

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
NOVEMBER 12, 2019 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

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

Consent Agenda

4. Consider Adopting a Resolution to Call for a Public Hearing to Annex 310 South Street.
5. Consider Adopting a Resolution to Call for a Public Hearing to Annex 618 West Thurman Road.
6. Approve Minutes.

7. Presentation on Wreaths Across America.
8. Presentation on Minimum Housing Code Enforcement and Nuisance Abatement Processes.
9. Consider Adopting a Resolution Requesting Improvements to County Line Road.
10. Consider Adopting a Resolution Approving a Memorandum of Understanding with the US Marine Corps Forces Special Operations Command (MARSOC).
11. Consider Adopting an Amended Resolution Designating Agents for Hurricane Dorian.
12. Consider Adopting an Ordinance to Establish the Hurricane Dorian Fund.
13. Consider Adopting an Ordinance Amendment for the Entitlement Cities Community Development Block Grant Fund.
14. Consider Adopting a Budget Ordinance Amendment for the FY2019-20 Grants Fund.
15. Appointment(s).
16. Attorney's Report.

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

Memo to: Mayor and Board of Aldermen

From: Mark A. Stephens, City Manager

Date: November 8, 2019

Re: November 12, 2019 Agenda Explanations

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

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

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

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

Consent Agenda

4. Consider Adopting a Resolution to Call for a Public Hearing to Annex 310 South Street.

(Ward 1) John and Laura Lambert, property owners, have petitioned the City to annex 0.733 acres of land located at 310 South Street. The property is located in Number Two (2) Township and is situated off Sandy Point Road in the Bridgeton area. The Board is asked to call for a public hearing on November 26, 2019 to consider this request. A memo from Jeff Ruggieri, Director of Development Services, is attached along with a map of the property.

5. Consider Adopting a Resolution to Call for a Public Hearing to Annex 618 West Thurman Road.

(Ward 6) Charles and Dana Riddick, property owners, have petitioned the City to annex 6.10 acres located at 618 W. Thurman Road. The property is further identified as Craven County Tax Parcel 7-109-15001. The Board is asked to call for a public hearing on November 26, 2019 to consider this request. As a reminder, this is the property for which a sewer-use agreement was approved at the Board's October 22nd meeting. A memo from Mr. Ruggieri is attached along with a map of the property.

6. Approve Minutes.

Draft minutes of the October 22, 2019 meeting are provided for review and approval.

7. Presentation on Wreaths Across America.

Kevin Yates will make a brief presentation on Wreaths Across America, a wreath-laying ceremony to take place at the National Cemetery in New Bern on December 14, 2019.

8. Presentation on Minimum Housing Code Enforcement and Nuisance Abatement Processes.

At the request of the Board, staff will present a presentation on minimum housing and nuisance abatement processes. Jeff Ruggieri, Director of Development Services and Matt Boswell, Chief Building Inspector, will be present to answer any questions, along with other staff members.

9. Consider Adopting a Resolution Requesting Improvements to County Line Road.

As requested at the October 22, 2019 Board meeting, a resolution has been prepared to request NCDOT improve and pave the portion of County Line Road that lies within the municipal City limits of New Bern. That portion of roadway is currently gravel from the point of Old Airport Road to Wilcox Road. Making improvements will not only improve access to neighborhoods, but will also enhance public safety. A brief memo from Brenda Blanco, City Clerk, is attached.

10. Consider Adopting a Resolution Approving a Memorandum of Understanding with the US Marine Corps Forces Special Operations Command (MARSOC).

The US Marine Corps Forces, Special Operations Command (MARSOC) desires to periodically conduct training within the municipal limits of the City of New Bern. Those involved in the training exercises will include military personnel, government civilian workers, or contractors. No private citizens will be involved. The Marine Corps has requested a Memorandum of Understanding be executed to document the agreement between the parties, which is valid for three years. A brief memo from Police Chief Toussaint Summers is attached.

11. Consider Adopting an Amended Resolution Designating Agents for Hurricane Dorian.

A resolution was adopted on October 22, 2019 designating the City's primary and secondary agents for working with FEMA on Hurricane Dorian claims. The resolution has been amended to designate the City Manager as the primary agent. A brief memo from Mark Stephens, City Manager, is attached.

12. Consider Adopting an Ordinance to Establish the Hurricane Dorian Fund.

The City is eligible for FEMA reimbursements because of expenses associated with Hurricane Dorian. The City experienced damages and incurred costs for emergency services, utility restoration, debris removal, repairs, etc. The ordinance establishes the Hurricane Dorian Fund with an initial budget of \$1.5 million, which is expected to be funded through FEMA grant funds. A memo from Mrs. Mullican is attached.

13. Consider Adopting an Ordinance Amendment for the Entitlement Cities Community Development Block Grant Fund.

An ordinance amendment is needed to recognize additional proceeds and establish a budget for the Entitlement Cities Community Development Block Grant Fund. The most recent grant funds received were for \$477,574, which will continue to provide funding for improvements to infrastructure, housing rehabilitation, public improvements, affordable housing, and planning and administration. A memo from Lori Mullican, Accounting Manager, is attached.

14. Consider Adopting a Budget Ordinance Amendment for the FY2019-20 Grants Fund.

A budget ordinance amendment is needed to acknowledge the following grants that have been received by the City: a) \$50,000 from the NC Department of Commerce Rural Development Downtown Revitalization Grant for the revitalization and enhancement of Federal Alley; b) \$40,000 from the NC Department of Commerce Rural Development Local Capacity Grant to repair fencing along the riverwalk at Union Point Park that was damaged during Hurricane Florence; c) \$4,978 from the Wal-Mart Community Grant for the purchase of water rescue gear; d) \$5,027 from the Department of Justice – Bureau of Justice Assistance Bulletproof Vest Partnership Grant; and e) \$15,000 from the Duke Energy Foundation Storm Resiliency Grant for the hiring of a consulting firm for the development of a mitigation plan. Additionally, the amendment will recognize funding sources not completed as of June 30, 2019 for the \$56,000 grant from the NC Department of Natural & Cultural Resources for the Riverwalk Greenway Project. A memo from Mrs. Mullican is attached.

15. Appointment(s).

Jerry Walker's first term on the Planning & Zoning Board expired June 30, 2019. Alderman Bengel made a motion to reappoint him for an additional term, but he has respectfully declined. Therefore, Alderman Bengel is asked to make a new appointment to serve a three-year term.

16. Attorney's Report.

17. City Manager's Report.

18. New Business.

19. Closed Session.

20. Adjourn.

AGENDA ITEM COVER SHEET

Agenda Item Title:

To consider adopting a resolution calling for a Public Hearing to annex the property located at 310 South Street.

