

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
DECEMBER 10, 2019 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

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

Consent Agenda

4. Consider Adopting a Resolution Calling for a Public Hearing to Substantially Amend the FY2016, FY2017 and FY2018 CDBG Annual Action Plans.
5. Approve Minutes.

6. Presentation on Legalizing Medicinal Cannabis.
7. Appointment of Mayor Pro Tempore for 2020 and Administration of Oath.
8. Conduct a Public Hearing on Rezoning 2403 Trent Road; and
 - a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and
 - b) Consider Adopting an Ordinance Rezoning 2403 Trent Road from C-4 Neighborhood Business District to C-3 Commercial District.
9. Consider Adopting a Resolution to Initiate the Upset Bid Process for 2203 Chestnut Avenue.
10. Consider Adopting a Resolution Approving an Amendment to the Agreement with the Housing Authority of the City of New Bern for the Sale of a Portion of 703 Carolina Avenue.
11. Consider Adopting a Budget Ordinance Amendment for the FY2019-2020 Operating Budget.
12. Appointment(s).
13. Attorney's Report.
14. City Manager's Report.
15. New Business.
16. Closed Session.
17. Adjourn.


INDIVIDUALS WITH DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL
639-7501 NO LATER THAN 3 P.M. THE DATE OF THE MEETING

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: December 6, 2019
Re: December 10, 2019 Agenda Explanations

1. Meeting opened by Mayor Dana E. Outlaw. Prayer Coordinated by Alderman Aster. 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 Calling for a Public Hearing to Substantially Amend the FY2016, FY2017 and FY2018 CDBG Annual Action Plans.

A substantial amendment is proposed for the FY2016, FY2017 and FY2018 CDBG Annual Action Plans to move unspent funds in housing rehabilitation and public-service activities to the stormwater system improvement project in Duffyfield. A memo from D'Aja Fulmore, Community Development Coordinator, is attached.

5. Approve Minutes.

Draft minutes from the November 26, 2019 regular meeting are provided for review and approval.

6. Presentation on Legalizing Medicinal Cannabis.

As discussed at the Board's November 12, 2019 meeting, Max Oglesby will make a presentation on legalizing medicinal cannabis.

7. Appointment of Mayor Pro Tempore for 2020 and Administration of Oath.

Section 2.4 of the City's Charter provides that at the first meeting in December, the Board of Aldermen will choose one of its members as Mayor Pro Tempore to serve a one-year term. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability as prescribed by the Charter and the General Statutes.

8. Conduct a Public Hearing on Rezoning 2403 Trent Road; and

- a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and**
- b) Consider Adopting an Ordinance Rezoning 2403 Trent Road from C-4 Neighborhood Business District to C-3 Commercial District.**

(Ward 3) This public hearing was called for at the last Board meeting after receiving a request from M.W. Properties of Eastern North Carolina, LLC to rezone 1.31 acres located at 2403 Trent Road from C-4 Neighborhood Business District to C-3 Commercial District. The Planning and Zoning Board approved the request at their October 1, 2019 meeting. After conducting the public hearing, the Board is asked to adopt a statement of zoning consistency or inconsistency and then consider the ordinance to rezone the property. A memo from Jeff Ruggieri, Director of Development Services, is attached.

9. Consider Adopting a Resolution to Initiate the Upset Bid Process for 2203 Chestnut Avenue.

(Ward 2) JK Investment Holdings, LLC has offered to purchase 2203 Chestnut Avenue for \$375.00. The tax value of the vacant, small 0.06-acre lot is \$750.00, and the offer represents 50% of the value. The property was acquired jointly by the City and County through tax foreclosure in May 2019. Taxes, interest and penalties due to the City at the time of the foreclosure were \$556.45, and the City contributed \$480.99 toward the cost of the foreclosure proceeding. If the offer is accepted, no other bids are received, and the property is sold for the initial offer, the City would receive \$200.00 from the proceeds, less the cost to advertise. The County would receive \$175.00 from the proceeds. A memo from Brenda Blanco, City Clerk, is attached along with maps of the property and copies of the offer, tax card, and commissioner's deed.

10. Consider Adopting a Resolution Approving an Amendment to the Agreement with the Housing Authority of the City of New Bern for the Sale of a Portion of 703 Carolina Avenue.

(Ward 2) On November 13, 2018, the Board approved the sale of approximately 7 acres of real property to the Housing Authority of the City of New Bern. The property is located at 703 Carolina Avenue. Mosaic Development Group, a NC nonprofit, intends to develop 84 units of multifamily, low-income, tax-credit apartments on the property. Tax credits of \$846,300 per year have been awarded for a 10-year period.

The buyer has discovered that some of the property cannot be developed because of wetlands and conservation areas. Therefore, it is requested that the boundary line of the property be revised to include the area depicted on Exhibit A of the amendment. It is also requested that the closing date be extended from February 1, 2020 to June 1, 2020 to accommodate federal funding requirements and allow the developer to secure financing for the project. In light of this extension, Section 6(e) of the agreement will also be modified to provide that the closing date may be extended from June 1, 2020 to September 1, 2020 upon payment of \$10,000.00 on or before May 1, 2020 and further extended, if needed, from September 1, 2020 to November 1, 2020 upon payment of an additional \$10,000.00 on or before August 1, 2020.

11. Consider Adopting a Budget Ordinance Amendment for the FY2019-2020 Operating Budget.

This budget ordinance amendment will recognize insurance proceeds of \$28,100.00 for a damaged vehicle and \$33,282.00 for a vehicle that was declared a total loss. It also acknowledges \$66,425.00 in grant funds from the US Department of Justice - Project Safe Neighborhoods Grant program and establishes a budget for that grant. The grant program is a gun and gang violence platform that is designed to inform the community of the restricted rights of felons and their responsibilities regarding firearms and ammunition. A memo from Lori Mullican, Accounting Manager, is attached.

12. 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.

13. Attorney's Report.

14. City Manager's Report.

15. New Business.

16. Closed Session.

17. Adjourn.

AGENDA ITEM COVER SHEET

Agenda Item Title: Adopt Resolution Calling for a public hearing to consider a substantial amendment to the City of New Bern's CDBG FY 2016, 2017, and 2018 Annual Action Plans

Date of Meeting: 12/10/2019	Ward # if applicable:
Department: Development Services	Person Submitting Item: D'Aja Fulmore Community Development Coordinator
Call for Public Hearing: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Date of Public Hearing: 1/14/2020

Explanation of Item:	The Board of Aldermen is requested to adopt a resolution to hold a public hearing on January 14th, 2020 to consider amending the City of New Bern's FY 2016, FY 2017, and FY 2018 CDBG Annual Action Plans.
Actions Needed by Board:	To adopt a resolution to hold a public hearing on January 14th, 2020 for the purpose of considering an amendment to the City's FY 2016, FY 2017, and FY 2018 CDBG Annual Action Plans.
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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

Additional Notes: City Council must approve amendments to CDBG funding allocation.

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

MEMORANDUM

TO: Mayor Outlaw and Board of Aldermen
FROM: D'Aja Fulmore
Community Development Coordinator
DATE: November 25, 2019

SUBJECT: Consideration of a request by the City of New Bern to call for a public hearing to consider a substantial amendment to the City's CDBG 2016, 2017, and 2018 Annual Action Plans.

Background

The Mayor and Board of Aldermen are requested to call for a public hearing to receive public comments on a request for the Board to consider a substantial amendment to the City's FY 2016, FY 2017, and FY 2018 CDBG Annual Action Plans.

This substantial amendment will move unspent funds in housing rehabilitation and public service activities to the stormwater system improvement project in Duffyfield.

Recommendation

To adopt a resolution for a public hearing to be held on January 14, 2020 at 6:00 p.m., to receive public comments on a request to consider a substantial amendment to the City of New Bern's FY 2016, FY 2017, and FY 2018 CDBG Annual Action Plans. This substantial amendment will move unspent funds in housing rehabilitation and public service activities to the stormwater system improvement project in Duffyfield.

Please contact me at 252-639-7586 should you have questions or need additional information.

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

WHEREAS, the Board of Aldermen of the City of New Bern desires to call for a public hearing to receive public comments on a request to consider a substantial amendment to the City's FY 2016, FY 2017, and FY 2018 CDBG Annual Action Plans. This substantial amendment will move unspent funds in housing rehabilitation and public service activities to the stormwater system improvement project in Duffyfield.

