CITY OF NEW BERN BOARD OF ALDERMEN MEETING AUGUST 13, 2019 – 6:00 P.M. CITY HALL COURTROOM 300 POLLOCK STREET

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

Consent Agenda

- 4. Consider Approving a Proclamation for Sickle Cell Disease Awareness Month.
- 5. Consider Approving a Proclamation for Constitution Week.
- 6. Approve Minutes.

- 7. Presentation of 2019 Beautification Awards by Appearance Commission.
- 8. Presentation of Longevity Certificates.
- 9. Presentation on Craven County's New Recycling Program.
- 10. Discussion of and Public Input on Noise Ordinance.
- 11. Discussion of Capital Purchase for Public Works.
- 12. Consider Adopting an Ordinance to Amend Section 70-184 "Streets Upon Which the Operation of Tractor Trailers is Prohibited: Exceptions" of Article V, Chapter 70.
- 13. Appointment(s).
- 14. Attorney's Report.
- 15. City Manager's Report.
- 16. New Business.
- 17. Closed Session.
- 18. 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 Dana E. Outlaw
Mayor
Mark A. Stephens
City Manager
Brenda E. Blanco
City Clerk
Joseph R. Sabatelli
Director of Finance

Memo to: Mayor and Board of Aldermen

From: Mark A. Stephens, City Manager

Date: August 8, 2019

Re: August 13, 2019 Agenda Explanations

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

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

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

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

Consent Agenda

4. Consider Approving a Proclamation for Sickle Cell Disease Awareness Month.

On behalf of Piedmont Health Services and Sickle Cell Agency, Anita Douglas (Sickle Cell Educator/Counselor) and Marsha Newsome (Regional Program Director) have requested a proclamation for Sickle Cell Awareness Month. Congress designated September as National Sickle Cell Awareness Month to help focus attention on the need for research and treatment of the disease.

5. Consider Approving a Proclamation for Constitution Week.

Nancy Melling and Nikki Gonazalez, Constitution Week Committee Co-Chairs, have requested a proclamation recognizing Constitution Week. Congress signed a joint resolution in 1956 recognizing September 17-23 as Constitution Week.

6. Approve Minutes.

Minutes from the July 23, 2019 meeting are provided for review and approval.

7. Presentation of 2019 Beautification Awards by Appearance Commission.

The Appearance Commission annually recognizes business owners and residents for their beautification efforts. A winner in both categories is chosen from each ward, and awards will be presented to those who are in attendance. A memo from Foster Hughes, Director of Parks and Recreation, is attached. Also attached is a PowerPoint presentation that shares pictures of the winning properties.

8. Presentation of Longevity Certificates.

Employment service is recognized at five-year increments. A roster is enclosed of all employees who are eligible to receive a service certificate for the period of January - June 2019. Some of these employees will be present at the meeting, and certificates will be on hand for the Mayor to present. Sonya Hayes, Director of Human Resources, will be available to assist with the presentation. The Board is asked to extend a handshake of appreciation to the employees.

9. Presentation on Craven County's New Recycling Program.

Norma Yanez, Government Contracts Manager for Waste Industries, will provide an overview and update on Craven County's new recycle program, which will start October 7, 2019. New collection containers will be delivered to residents between August 26th and October 4th. The 96-gallon carts will be emptied once every four weeks, and residents will be advised as to what day of the week their cart will be

serviced. Additional details about the new program are provided on the attached informational sheet.

10. Discussion of and Public Input on Noise Ordinance.

After concerns were expressed about the noise ordinance and subsequent meetings were held with several citizens and businesses, changes are proposed to the current ordinance. These changes will be discussed and public comment will be received.

11. Discussion of Capital Purchase for Public Works.

In response to the Board's desire for sidewalks to be better and regularly manicured, Matt Montanye, Director of Public Works, is seeking to purchase a Grasshopper mower with an edging attachment at a cost of \$9,700. This equipment will provide more efficient cleanup, and it can be purchased through the state contract without the need to seek bids. Staff is requesting that funds budgeted in FY19-20 for the Street Division be redirected for the purchase of this equipment. A memo from Joseph Sabatelli, Director of Finance, is attached.

12. Consider Adopting an Ordinance to Amend Section 70-184 "Streets Upon Which the Operation of Tractor Trailers is Prohibited: Exceptions" of Article V, Chapter 70.

(Ward 1) Mike Genest, President of the Ghent Neighborhood Association, has requested tractor trailers be prohibited on Second Street between Park Avenue and Trent Boulevard. Staff has reviewed the request and found it to be reasonable and consistent with prohibited traffic on portions of adjacent streets. Tractor trailers will still be permissible on Second Street between First Street and Park Avenue to allow access to the VOLT Center and other commercial businesses in the area. A map identifying the area of proposed change and a memo from Matt Montanye, Director of Public Works, are attached.

13. Appointment(s).

- (a) Anne Schout resigned from her seat as an alternate on the Board of Adjustment effective March 1, 2019. Alderman Kinsey is asked to make an appointment to fill the remainder of Mrs. Schout's term, which will expire on November 12, 2021.
- (b) Peter Walker resigned from the Board of Adjustment. Alderman Aster is asked to make a new appointment to fill this seat. The appointee will serve a three-year term, as Mr. Walker's term expired on June 30, 2019.
- (c) At the July 9, 2019 meeting, Alderwoman Harris made a motion to appoint Barbara Sampson to the Planning and Zoning Board to fill Carol Williams' expired term. Ms. Sampson has respectfully declined the appointment, citing a

- desire to serve on the Board of Adjustment. Therefore, Alderwoman Harris is asked to make another appointment to the Planning and Zoning Board.
- (d) On December 12, 2017, the Board appointed Alderman Kinsey as the City's representative to serve on the Eastern Carolina Council's ("ECC") General Membership Board. ECC has requested a reappointment or a new appointment be made at this time. A copy of this request is attached.
- (e) Maria Cho's term on the Redevelopment Commission will expire August 14, 2019. Alderman Bengel is asked to consider reappointing Mrs. Cho or to make a new appointment to serve for a five-year term.
- 14. Attorney's Report.
- 15. City Manager's Report.
- 16. New Business.
- 17. Closed Session.
- 18. Adjourn.

Agenda	Item	Title:
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Consider Approving a Proclamation for Sickle Cell Disease Awareness Month

Date of Meeting: 8/13/2019		Ward # if applicable: N/A	
Department: City Clerk		Person Submitting Item: Brenda Blanco	
Call for Public Hearing	: □Yes⊠No	Date of Public Hearing: N/A	
Explanation of Item:	Agency have red	from Piedmont Health Services and Sickle Cell quested a proclamation acknowledging ckle Cell Disease Awareness Month.	
Actions Needed by Board:	Consider approving proclamation		
Backup Attached:	Request, literatu	are on the disease and proclamation	
Is item time sensitive?			
Will there be advocates	opponents at t	he meeting? □Yes ☒ No	
Cost of Agenda Item: \$	0		
If this requires an expeand certified by the Fin		be budgeted and are funds available Yes No	



- WHEREAS, sickle cell disease is an inherited blood disorder that causes pain, infection, disability, economic strain and even death; and
- WHEREAS, no definite cure for this disease exists, although treatment is available to help those with sickle cell lead more productive and rewarding lives; and
- WHEREAS, treatment of these conditions often requires both emergency department care and hospitalization; and
- WHEREAS, provision of services is a collaborative effort between major medical centers, regional educators/counselors, community-based programs, local health departments and the State Laboratory of Public Health; we realize that many of these interested parties and community advocates do not receive adequate, current and timely education about sickle cell disease; and
- WHEREAS, support for research on the treatment and management of this disorder, as well as overall awareness, are vital to improving health and quality of life for persons with sickle cell disease.
- NOW, THEREFORE, I, Dana E. Outlaw, Mayor of the City of New Bern, North Carolina, on behalf of the New Bern Board of Aldermen, do hereby proclaim support for and declare September as

SICKLE CELL DISEASE AWARENESS MONTH

and I urge all citizens to support initiatives to educate and raise awareness for the disease and join me in reaffirming our commitment to reduce the burden of illness, disability and premature death imposed by sickle cell disease.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of New Bern this the 13th day of August in the year of our Lord Two Thousand and Nineteen.

Dana E. Outlaw, Mayor

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



August 1, 2019

Dear Sir/Madame:

September was designated as National Sickle Cell Awareness Month by Congress in 1983 and signed by President Ronald Regan. Celebrations and activities are planned to raise awareness about this chronic condition that may cause excruciating pain, lead to numerous hospitalizations, loss of time from work or school and serious complications that can lead to death.

Sickle cell disease is a genetic condition that affects the body's red blood cells. It occurs when a child receives two abnormal hemoglobin genes; one from each parent. In someone living with sickle cell disease, the red blood cells become hard and sticky and take on a crescent C-shape resembling a farm tool called a "sickle".