Date of Meeting: 11/12/2019	Ward # if applicable: Ward 1
Department: Development Services	Person Submitting Item: Jeff Ruggieri, Director of Development Services
Call for Public Hearing: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Date of Public Hearing: 11/26/2019

Explanation of Item:	The Board is requested to call for a Public Hearing to consider a request by property owners, John and Laura Lambert to annex 0.733 acres located at 310 South Street.
Actions Needed by Board:	Consider adopting a resolution calling for a Public Hearing to be held on November 26, 2019 for annexation of the property located at 310 South Street, further identified as Craven County Tax Parcel ID 2-037-007.
Backup Attached:	Memo, Resolution, Certificate of Sufficiency, Signed Petition from property owners, Annexation map

Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input type="checkbox"/> No

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

Additional Notes:



MEMORANDUM

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

FROM: Jeff Ruggieri, Director Development Services

DATE: 10/31/2019

SUBJECT: Call for a Public Hearing on November 26, 2019 to consider the annexation request for 310 South Street.

Background

The Board of Alderman is requested to call for a public hearing to be held on November 26, 2019 at 6:00 p.m., or as soon thereafter as possible, to consider a request by property owners; John F. Lambert and wife, Laura H. Lambert to annex a parcel of land consisting of 0.733 acres, more or less into the City of New Bern. The said parcel is located at 310 South Street in Number Two (2) Township, Craven County Tax Parcel ID 2-037-007.

Recommendation

To call for a public hearing to consider the annexation request by property owners; John F. Lambert and wife, Laura H. Lambert for their property located at 310 South Street in Number Two (2) Township, Craven County Tax Parcel ID 2-037-007.

Please contact Jeff Ruggieri at 639-7587 should you have any questions or need additional information.

CERTIFICATE OF SUFFICIENCY

I, BRENDA E. BLANCO, City Clerk of the City of New Bern, North Carolina, do hereby certify that I have investigated the sufficiency of the Petition of John F. Lambert and wife, Laura H. Lambert, requesting annexation by the City of New Bern of a parcel of land located at 310 South Street in Number Two (2) Township, Craven County, which said Petition is dated October 7, 2019, and I do hereby certify that said Petition is in order in all respects.

THIS 12th DAY OF NOVEMBER, 2019.

BRENDA E. BLANCO, CITY CLERK

RESOLUTION

THAT WHEREAS, the Board of Aldermen of the City of New Bern has received a petition from John F. Lambert and wife, Laura H. Lambert, bearing date October 7, 2019, seeking annexation to the City of New Bern of a parcel of land consisting of 0.733 acres, more or less, which said parcel is located at 310 South Street in Number Two (2) Township, Craven County, more particularly identified on Exhibit A attached hereto and incorporated herein by reference; and

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

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

WHEREAS, the Board of Aldermen desires to conduct a public hearing on November 26, 2019, in the City Hall Courtroom at 6:00 p.m. on the question of annexing to the City of New Bern the above-described parcel of land owned by John F. Lambert and wife, Laura H. Lambert.

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

Section 1. That a public hearing will be conducted by the Board of Aldermen of the City of New Bern on November 26, 2019, in the City Hall Courtroom at 6:00 p.m., or as soon thereafter as the matter may be reached, on the question of annexing to the City of New Bern the parcel of land owned by John F. Lambert and wife, Laura H. Lambert, which said parcel is located at 310 South Street in Number Two (2) Township, Craven County, North Carolina, the boundaries of which are shown on Exhibit A attached hereto and incorporated herein by reference.

Section 2. That a notice of public hearing shall be published once in the *Sun-Journal* at least ten (10) days prior to November 26, 2019.

ADOPTED THIS 12th DAY OF NOVEMBER, 2019.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK



Proposed Annexation: 310 South Street: Lambert Property - 0.733 Acres. Tax ID - 2-087-007



Existing New Bern Limits

Proposed Annexation Area

N



Scale: 1 = 250 ft or 1:3,000

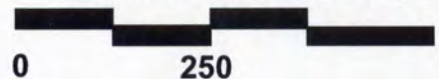


EXHIBIT A

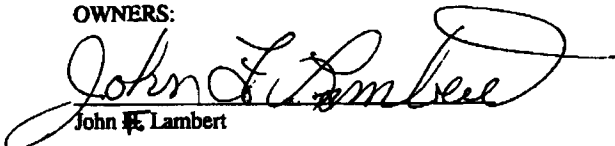
PETITION TO ANNEX

TO: BOARD OF ALDERMEN OF THE CITY OF NEW BERN

1. John F. Lambert and wife, Laura H. Lambert, the undersigned owners of real property, respectfully request that the area described in Paragraph 2 below be annexed to the City of New Bern.

2. The area to be annexed is contiguous to the City of New Bern, and the boundaries of such territory are more particularly described on Exhibit A attached hereto and incorporated herein by reference.

OWNERS:


John F. Lambert


Laura H. Lambert

Date: 10/7/2019

Mailing Address: John and Laura Lambert
223 Bernhurst Rd.
New Bern, NC
28560

EXHIBIT A

All those certain lots or parcels of land lying and being situate in Number Two (2) Township, Craven County, North Carolina, and being more particularly described as follows:

TRACT ONE:

Being Lot No. 15 in Block "B" of that certain subdivision known as Riverview Park, a plat of which is recorded in the Office of the Register of Deeds of Craven County in Map Book 2 Page 69. Said lot measuring 50 X 200 feet and being the same conveyed by James T. Harris and wife, Frances Harris, to Gene Potter and wife, Jean Potter by deed bearing date Nov. 25, 1959, and recorded in the Office of the Register of Deeds of Craven County at Deed Book 589 Page 577, to which reference is made for a more perfect description. This land is subject to restrictive and protective covenants recorded in the public records of Craven County in Book 421 Page 192.

AND,

TRACT TWO:

BEGINNING at the point of intersection of the northern line of Third Avenue and the northeastern line of South Street as show upon a plat recorded in Map Book 2, Page 130, in the Office of the Register of Deeds of Craven County. Thence from this point of beginning so located along and with the northeastern line of South Street N 9 degrees W 103.87 feet to a point; thence N 81 degrees E 200 feet to a point; then S 12 degrees W to a point in the northern line of Third Avenue which point lies S 78 degrees E 149.49 feet from the point of Beginning; then along and with the northern line of Third Avenue N 78 degrees W 149.49 feet to the point of BEGINNING. Said lot is the same conveyed by Twin Stars Financial Corporation to Gene Autry Potter and wife, Jean Harris Potter by deed bearing dated April 3, 1975 and recorded in the Office of the Register of Deeds of Craven County at Deed Book 847 Page 327.

Both parcels being located at and properly known as 310 South Street, New Bern, North Carolina.

AGENDA ITEM COVER SHEET

Agenda Item Title:

To consider adopting a resolution calling for a Public Hearing to annex the property located at 618 West Thurman Road.