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

That a public hearing will be conducted by the Board of Aldermen of the City of New Bern at 6:00 PM on Tuesday, January 14, 2020 in the City Hall Courtroom, or as soon thereafter as the matter may be reached, in order that all interested parties may be given an opportunity to be heard on a request to consider a substantial amendment to the City's FY 2016, FY 2017, and FY 2018 CDBG Annual Action Plans.

ADOPTED THIS THE 10th DAY OF DECEMBER, 2019.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

AGENDA ITEM COVER SHEET

Agenda Item Title:

Presentation on Legalizing Medicinal Cannabis

Date of Meeting: 12/10/2019	Ward # if applicable: N/A
Department: City Clerk	Person Submitting Item: Brenda Blanco
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	As discussed at the November 12, 2019 Board meeting, Max Oglesby will make a presentation on legalizing medicinal cannabis.
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No Potentially

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:

North Carolina
Craven County

OATH OF OFFICE OF MAYOR PRO TEMPORE

I, _____, do solemnly swear that I will support the Constitution of the United States; so help me God.

I, _____, do solemnly swear that I will support and maintain the Constitution and Laws of the United States and the Constitution and Laws of North Carolina, not inconsistent therewith; and that I will faithfully discharge the duties of my office as Mayor Pro Tempore; so help me, God.

I, _____, do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

The foregoing oaths were administered by me and sworn to and subscribed before me this the 10^h day of December, 2019.

Brenda E. Blanco, City Clerk

AGENDA ITEM COVER SHEET

Agenda Item Title:

Conduct a Public Hearing and Consider Adopting an Ordinance and Consistency Statement to Rezone Craven County PID# 8-043-007 located at 2403 Trent Road from C-4 Neighborhood Business to C-3 Commercial District.

Date of Meeting: 12/10/2019	Ward # if applicable: Ward 3
Department: Development Services	Person Submitting Item: Jeff Ruggieri Director of Development Services
Call for Public Hearing: <input type="checkbox"/> Yes <input type="checkbox"/> No	Date of Public Hearing: 12/10/2019

Explanation of Item:	Conduct a Public Hearing and Consider Adopting an Ordinance and Consistency Statement for the rezoning of 1.31 acres located at 2403 Trent Road from C-4 Neighborhood Business District to C-3 Commercial
Actions Needed by Board:	Conduct a Public Hearing and Consider Adopting an Ordinance and Consistency Statement to Rezone Craven County Parcel 8-043-007.
Backup Attached:	Memo, Ordinance, Consistency Statement, Rezoning Application, Minutes from Planning and Zoning Board Meeting, Map site information

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:



MEMORANDUM

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

FROM: Jeff Ruggieri, Director Development Services

DATE: 11/27/19

SUBJECT: Conduct a Public Hearing and Consider Adopting an Ordinance and Consistency Statement to Rezone 2403 Trent Rd (Craven County PID# 8-043-007)

Background: M W Properties of Eastern North Carolina LLC is requesting to rezone 1.31 acres of land located at 2403 Trent Road from C-4 Neighborhood Business District to C-3 Commercial District. The property is further identified as Craven County Parcel Identification Number 8-043-007 (Ward 3). The request was heard by the Planning and Zoning Board on 10/1/2019 and was approved unanimously.

Staff Recommendation: Consider Adopting an Ordinance and Consistency Statement to rezone 1.31 acres located at 2403 Trent Road from C-4 Neighborhood Business District to C-3 Commercial District. The property is further identified as Craven County Parcel Identification Number 8-043-007.

Please contact Jeff Ruggieri at 252.639.7587 should you have questions or need additional information.

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF NEW BERN SO AS TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY OWNED BY M W PROPERTIES OF EASTERN NORTH CAROLINA, LLC CONSISTING OF APPROXIMATELY 1.31 ACRES LOCATED AT 2403 TRENT ROAD FROM THE ZONING CLASSIFICATION OF C-4 NEIGHBORHOOD BUSINESS DISTRICT TO C-3 COMMERCIAL DISTRICT

THAT WHEREAS, M W Properties of Eastern North Carolina, LLC owns approximately 1.31 acres, more or less, located at 2403 Trent Road in the City of New Bern, and an application has been made to change the zoning classification of the subject property from C-4 Neighborhood Business District to C-3 Commercial District consistent with the attached plat entitled "REZONING CASE: 2403 Trent Road – Approx. 1.31 Acres: PID: 8-043-007" prepared by the Development Services Department of the City of New Bern; and

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

WHEREAS, the Board of Aldermen of the City of New Bern conducted a duly advertised public hearing with respect to the proposed amendment on December 10, 2019, at which time all interested parties were given an opportunity to be heard; and

WHEREAS, the Board of Aldermen of the City of New Bern deems it advisable and in the public interest to effect said change, as the requested C-3 Commercial District classification is consistent with the 2010 CAMA Land Use Plan and nearby land uses.

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

Section 1. That the zoning map of the City of New Bern be and the same is hereby amended by changing the zoning classification of the subject property owned by M W Properties of Eastern North Carolina, LLC consisting of 1.31 acres, more or less, located at 2403 Trent Road in the City of New Bern, from C-4 Neighborhood Business District to C-3 Commercial District as more specifically shown on the plat entitled "REZONING CASE: 2403 Trent Road – Approx. 1.31 Acres: PID: 8-043-007" prepared by the Development Services Department of the City of New Bern, a copy of which is attached hereto and incorporated herein by reference.

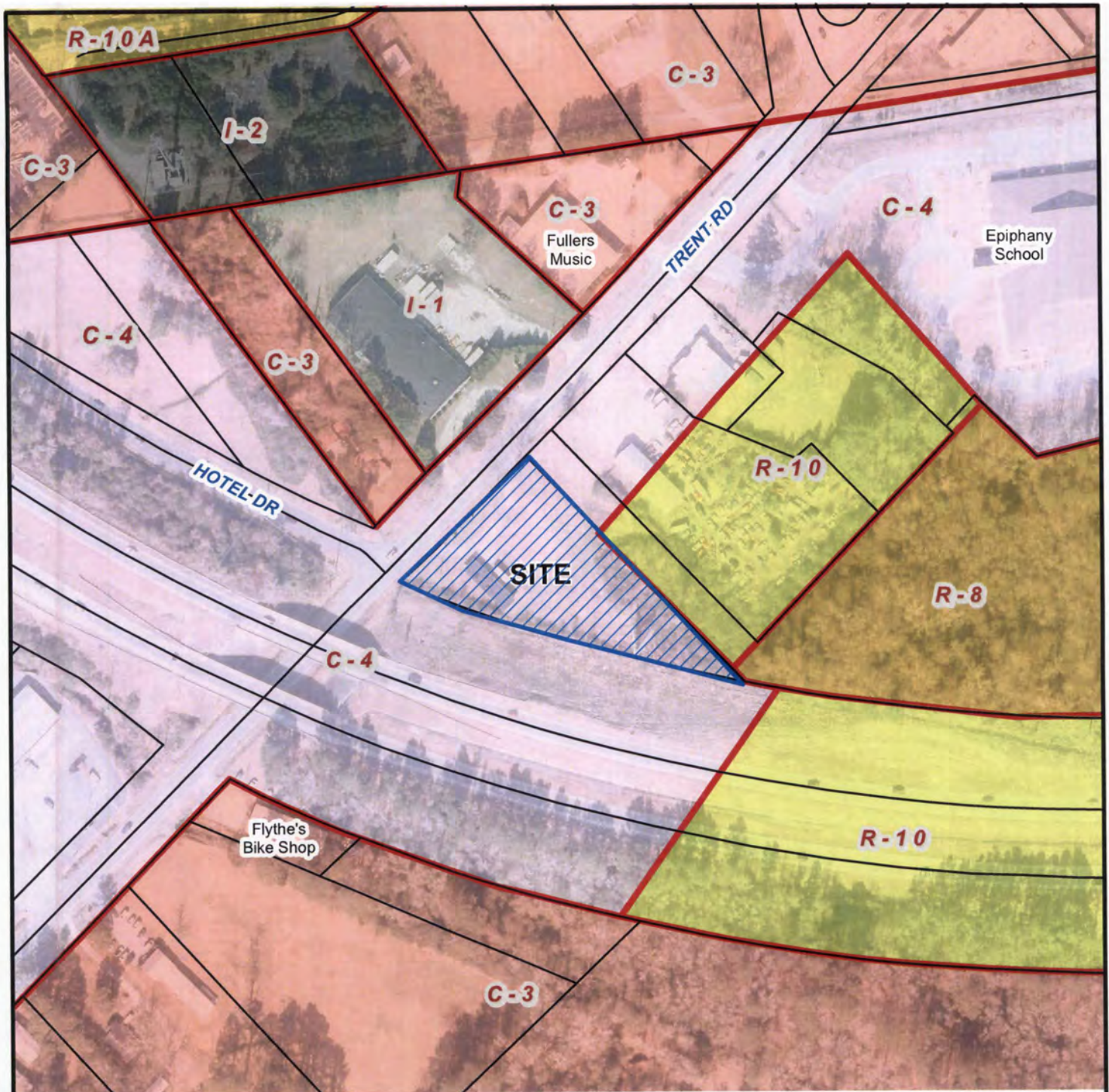
Section 2. That the Board deems it in the public interest to rezone the subject property consistent with the attached plat as the requested C-3 Commercial District classification is consistent with the 2010 CAMA Land Use Plan and nearby land uses.