Piedmont Health Services and Sickle Cell Agency (PHSSCA) has been providing education, counseling, case management and support services for almost 50 years in North Carolina. PHSSCA serves 24 North Carolina counties. Regionally, services are provided in 8 counties (Carteret, Craven, Greene, Jones, Lenoir, Onslow, Pamlico and Wayne) to approximately sickle cell disease affected 250 individuals and their families. Hundreds of individuals with sickle cell trait receive education and counseling.

We are requesting that a proclamation be issued in your (county/city) identifying September as National Sickle Cell Awareness Month. If further information is needed please contact the regional office at 919-288-2323 or email: mnewsome@piedmonthealthservices.org.

Sincerely,

Anita Douglas, BSW

Sickle Cell Educator/Counselor

Marsha Newsome, BS, MSA Regional Program Director

Kathy Norcott
Executive Director

SERVICES PROVIDED:

- Case Management
- Community Outreach
- Sickle Cell Education
- Medical Insurance (DPH-Sickle Cell)
- School Visits 504P / IEP
- Counseling Services
- Get Connected (Patient Registry)
- Support Group Meetings
- P.U.S.H. Parents Understanding Sickle Cell Health
- T21 Transition 2 Independence (Teens)
- Genetic Counseling
- College Readiness Preparation
- Hospital Visits
- Medical Center Support
- And MUCH MORE



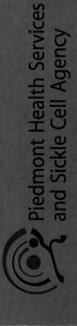
Main Office 1102 E. Market St. Greensboro, NC 27401 Ph: (336) 274-1507

High Point Office 401 Taylor Avenue High Point, NC 27260 Ph: (336) 886-2437 Winston-Salem Office 1317 N. Cherry St. Winston-Salem, NC 27105 Ph: (336) 725-9181 Charlotte Office 740 W. 5th Street, Suite 210 Charlotte, NC 28202 Ph: (704) 910-2002

Fayetteville Office 2409 Murchison Rd. Fayetteville, NC 28301 Phone: (910) 899-3091 Goldsboro Office 1202-C Wayne Memorial Drive Goldsboro, NC 27534 Phone: (919) 288-2323 Jacksonville Office 200 Valencia Park Drive, Suite 146 Jacksonville, NC 28546 Phone: (910) 333-8713

Your Partner in Community Health



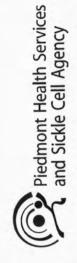


(800) 733-8297 www.PiedmontHealthServices.org

Agency (PHSSCA) provides services, support and referrals for people affected by sickle cell disease and sickle cell trait. Our services include sickle cell screening, genetic counseling, education, care coordination and community outreach. Our goal is to provide comprehensive programs to help individuals and families understand and manage sickle cell disease and sickle cell trait.



Piedmont Health Services and Sickle Cell Agency provides care coordination to over 2100 clients and provides sickle cell education, genetic counseling and testing to the general public.



www.PiedmontHealthServices.org

Toll Free: (800) 733-8297

What You Should Know About Sickle Cell Disease

What Is Sickle Cell Disease?

Sickle Cell Disease (SCD) is a group of inherited red blood cell disorders.

- Healthy red blood cells are round and they move through small blood vessels carrying oxygen to all parts of the body.
- In SCD, the red blood cells become hard and sticky and look like a C-shaped farm tool called a "sickle."
 - Sickle cells die early, which causes a constant shortage of red blood cells.
- Sickle cells can get stuck in small blood vessels and block the flow of blood and oxygen to organs in the body. These blockages cause repeated episodes of severe pain, organ damage, serious infections or even stroke.

What Is Sickle Cell Trait?

Sickle Cell Trait (SCT) is not a disease, but having it means that a person has inherited the sickle cell gene from one of his or her parents. People with SCT usually do not have any of the symptoms of sickle cell disease and live a normal life. However, if two people with Sickle Cell Trait have a child, there is a one-in-four chance that the child will be born with Sickle Cell Disease.

What Causes Sickle Cell Disease?

SCD is inherited in the same way that people get the color of their eyes, skin and hair.

- A person with SCD is born with it.
- People cannot catch SCD from being around a person who has it.



Who Is Affected By Sickle Cell Disease?

SCD affects all races and ethnic groups. In North Carolina, SCD occurs in approximately 1 out of every 360 Black or African American births, and one out of every 10,800 Hispanic-American births. Other known ethnicities who are affected are those from Asia, Southeast Asia, the Middle East and Mediterranean countries such as Turkey, Greece, and Italy.





Agenda Item Title:
Consider Approving a Proclamation for Constitution Week

Date of Meeting: 8/13/2019 Department: City Clerk		Ward # if applicable:		
		Person Submitting Item: Brenda Blanco		
Call for Public Hearing:	□Yes⊠No	Date of Public Hearing:		
Explanation of Item:		nd Nikki Gonazalez, Constitution Week Chairs, have requested a proclamation stitution Week		
Actions Needed by Board:	Consider approving proclamation			
Backup Attached:	Proclamation and	l email request		
Is item time sensitive?	IVos 🗆 No			
	***************************************	e meeting? Yes No		
Cost of Agenda Item: \$0	1.,			
and certified by the Fina	•	e budgeted and are funds available □Yes □ No		



MAYOR'S OFFICE PROCLAMATION

- WHEREAS, the Constitution of the United States of America was signed on September 17, 1787 during the Philadelphia Convention, which is now known as the Constitutional Convention; and
- WHEREAS, it is fitting and proper to recognize this magnificent document and the patriotic celebrations which will commemorate the anniversary of its signing; and
- WHEREAS, the tradition of celebrating the Constitution began in the mid 1950's when the Daughters of the American Revolution petitioned Congress to set aside September 17-23 for such purpose; and
- WHEREAS, on August 2, 1956, Congress approved their request by adopting a joint resolution under Public Law 915, Chapter 875, authorizing the President to designate the period of September 17 and ending September 23 of each year as Constitution Week; and
- WHEREAS, notably, when Constitution Day falls on a weekend or on another holiday, the celebration is often observed by schools and other institutions on an adjacent weekday.
- NOW, THEREFORE, I, Dana E. Outlaw, Mayor of the City of New Bern, North Carolina, on behalf of the New Bern Board of Aldermen, do hereby recognize Congress' joint resolution of August 2, 1956 and join with them by proclaiming September 17 through 23 as

CONSTITUTION WEEK

in the City of New Bern and by observing the designated days set aside each year to commemorate the signing of the constitution; I ask our citizens to reaffirm the ideals the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of New Bern this the 13th day of August in the year of our Lord Two Thousand and Nineteen.

Dana E. Outlaw, Mayor

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

Brenda Blanco

From:

Dana E. Outlaw

Sent:

Sunday, August 4, 2019 6:57 PM

To:

Brenda Blanco

Subject:

Fwd: Constitution Day September 17th Commemoration in New Bern

Attachments:

proclamation for mayor 2019.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: Nancy Melling < thencmellings@gmail.com >

Date: August 3, 2019 at 9:00:44 AM EDT

To: "Dana E. Outlaw" < OutlawD@newbernnc.gov>, "chucktyson@tysonandhooksrealty.com"

< chucktyson@tysonandhooksrealty.com>, "E. Bryan at Town of Bridgeton"

<townofbridgeton@earthlink.net>, "jkirkland@riverbendnc.org" <jkirkland@riverbendnc.org>,

"grantsboroNC@embarqmail.com" < grantsboroNC@embarqmail.com>,

<johnd@vanceboronc.com>, "wlewis@havelocknc.us" <wle>wlewis@havelocknc.us>,

Cc: Nikki Gonzalez < nikkigonzalezrn@gmail.com >

Subject: Constitution Day September 17th Commemoration in New Bern

Dear Mayors,

The Richard Dobbs Spaight Chapter, National Society Daughters of the American Revolution would like your assistance in commemorating and celebrating our nation's Constitution during Constitution Week September 17-23rd, 2019.

You are invited to our program at 3 pm at the Tryon Palace Way Station, 301 George St. in New Bern on September 17th.

I have attached a proclamation that we would love you to complete. If you are able to come, please arrive at 2:50 pm with your proclamation. Our focus this year is the anniversary of the passing of the 19th amendment.

If you are unable to attend please mail the proclamation to the address listed below.

Thank you and hope to see you on September 17th.