Date of Meeting: 11/12/2019	Ward # if applicable: Ward 6
Department: Development Services	Person Submitting Item: Jeff Ruggieri, Director of Development Services
Call for Public Hearing: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Date of Public Hearing: 11/26/2019

Explanation of Item:	The Board is requested to call for a Public Hearing to consider a request by property owners; Charles and Dana Riddick to annex 6.10 acres located at 618 W. Thurman Road.
Actions Needed by Board:	Consider adopting a resolution calling for a Public Hearing to be held on November 26, 2019 for annexation of the property located at 618 West Thurman Road, further identified as Craven County Tax Parcel ID 7-109-15001.
Backup Attached:	Memo, Resolution, Certificate of Sufficiency, Signed Petition from property owners, Annexation map

Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input type="checkbox"/> No

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

Additional Notes:



MEMORANDUM

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

FROM: Jeff Ruggieri, Director Development Services

DATE: 10/31/2019

SUBJECT: Call for a Public Hearing on November 26, 2019 to consider the annexation request for 618 West Thurman Road.

Background

The Board of Alderman is requested to call for a public hearing to be held on November 26, 2019 at 6:00 p.m., or as soon thereafter as possible, to consider a request by property owners; Charles Patrick Riddick and wife Dana M. Riddick to annex 6.10 acres, more or less into the City of New Bern. The said parcel is located at 618 West Thurman Road in Number Seven (7) Township, Craven County Tax Parcel ID 7-109-15001.

Recommendation

To call for a public hearing to consider the annexation request by property owners; Charles Patrick Riddick and wife Dana M. Riddick for their property located at 618 West Thurman Road in Number Seven (7) Township, Craven County Tax Parcel ID 7-109-15001.

Please contact Jeff Ruggieri at 639-7587 should you have any questions or need additional information.

CERTIFICATE OF SUFFICIENCY

I, BRENDA E. BLANCO, City Clerk of the City of New Bern, North Carolina, do hereby certify that I have investigated the sufficiency of the Petition of Charles Patrick Riddick and wife, Dana M. Riddick, requesting annexation by the City of New Bern of a parcel of land located at 618 W. Thurman Road in Number Seven (7) Township, Craven County, which said Petition is dated October 22, 2019, and I do hereby certify that said Petition is in order in all respects.

THIS 12th DAY OF NOVEMBER, 2019.

BRENDA E. BLANCO, CITY CLERK

RESOLUTION

THAT WHEREAS, the Board of Aldermen of the City of New Bern has received a petition from Charles Patrick Riddick and wife, Dana M. Riddick, bearing date October 22, 2019, seeking annexation to the City of New Bern of a parcel of land consisting of 6.10 acres, more or less, which said parcel is located at 618 W. Thurman Road in Number Seven (7) Township, Craven County, more particularly identified on Exhibit A attached hereto and incorporated herein by reference; and

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

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

WHEREAS, the Board of Aldermen desires to conduct a public hearing on November 26, 2019, in the City Hall Courtroom at 6:00 p.m. on the question of annexing to the City of New Bern the above-described parcel of land owned by Charles Patrick Riddick and wife, Dana M. Riddick.

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

Section 1. That a public hearing will be conducted by the Board of Aldermen of the City of New Bern on November 26, 2019, in the City Hall Courtroom at 6:00 p.m., or as soon thereafter as the matter may be reached, on the question of annexing to the City of New Bern the parcel of land owned by Charles Patrick Riddick and wife, Dana M. Riddick, which said parcel is located at 618 W. Thurman Road in Number Seven (7) Township, Craven County, North Carolina, the boundaries of which are shown on Exhibit A attached hereto and incorporated herein by reference.

Section 2. That a notice of public hearing shall be published once in the *Sun-Journal* at least ten (10) days prior to November 26, 2019.

ADOPTED THIS 12th DAY OF NOVEMBER, 2019.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK



EXHIBIT A

PETITION TO ANNEX

TO: BOARD OF ALDERMEN OF THE CITY OF NEW BERN

1. Charles Patrick Riddick and wife, Dana M. Riddick, the undersigned owners of real property, respectfully request that the area described in Paragraph 2 below be annexed to the City of New Bern.

2. The area to be annexed is contiguous to the City of New Bern, and the boundaries of such territory are more particularly described on Exhibit A attached hereto and incorporated herein by reference.

OWNERS:


CHARLES PATRICK RIDDICK


DANA M. RIDDICK

Date: 10/22/2019

Mailing Address: 132 Mom Lane
New Bern, NC 28502

EXHIBIT A

All that certain tract or parcel of land lying and being situate in Number Seven (7) Township, Craven County, North Carolina, and being more particularly described as follows:

Being all of Lot No. 3, containing 6.10 acres, more or less, as shown and delineated upon a plat entitled "Survey and Division for the Estate of Sandra S. Buick" which is recorded in Plat Cabinet H, Slide 181-F in the Office of the Register of Deeds of Craven County, reference to which is hereby made for a more perfect description of the aforesaid property.

AGENDA ITEM COVER SHEET

Agenda Item Title:

Presentation on Wreaths Across America

Date of Meeting: 11/12/2019	Ward # if applicable: Ward 5
Department: City Clerk	Person Submitting Item: Brenda Blanco
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Kevin Yates will make a brief presentation on Wreaths Across America, a wreath-laying ceremony to take place at the National Cemetery in New Bern on December 14, 2019. He will provide information on wreath sponsorship.
Actions Needed by Board:	Informational only
Backup Attached:	None

Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

Additional Notes:

AGENDA ITEM COVER SHEET

Agenda Item Title:

Presentation on Minimum Housing and Nuisance Abatement Enforcement Processes

Date of Meeting: 11/12/2019	Ward # if applicable:
Department: Development Services	Person Submitting Item: Jeff Ruggieri
Call for Public Hearing: <input type="checkbox"/> Yes <input type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Staff to present on Minimum Housing and Nuisance Abatement Processes as requested
Actions Needed by Board:	Informational only
Backup Attached:	Powerpoint Presentation

Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

Additional Notes:



Minimum Housing / Code Enforcement

November 12, 2019

Minimum Housing

- Authority from N.C.G.S. 160A-441
- It is hereby found and declared that there exists in the city dwelling that are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe or unsanitary, and dangerous and detrimental to the health, safety, morals, and otherwise inimical to the welfare of the residents of the city.

N.C.G.S. 160A-441 Cont'

- ...In addition to the exercise of police power authorized herein, any city may by ordinance provide for the repair, closing or demolition of any abandoned structure which the city council finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequent use by vagrants as living quarters in the absence of sanitary facilities. Such ordinance, if adopted, may provide for the repair, closing or demolition of such structure ..

NEW BERN
NORTH CAROLINA

N.C.G.S. 160A-444

- An ordinance adopted by a city under this Part shall provide that the public officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in the dwelling that render it dangerous or injurious to the health, safety or morals of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the city...

NEW BERN
NORTH CAROLINA

N.C.G.S. 160A-444 Cont'

- ...Defective conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness. The ordinances may provide additional standards to guide the public officers, or his agents, in determining the fitness of a dwelling for human habitation.

NEW BERN
NORTH CAROLINA

Chapter 38 - HOUSING

- 38-3, Purpose of this chapter: In order to protect the health, safety and welfare of the residents of the city, as authorized by G.S. 160A-441 et seq., it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 160A-444.