Section 3. That this ordinance shall be in full force and effect from and after its adoption and publication as required by law.

ADOPTED THIS 10th DAY OF DECEMBER, 2019.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK



REZONING ZONING CASE: 2403 Trent Road - Approx. 1.31 Acres: PID: 8-043-007

LOCATION: East side of Trent Road, across from Hotel Dr and adjacent to US Hwy 17/70.



Existing Zone: C-4
Proposed Zone: C-3

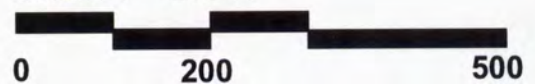


Zoning Boundaries

Imagery Early 2016

N CITY of NEW BERN
Development
Services

Scale: 1 = 200 ft



Craven County Parcel ID's #8-043-007

**STATEMENT OF ZONING CONSISTENCY WITH ADOPTED
PLANS**

The Board of Aldermen of the City of New Bern finds the action to rezone Craven County Parcel ID's 8-043-007 to C-3 Commercial District reasonable and in the public interest, and consistent with the City Land Use Plans and nearby land uses. In that:

1. The C-3 Commercial District is deemed to be compatible with the "Developed" designation indicated in the Future Land Use Map found in the 2010 CAMA Regional Land Use Plan.
2. The proposed C-3 District is deemed to be compatible with adjacent zoning classifications.
3. The proposed C-3 Commercial District is deemed to be compatible with existing uses.

This certifies the above statement of zoning consistency was adopted by the Board of Aldermen on December 10, 2019.

Brenda E. Blanco, City Clerk

Craven County Parcel ID#8-043-007

STATEMENT OF ZONING INCONSISTENCY WITH ADOPTED PLANS

The Board of Aldermen of the City of New Bern finds the action to rezone Craven County Parcel ID's #8-043-007 to C-3 Commercial District is not reasonable and is not in the public interest, and finds it to be inconsistent with the Regional Land Use Plan and nearby land uses in that the proposed C-3 Commercial District is incompatible with the uses permitted on nearby properties, and other properties in the vicinity. And that:

1. The proposed C-3 Commercial District would be incompatible with adjacent use and the Future Land Use Map found in the 2010 CAMA Regional Land Use Plan.

This certifies the above statement of zoning inconsistency was adopted by the Board of Aldermen on December 10, 2019.

Brenda E. Blanco, City Clerk

**APPLICATION TO AMEND
LAND USE ORDINANCE**

Fee: \$375.00



NEW BERN

NORTH CAROLINA

Everything comes together here

**Land & Community
Development Administrator**

(252) 639-7582

Fax: (252) 636-2146

pandz@newbernnc.gov

1. NAME: MW Properties of Eastern North Carolina
ADDRESS: 4803 Trentwoods Drive, New Bern NC
CELL: 636-7962, 617-2727 HOME/WORK: 637-5169, 638-3500, 636-3366
EMAIL: almackhomes@hotmail.com FAX: 638-3695
tooth doc a suddenlink.net

2. **ZONING CHANGE REQUESTED**

- A. Amendment to zoning classification, from C-4 to C-3
B. Amendment to Land Use Ordinance text _____

Give section of City's Land Use Ordinance to be amended and attach explanation to application.

3. **LOCATION OF PROPERTY** 2403 Trent Road, New Bern
Note: If there is no street address, list other means such as landmarks, community or neighborhood names, subdivision name, lot number highway number.
4. If rezoning request, provide Metes and Bounds description of property: _____

Use separate sheet if necessary and attaché to application. In lieu of the above, a surveyor's map (plat) containing the Metes, Bounds and Distance of property is acceptable.

5. If request involves property owned by persons other than the applicant, list names and addresses (use separate sheet if necessary and attach to application).

<u>NAME</u>	<u>ADDRESS</u>

6. If property owners listed in Item 5 have given consent to this request, attach copy(s) of their approval to this application.
7. Give concise statement of reasons why the proposed amendment would be in the public interest if change is granted.

The zoning change will permit redevelopment of the site for a commercial shopping center. The development will be new and in compliance with the city development ordinance. The new building will provide an attractive appeal which would comply with the Trent Road entrance corridor. The site will meet the city Landscaping Ordinance.


Signature of Applicant

9-5-19
Date

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

September 3, 2019

M W Properties of Eastern North Carolina, LLC
4803 Trent River Drive
New Bern, NC 28562

Mr. Jeff Ruggieri
Director of Development Services
City of New Bern
303 First Street
New Bern, NC 28562


Re: Permission for Site Rezoning, 2403 Trent Road, New Bern, NC

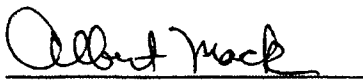
Dear Mr. Ruggieri:

We the undersigned are the owners of the above-referenced property as member/managers of M W Properties of Eastern North Carolina, LLC. We currently have the property under contract for purchase by Tysinger Promotions, Inc. (Mrs. Wendy Tysinger Stallings). We hereby give our permission to have the subject property considered for rezoning from C4 to C3 by the City of New Bern.

Should you have any questions regarding this matter, please do not hesitate to give us a call.