Nancy Melling & Nikki Gonazalez Constitution Week Committee Co-Chairs

[&]quot;sallybelangia@townoforiental.com" <sallybelangia@townoforiental.com>, "johnd@vanceboronc.com"

[&]quot;mayorofdover@embarqmail.com" < mayorofdover@embarqmail.com >, "Amanda@covecitync.com"

<<u>Amanda@covecitync.com</u>>

Richard Dobbs Spaight Chapter, NSDAR 1800 Peppercorn Ct.
New Bern, NC 28562
252-670-9369 (cell & text)
thencmellings@gmail.com

	NOTE: Please be advised, City of New Bern email addresses changed to <u>user@newbernnc.gov</u> as of October 23rd. Please update your address book accordingly. Thank you for your assistance with this change
	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.
	E: Please be advised, City of New Bern email addresses changed to user@newbernnc.gov as of October 23rd. se update your address book accordingly. Thank you for your assistance with this change
immo respo	



Agenda Item Title:Presentation of 2019 Beautification Awards by New Bern Appearance Commission

Date of Meeting: 8/13/2019		Ward # if applicable: All	
Department: Parks & Recreation Call for Public Hearing: □Yes⊠No		Person Submitting Item: Foster Hughes Date of Public Hearing: N/A	
	Appearance Commission		
Actions Needed by Board:	Extend handshake of recognition to recipients		
Backup Attached:	Memo and PowerPoint showing pictures of winning properties		
Is item time sensitive?			
Will there be advocates	opponents at th	e meeting? \(\sum \) Yes \(\sum \) No	
Cost of Agenda Item:			
	•	e budgeted and are funds available	
and certified by the Fin	ance Director?	⊔ Yes ⊔ No	



Aldermen

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

Foster Hughes, CPRE Director of Parks & Recreation Dana E. Outlaw Mayor

Mark A. Stephens City Manager



Memo To: Mayor and Board of Aldermen

From:

Foster Hughes, CPRE THE Director Parks and Recreation

Re: 2019 New Bern Appearance Commission Beautification Awards

Background Information:

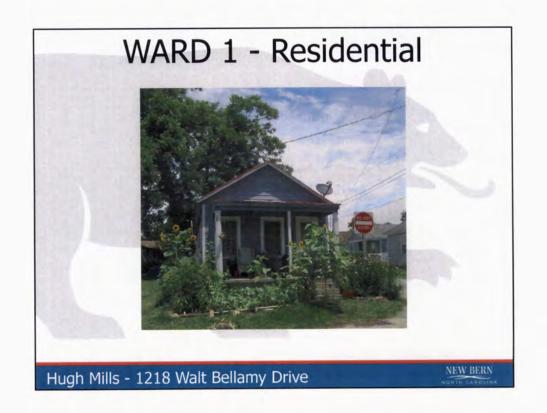
The annual New Bern Appearance Commission Beautification Awards will be presented at the August 13th meeting. Joseph Cannon, Chairman of the Appearance Commission will present the awards. One residential and non-residential (business/non-profit/ etc.) award will be presented for each Ward. The award winners are attached.

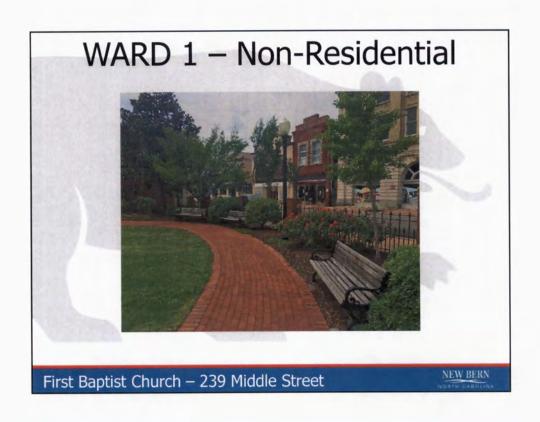
Recommendation:

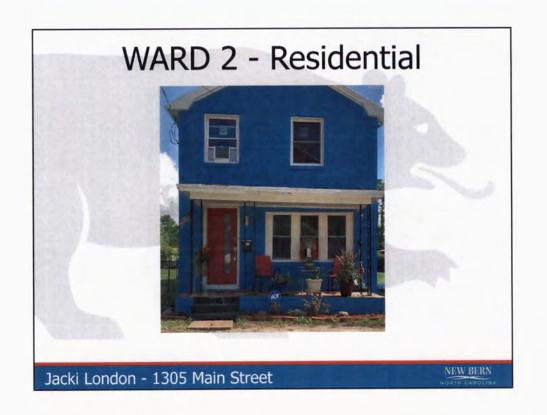
Information only.

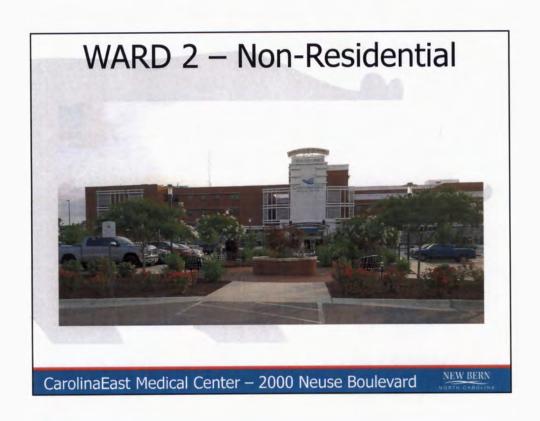
If you have any questions concerning this matter, please let me know.