NEW BERN
NORTH CAROLINA

Chapter 38 - HOUSING

Sec. 38-29: Procedure for enforcement.

Preliminary investigation;

Whenever a petition is filed with the inspector by a public authority or by at least five residents of the city charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the inspector, upon inspection, on his own motion, that any dwelling or dwelling unit is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and any parties in interest..

NEW BERN
NORTH CAROLINA

Chapter 38 - HOUSING

Sec. 38-57. - Structural condition.

- (1) Foundation
- (2,7) Walls, Exterior/Interior
- (3) Roof
- (4) Porches
- (5) Stairs/Steps
- (6) Ceilings
- (8) Floor

NEW BERN
NORTH CAROLINA

Chapter 38 - HOUSING

Sec. 38-58. - Basic equipment and facilities.

- (1) Plumbing
- (2) Heating
- (3) Electrical
- (4) Smoke Detectors

NEW BERN
NORTH CAROLINA

Chapter 38 - HOUSING

Sec. 38-59 - Ventilation

Each habitable room shall have at least one window or skylight facing directly to the outdoors.

NEW BERN
NORTH CAROLINA

Chapter 38 - HOUSING

Sec. 38-60. - Space, use, and location.

Room sizes. Each dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three occupants, and at least 75 square feet of additional habitable floor area for each additional occupant. In each dwelling unit and in each rooming unit, each room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and each room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

NEW BERN
NORTH CAROLINA

Chapter 38 - HOUSING

Sec. 38-60. - Space, use, and location.

- *Ceiling height.* At least one-half of the floor area of each habitable room shall have a ceiling height of not less than seven feet, six inches.
- *Floor area calculation.* Determines what is a room and what isn't.
- *Cellar.* No cellar shall be used for living purposes.
- *Basements.* No basement shall be used for living purposes unless they meet certain criteria.

NEW BERN
NORTH CAROLINA

Chapter 38 - HOUSING

Sec. 38-61. - Minimum standards for safe and sanitary maintenance.

- Waterproof/weatherproof

Sec. 38-62. - Control of insects, rodents, and infestations.

- Rodent Control/Infestations/Rubbish Control

NEW BERN
NORTH CAROLINA

Chapter 38 - HOUSING

Sec. 38-29: Procedure for enforcement.

notice;

a complaint stating the charges in that respect and containing a notice that a hearing will be held before the inspector, or his designated agent, at a place within the county in which the property is located, fixed not less than ten nor more than 30 days after the serving of the complaint.

NEW BERN
NORTH CAROLINA

Chapter 38 - HOUSING

Sec. 38-29: Procedure for enforcement.

Hearing;

a complaint stating the charges in that respect and containing a notice that a hearing will be held before the inspector, or his designated agent, at a place within the county in which the property is located, fixed not less than ten nor more than 30 days after the serving of the complaint.

NEW BERN
NORTH CAROLINA

Chapter 38 - HOUSING

- Sec. 38-29: (b) *Procedure after hearing.*
- after notice and hearing, the inspector shall state in writing his determination whether such dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

NEW BERN
NORTH CAROLINA

Chapter 38 - HOUSING

- Sec. 38-29: (b)*Procedure after hearing.*
- Deteriorated: The inspector shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter or improve the dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter in order to render it fit for human habitation within a specified period of time, not to exceed 365 days.

NEW BERN
NORTH CAROLINA

Chapter 38 - HOUSING

- Sec. 38-29: (b)*Procedure after hearing.*
- Dilapidated : The inspector shall state in writing his findings of fact to support his determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to vacate and close the dwelling, and to remove or demolish it and clear the debris therefrom, or repair, alter or improve it to comply with the minimum standards of fitness established by this chapter in order to render the dwelling or dwelling unit fit for human habitation within a specified period of time, not to exceed 365 days.

NEW BERN
NORTH CAROLINA

Chapter 38 - HOUSING

- Sec. 38-29(c) *Failure to comply with order*
- If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the inspector, the inspector shall submit to the board of aldermen an ordinance ordering the inspector to cause the dwelling or dwelling unit to be vacated and closed, or to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter.

NEW BERN
NORTH CAROLINA

Chapter 38 - HOUSING

- Sec. 38-29(c) *Failure to comply with order*
- If the owner of a dilapidated dwelling shall fail to comply with an order of the chief building inspector within the time specified in the order, the chief building inspector shall submit to the board of aldermen an ordinance ordering the chief building inspector to cause the dwelling to be vacated and closed, removed or demolished and the debris therefrom cleared and, ... no such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it in conformity with the housing code.

NEW BERN
NORTH CAROLINA

Chapter 39 – Non-Residential Building or Structure Code

Sec. 39-2. - Purpose of this chapter.

- In order to protect the health, safety and welfare of the city and its citizens, it is the purpose of this chapter to establish minimum standards of maintenance, sanitation, and safety relating to nonresidential buildings or structures, as expressly authorized by G.S. 160A-439. This chapter provides for the repair, closing or demolition of nonresidential buildings or structures as a result of a public necessity caused by conditions that are dangerous and injurious to the public health, safety and welfare.

NEW BERN
NORTH CAROLINA

ARTICLE II. – Chapter 26 - NUISANCES

- Sec. 26-26. - Conditions constituting nuisance.
- The excessive and uncontrolled growth of grasses, weeds, underbrush,
- Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors emanating therefrom, or by the inhabitation thereof, by rats, mice, snakes, domesticated or wild animals, or vermin of any kind,
- Any accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation thereof by rats, mice, snakes, domesticated or wild animals, or vermin of any kind.

NEW BERN
NORTH CAROLINA

Chapter 26 - NUISANCES

- Sec. 26-26. - Conditions constituting nuisance.
- Clothes lines, wash lines, or the hanging of laundry or garments in the primary area of visual concern of any property.
- Any unauthorized inscription word figure painting or other defacement, heretofore known as graffiti, that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance and prohibited.

NEW BERN
NORTH CAROLINA

Chapter 26 - NUISANCES

- Sec. 26-27. - Investigation required.
- The chief building inspector, or his designee, upon its coming to his attention that any of the conditions described in section 26-26 may exist, shall make such investigation as may be necessary in order for him to determine whether, in fact, such conditions exist so as to constitute a public nuisance, as declared in such section.
- Following an investigation, if the chief building inspector or his designee(s) finds the presence of graffiti as described in section 26-26 he shall notify the chief of police or his designee(s) of the conditions so that the police department may work with the property owner in order to ensure the prompt abatement of the nuisance. If the nuisance has not been abated within 15 days of the initial investigation, the chief building inspector shall serve written notice to property owner as required in section 26-28.

NEW BERN
NORTH CAROLINA

Chapter 26 - NUISANCES

Sec. 26-28. - Written notice to abate; service.

Upon a determination by the chief building inspector, or his designee, that such conditions constituting a public nuisance exist, the building inspector, or his designee, shall cause a written notice to be served on the property owner, lessee, occupant, or person in charge of any such lot or parcel of land, reciting in the notice the conditions that exist with respect to the lot which constitute the same a public nuisance, which notice shall order the prompt abatement of the nuisance within 15 days from the receipt of such notice.