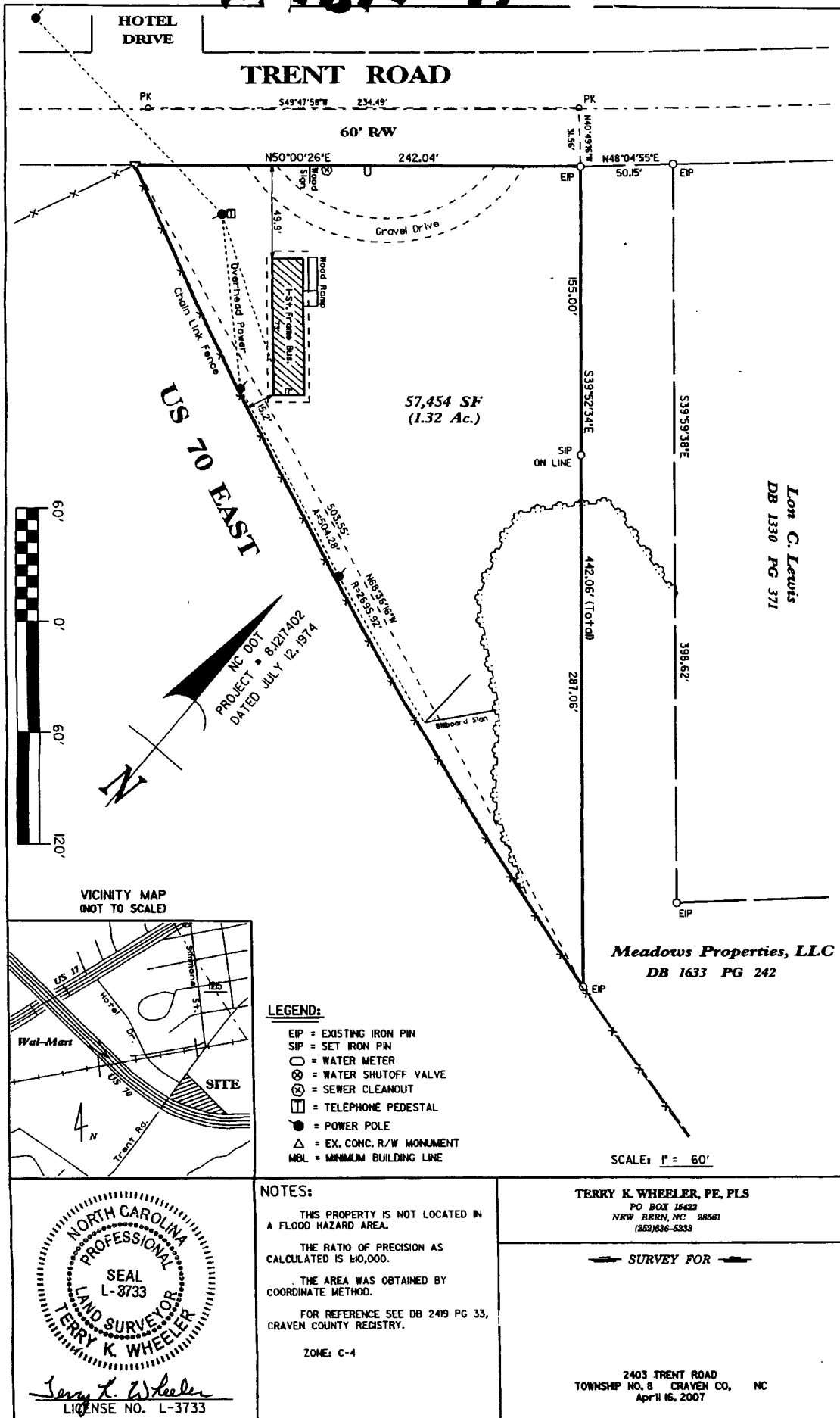
Sincerely,


Dr. Donald R. Whitley


Albert Mack

252-636-7962

EXHIBIT H





NEW BERN
NORTH CAROLINA
Development Services
303 First Street, P.O. Box 1129
New Bern, NC 28563
(252)639-7582

**City of New Bern
2403 Trent Road (Parcel ID# 8-043-007)
Rezoning Request Analysis**

Date: September 23, 2019

Applicant: Tysinger Promotions, Inc.

Requested Change:

Existing: C-4 Neighborhood Business District.
Proposed: C-3 Commercial District

Location:

The property is located at 2403 Trent Road, and is further identified as Craven County Parcel ID#8-043-007.

Size:

The property covers an area of approximately 1.31 +/- acres.

Reason for Change:

The purpose of the proposed re-zoning request is to permit the establishment of a new business.

History/Background:

The parcel is developed.

Present Land Use:

Fabulous Findz Upholstery Business

Surrounding Land Uses and Zoning:

North: C-3 Commercial District/I-1 Industrial District
South: C-4 Neighborhood Business District/C-3 Commercial District
East: Mixed R-8/R10 Residential Districts and C-4 Neighborhood Business District
West: C-4 Neighborhood Business District

City Provided Utilities and Services:

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

Comprehensive Plan:

2010 CAMA Regional Land Use Plan

The area is classified as "Developed", a mix of land uses are included in this designation. Residential densities range from a maximum of one to five dwelling units per acre. Higher densities are permitted within multi-family residential and planned unit developments and within some zoning overlay districts within commercial areas of New Bern. The intensity permitted varies depending on the zoning district and overlay standards specified in the Land Use Ordinance. Generally the area is characterized by urban and higher intensity uses that require urban municipal or public services. Incompatible uses within this land classification are industrial and agricultural land uses.

1993 Thoroughfare Plan/Traffic:

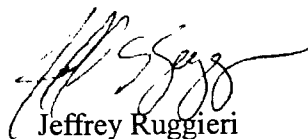
According to the 1993 Thoroughfare Plan Trent Road is classified as a heavily travelled major thoroughfare.

Environment:

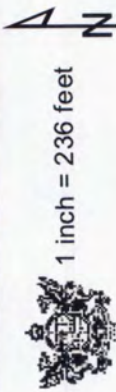
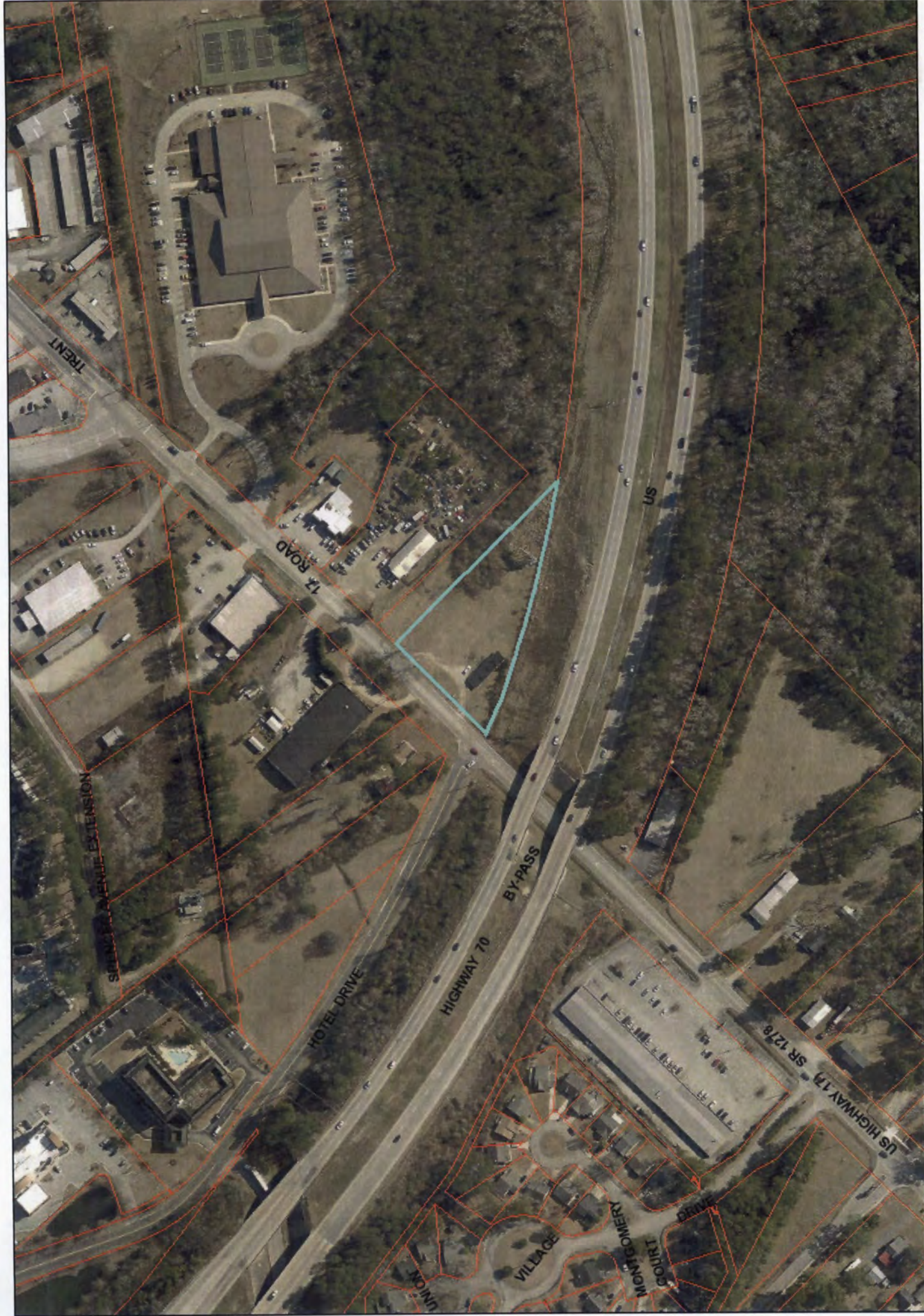
According to the Regional Land Use Plan, the subject property has high suitability for development. There are no known environmental hazards.

Staff Comments:

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



Jeffrey Ruggieri
Director of Development Services



Craven County GIS 2403 Trent Road Rezoning

Craven County does NOT warrant the information shown on this map and should be used ONLY for tax assessment purposes. Printed on September 26, 2019 at 5:44:06 PM

**City of New Bern
Planning and Zoning Board
October 1, 2019 – 5:30 P.M.
City Hall, Second Floor Courtroom
300 Pollock Street**

Members Present: Chair Don Black, Anne Schout, Sonny Aluzza, Raymond Layton, Pat Dougherty, Haron Beatty

Members Absent: Margie Dunn, Marshall Ballard

Ex-Officio Members Present:

Staff Present: Jeff Ruggieri, Executive Director of Development Services; Nadia Abdul-hadi, Planner II;

Others Present:

1. WELCOME AND ROLL CALL BY DON BLACK, BOARD CHAIR

Chair Don Black called the meeting to order at 5:30 p.m. He relayed that members of the public speaking on agenda items during the meeting are held to a four (4) minute limit.