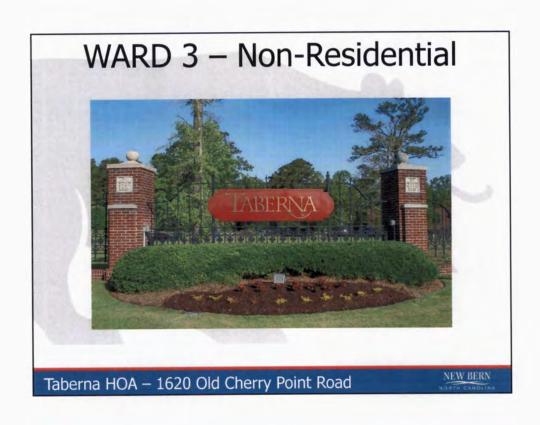


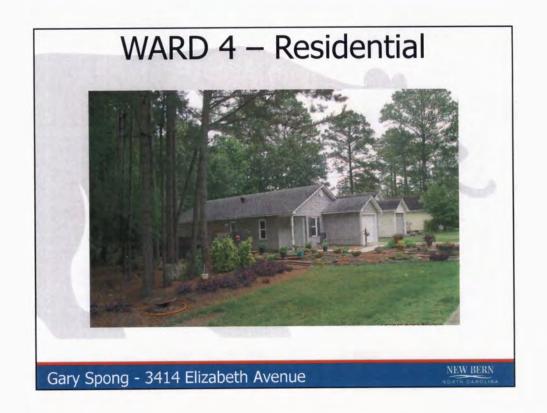


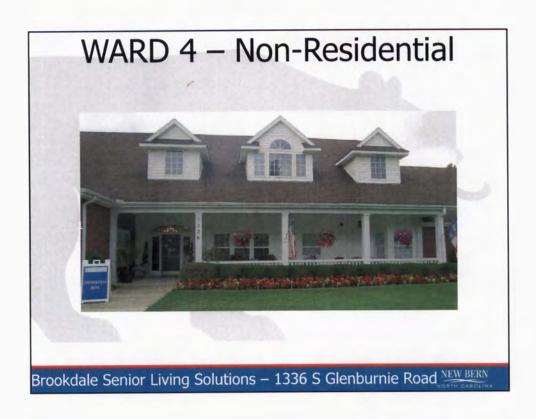


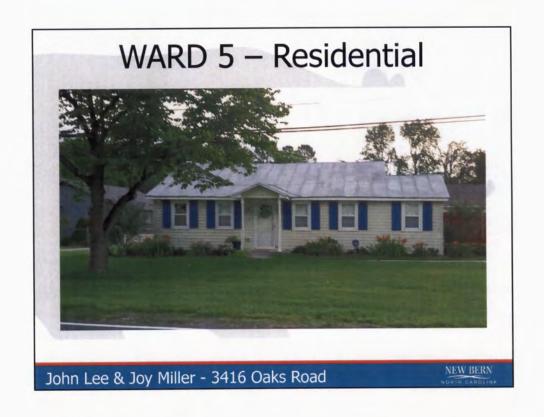


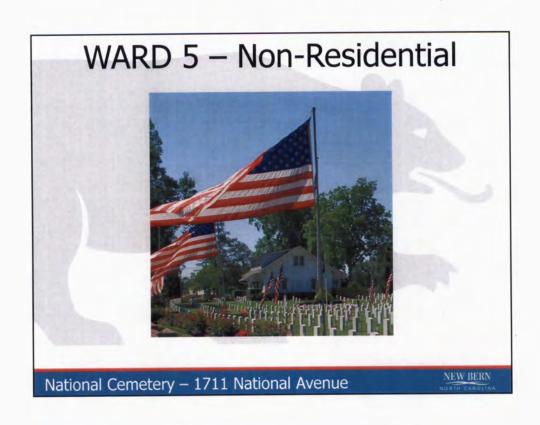


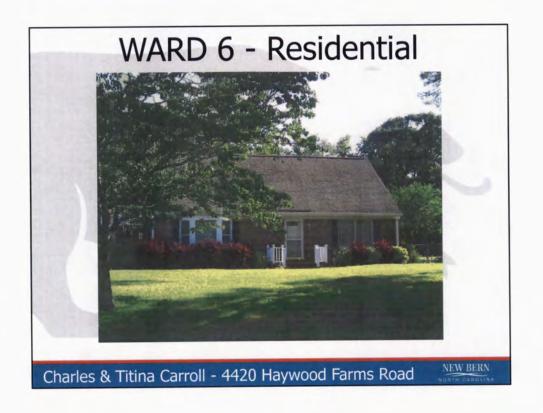


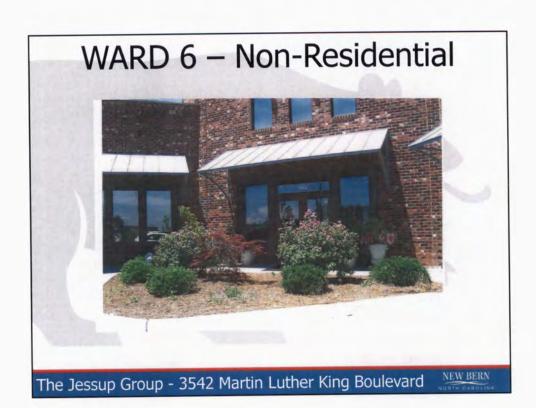












Agenda Item Title:Presentation of longevity certificates.

Date of Meeting: 8/13/2019 Department: Human Resources Call for Public Hearing: □Yes⊠No		Ward # if applicable: Person Submitting Item: Sonya Hayes Date of Public Hearing:				
				Explanation of Item:	June 2019. 4 re	eceived longevity between January 2019 and tirees are eligible to receive certificates. The rd of Aldermen will recognize and present lese employees.
Actions Needed by Board:	None					
Backup Attached: None						
Is item time sensitive?	Yes □No					
Will there be advocates/	opponents at t	he meeting? □Yes ☒ No				
Cost of Agenda Item: No	one					
If this requires an expenand certified by the Fina	•	be budgeted and are funds available Yes No				

YEARS					
LAST NAME	FIRST NAME	<u>M</u>	<u>DEPARTMENT</u>	OF SERVICE	
Gray	James	Т	Administration	5	
Mayo	Jennifer	L	Development Services	5	
Tripp	Renita	Υ	Finance	5	
Best	John	Е	Police	5	
Dale	Brandon	N	Police	5	
Fell	Jochua	F	Police	5	
Moctezuma	Mario		Public Utilities~Electric	5	
Cooper	James	W	Public Utilities~Water Resources	5	
Berry	Tiffany	М	Finance	10	
Filson	Duron	L	Police	10	
Lee	Kevin	D	Police	10	
Poe	Marianne	J	Police	10	
Salen	Gregory	Е	Police	10	
Blango	Marcus	L	Public Utilities~Water Resources	10	
Schlaeger	Mark	G	Public Utilities~Water Resources	10	
Holzbach	Jeffrey	Α	Development Services	15	
Coward	Debbie	L	Finance	15	
Bullock	Jason	R	Fire	15	
Jarman	Trent	Α	Fire	15	
Hollowell, Jr.	William		Police	15	
Rios	Jerry	С	Police	15	
Jenkins	Tommy	E	Public Works	15	
Lewis	Stacey	A	Fire	20	
McConnell	James	P	Fire	20	
Soltow, Jr.	Douglas	L_	Fire	20	
Daniels	David	Α	Police	20	
Hughes, Jr.	Carlos	R	Police	20	
LRII Ia	Desiri		Fire	25	
Hill, Jr.	Daniel	<u>T</u>	Fire	25	
Baker	Tommy	_ <u>L</u>	Public Utilities~Electric	25	
Collins	Dalton	R	Public Utilities~Electric		
Hilliard	Hewlette	G	Public Utilities~Electric	25 25	
Stilley	Randol	P	Public Utilities~Electric	25	
RETIREES				YEARS	
LAST NAME	FIRST NAME	М	DEPARTMENT	OF SERVICE	
PROPERTY INCIDENT	I III I I I I I I I I I I I I I I I I				
Morlock	Barbara	Н	Police~Retiree	24	
Dombrowsky III	Harold	E	Police~Retiree	29	
Brantley III	Claude	_ <u>_</u> _	Fire~Retiree	30	
Cleland	Jeffrey	A	Public Utilities~Electric Retiree	33	

Agenda Item Title:New Craven County Recycle Program Presentation

Date of Meeting: 8/13/2019 Department: Public Works		Ward # if applicable:		
		Person Submitting Item: Matthew Montanye		
Call for Public Hearing	g: □Yes⊠No	Date of Public Hearing:		
Explanation of Item:	· ·	Government Contracts Manager, with Waste give update on the new Craven County Recycle		
Actions Needed by Board:	N/A			
Backup Attached: N/A				
Is item time sensitive?				
Will there be advocate	s/opponents at t	the meeting? Yes No		
Cost of Agenda Item:				
If this requires an expeand certified by the Fin		be budgeted and are funds available Output Discrepance of the second o		



New Craven County Recycle Program

Start Date: October 7, 2019

Weekly service with 18 gallon bin will continue through week ending October

4. After October 4, bins will not be emptied.

Container: 96 gallon cart- green with black lid

Carts are owned by Waste Industries. We will repair and replace as needed. Everyone will get one cart. Container delivery will begin the week of August 26 through October 4. The carts are being delivered by a professional company that is provided an address list issued by Craven County and geo-codes each cart placed along with the serial number of each cart placed.

Trucks: New automated trucks will be used to empty containers. Only materials in cart will be removed.

Materials to be recycled: Plastic containers, steel and aluminum cans, newspaper, mixed paper, paperboard, cardboard, glass bottles
List will be hot stamped on lid of cart. Broader list (with pictures) will be delivered with cart.

Service Frequency: Every 4 weeks

Color coded calendar will be delivered with carts. Cart will have decal with color of week and day of week to be serviced. Calendar will also be on Craven County Website.

Existing 18 gallon bins: Residents may keep. If they no longer need, they can take to convenient sites for distribution for reuse and recycle or they are to be left empty on curb and we will pick them up on trash day.

Apartments with Dumpsters: We are visiting all and working with them on alternate weekly service based on number of units.

Businesses: There will be no change with businesses that have accounts with us for weekly service. They will continue to be weekly. If a business has signed up through the County for service, then they will follow the County program with one pick-up every four weeks.

Craven County is working with **Waste Industries** to advertise changes through Facebook, their website, county television program and other organization meetings.



Agenda Item Title:Discussion of and Public Input on Noise Ordinance

Date of Meeting: 8/13/2019 Department: City Attorney		Ward # if applicable: All Person Submitting Item: Scott Davis		
Explanation of Item:	After hearing concerns about the current noise ordinance and meeting with several citizens and businesses, changes are proposed to the current ordinance, as outlined on the attached draft.			
Actions Needed by Board:	Discuss proposed changes and entertain public comment			
Backup Attached: Draft amendm		ent to noise ordinance		
Is item time sensitive?				
Will there be advocates/	opponents at t	the meeting? \Begin{aligned} \text{Yes} \Bigsim \text{No} \end{aligned}		
Cost of Agenda Item:				
		be budgeted and are funds available		
and certified by the Fina	ince Director?	? ∟Yes ∟ No		

AN ORDINANCE TO AMEND ARTICLE III. NOISE OF CHAPTER 26 "ENVIRONMENT" OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN

THAT WHEREAS, the Board of Alderman of the City of New Bern deems it advisable and in the public interest to effect certain revisions to Article III. Noise of Chapter 26 "Environment" of the Code of Ordinances of the City of New Bern.

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

SECTION 1. That Article III. Noise of Chapter 26 "Environment" of the Code of Ordinances of the City of New Bern be and the same is hereby amended by deleting Article III. Noise of Chapter 26 in its entirety and inserting in its stead the following:

"ARTICLE III. NOISE

Sec. 26-66. Statement of purpose and intent.¹

- (a) It is recognized that above certain levels or durations and during specific times of day, unreasonably loud and disturbing noise is detrimental to health, safety and welfare of the citizenry and the individual's right to peaceful and quiet enjoyment. It is further recognized that a substantial body of science and technology exists by which unreasonably loud and disturbing noise may be measured and substantially abated.
- (b) The provisions hereinafter contained are enacted for the purpose of preventing noise disturbances or unreasonably loud noise and are enacted pursuant to the authority granted in G.S. § 160A-184. It is the policy of the city to prohibit noise disturbances or unreasonably loud noise from all sources, subject to its police power, in order to secure and promote the public health, comfort, convenience, safety, welfare, and prosperity of the citizens of the City of New Bern.
- (c) Nothing in this Article is intended to deter individuals from lawfully exercising the individual right of freedom of speech and commerce, or any other freedom guaranteed under the Constitutions of the United States of America or of the State of North Carolina.