NEW BERN
NORTH CAROLINA

Chapter 26 - NUISANCES

Sec. 26-29. - Abatement by city; lien for costs, collection.

- If the owner, lessee, occupant, or other person in charge of the lot or parcel of land shall fail or refuse to comply with the order embodied in the notice served pursuant to this article, then, and in that event, the city, through its authorized agents and employees, shall enter upon the lot or parcel of land and abate the nuisance identified in the notice. The actual cost of all labor, trucks, mowers, machines, and implements used by the city to abate the nuisance shall be calculated by the department of public works and shall immediately be and constitute a lien against the subject property. ...if the amount shall not be paid ... within 30 days thereafter, the amount shall be collected by the tax collector by action in the same manner as a suit to collect unpaid taxes due on real estate...

NEW BERN
NORTH CAROLINA

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution Requesting Improvements to County Line Road

Date of Meeting: 11/12/2019	Ward # if applicable: 3
Department: City Clerk	Person Submitting Item: Brenda Blanco
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	As requested at the October 22, 2019 Board meeting, this item will relay to NCDOT the City's request for the portion of County Line Road from Old Airport Road to Wilcox Road to be improved and paved.
Actions Needed by Board:	Consider adopting resolution
Backup Attached:	Resolution

Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

Additional Notes:

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

Memo to: Mayor and Governing Board
From: Brenda Blanco, City Clerk *DEB*
Date: November 1, 2019
Re: Resolution Requesting Improvements to County Line Road

At the Board's October 22, 2019 meeting, Alderman Aster expressed a desire for a resolution requesting the NC Department of Transportation improve and pave the portion of County Line Road from Old Airport Road to Wilcox Road. This portion of roadway lies within the city limits of New Bern. With the impending improvements to U.S. 70, increased residential development, and continued growth in the immediate area, paving of this portion of roadway will improve access to neighborhoods and enhance public safety. The Board expressed consensus with placing a resolution on this agenda for consideration.

/beb

RESOLUTION REQUESTING IMPROVEMENTS TO COUNTY LINE ROAD

WHEREAS, County Line Road (SR 1101) is a secondary road located in Craven County, North Carolina. The road is situated, in part, in the municipal city limits of New Bern, and the portion of road that exists from Old Airport Road to Wilcox Road is gravel; and

WHEREAS, the NC Department of Transportation plans significant and much-needed improvements to a 5.1-mile stretch of U.S. 70 from Thurman Road to the Neuse River Bridge in James City, which is in close proximity to County Line Road. These improvements are scheduled to begin in 2021 and will result in a potential increase in traffic along County Line Road; and

WHEREAS, the vicinity of U.S. 70 has seen substantial growth over recent years, and that growth is anticipated to continue. Plans are underway for the development of over 650 residential properties along Old Airport Road; and

WHEREAS, with the impending improvements to U.S. 70, the continued development of residential properties, and the projected growth of the immediate area, the City of New Bern requests that the NC Department of Transportation consider paving the section of County Line Road from the point of Old Airport Road to the existing paved surface near the intersection of Wilcox Road. This action will not only improve access to neighborhoods, but will enhance public safety and accommodate the projected increase in traffic.

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

1. That the City requests and encourages the NC Department of Transportation to improve and pave the gravel portion of County Line Road that lies within the municipal city limits of New Bern from the point of Old Airport Road to the existing paved surface near the intersection of Wilcox Road; and

2. A request is further made for paving to be completed prior to the commencement of the U.S. 70 Improvements Project in 2021.

ADOPTED THIS 12th DAY OF NOVEMBER, 2019.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

AGENDA ITEM COVER SHEET

Agenda Item Title:

Memorandum of Understanding (MOU) with us Marine Corps Forces, Special Operations Command (MARSOC)

Date of Meeting: 11/12/2019	Ward # if applicable:
Department: Police	Person Submitting Item: Toussaint E. Summers, Jr.
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	The proposed Memorandum of Understanding provides for the Marine Corps Special Operations Command to periodically conduct, within the city limits of New Bern, required training for military personnel, government civilian workers, or contractors.
Actions Needed by Board:	Consider approving resolution
Backup Attached:	Memo, resolution & MOU

Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

Additional Notes:



Founded 1797

NEW BERN

NEW BERN POLICE DEPARTMENT

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

Police and Community come together here.



Toussaint E. Summers, Jr.
Chief of Police

TO: Mayor Outlaw and the Board of Aldermen

FROM: Toussaint E. Summers, Jr., Chief of Police

SUBJECT: Signing Entity for the Memorandum of Understanding with the US Marine Corps Forces, Special Operations Command

DATE: November 12, 2019

The New Bern Police Department is respectfully requesting the approval of the Memorandum of Understanding (MOU) with the US Marine Corps Forces, Special Operations Command (MARSOC). The MOU will allow MARSOC to periodically conduct required training for consenting military personnel, government civilian workers or contractors. No private citizens will be involved in the training.

It is recommended that the Board of Aldermen approve the aforementioned Memorandum of Understanding.

TES/mjp



A Nationally Accredited Agency

RESOLUTION

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

That the Memorandum of Understanding dated October 29, 2019 between the U.S. Marine Corps Forces, Special Operations Command (MARSOC) and the City of New Bern, a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute the same in duplicate originals for and on behalf of the City.

ADOPTED THIS 12th DAY OF NOVEMBER, 2019.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK



UNITED STATES MARINE CORPS
U.S. MARINE CORPS FORCES
SPECIAL OPERATIONS COMMAND
PSC BOX 20116
CAMP LEJEUNE, NORTH CAROLINA 28542-0116

IN REPLY REFER TO:
3307
29 OCT 19

MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
U.S. MARINE CORPS FORCES, SPECIAL OPERATIONS COMMAND (MARSOC)
AND
THE CITY OF NEW BERN, NORTH CAROLINA

1. Purpose. The purpose of this memorandum is to memorialize the approval by the municipal leadership of the City of New Bern, North Carolina for MARSOC to conduct training in New Bern, North Carolina. MARSOC requests that the City of New Bern, North Carolina grant MARSOC the authority to periodically conduct required training within the city. All such training will be coordinated under the guidelines set forth in this agreement. All personnel involved in these exercises will be consenting military personnel, government civilian workers, or contractors; no private citizens will be part of or involved in the training exercises in any manner.