2. NEW BUSINESS

- A. Consideration of a request from Tysinger Promotions, Inc., to rezone 0.17+/- acres from C-4 Neighborhood Business District to C-3 Commercial District. The property is further identified as Craven County Parcel Identification Number 8-043-007.*

Staff Nadia Abdul-Hadi introduced this item, relaying the physical address as 2403 Trent Road. The parcel is currently a developed, 1.3 acre lot housing the Fabulous Finds Upholstery Business. Ms. Abdul-Hadi relayed the existing C-4 zoning language, as well as the proposed C-3 zoning language. Examples of uses allowed in the proposed C-3 zoning district include residential single family, multifamily and town homes, hotels, retail, banks, restaurants, and hospitals.

Current zoning around the parcel includes C-3, C-4 and Mixed R-8/R-10 zoning. Utilities are provided by the City of New Bern. The 2010 CAMA Land Use designation classifies this area as “Developed”. Trent Road is classified as a major thoroughfare and is heavily trafficked. Road capacity is up to 11,000 vehicles per day. Traffic counts in 2015 were 8,500 vehicles per day. Based on future projections, traffic counts by the outlook year of 2040 are estimated at 9,300.

Based on the Regional Land Use Plan regarding the environment of the parcel, there are no known environmental hazards and the property is suitable for development.

Staff recommends approval of the requested rezoning for the following reasons:

- C-3 zoning is consistent with the character of the adjacent land uses and zoning classifications
- The proposed rezoning is in the interest of the public
- The proposed rezoning is consistent with the CAMA Land Use Plan
- The proposed rezoning is consistent with the Long Range Transportation Plan

Chair Black opened the item up for board discussion. There were no additional comments or questions from the board.

Chair Black opened the item up for public discussion. There were no additional comments from the public.

Raymond Layton made a motion to approve the rezoning request as presented, which was seconded by Pat Dougherty. The motion passed unanimously.

Before moving on to the next item, Development Services Director Jeff Ruggieri requested the board consider switching items B and C on the agenda to accommodate speakers that were arriving late to the meeting.

He requested the board make a motion to consider presenting item C before item B.

Anne Schout made a motion to consider item C next, which was seconded by Haron Beatty. The motion passed unanimously.

C. Consideration of a request from the City of New Bern Board of Aldermen to amend Part III. "Board of Adjustment" of Article III. "Administrative Mechanisms" of Appendix A – "Land Use" of the Code of Ordinances of the City of New Bern to (a) decrease the number of regular members from ten (10) to seven (7), and the number of alternate members from three (3) to two (2); and (b) decrease the quorum requirement from eight (8) members to five (5) members.

Staff Jeff Ruggieri introduced this item, relaying the request comes on behalf of the City of New Bern Board of Aldermen, amending the number of Board of Adjustment members, alternate members, and adjusting the number of members needed for a quorum. Mr. Ruggieri presented sections of the code including Section 15-31. – Appointment and terms of board of adjustment and Section 15-34. – Quorum.

Mr. Ruggieri advised that surveys of neighboring cities, some larger than New Bern, determined the New Bern numbers to be very high. This adjustment is being presented for consideration to be in line with other cities of commensurate population, or greater, in the state of North Carolina. This change would also help ensure achieving a quorum during meetings.

Chair Black opened the item up for board discussion. There were no additional comments or questions from the board.

Chair Black opened the item up for public discussion. There were no additional comments from the public.

Pat Dougherty made a motion to approve the adoption to the Board of Alderman, to make changes to the rules as described in item C, which was seconded by Haron Beatty. The motion passed unanimously.

C. Consideration of a request from the City of New Bern Board of Aldermen to amend Section 15-146 "Table of Permissible Uses" of the Code of Ordinances of the City of New Bern to remove the special use permit designation for use category 1.520 – Bed and Breakfast in the R-6, R-8 and R-10 Zones.

Staff Jeff Ruggieri introduced this item, clarifying that this request is to amend the use table to allow a Bed and Breakfast by special use permit in applicable residential zones, only within locally designated Historic Districts, including downtown New Bern and Riverside. The Table of Permissible Uses was provided to board members, and the use category 1.520 language was discussed.

Currently within the Table of Permissible Uses, Bed and Breakfasts can be requested by special use permits in the R-6, R-8 and R-10 zones. The Board of Aldermen are requesting this be removed, disallowing Bed and Breakfasts within residential zones throughout the city. A map of affected areas was provided, outlining the historic districts of Riverside and downtown New Bern, as well as depicting zones R-6, R-8 and R-10.

Chair Black opened the item up for board discussion.

Board member Sonny Aluzzo requested clarification that this amendment would eliminate Bed and Breakfasts in the affected areas, previously depicted on a map. Mr. Ruggieri confirmed.

Raymond Layton clarified that zoning districts which would support a Bed and Breakfast are commercial districts (C-1, C-2, C-3, C-4, C-5). Mr. Ruggieri confirmed.

Pat Dougherty confirmed there is one pending application for a new Bed and Breakfast, that does fall within the historic downtown district. Mr. Ruggieri confirmed, and advised the applicant will have to go before the Historic Preservation Commission as well as the Board of Adjustment with their application request. Mr. Dougherty questioned if there were requirements for parking as well as number of rooms, which Mr. Ruggieri confirmed.

Chair Black opened the item up for public discussion, reminding speakers they have a maximum of four (4) minutes to speak.

IN SUPPORT OF AMENDMENT

- Sherry Jones, 507 Metcalf St.
- Carolina Orman, 512 Metcalf St.
- Andrew – 505 Metcalf St.
- Dave O'Connell – 522 Johnson St.

- Joseph Klotz – 218 Pollock St.
- Duncan Harkan – 519 Johnson St.
- Duncan Harkan – reading a letter from Tracy F. – 620 New St.
- James Howell – 517 New St.
- Zachary Orman – 512 Metcalf St., reading letter from neighbor George Bray
- Dave O’Connell – reading a letter from Lorelei Chantowski – 511 Metcalf St.
- Betty Clark – 505 E. Front St. – reading a letter from John and Beth Ann Jacobson – 508 Metcalf St.
- Nancy Hollows – 624-628 Hancock St. business owner

NOT IN SUPPORT OF AMENDMENT

- Lori Ann Prill – 212 New St. owner – consider changing definition of B&B
- Paige Mills – 413 Metcalf St.
- Marty – 317 E. Front St.
- Gregory Rusch – 501 Metcalf St.
- Mark Atkinson – 501 New St.
- Rick Prill – 212 New St.
- Lois Ann Atkinson – 501 New St.
- Tamara Andrews – 316 Avenue C

Chair Black returned the discussion to the board. Mr. Ruggieri relayed the process required for those wish to have a Bed and Breakfast. This process requires the owners to attend the Site Plan Review meeting, which is an in-depth review with multiple departments and professional staff across the City of New Bern (including Public Works, Utilities, Development Services, NCDOT representatives). Applicants are then provided time to adjust their plans as determined during the Site Plan Review meeting. Once applicants address and rectify all issues, they would then make an application to the Board of Adjustments for a special use permit for a Bed and Breakfast. Chair Black confirmed that any external changes to a structure in this historic district would require the applicant to appear before the Historic Preservation Commission for approval of proposed changes. Mr. Ruggieri confirmed, relaying that major external changes would require an appearance before the HPC board. Minor changes would be determined in house, with the City’s HPC Administrator. Mr. Ruggieri further clarified that if HPC approval is required, the applicant would obtain that approval prior to going before the Board of Adjustment.

Two members of the board would like additional information from the requesting Board of Alderman member, as to why they feel this amendment is needed, and when the existing language was implemented. Mr. Ruggieri advised staff went as far back as 1994, and the existing language existed.

Chair Black voiced concerns about the potential negative impact this adoption could have on the community, based upon public comment from Ms. Andrews, who was able to rehabilitate her home on Avenue C, utilizing income she generated from renting rooms to visitors, some of whom later bought homes in New Bern based on their time in her home. Mr. Aluzzo agreed, and noted this is one reason he would like additional information on why the Alderman is requesting this change. Mr. Beatty agreed, and felt it would be a disservice to the community to make a decision on this

request during this meeting. Ms. Schout agreed as well, noting she did not feel they had been given enough time to process and investigate the request before them.

Mr. Aluzzo suggested that members of the Planning and Zoning Board be given the opportunity to speak with members of the Board of Alderman to answer their questions and address their concerns before the next scheduled board meeting. Mr. Ruggieri advised this may be potentially difficult but would try to coordinate.