Sec. 26-67. Definitions.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this chapter shall have the meaning indicated below:

¹ State Law reference – Authority to adopt ordinances and regulations to promote and protect the health, welfare and safety of its citizens, G.S. 160A-174; Authority to regulate, restrict or prohibit the production or emission of noises or amplified speech, G.S. 160A-184.

Amplified sound: Any sound or noise, including the human voice, that is increased in volume or intensity by means of electrical power.

A-weighted sound level: The sound pressure level in decibels as measured on a sound level meter using the A-weighted network; sound levels are represented herein by the designation, "dB(A)."

Commercial zone: Any area within the city that is zoned C-1, C-2, C-3, C-3H, C-4, C-5, C-5A and C-6.

Construction: Erection, repair, assembly, alteration, landscaping, or demolition of any building or building site.

Daytime hours: 7:00 a.m to 10:00 p.m., local time.

Decibel (also dB): Unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure (20 micronewtons per square meter).

Industrial zone: Any area within the city that is zoned I-1 and I-2.

Motorized vehicles: Generally—Any vehicle as defined in G.S. 20-4.01(49) including but not limited to:

- a. Excursion passenger vehicles as defined in G.S. 20-4.01(27)a.
- b. Common carriers of passengers as defined in G.S. 20-4.01(27)c.
- c. Motorcycles and mopeds as defined in G.S. 20-4.01(27)d. and d.1.
- d. Truck tractors as defined in G.S. 20-4.01(48).
- e. Farm tractors as defined G.S. 20-4.01(11).

Nighttime hours: 10:00 p.m. to 7:00 a.m., local time.

Noise: Any sound or combination of sounds which, because of its volume or quality, tends to disturb reasonable persons of normal sensitivity or to interfere with normal human activity.

Person: Any individual, association, firm, partnership or corporation.

Person responsible: An owner, occupant, employee, agent, or any other person who is or who appears to be responsible for a premises, dwelling, or business, or a noise-producing machine or device.

Residential zone: Any area within the city that is zoned A-5, A-5F, R-20, R-15, R-10, R-10Z, R-8 and R-6.

Sound: Any disturbance of the air or other medium that is detectable by the unaided human ear or which produces vibrations detectable by persons of normal sensitivity.

Sound level: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, as specified by the American National Standards Institute (ANSI) standards for sound level meters. If the frequency weighting employed is not specified, the A-weighting shall apply.

Sound level meter also decibel meter: An instrument that includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and averaging network used to measure sound level. Such instrument shall be certified to meet or exceed the current standards of the American National Standards Institute.

Steady-state sound: A sound that exists twenty-five percent (25%) of any one (1) measurement interval. A measurement interval is a continuous period of fifteen (15) seconds. Examples of steady-state sounds include music sources, public announcement sounds, exhaust fan and compressor noise, generator noise, etc.

Sec. 26-68. Sound level allowances.

(a) Except as set forth in this article, it shall be unlawful during the hours identified for any person to cause or allow the emission of sound from any source or sources which, when measured pursuant to the procedure outlined by this section, to exceed the maximum decibel limits as follows:

Zone	Time (Weekdays*)	dB(A) Limit	Time (Weekends**)	dB(A) Limit
Residential	7:00 a.m. to 10:00 p.m.	60	7:00 a.m. to 10:00 p.m.	60
	10:00 p.m. to 7:00 a.m.	55	10:00 p.m. to 7:00 a.m.	55
Commercial	7:00 a.m. to 10:00 p.m.	70	7:00 a.m. to 11:00 p.m.	70
	10:00 p.m. to 7:00 a.m.	55	11:00 p.m. to 7:00 a.m.	55
Industrial	7:00 a.m. to 10:00 p.m.	70	7:00 a.m. to 10:00 p.m.	70
	10:00 p.m. to 7:00 a.m.	65	10:00 p.m. to 7:00 a.m.	65

^{*} Weekdays (Sunday through Thursday)

- (b) Notwithstanding the location of multi-family structures, such structures shall have the same dB(a) limits between units as those located in residential zones.
- (c) Steady-state sounds that do not exceed the allowable sound levels set forth in section 26-68 shall not constitute loud and disturbing noises in violation of section 26-70.

Sec. 26-69. Sound measurement standards and procedures.

(a) In determining sound levels pursuant to this article, the standards, instrumentation, personnel, measurement procedures, and reporting procedures shall be as specified herein. All terminology not specifically defined in this article shall be in conformance with the American National Standards Institute (ANSI).

^{**} Weekends (Friday and Saturday)

- (1) Sound level meter. Sound level measurement shall be made with at least a Type II sound level meter meeting ANSI standards using the A-weighted scale, set on "slow" response.
- (2) Calibration. All sound level measuring devices must be calibrated consistent with the standards set by the manufacturer. The sound level meter shall be calibrated before obtaining a sound measurement, and after obtaining the two (2) sound readings required in subsection (7).
- (3) Persons using sound level meters. Persons using sound level meters shall be trained in sound level measurement and the operation of the specific sound level measurement equipment being utilized.
- (4) Measurement location. Measurement of sounds shall be made at or beyond the property line of the property from which the sound originates. For purposes of outdoor sound measurement, the back of the curb, the outside edges of driveways, fences, hedges or other physical features commonly associated with property boundaries are presumed to be at a point which is at or beyond the property line. Sound measurements shall be made at a height of at least four (4) feet above the ground and at approximately ten (10) feet away from any walls, barriers, and obstructions such as trees and shrubs. For noises generated within multi-family or multi-tenanted structures, sound level measurements shall be measured from inside the complainant's unit. The sound level measurement shall be taken at the location closest to the center of the room where the noise is heard, and shall be made at least four (4) feet from the floor. In all cases, the sound level meter shall be held at arm's length straight in front of the operator's body with the microphone pointed upward and the display facing the operator.
- (5) Background noise. Sustained background noise shall be taken into consideration when taking a sound measurement.
- (6) Separation from other individuals. No individuals other than the operator shall be within ten (10) feet of the sound level meter during the measurement period.
- (7) Measurement period. The operator shall capture a minimum of two (2) sound readings for a duration of fifteen (15) seconds per reading within a two-minute period. The highest sound level captured during any fifteen (15) second sound reading within a two-minute period shall be considered the sound level for purposes of determining compliance with this article.
- (b) The chief of police shall have the authority to issue additional measurement procedures necessary to carry out the sound measurement procedures consistent with this article.
- (c) Data documentation. A record of all sound level measurements shall be completed by the person making the measurements regardless of whether a civil penalty is imposed. The record shall include:
 - (i) Date
 - (ii) Time of measurement
 - (iii) Location (Street address if possible of noise source and point of measurement)
 - (iv) Noise source

- (v) Name, model and serial number of sound level meter, and date of calibration
- (vi) Field results
- (vii) Name of complainant (if available)
- (d) It shall be unlawful for any person to interfere, through the use of sound or otherwise, with the taking of sound level measurements.

Sec. 26-70. Loud, disturbing noises prohibited.

- (a) It shall be unlawful for any person to create or assist in creating any unreasonably loud, disturbing noise in the city which does frighten, annoy, disturb, injure, or endanger the comfort, repose, health, peace or safety of citizens within the city, causes damage to property or business within the city, or disturbs a reasonable person of normal sensitivity. Such sounds do not include the ordinary and usual sounds, noises, commotion or vibration incidental to residential living or operation of business or commercial establishments when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business. To determine whether a noise or sound constitutes a violation of this subsection, the following factors incident to such noise are to be considered:
 - (1) The volume and intensity of the noise;
 - (2) Whether the nature of the noise is usual or unusual;
 - (3) Whether the origin of the noise is natural or man-made;
 - (4) The volume and intensity of the background noise, if any;
 - (5) Whether the noise occurs during daytime or nighttime hours;
 - (6) Proximity to residential areas;
 - (7) Whether the noise is recurrent, intermittent or constant;
- (8) Whether the noise has been enhanced in volume or range by any type of mechanical means; and
 - (9) The nature and zoning of the area.
- (b) The following acts are specifically declared to be unreasonably loud, annoying, frightening, loud and disturbing noises, the emission of which shall be unlawful. The following enumeration shall not be deemed to be exclusive:
- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (2) The use of any gong or siren upon any vehicle other than police, fire, ambulance or other emergency vehicles.
- (3) The playing of any radio, phonograph, CD player, computer generated and/or amplified sound, amplifier, television, tape deck, tape recorder, musical instrument or any other

electronically created or amplified sound equipment in such a manner or with such volume during the nighttime hours as to annoy or disturb the quiet, comfort or repose of any person or persons in any dwelling, hotel, motel or other type of residence.