2. Approval. The City of New Bern, North Carolina, hereby agrees to permit members of MARSOC (to include all military, civilian, and contractor support personnel) to conduct military training, to include [surveillance, advanced communications, raid, reconnaissance, Convoy, Foot Movement of troops and Equipment, Drop Zone, Landing or Pick up Zone, other helicopter operations, and other required training necessary to develop special operations skills within the boundaries of New Bern, North Carolina. Training and informal meetings will be restricted specifically to commercial/restaurant and public gathering areas of the above stated city and will not involve direct contact with the local populace. Any training to be conducted on private property in the above mentioned city will be coordinated with and approved by the property owners involved. This approval is subject to the following:

a. This MOU becomes effective upon execution by the New Bern North Carolina Mayoral Office and MARSOC and will run for three (3) years from the date of execution of the last signing party unless sooner terminated under the provisions of paragraph 7(b). This MOU recognizes that MARSOC intends to conduct

training in the City of New Bern, North Carolina on multiple occasions over that time period. Prior to conducting any training, MARSOC will provide advance written notice to civilian leadership and law enforcement officials. The notice will include current contact information, training personnel points of contact, type of training to be conducted, areas to be utilized during training and dates of intended usage (see enclosures (1) and (2)). The information will be provided in order to give the City of New Bern, North Carolina the maximum possible visibility over training and to provide notice to law enforcement activities of our presence in the area. Every effort will be made by MARSOC to provide written notice at least thirty (30) days in advance of any training in order to allow sufficient time for both parties to mutually resolve any outstanding issues and address any concerns. During the conduct of any training, MARSOC will conduct daily liaison with the designated law enforcement personnel.

b. MARSOC shall not knowingly use any commercial/public gathering areas in any unlawful way.

c. 31 U.S.C. Sect. 1341, "The Anti-Deficiency Act", prohibits open-ended indemnification and "hold harmless agreements" by the U.S. Government. However, sovereign immunity is waived if any damages do occur, in order to hold the federal government liable. The U.S. Government is responsible, under the terms of the Federal Tort Claims Act (FTCA), 28 U.S.C. 1346(b), 2671-2680, or the Military Claims Act (MCA) 10 U.S.C. 2733, as applicable, for any injury to persons or damage to property proximately caused by acts or omissions of Government employees acting within the scope of their employment. The FTCA, and supporting case law, provides several means of recovery for negligent acts of Government personnel. The injured party may submit a claim directly against the U.S. Government; a defendant may implead the U.S. Government as a third-party tortfeasor; or a defendant may later pursue the U.S. Government in a separate indemnity action or claim submission, for any amounts paid to the injured party due to negligence of the U.S. Government. A perfected claim requires a completed U.S. Government Standard Form 95 and proof substantiating the claimed amount. Other documentation may be required on a case by case basis. Claims packages may be submitted to the below offices by email, fax, or standard mail. For required documents, see <http://www.jag.navy.mil/organization/code 15 packets forms.htm>. Claims packages may be submitted to the Camp Lejeune Office by standard mail.

MEMORANDUM OF UNDERSTANDING BETWEEN MARSOC AND THE CITY OF NEW BERN, NORTH
CAROLINA AND THE NEW BERN POLICE DEPARTMENT

Commanding General
LSSS-E (Claims)
PSC Box 20005
MCIEAST-MCB
Camp Lejeune, NC 28542-0005

3. For all training exercises, MARSOC, via the officer in charge (OIC) of the exercise, will ensure that local law enforcement is informed of all areas, times, and dates that will be utilized for training. All activities conducted at these venues will be appropriate for the intended training objective. Additionally, MARSOC staff will embed a liaison element within the City of New Bern Police Department that will notify the requisite elements of the City of New Bern Police Department of any activity within each district. MARSOC instructors will either be on site or in the vicinity of training in order to critique training as well as function as an on-site liaison to ensure training is conducted in accordance with this agreement. In the event a situation presents itself involving local law enforcement, an Exercise Participant Card will be provided that includes contact information of the MARSOC leadership responsible for the training and the MARSOC Public Affairs Office. The City of New Bern Police Department will intervene and act as they deem necessary to handle and resolve any situation.

4. Unless otherwise agreed upon in writing, MARSOC training activities in the City of New Bern, North Carolina will be low-impact and low-visibility. MARSOC activities are not likely to attract undue attention nor should the conduct of activities alert any civilians/members of the establishment who are in the immediate area. In the event that a civilian/non-law enforcement official or uniformed member of local law enforcement approach and begin to question any personnel conducting training about their activities, the personnel conducting training will provide an Exercise Participant Card and Military Identification Card. The personnel conducting training will contact their OIC in any situation where civilians or law enforcement personnel intervene in the training. In this instance, all personnel conducting training will comply with instructions from local law enforcement officials and will immediately inform their OIC.

5. Prior to the start of the exercise, MARSOC members will receive classes and be thoroughly briefed on the safety plan and rules of training. No personal vehicles are authorized for use by the Marines conducting this training. Tactical vehicles,

Rental and/or government plated vehicles consisting of sedans, mini-vans, and sport utility vehicles will be utilized during this training.

6. MARSOC personnel conducting training will not conduct concealed carry of firearms at any time during training. MARSOC personnel will not conduct open carry of firearms, simulated firearms, or pyrotechnic devices during the course of active training in the City of New Bern, North Carolina without advance notice to the City of New Bern, North Carolina.

a. "Active training" does not include transportation of weapons between training locations.

b. MARSOC may be permitted to carry firearms, simulated firearms, or pyrotechnic devices on a case-by-case basis. In such instances, MARSOC will provide a description of the desired activity to the City of New Bern, North Carolina in the required notification letter four weeks prior to commencement of the exercise. MARSOC will coordinate with City of New Bern Police Department detailing the starting and ending point of each movement, time of movement, activities to be exercised, make/model/license plate of vehicles, and number of personnel executing activity. The City of New Bern, North Carolina maintains the right to refuse to permit the desired activity. Any refusal will be provided by the City of New Bern, North Carolina in writing in response to the notification within two weeks of receipt of the notification of training.

7. All MARSOC personnel will be in civilian attire or military uniforms; however, they will be able to produce an Exercise Participant Card and a government identification card at all times. All MARSOC personnel conducting training and exercise staff will obey all traffic laws and posted speed limits. At no time will MARSOC personnel engage in any activity that will put themselves or others in danger, and they will obey all orders from civilian law enforcement agencies. The training exercise will culminate when all exercise participants have departed the City of New Bern, North Carolina area. The MARSOC OIC will notify the City of New Bern Police Department upon completion of the exercise. The MARSOC OIC will provide the City of New Bern, North Carolina Mayor's Office a signed copy of this document and a copy of the notification for each training event for the record.

8. Non-Disclosure. The City of New Bern, North Carolina agrees not to disclose any MARSOC tactics, techniques, procedures,

MEMORANDUM OF UNDERSTANDING BETWEEN MARSOC AND THE CITY OF NEW BERN, NORTH CAROLINA AND THE NEW BERN POLICE DEPARTMENT

methods of training, or exercise concepts or scenarios that the City of New Bern, North Carolina may learn during discussions with MARSOC about exercises or by observation during the conduct of an exercise. Additionally, the City of New Bern, North Carolina agrees not to disclose the identity of MARSOC personnel conducting training or, if not active duty Marines, their affiliation with MARSOC (e.g., contracted civilian role players or members of other armed services). Furthermore, the City of New Bern, North Carolina agrees not to disclose the locations or dates of the MARSOC exercises beyond those with a need to know within the City of New Bern, North Carolina's affiliation.