Chair Black requested additional information regarding City attorney comments and questionable definitions. Mr. Ruggieri provided a review of the role of the Planning Board and noted therefore is well within its right to request additional information from the Board of Aldermen. He noted this could be made in their motion.

Mr. Layton feels a motion could be made during this meeting based on the fact that the amendments would only affect a very small portion of the city, and therefore feels the impacts would be minimal. He questioned what would happen to current Bed and Breakfast owners within the proposed overlay. Mr. Ruggieri advised essentially, they would be 'grandfathered' in. The owners' special use permit would provide the ability to continue doing business in compliance, for as long as they chose to operate.

Zoning violations were discussed that pertain to the issue of homes and renters or multiple dwellers.

The definition of Bed and Breakfast was discussed, noting the current definition is outdated and doesn't accurately reflect what the use is.

Raymond Layton made a motion recommending approval of the changes to this ordinance, to the Board of Alderman. There was no second.

Haron Beatty made a motion to deny approval of the changes to this ordinance, which was seconded by Pat Dougherty. Members in favor of this motion were Mr. Beatty, Mr. Dougherty and Ms. Schout. Members against this motion were Raymond Layton. Members who abstained were Sonny Aluzzo.

3. BOARD COMMENTS

The board discussed rules regarding electronic communication during scheduled meetings when quorums are needed. Chair Black would appreciate assistance from City staff to create language for the Planning and Zoning Board to somewhat mirror that ability as laid out for the Board of Aldermen, for members that may not be able to physically attend a meeting but could join electronically.

Mr. Ruggieri clarified the request of the Planning and Zoning Board is to create their own policies and procedures, similarly to what the Board of Aldermen did in 2017. One of the items in these procedures includes board members abilities to participate in meetings via telephone. Mr. Ruggieri noted he would work on this language and would present during their next scheduled meeting.

Ms. Schout relayed concern about addressing short-term rentals, and requested a sub-committee be formed to study these issues, creating recommendations that be considered moving forward. Chair Black voiced concerns about staffing shortages that might provide hardships.

Anne Schout made a motion where no more than five (5) members of the Planning and Zoning Board be formed as a sub-committee to research short-term rentals with the intent of gathering information that will be helpful in future decision making , which was seconded by Pat Dougherty. The motion passed unanimously.

4. **ADJOURN**

Sonny Aluzzo made a motion to adjourn, which was seconded by Raymond Layton. The motion passed unanimously.

Date Approved: _____

Don Black, Chair

Attest: _____
, Recording Secretary

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution to Initiate the Upset Bid Process for 2203 Chestnut Avenue

Date of Meeting: 12/10/2019	Ward # if applicable: 2
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:	An offer of \$375.00 has been received for the purchase of 2203 Chestnut Avenue. This represents 50% of the tax value for the small, vacant lot.
Actions Needed by Board:	Consider adopting resolution
Backup Attached:	Memo, resolution, offer to purchase, maps of the property, tax property card, Copy of Commissioner's Deed, and estimate of proceeds

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:

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: Brenda Blanco, City Clerk *BEB*
DATE: November 27, 2019
SUBJECT: Offer to Purchase 2203 Chestnut Avenue

JK Investment Holdings, LLC has made an offer to purchase 2203 Chestnut Avenue for \$375.00. The tax value of the vacant 0.06-acre lot is \$750.00, and the offer represents 50% of the value. The property was acquired jointly by the City and County through tax foreclosure in May of 2019. The Commissioner's Deed states the taxes, interest and penalties due to the City at the time of the foreclosure were \$556.45, and the City contributed \$480.99 toward the cost of the foreclosure proceeding.

Once the offer is advertised, the final bid will be presented to the Board for consideration of sale of the property.

/beb

RESOLUTION

THAT WHEREAS, the City of New Bern and Craven County own certain real property identified as 2203 Chestnut Avenue, Craven County parcel identification number 8-037-001; and

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

WHEREAS, the City and Craven County have received an offer to purchase the above described property in the amount of \$375.00, submitted by JK Investment Holding, LLC; and

WHEREAS, JK Investment Holding, LLC has paid the required five percent (5%) deposit on the offer.

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

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

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

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

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

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

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

Section 7. The terms of the final sale are:

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

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

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

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

ADOPTED THIS 10th DAY OF DECEMBER, 2019.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

NORTH CAROLINA

OFFER TO PURCHASE AND CONTRACT

CRAVEN COUNTY

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

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

Street Address: 2203 CHESTNUT AVE

Subdivision Name: PEMBROKE

Tax Parcel ID No.: 8-037-001

Plat Reference: _____

Being all of that property more particularly described in Deed Book 3569, Page 529 in the Craven County Registry.

2. **PURCHASE PRICE:** The purchase price is \$ 375.00 and shall be paid as follows:

(a) \$ 20.00, EARNEST MONEY DEPOSIT with this offer by ☒ cash ☐ bank check ☐ certified check to be held by Seller until the sale is closed, at which time it will be credited to Buyer, or until this contract is otherwise properly terminated. In the event this offer is not accepted, then all earnest monies shall be refunded to Buyer. In the event of breach of this contract by Seller, all earnest monies shall be refunded to Buyer upon Buyer's request. In the event of breach of this contract by Buyer, then all earnest monies shall be forfeited to Seller upon Seller's request, but such forfeiture shall not affect any other remedies available to Seller for such breach.

(b) \$ 355.00, BALANCE of the purchase price in cash or readily available funds at Closing.

3. **CONDITIONS:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Buyer Initials KTL Seller Initials _____

13. **RISK OF LOSS:** The risk of loss or damage by fire or other casualty prior to Closing shall be upon Seller.

14. **ASSIGNMENTS:** This contract may not be assigned without the written consent of all parties, but if assigned by agreement, then this contract shall be binding on the assignee and the assignee's heirs, successors or assigns (as the case may be).

15. **PARTIES:** This contract shall be binding upon and shall inure to the benefit of the parties, i.e., Buyer and Seller and their heirs, successors and assigns. As used herein, words in the singular include the plural and the masculine includes the feminine and neuter genders, as appropriate.

16. **SURVIVAL:** If any provision herein contained which by its nature and effect is required to be observed, kept or performed after the Closing, it shall survive the Closing and remain binding upon and for the benefit of the parties hereto until fully observed, kept or performed.

17. **ENTIRE AGREEMENT:** This contract contains the entire agreement of the parties and there are no representations, inducements or other provisions other than those expressed herein. All changes, additions or deletions hereto must be in writing and signed by all parties.

18. **NOTICE AND EXECUTION:** Any notice or communication to be given to a party herein may be given to the party or to such party's agent. This offer shall become a binding contract (the "Effective Date") when signed by both Buyer and Seller and such signing is communicated to the offering party. This contract is executed under seal in signed multiple originals, all of which together constitute one and the same instrument, with a signed original being retained by each party, and the parties adopt the word "SEAL" beside their signatures below.

BUYER:

(If an individual)

SELLER

CRAVEN COUNTY

_____(SEAL)

By: _____(SEAL)

Name: _____

Its: _____

Date: _____

Date: _____

Address: _____

Phone: _____

(If a business entity)

CITY OF NEW BERN

By: KYLE T KRATOVILLE (SEAL)

By: _____(SEAL)

Its: OWNER

Its: _____

Date: 12/5/19

Date: _____

Address: 6210 OLD US HWY 70W

NEW BERN NC 28562

Phone: 877-368-2620

Buyer Initials KTK Seller Initials _____

Craven County Geographic Information System

Craven County does NOT warrant the information shown on this page and should be used ONLY for tax assessment purposes.