- (4) The use of any automobile, motorcycle or other motorized vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.
 - (5) The blowing of any steam whistle attached to any stationary boiler.
- (6) The discharge into the open air of the exhaust of any stationary internal combustion engine or motor vehicle, except through a muffler or other device, which will effectively prevent loud or explosive noises therefrom.
- (7) The creation of any excessive noise on any street adjacent to any school, church, institution of learning or court, while the same are in session, or within one hundred fifty (150) feet of any hospital, which unreasonably interferes with the work of such institution or which disturbs or unduly annoys patients in the hospital.
- (8) The creation of loud and excessive noise in connection with loading or unloading any vehicles or the opening and destruction of bales, boxes, crates and containers.
- (9) The shouting and crying of peddlers, barkers, hawkers or vendors, which disturbs the quiet and peace of the neighborhood.
- (10) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.
- (11) The repair, rebuilding or testing of any motor vehicle in any residential district, so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.
- (12) The keeping or maintaining or permitting the keeping of, on any premise, owned, leased, occupied or controlled by such person, any animal or fowl otherwise permitted to be kept which, by habitual or frequent sound, cry, howling, barking, squawking, meowing or other noise, that disturbs the quiet, comfort or repose of any person.
- (13) The operation on public property or on public vehicular areas of any sound amplifier which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette tape player, or other similar device when operated in such a manner as to be plainly audible at a distance of thirty (30) feet from the building, structure, or vehicle in which it is located or operated and which because of its volume, level, duration and character annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities.
- (14) Yelling, shouting, hooting, whistling, or singing on the public streets, or congregating or participating in any party or gathering of people particularly during nighttime hours or at any time or place where such noise is of such volume, level, and duration as to interfere with the quiet enjoyment of

reasonable persons of ordinary sensibilities or annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities.

(c) Steady-state sounds that do not exceed the allowable sound levels set forth in section 26-68 shall not constitute loud and disturbing noises in violation of this section.

Sec. 26-71. Exceptions.

The following acts or activities are exempt from the provisions of his article:

- (1) The use of a permanently installed loudspeaker or public address system at railroad and bus stations to announce the arrival and departure of trains and buses.
- (2) The use of a permanently installed loudspeaker or public address system at athletic stadiums to announce athletic events.
- (3) Musical chimes or the sounding of bells emanating from public or religious institutions or facilities.
- (4) Sounds emanating from any authorized emergency vehicle responding to an emergency or acting at the time of an emergency.
- (5) Noise sources associated with or created by construction, repair, remodeling, demolition, or grading of any real property, provided such activities do not take place between the hours of 9:00 p.m. and 7:00 a.m. on weekdays or weekends. Such activities associated with a municipal construction project may take place between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and Saturday, or at any time on Sunday, if such work is required to protect the public's health and safety, or if the board of aldermen determines that performing such activities during the restricted hours is in the public interest.
- (6) Noise sources associated with the maintenance of real property, provided such activities take place between the hours of 7:00 a.m. and 10:00 p.m. on any day.
- (7) Noise emanating from any burglar alarm or security device on any building, dwelling or vehicle, provided such noise terminates within 30 minutes of being activated.
- (8) Parades and public assemblies permitted pursuant to section 66-86, properly permitted or sanctioned public entertainment or sporting events, sporting activities taking place in areas set aside for such activities, or any activities normally associated with any of the above.
- (9) All noises coming from the normal operations of properly equipped aircraft (not including scale model aircraft).
- (10) All noises coming from normal operation of motorized vehicles properly equipped with the manufacturer's standard mufflers and noise-reducing equipment.
 - (11) Warning devices required by OSHA or any local, county, state or federal safety regulations.

- (12) Noise from properly permitted fireworks.
- (13) Noise resulting from the provision of street cleaning, sanitation and recycling services.
- (14) Musical accompaniment or firearm discharge related to military ceremonies.
- (15) Emergency work necessary to maintain public safety, or to restore property to a safe condition following an accident or natural disaster, or to restore public utilities and infrastructure following an accident or natural disaster, or to protect persons or property from an imminent danger.
- (16) Noise resulting from the provision of government services necessary to operate and maintain the public infrastructure.
- (17) Noise resulting from local government generators provided such generators are properly equipped with the manufacturer's standard mufflers and noise-reducing equipment.
- (19) Noise resulting from generators operating during periods of electric power outages provided such generators are properly equipped with the manufacturer's standard mufflers and noise-reducing equipment.
- (20) Free live performances by musicians on public property, with or without amplified sound, within the C-1 and C-2 zoning districts between noon and 9:00 p.m. provided that the sound measurement taken at least twenty-five (25) feet from the source of the noise does not exceed 70 dB(A), and between of 9:00 p.m. and noon provided that the sound measurement taken at least twenty-five (25) feet from the source of the noise does not exceed 55 dB(A).
 - (21) Any activity to the extent regulation thereof has been preempted by state or federal law.

Sec. 26-72. Responsible Party.

- (a) No property owner shall allow a noise-related nuisance or health or safety hazard to be created or maintained by or on account of tenants of the property owner. For purposes of this section, a noise-related nuisance or health or safety hazard shall be deemed to exist when a tenant or group of tenants at a specific location receives a third citation for a noise ordinance violation pursuant to this chapter. A property owner may be held liable for the costs of abating the nuisance or remedying the health or safety hazard only if the property owner has been notified in writing of the first two (2) ordinance violations. A property owner shall be liable for the costs of abating the nuisance or remedying the health or safety hazard upon the third and any subsequent action by the same tenant at a specific location, provided the third violation occurs at least fifteen (15) days from the date of actual receipt of notice of the second violation. It shall be a complete defense to a citation under this subsection if the owner of the real property involved can prove that the property owner is actively pursuing an eviction process according to law, and that the eviction process was begun prior to the date of the third or any subsequent violation by the same tenant at a specific location.
- (b) Owners, property managers, agents, management companies, and employees of the owner, property manager, agent or management companies shall be responsible and liable for any violations of this article by tenants, guests, or licensees on the premises if the owners, property managers, agents,

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management companies, or employees of the owner, property manager, agent or management companies are present at the time of the violation.

- (c) When the noise which violates this article is emanating from a motorized vehicle, the violator is the operator of the motorized vehicle, and/or the employer of the operator if the motorized vehicle is being used for commercial purposes, and/or the person which possesses or controls the motorized vehicle used by the operator if the motorized vehicle is being used for commercial purposes.
- (d) When the noise which violates this article is emanating from construction activities, the violator is the individual doing the activity and/or their employer, the general contractor for the site, or the owner of the property.

Sec. 26-75. Enforcement and penalties.

- (a) When it is reasonable and practical to do so, a person believed to be violating any portion of this article may be given an oral order to cease or abate the noise immediately, or as soon as is reasonable or practical, prior to being issued a citation.
- (b) Violation of this article shall subject the offender(s) to a civil penalty in the amount of \$250.00. In the event there is more than one violation within any one-year period, then the civil penalty shall be increased for each additional violation over one during such period, as follows.

Second offense within one year: \$500.00

Third offense within one year: \$750.00

Fourth offense within one year: \$1,000.00

Fifth and any subsequent offense within one year: \$1,250.00

- (c) Once the one-year period has run from the "first violation," the next violation shall be considered to be a first violation for the purposes of establishing a new one-year period.
- (d) Violators shall pay any issued penalty within ten (10) days of the issue date as directed on the written citation. The city attorney, or designee, is authorized to file suit on behalf of the city to collect any unpaid citations, and the police chief, or designee, is authorized to verify and sign complaints on behalf of the city in such suits. A police officer, or other employee duly authorized to enforce the noise control ordinances may issue a citation for violations of this article.
- (e) Any person issued a civil penalty under the provisions of this section may appeal by filing an appeal in writing with the police department within ten (10) calendar days after the civil penalty citation is issued. The written appeal shall state all reasons that the civil penalty was wrongly applied and shall include all supporting documentation that the appellant contends supports the appeal. If a person files a written appeal within the time provided in this section, the penalty being appealed shall be stayed pending the decision of the chief or arbitrator. Unless the chief of police decides to allow the requested relief based on the appeal request, the chief of police shall send each appeal request to arbitration. The chief of police shall select an arbitrator other than an employee of the city. The

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arbitration shall be conducted, to the extent practicable, in accordance with the Supreme Court Rules for Court-Ordered Arbitration in North Carolina. The arbitrator shall be paid a fee equal to the maximum fee specified in such rules with such fee paid equally by the parties as provided therein. The arbitrator shall issue a written determination, within a reasonable time, stating whether the disputed civil penalty will be approved without change or modified or reversed. All decisions of the chief of police and arbitrator shall be served on the petitioner.