9. Modification or Termination

a. Modifications to this MOU must be in writing and signed by authorized representatives of the City of New Bern, North Carolina and MARSOC. The representative for MARSOC can be contacted at MARSOC, ATTN: Office of the Staff Judge Advocate, PSC Box 20116, Camp Lejeune, NC 28542-0116 or via phone at 910-440-0928. The representative for the office of the City of New Bern, NC can be contacted at PO Box 1129, New Bern, NC 28563, via phone at 252-672-4195, and via email at summerst@newbernnc.gov.

b. This MOU shall remain in effect for three (3) years from the date of execution of the last signing party. Both the City of New Bern, North Carolina and MARSOC retain the right to terminate this MOU at any time, with ninety (90) days written notice to the other party, for any reason.

Stephen P. Grzeszczak
Deputy Chief of Staff, MARSOC

Date: _____

Dana E. Outlaw
Mayor
City of New Bern, NC
Date: _____

Toussaint E. Summers, Jr.
Chief of Police
City of New Bern, NC
Date: _____

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting an Amended Resolution Authorizing Agents as City Representatives for Hurricane Dorian

Date of Meeting: 11/12/2019	Ward # if applicable: N/A
Department: Administration	Person Submitting Item: Mark A. Stephens
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	A resolution was adopted on 10/22/19 designating the City's primary and secondary agents for working with FEMA on Hurricane Dorian claims. Staff desires to amend the resolution to designate the City Manager as the primary agent.
Actions Needed by Board:	Consider adopting resolution
Backup Attached:	Memo; Resolution

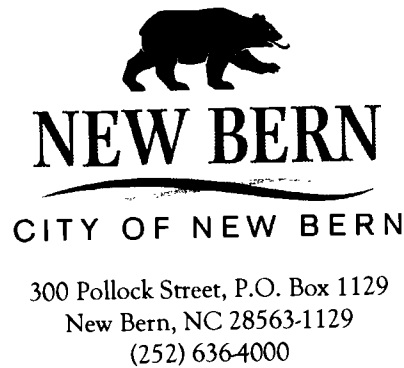
Is item time sensitive? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Cost of Agenda Item:
If this requires an expenditure, has it be budgeted and are funds available and certified by the Finance Director? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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
Brenda E. Blanco
City Clerk

Memo to: Mayor and Board of Aldermen

From: Mark A. Stephens, City Manager

Date: November 1, 2019

Re: Amended Resolution Designating Agents for Hurricane Dorian

The Board adopted a resolution on October 22, 2019 designating the City's primary and secondary agents for working with FEMA on Hurricane Dorian claims. Staff desires to amend the resolution to name the City Manager as the primary agent. The secondary agent will remain the Accounting Manager.

AMENDED

**RESOLUTION
DESIGNATION OF APPLICANT'S AGENT**

North Carolina Division of Emergency Management

Organization Name (hereafter named Organization) City of New Bern	Disaster Number: FEMA-4465-DR-NC
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):	
Applicant's Fiscal Year (FY) Start Month: July Day: 1	
Applicant's Federal Employer's Identification Number 56 - 6000235	
Applicant's Federal Information Processing Standards (FIPS) Number 049 - 46340 - 00	

PRIMARY AGENT	SECONDARY AGENT
Agent's Name Mark A. Stephens	Agent's Name Lori A. Mullican
Organization City of New Bern	Organization City of New Bern
Official Position City Manager	Official Position Accounting Manager
Mailing Address PO Box 1129	Mailing Address PO Box 1129
City ,State, Zip New Bern, NC 28563	City ,State, Zip New Bern, NC 28563
Daytime Telephone (252) 639-2700	Daytime Telephone (252) 639-2715
Facsimile Number (252) 639-2841	Facsimile Number (252) 636-4108
Pager or Cellular Number (252) 514-5008	Pager or Cellular Number (252) 671-1301

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and **the assurances printed on the reverse side hereof**. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this 12th day of November, 2019

GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title Dana E. Outlaw, Mayor	Name Brenda E. Blanco
Name and Title	Official Position City Clerk
Name and Title	Daytime Telephone (252) 639-2701

CERTIFICATION

I, Brenda E. Blanco, (Name) duly appointed and City Clerk (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of the City of New Bern (Organization) on the 12th day of November, 2019.

Date: 11/19/2019

Signature: _____

Agenda Item Title:

Consider Adopting an Ordinance to Establish the Hurricane Dorian Fund

Date of Meeting: 11/12/2019	Ward # if applicable: N/A
Department: Finance	Person Submitting Item: Lori A. Mullican, Accounting Manager
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	The attached ordinance establishes the Hurricane Dorian Fund.
Actions Needed by Board:	Adopt Ordinance
Backup Attached:	Memo; Budget Ordinance

Is item time sensitive? ☐ Yes ☒ No

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

Cost of Agenda Item:

If this requires an expenditure, has it be 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



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

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

FROM: Lori Mullican – Accounting Manager

DATE: November 4, 2019

RE: Establish Hurricane Dorian Fund

Background

As a result of Hurricane Dorian the City of New Bern is eligible for reimbursements through FEMA. The City experienced damages and has and will continue to incur costs for emergency services, utility restoration, debris removal, repairs and other related expenses. The attached ordinance establishes the Hurricane Dorian Fund with initial budget of \$1.5 million, which is expected to be funded through FEMA grant funds. The Hurricane Dorian Fund will aid in the accounting of revenues and expenses related to this event and allow restoration and cleanup efforts to continue. While the proposed budget will cover the initial costs of this event, future budget amendments may be necessary.

Requested Action

It is recommended that the Board adopt the attached budget ordinance at its meeting to be held on November 12, 2019

GRANT PROJECT ORDINANCE
Hurricane Dorian Fund

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN THAT:
Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. There is hereby established a Grant Fund to be known as the "Hurricane Dorian Fund".

Section 2. The "Hurricane Dorian Fund" is established account for all costs incurred and Federal and State reimbursements received related to Hurricane Dorian.

Section 3. It is estimated that the following revenues will be available to the Hurricane Dorian Fund:

Grant Revenues	<u>\$1,500,000</u>
----------------	--------------------

Section 4. The following amounts are hereby appropriated to the Hurricane Dorian Fund:

Hurricane Dorian	<u>\$1,500,000</u>
------------------	--------------------

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement and Federal and State regulations.

Section 6. Funds may be advanced from the General, Electric, Water, Sewer, or Solid Waste Funds for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The City Manager and Finance Officer are hereby authorized to make budget transfers among the project line items. Said transfers must be consistent with Federal and State regulations and policies prior to taking effect.

Section 8. Copies of this grant project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

ADOPTED, THIS THE 12th DAY OF NOVEMBER 2019.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

Agenda Item Title:

Consider Adopting an Ordinance to Amend the Entitlement Cities Community Development Block Grant Fund

Date of Meeting: 11/12/2019	Ward # if applicable: N/A
Department: Finance	Person Submitting Item: Lori A. Mullican, Accounting Manager
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	The attached ordinance amends the Entitlement Cities Community Development Block Grant Fund to recognize additional grant proceeds and establish budget.
Actions Needed by Board:	Adopt Ordinance
Backup Attached:	Memo; Budget Ordinance Amendment

Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

Additional Notes: .