This report was created by Craven County GIS reporting services on 12/5/2019 12:05:10 PM

Parcel ID : 8-037 -001
Owner : CRAVEN COUNTY & NEW BERN-CITY OF
Mailing Address : PO BOX 1128 NEW BERN NC 28563
Property Address : 2203 CHESTNUT AVE
Description : 408 PEMBROKE
Lot Description :



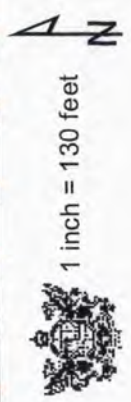
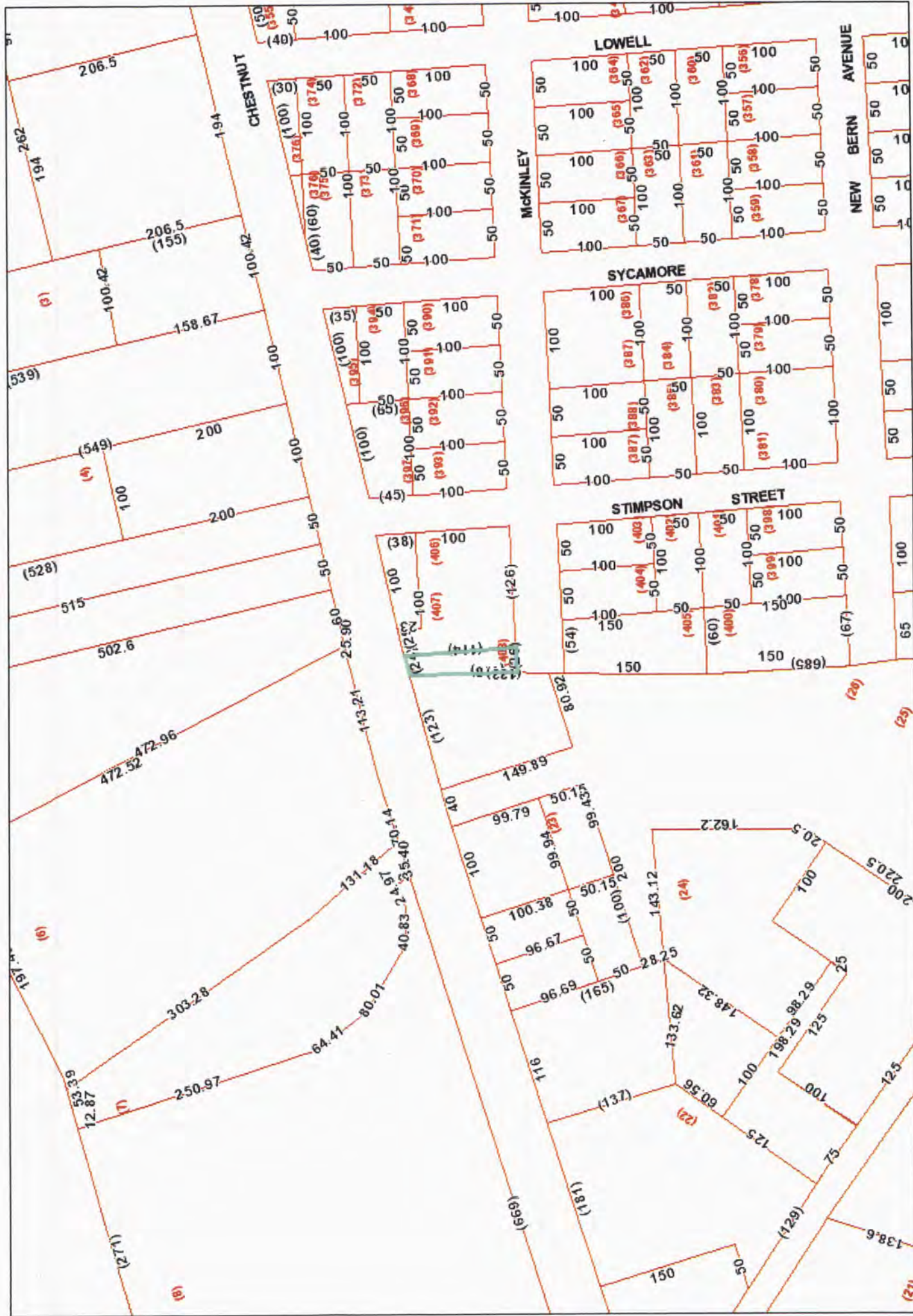
Assessed Acreage :	0.061	Calculated Acreage :	0.060
Deed Reference :	3569-0529	Recorded Date :	5 3 2019
Recorded Survey :	5-2-		
Estate Number :			
Land Value :	\$750	Tax Exempt :	Yes
Improvement Value :	\$0	# of Improvements :	0
Total Value :	\$750		
City Name :	NEW BERN	Fire tax District :	
Drainage District :		Special District :	
Land use :	VACANT-RESIDENTIAL TRACT		

Recent Sales Information

SALE DATE	Sellers Name	Buyers Name	Sale Type	Sale Price
5/3/2019	ROBINSON, WILLIAM JAMES HRS	CRAVEN COUNTY & NEW BERN-CITY OF	STRAIGHT TRANSFER	\$4,500
1/1/1969	ROBINSON, WILLIAM JAMES	ROBINSON, WILLIAM JAMES HRS	MULTI-PARCEL- SALE	\$0

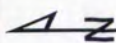
List of Improvements to Site

No improvements listed for this parcel



Craven County GIS 2203 Chestnut Ave

Craven County does NOT warrant the information shown on this map and should be used ONLY for tax assessment purposes. Printed on December 5, 2019 at 9:55:40 AM



1 inch = 130 feet



Craven County GIS 2203 Chestnut Ave

Craven County does NOT warrant the information shown on this map and should be used ONLY for tax assessment purposes. Printed on December 5, 2019 at 9:56:48 AM

Doc No: 10037197
Recorded: 05/03/2019, 11:25:24 AM
Fee Amt: \$35.00 Page 1 of 2
Revenue Tax: \$9.00
CRAVEN County, North Carolina
Sherril B. Richard Register of Deeds
Bk 3569 Pg 529

✓ Prepared by: Zacchaeus Legal Services

Revenue Stamps \$9.00

STATE OF NORTH CAROLINA

COMMISSIONER'S DEED

COUNTY OF CRAVEN

ID# 8 037 001

This deed, made this 10th day of April, 2019, by MARK D. BARDILL, Commissioner, to the County of Craven and the City of New Bern of P.O. Box 1128, New Bern, North Carolina, 28563.

WITNESSETH:

That whereas the said MARK D. BARDILL was appointed Commissioner under an order of the District Court, in the tax foreclosure proceeding entitled Craven County versus The Heirs, Assigns and Devisees of Willie Gertrude Robinson and spouse, if any, Linda Darden and spouse, if any, and the City of New Bern, et al, File No. 05-CVD-679; and said MARK D. BARDILL was directed by said Order as Commissioner to sell the land hereinafter described at public sale after due advertisement according to law; and

Whereas, the said MARK D. BARDILL, Commissioner, did on the 6th day of February, 2019, offer the land hereinafter described at a public sale at the Craven County Courthouse door, in New Bern, North Carolina, and then and there the said County of Craven and the City of New Bern became the last and highest bidder for said land for the sum of \$4,179.83; and no upset or increased bid having been made within the time allowed by law, and said sale having been confirmed by said Court, and said MARK D. BARDILL, Commissioner, having been ordered to execute a deed to said purchaser upon payment of the purchase money;

Now, therefore, for and in consideration of the premises and the sum of \$4,179.83, receipt of which is hereby acknowledged, the said MARK D. BARDILL, Commissioner, does by these presents, hereby bargain, sell, grant, and convey to the said County of Craven and the City of New Bern, and their successors, heirs and assigns that certain parcel or tract of land, situated in Number Eight Township, Craven County, North Carolina, and described as follows:

That certain tract or parcel of land in the City of New Bern, Craven County, North Carolina, and being more particularly described as follows: The western one-half of lot No. 408 lying and being situated in Number Eight Township, Craven County, North Carolina, in that area known as Pembroke, a map or plot of which is recorded in Map Book 1, at Page 164, 165 in the office of the Register of Deeds of Craven County.

Subject to restrictive covenants and easements of record.

[Signature]

Parcel Identification Number: 8 037 001

To have and to hold the aforesaid tract of land, to the said County of Craven and the City of New Bern, and their successors, heirs and assigns forever, in as full and ample manner as said MARK D. BARDILL, Commissioner as aforesaid, is authorized and empowered to convey the same.

The title conveyed by this Commissioner's Deed is held pursuant to 105-376, with the County of Craven having disbursed \$1,814.93 and the City of New Bern having disbursed \$480.99 in reimbursable costs, that taxes, interest and penalties due the County of Craven which constitute a 1st and prior lien as of the date of sale total \$1,112.46, that taxes, interest and penalties due the City of New Bern which constitute a 1st and prior lien as of the date of sale total \$556.45. Upon subsequent sale of the property, the proceeds will be distributed between the County of Craven and the City of New Bern pursuant to Section 105-376.

In witness whereof, the said MARK D. BARDILL, Commissioner, hath hereunto set his hand and seal.