(f) This chapter may also be enforced through equitable remedies including but not limited to nuisance abatement procedures as issued by a court of competent jurisdiction.

AGENDA ITEM COVER SHEET

Agenda Item Title: Discussion Regarding Capital Pur	chases in the Public Works Department
Date of Meeting 8/13/19	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:	
Discuss redirecting budgeted funds w the FY19 Adopted Budget to purchase	ithin the Public Works Department of the General Fund in a Grasshopper mower for sidewalk clearing.
Actions Needed by Board:	
Discussion and consent to purchase of	capital item.
Is item time sensitive? ☐ Yes ☑ No	
Will there be advocates/opponents a	at the meeting? Yes No
Backup Attached:	

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

Cost of Agenda Item: \$9,700.00

Additional notes:

certified by the Finance Director : Yes No



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

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

DATE: July 26, 2019

RE: Discussion regarding redirection of capital budget – Public Works Department

Current

The Board of Alderman has directed staff to clear and clean sidewalks though out the city. Matt Montanye Director of Public Works requests the Board consider the purchase of a Grasshopper Mower valued at \$9,700. This equipment will allow significant sidewalk clearing capabilities allowing for more efficient cleanup. We would like to redirect budgeted funds within the streets budget for the purchase of this power unit.

Requested Action

The Board discuss redirecting funds within the streets budget of Public Works and provide consent on the purchase of a Grasshopper Mower at its August 13, 2019 meeting.

Grasshopper QuikQuote #10011N01161



Vendor:

Moridge Mfg. Inc. 105 Old Highway 81 S. P.O. Box 810 Moundridge, KS 67107

Contact:

Brent Dobson

bdobson@grasshoppermo wer.com Quoted by

Moridge Manufacturing, Inc. | Justin Eicher 105 Old US Hwy 81 Moundridge, KS 67107 P: 620-345-8621 F: 316-

462-0593

Justin Eicher

E

jeicher@grasshoppermowe

r.com

P: 620-345-8621

Quoted for City of New Bern

300 Pollock Street New Bern, NC 28560

E:

nelsondr@newbernnc.gov

OMNIA PARTNERS

(U.S. Communities)

Contract ID: #17-6221
Contract Period:

05/15/2017–05/14/2020 Quoted Jul 11, 2019

Power Unit & Deck

Model 329B with 52" deck (534172)

895cc Big Block Engine; "no-gears" hydraulic pumpand-wheel-motor transmission; heavy-duty extradeep 52" cutting deck; luxury seat and shockabsorbing footrest List

\$11,435.00 \$8,576.25

List Total: \$12,730.00

Contract: \$9,612.25

Grand Total: \$9,612.25

Stipulation(s):

√ Quote Expires in 30 days

Implements

533137 -Edge-EZE™ - Electric Lift

List

Contract

Contract

\$1295.00 \$1036.00

Make PO to: Moridge Mfg. Inc.

Fax PO to:

Email PO to:

bdobson@grasshoppermower.com

PO #:

Approved by:

Signature:

Date:

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider adopting an ordinance amendment, amending Section 70-184 of the City Code of Ordinances "Streets upon which the operation of tractor trailers is prohibited" to include Second Street between Park Avenue and Trent Blvd.

Date of Meeting: 8/13/2019		Ward # if applicable: 1			
Department: Public Works		Person Submitting Item: Matt Montanye, Director of Public Works			
Call for Public Hearing:	□Yes⊠No	Date of Public Hearing: N/A			
Explanation of Item:	Discuss amending Section 70-184 "Streets upon which the operation of tractor trailers is prohibited to include Second Street between Park Avenue and Trent Blvd.				
Actions Needed by Board:	Adopt an ordinance amendment, amending Section 70-184 "Streets upon which the operation of tractor trailers is prohibited to include Second Street between Park Avenue and Trent Blvd				
Backup Attached:	Memo				
Is item time sensitive? □Yes ⊠No					
Will there be advocates/opponents at the meeting? ⊠Yes □ No					
Cost of Agenda Item: \$300.00					
If this requires an expenditure, has it be budgeted and are funds available					
and certified by the Finance Director? Yes No					

Additional Notes: N/A



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

July 30, 2019

Memo to: Mayor and Board of Aldermen

From: Matt Montanye, Director of Public Works

Re: Consider adopting an ordinance amendment, amending Section 70-184 of the City Code

of Ordinances "Streets upon which the operation of tractor trailers is prohibited" to

include Second Street between Park Avenue and Trent Blvd.

Background Information:

Over the past couple of years, the City of New Bern has been working with the Ghent Community of ways to address traffic related concerns including the volume of traffic as well as the size of the vehicles traveling along Second Avenue between First Street and Trent Blvd. The proposed ordinance amendment will no longer allow tractor-trailers to travel along Second Street between Park Avenue and Trent Blvd. However, this ordinance amendment would not prohibit tractor-trailers from traveling on Second Street between First Street and Park Avenue, therefore having access to the VOLT Center and other commercial businesses in the area.

Recommendation:

The Public Works Department recommends and request that the Board consider adopting an ordinance amendment, amending Section 70-184 of the City Code of Ordinances "Streets upon which the operation of tractor trailers is prohibited" to include Second Street between Park Avenue and Trent Blvd.

If you have any questions regarding this issue, please feel free to give me a call.

AN ORDINANCE TO AMEND SECTION 70-184. "STREETS UPON WHICH THE OPERATION OF TRACTOR-TRAILERS IS PROHIBITED; EXCEPTIONS" OF ARTICLE V. "TRUCKS AND TRAILERS" OF CHAPTER 70. "TRAFFIC AND VEHICLES" OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN

THAT WHEREAS, the Public Works Director of the City of New Bern recommends that an amendment be made to Section 70-184. "Streets upon which the operation of tractor-trailers is prohibited; exceptions" of Article V. "Trucks and Trailers" of Chapter 70. "Traffic and Vehicles" of the Code of Ordinances of the City of New Bern; and

WHEREAS, the Board of Alderman of the City of New Bern deems it advisable and in the public interest to effect said amendment to Section 70-184. "Streets upon which the operation of tractor-trailers is prohibited; exceptions" of Article V. "Trucks and Trailers" of Chapter 70. "Traffic and Vehicles" 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 70-184. "Streets upon which the operation of tractor-trailers is prohibited; exceptions" of Article V. "Trucks and Trailers" of Chapter 70. "Traffic and Vehicles" of the Code of Ordinances of the City of New Bern be and the same is hereby amended by deleting Section 70-184 in its entirety and inserting in its stead the following:

"Sec. 70-184. - Streets upon which the operation of tractor-trailers is prohibited; exceptions.

No motor vehicle of the type designated as a tractor-trailer unit or of the type designated as a tandem-axle vehicle shall be operated upon the following streets, except when the destination of the vehicle is at a point on the street on which it is traveling or when the trip of the vehicle originates on the street on which it is traveling:

Avenue A, between National Avenue and North Craven Street.

Avenue B.

Avenue C.

Avenue D.

Benfield Avenue, from Neuse Boulevard northeastwardly to the end thereof.

Bern Street, between Broad Street and New Street.

Bern Street, between Pollock Street and Broad Street.

Bern Street, between Queen Street and George Street.

Chattawka Lane, between Neuse Boulevard and Trent Boulevard.

Chattawka Lane, between Neuse Boulevard and Colonial Way.

Clark Avenue, between Neuse Boulevard and Colonial Way.

Cleveland Street.

Colony Drive, between U.S. Highway 70 and Race Track Road.

Concord Street, between Colony Drive and Elizabeth Avenue.

Court Street.

Craven Street, between Broad Street and Queen Street.

Crescent Street.

East Front Street, between Broad Street and Queen Street.

Eighth Street, between Clarendon Boulevard and Trent Boulevard.

Elizabeth Avenue, between South Glenburnie Road and Race Track Road.

Elizabeth Avenue, from Simmons Street to its intersection with Karen Drive.

Fort Totten Drive, between Neuse Boulevard and McArthur Avenue.

Franklin Avenue.

Grace Avenue.

Griffin Avenue, between Simmons Street and Ninth Street.

Hancock Street, between Broad Street and Queen Street.

Haywood Farms Road.

Heritage Drive.

High Street.

Hotel Drive.

Jefferson Avenue.

Karen Drive, between Neuse Boulevard and Elizabeth Avenue.