Aldermen

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



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

Dana E. Outlaw
Mayor
Mark A. Stephens
City Manager
Brenda E. Blanco
City Clerk

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

FROM: Lori Mullican – Accounting Manager

DATE: November 4, 2019

RE: Amend the Entitlement Cities Community Development Block Grant Fund

Background

On September 13, 2013 the Board adopted a resolution authorizing the staff to pursue Community Development Block Grant (CDBG) Entitlement City status with the U.S. Department of Housing and Urban Development (HUD). Entitlement City status would allow us to receive funds through an annual allocation rather than having to compete with other small cities and counties for state CDBG funds. The City of New Bern received the Entitlement City status in 2014 and receives ongoing funding for the program. This budget ordinance acknowledges receipt of the most recent grant funding distributions, for \$477,574, and establishes the necessary budgets. The grant proceeds will continue provide funding for improvements to infrastructure, housing rehabilitation, public improvements, affordable housing and planning & administration.

Requested Action

It is recommended that the Board adopt the attached budget amendment at its meeting to be held on November 12, 2019

**AN ORDINANCE TO AMEND THE GRANT ORDINANCE
Entitlement Cities Community Development Block Grant (CDBG) Fund**

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

Section 1. That Section 3 of the Entitlement Cities CDBG Grant Fund Ordinance adopted on August 12, 2014 is hereby amended to recognize subsequent year grant award revenues.

Increase: Grant Revenues \$477,574

Section 2. That Section 4 of the Entitlement Cities CDBG Grant Fund Ordinance adopted on August 12, 2014 is hereby amended to recognize additional appropriations for the grant programs.

Increase: Development Services - SRF \$477,574

Section 3. This amendment shall become effective upon adoption.

ADOPTED, THIS THE 12th DAY OF NOVEMBER 2019.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

Agenda Item Title:

Consider Adopting an Ordinance to Amend the FY2019-20 Operating Budget

Date of Meeting: 11/12/2019	Ward # if applicable: N/A
Department: Finance	Person Submitting Item: Lori A. Mullican, Accounting Manager
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	The attached ordinance amends the FY2019-20 Grants Operating Budget to recognize grants and establish the budgets.
Actions Needed by Board:	Adopt Ordinance
Backup Attached:	Memo; Budget Ordinance Amendment

Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will there be advocates/opponents at the meeting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

Additional Notes:

Aldermen

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



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

Dana E. Outlaw
Mayor
Mark A. Stephens
City Manager
Brenda E. Blanco
City Clerk

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

FROM: Lori Mullican – Accounting Manager

DATE: November 4, 2019

RE: Amendments to the FY2019-20 Operating Budget

The following are amendments to the Fiscal Year 2019-20 Grants Fund Operating Budget.

Recognize a \$50,000 NC Department of Commerce Rural Development Downtown Revitalization Grant and establish budget. The grant funds are for the revitalization and enhancement of Federal Alley.

Recognize a \$40,000 NC Department of Commerce Rural Development Local Capacity Grant and establish budget. The grant funds are for the repair of fencing along the Riverwalk adjacent to Union Point Park damaged during Hurricane Florence.

Recognize a \$4,978 Wal-Mart Community Grant and establish budget. The grant funds are for the purchase of Water Rescue gear.

Recognize a \$5,027 Department of Justice, Bureau of Justice Assistance Bulletproof Vest Partnership Grant and establish budget. This grant requires a City match in the same amount which is included in the in the General Fund FY19-20 operating budget.

Recognize a \$15,000 Duke Energy Foundation Storm Resiliency Grant and establish budget. The grant funds are to be used toward the costs related to the hiring of a consulting firm for the development of a mitigation plan.

Appropriate funds and recognize funding sources not completed as of June 30, 2019 for the \$56,000 NC Department of Natural & Cultural Resources Grant. A \$14,000 match is required and is included in the General Fund FY19-20 budget. The grant funds are for the Riverwalk Greenway Project.

Requested Action

It is recommended that the Board adopt the attached budget amendment at its meeting to be held on November 12, 2019

CITY OF NEW BERN, NORTH CAROLINA
REQUESTED AMEDMENT TO
Fiscal Year 2019-2020

FROM: Lori Mullican, Accounting Manager

MEETING DATE: November 12, 2019

EXPLANATION: Recognize the following grants: a) \$50,000 NC Department of Commerce Rural Development Downtown Revitalization Grant and establish budget. The grant funds are for the revitalization and enhancement of Federal Alley. b) \$40,000 NC Department of Commerce Rural Development Local Capacity Grant and establish budget. The grant funds are for the repair of fencing along the Riverwalk adjacent to Union Point Park damaged during Hurricane Florence. c) \$4,978 Wal-Mart Community Grant and establish budget. The grant funds are for the purchase of Water Rescue gear. d) \$5,027 Department of Justice, Bureau of Justice Assistance Bulletproof Vest Partnership Grant. This grant requires a City match in the same amount which is included in the General Fund FY19-20 operating budget. e) \$15,000 Duke Energy Foundation Storm Resiliency Grant. The grant funds are to be used towards the costs related to the hiring of a consulting firm for the development of a mitigation plan.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN THAT THE 2019-2020 ANNUAL BUDGET ORDINANCE IS AMENDED AS FOLLOWS:

Section 1 - Appropriations

Schedule K - Grants Fund

Increase:	Police - SRF	\$	10,054
	Fire - SRF		4,978
	Recreation - SRF		110,000
	Development Services - SRF		15,000
	Public Works - SRF		50,000
		<u>\$</u>	<u>190,032</u>

Section 2 - Estimated Revenues

Schedule K - Grants Fund

Increase:	Police - SRF	\$	5,027
	Fire - SRF	\$	4,978
	Recreation - SRF	\$	96,000
	Development Services - SRF	\$	15,000
	Public Works - SRF		50,000
	Interfund Transfers		19,027
		<u>\$</u>	<u>190,032</u>

NATURE OF TRANSACTION:

 X ADDITIONAL REVENUE AVAILABLE FOR APPROPRIATION
 TRANSFER WITHIN ACCOUNTS OF SAME FUND
 OTHER

APPROVED BY THE BOARD OF ALDERMEN AND
ENTERED ON MINUTES DATED _____
AGENDA ITEM NUMBER _____

BRENDA E. BLANCO, CITY CLERK

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

Memo to: Alderman Sabrina Bengel
From: Brenda Blanco, City Clerk *B. Blanco*
Date: September 29, 2019
Re: Appointment to Planning & Zoning Board

Jerry Walker's first term on the Planning & Zoning Board expired June 30, 2019. You made a motion to reappoint Mr. Walker for an additional term. It has just been brought to my attention that Mr. Walker declined the reappointment. Therefore, you are asked to make a new appointment to serve a three-year term.