may continue to serve until an appointment has been made.

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To appoint a person of your choosing, please provide the contact information to the City Clerk for inclusion on the Board's next meeting agenda. If you have anyone in mind or have any other questions or need information, please contact me at 639-7583.

Sincerely,

Morgan Potts, AICP

Aldermen

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



Dana E. Outlaw
Mayor

Mark A. Stephens
City Manager

Memorandum

TO: Alderman Sabrina Bengel
FROM: Brenda Blanco, City Clerk *2EB*
DATE: February 8, 2019
SUBJECT: Appointment to New Bern Appearance Commission

Mattie Tatum's appointment on the Appearance Commission will expire February 22, 2019. She is eligible for reappointment, or a new appointment can be made to allow others an opportunity to serve. The appointee will serve a three-year term.

Appointees shall be residents of the City's planning and zoning jurisdiction and shall, when possible, have had special training or experience in a design field such as architecture, landscape design, horticulture, city planning, or a closely-related field. Members of the Appearance Commission serve a three-year term.

This commission is overseen by the Parks and Recreation Department. Please feel free to reach out to Foster Hughes, Director of Parks and Recreation, regarding any questions about the Commission.

/beb

Aldermen

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



Dana E. Outlaw
Mayor

Mark A. Stephens
City Manager

Memorandum

TO: Mayor Dana Outlaw
FROM: Brenda Blanco, City Clerk *EB*
DATE: February 8, 2019
SUBJECT: Appointment to New Bern Appearance Commission

Rose Williams' appointment on the Appearance Commission expires today. She is eligible for reappointment, or a new appointment can be made to allow others an opportunity to serve. The appointee will serve a three-year term.

Appointees shall be residents of the City's planning and zoning jurisdiction and shall, when possible, have had special training or experience in a design field such as architecture, landscape design, horticulture, city planning, or a closely-related field. Members of the Appearance Commission serve a three-year term.

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/beb