Kimberly Road.

Laurel Street.

Meadows Street, between Clarendon Boulevard and Simmons Street.

Metcalf Street, between Broad Street and Queen Street.

Metcalf Street, between Broad Street and South Front Street.

Middle Street, between Broad Street and Craven Street.

National Avenue, from George Street northwardly to the city limits; provided, however, nothing herein contained shall prevent the use of National Avenue, or George Street, by trucks as

a means of access to destinations within the area known as "Riverside," in general, and destinations on North Craven Street, in particular.

North Avenue.

North Pasteur Street.

North Street, from West Street to Eubanks Street.

North Craven Street, north of Avenue D.

Park Avenue, from Spencer Avenue to Seventh Street.

Pavie Avenue.

Pinetree Drive.

Queen Anne Lane, between Neuse Boulevard and McArthur Avenue.

Queen Anne Lane, between Trent Boulevard and its intersection with McArthur Avenue.

Oueen Street, between First Street and Broad Street.

Rhem Avenue.

Riverside Drive.

Roanoke Avenue, between South Glenburnie Road and Colony Drive.

Second Street, between Park Avenue and Trent Boulevard.

Slaughter House Road, beginning 1,350 feet north of its intersection with Clarendon Boulevard (US Highway 17).

Spencer Avenue, from First Street to Trent Boulevard.

Stallings Parkway, from Neuse Boulevard northeastwardly to the southwestern right-of-way line of High Street.

Stewart Boulevard.

St. Paul Street, from Chestnut Avenue to Pembroke Avenue.

Taberna Circle.

Taberna Way.

Tatum Drive, between Professional Drive and Meadows Street.

West Street, between Queen Street and Cypress Street.

Woodland Avenue.

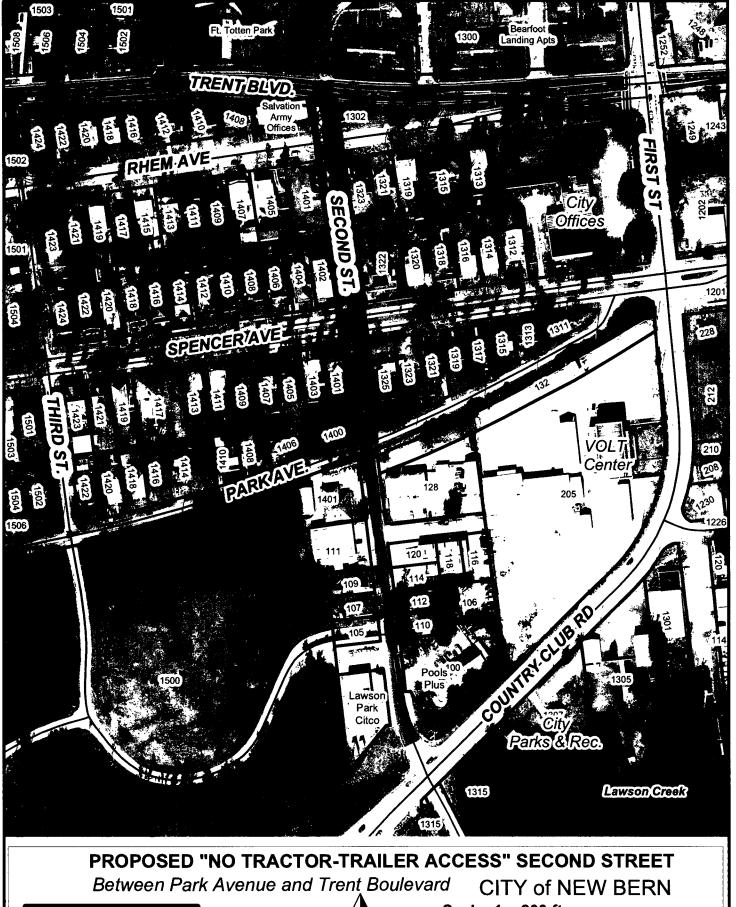
Wilson Street.

Yarmouth Road.

SECTION 12. This ordinance shall be effective from and after the date of its adoption.

ADOPTED THIS 13th DAY OF AUGUST, 2019.

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



Site

Imagery Early 2016



Scale: 1 = 200 ft

200

500

From: Mike Genest < img@dhwlegal.com > Sent: Wednesday, July 24, 2019 4:23 PM

To: Sabrina Bengel < bengels@newbernnc.gov >; Bobby Aster < asterb@newbernnc.gov >

Subject: Second Street tractor-trailer traffic

Good afternoon, Alderman Bengel and Alderman Aster.

I am writing to you today as representative of the Ghent Neighborhood Association to request that Second Street in the Ghent Neighborhood be added to the list of streets upon which the operation of tractor-trailers is prohibited by ordinance (Sec. 70-184). As you may be aware, tractor-trailer though-traffic is prohibited on Rhem Avenue, Spencer Avenue, and Park Avenue, and the same residential considerations that merit the prohibition on those streets also apply to neighboring Second. Currently, Second is routinely used as a cut-through by tractor-trailers, which results in excess noise, wear to the road surface, and damage to adjacent property, including the City signs on the corner of Rhem and Second that are often run over by turning trucks. The Ghent Neighborhood Association is in favor of adding this enforceable prohibition as a way to limit commercial traffic cutting through the residential neighborhood, and we are greatly appreciative of your assistance with this measure and all of the other efforts you have undertaken on behalf of your constituents in Ghent.

Please let us know if additional information or support would be beneficial, and again, thank you both!

-Mike Genest President, GNA

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) 6364000 Dana E. Outlaw Mayor

Mark A. Stephens City Manager

Memorandum

TO:

Alderman Johnnie Ray Kinsey

FROM:

Brenda Blanco, City Clerk

DATE:

March 15, 2019

SUBJECT:

Appointment to Board of Adjustment

On November 13, 2018, you appointed Anne Schout to an alternate seat on the Board of Adjustment. Mrs. Schout has tendered a resignation effective March 1, 2019. You are requested to appoint someone to fill the remainder of her seat, which will expire on November 12, 2021.

/beb

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) 6364000 Dana E. Outlaw Mayor

Mark A. StephensCity Manager

TO: Alderman Robert Aster

FROM: Bradleigh Sceviour

Land & Community Development Administrator

DATE: June 21st 2019

SUBJECT: Board of Adjustment Appointment.

Mr. Peter Walker resigned from the Board of Adjustment and his seat will need to be filled. You are requested to nominate an appointment to fill this seat on the Board of Adjustment.

The Board of Adjustment is a quasi-judicial body acting independently from the Board of Aldermen. Board membership is composed of 10 regular and 3 alternate members. 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 on the last Monday night of each month. The Board's major responsibilities are the granting of variances, appeals and special use permits. Members must have the ability to read and understand complex land ownership and development issues.

To nominate a citizen of your choosing, 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 639-7582.

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



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

Mark A. Stephens City Manager

<u>MEMORANDUM</u>

TO: Alderwoman Jameesha Harris

FROM: Brenda Blanco, City Clerk

DATE: July 12, 2019

SUBJECT: Appointment to Planning and Zoning

At the July 9, 2019 meeting, you appointed Barbara Sampson to the Planning and Zoning Board to fill Carol Williams' expired seat. Ms. Sampson has respectfully declined the appointment, expressing a desire to instead serve on the Board of Adjustment. Thus, you are asked to make a new appointment to the Planning and Zoning Board.



Yearly Municipal Appointment

Please use this form to appoint or reappoint a representative from your municipality to actively serve on the Eastern Carolina Council General Membership Board. You may submit this form via email (eccadmin@eccog.org), fax (252-638-3187), or mail (P.O. Box 1717, New Bern, NC 28563-1717). For questions or concerns please contact Leighann Morgan, Administrative Assistant, at 252-638-3185 ext. 3001 or eccadmin@eccog.org. Please complete this form and convey it to us ASAP so that we may extend an invitation to this individual to attend our next meeting.

Municipality: (City of New	1 Bern	
We here do appoi Eastern Carolina	nt Council General Me	(Name of Appointment) embership Board.	to serve on the
Contact informati	on:		
Ma Ci Ho Ce	de: hiling Address: hy and Zip: home Phone: hall Phone: hail:		
Dote		Signature	Title

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



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

Dana E. Outlaw Mayor Mark A. Stephens City Manager Brenda E. Blanco City Clerk Joseph R. Sabatelli Director of Finance

Memorandum

TO: Alderman Sabrina Bengel

Brenda Blanco, City Clerk BEBlanco FROM:

DATE: August 2, 2019

SUBJECT: Appointment to Redevelopment Commission

Maria Cho's term on the Redevelopment Commission will expire August 14, 2019. She is eligible for reappointment, if desired, or a new appointment can be made. appointee will serve a five-year term.

/beb