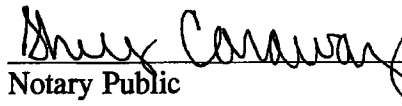


(SEAL)
MARK D. BARDILL, Commissioner

NORTH CAROLINA
PAMLICO COUNTY

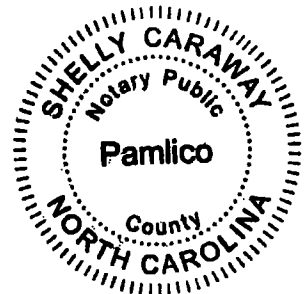
I, Shelly Caraway of said County, do hereby certify that MARK D. BARDILL, Commissioner, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing deed.

Witness my hand and official seal this the 10th day of April, 2019.



Notary Public

My commission expires: 07/01/2023



ESTIMATE OF DIVISION OF PROCEEDS

Property: 2203 Chestnut Avenue (8-037-001)

Offer Amount		\$	375.00
Less: Reimb to City for publication of notice of offer (approx.)	\$	200.00	
Balance	\$		175.00
Foreclosure cost reimbursement:			
County	\$	175.00	
City	\$	-	
Total Cost Reimbursement	\$		175.00

County Total	\$	175.00
City Total	\$	200.00

For information purposes:

County taxes and costs at Foreclosure	\$	2,927.39
City taxes/liens and costs at Foreclosure	\$	1,037.44

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution Approving an Amendment to the Agreement with the Housing Authority for the Sale of a Portion of 703 Carolina Avenue

Date of Meeting: 12/10/19	Ward # if applicable: 2
Department: City Manager	Person Submitting Item: Mark Stephens
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	The Board previously adopted a resolution and approved an Agreement for the sale of real property to the Housing Authority. An amendment to the agreement is proposed establish a new boundary-line for the property to be purchased and extend the closing date from 02/01/20 to 06/01/20.
Actions Needed by Board:	Consider adopting resolution
Backup Attached:	Cover memo, resolution, amendment to agreement, and boundary map

Is item time sensitive? ☒Yes ☐No

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

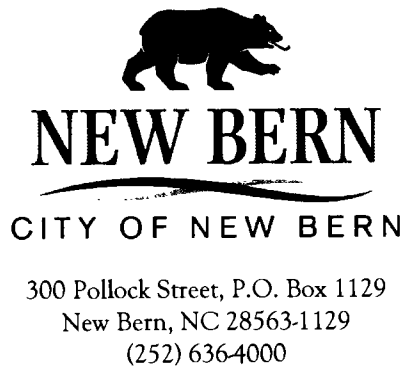
Cost of Agenda Item:

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

Additional Notes:

Aldermen

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



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

MEMO TO: Mayor and Board of Aldermen

FROM: Mark Stephens, City Manager

DATE: December 25, 2019

SUBJECT: Resolution Approving an Amendment to the Agreement with the Housing Authority for the Sale of a Portion of 703 Carolina Avenue

On November 13, 2018, the Board approved the sale of approximately seven acres of real property to the Housing Authority of the City of New Bern. The property is located at 703 Carolina Avenue. Mosaic Development Group, a NC nonprofit, intends to develop 84 units of multifamily low-income housing tax-credit apartments on the property. Tax credits of \$846,300 per year have been awarded for a 10-year period.

The buyer has discovered that some of the property cannot be developed because of wetlands and conservation areas. Therefore, it is requested that the boundary line of the property be revised to include the area depicted on Exhibit A of the amendment. It is also requested that the closing date be extended from February 1, 2020 to June 1, 2020 to accommodate federal funding requirements and allow the developer to secure financing for the project. In light of this extension, Section 6(e) will also be modified to provide that the closing date may be extended from June 1, 2020 to September 1, 2020 upon payment of \$10,000 on or before May 1, 2020 and further extended, if needed, from September 1, 2020 to November 1, 2020 upon payment of an additional \$10,000 on or before August 1, 2020.

/beb

RESOLUTION

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

That the First Amendment to Agreement and Sale of Real Property dated December 10, 2019 by and between the City of New Bern and the Housing Authority of the City of New Bern, N.C., a copy of which is attached hereto and incorporated herein by reference, which amends the Agreement for Purchase and Sale of Real Property dated November 13, 2018 for the sale of approximately seven acres, more or less, of the real property owned by the City of New Bern located at 703 Carolina Avenue, be and the same is hereby approved, and the Mayor is hereby authorized and directed to execute the same for and on behalf of the City.

ADOPTED THIS 10th DAY OF DECEMBER, 2019.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

FIRST AMENDMENT TO AGREEMENT AND SALE OF REAL PROPERTY

THIS FIRST AMENDMENT TO AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY (this "Amendment") is by and between the City of New Bern, a North Carolina municipal corporation ("Seller") and the Housing Authority of the City of New Bern, N.C., (the "Buyer") and effective December _____, 2019.

WHEREAS, Buyer and Seller entered into that certain Agreement for Purchase and Sale of Real Property dated November 13, 2018 (the "Purchase Agreement") for the purchase and sale of approximately 7 +/- acres of real property located at 703 Carolina Avenue in New Bern, Craven County, North Carolina, and being a portion of a 31 +/- acre parcel having tax parcel identification number 8-044-011 (the "Property"); and

WHEREAS, as co-developer with Mosaic Development Group, Inc., a North Carolina nonprofit corporation, Buyer intends to develop, construct and operate an 84 unit multifamily low-income housing tax credit apartment project on the Property to be known as 703 Carolina Avenue (the "Project"); and

WHEREAS, the North Carolina Housing Finance Agency ("NCHFA") awarded the Project tax credits in the amount of \$846,300 per year for a 10 year period in its 2019 tax credit allocation cycle; and

WHEREAS, in the course of conducting due diligence, Buyer has discovered that some of the Property cannot be developed because of the existence of wetlands and conservation areas; and

WHEREAS, Buyer and Seller desire to amend the Purchase Agreement to replace Exhibit A attached thereto with Exhibit A attached to this Amendment depicting the new proposed boundary line (the "Boundary Line Exhibit"), so that the Property to be purchased shall mean the property depicted in the Boundary Line Exhibit; and

WHEREAS, the NCHFA awarded the Project a rental production program loan to be funded from HOME Investment Partnerships Program sources regulated by 24 CFR Part 92, which regulations require a HUD environmental study of the Property to be conducted and approved; and

WHEREAS, Buyer has determined that the Closing date of February 1, 2020 originally contemplated in the Purchase Agreement is not feasible in part due to the HOME requirements and the time for performance and approval of the HUD environmental study; and

WHEREAS, Buyer and Seller desire to amend Section 1(c) of the Purchase Agreement to extend the Closing date from February 1, 2020 to June 1, 2020 to accommodate federal funding requirements and to secure Project financing; and

WHEREAS, Buyer and Seller desire to amend and restate Section 6(e) of the Purchase Agreement to for provision of extension fees; and

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Seller and Buyer agree to amend the Purchase Agreement as follows:

1. Exhibit A attached to the Purchase Agreement is replaced with the Boundary Line Exhibit attached to this Amendment as Exhibit A.

2. The definition of "Property" in the Purchase Agreement shall refer to the Boundary Line Exhibit.

3. Section 1(c) of the Purchase Agreement is amended so that the Closing shall occur on or before June 1, 2020.

4. Section 6(e) of the Purchase Agreement is amended and restated in its entirety as follows:

"Buyer, in its sole discretion, may extend the Closing from June 1, 2020 to September 1, 2020 upon payment to the Seller of Ten Thousand and No/100 Dollars (\$10,000.00) on or before May 1, 2020, which shall be applied to the Purchase Price. Buyer may further extend the Closing from September 1, 2020 to November 1, 2020 upon payment to Seller of Ten Thousand and No/100 Dollars (\$10,000.00) on or before August 1, 2020, which shall be applied to the Purchase Price. Such payments shall be paid directly to the Seller and shall be nonrefundable regardless of the Buyer's right to terminate pursuant to Section 6(a)."

5. The terms of this Amendment are incorporated into the Purchase Agreement. Any capitalized terms not defined herein shall have the meaning given to them in the Purchase Agreement. Except as modified by this Amendment, the Purchase Agreement remains in full force and effect. This Amendment may be executed in counterparts.

SIGNATURES FOLLOW ON THE NEXT PAGE

IN WITNESS WHEREOF, Seller and Buyer have executed this Amendment under seal by authority duly given on the day and year first above written.

SELLER:

CITY OF NEW BERN

a North Carolina municipal corporation

By: _____ [SEAL]

Name: Dana E. Outlaw

Its: Mayor

Attest:

Brenda E. Blanco, City Clerk

BUYER:

THE HOUSING AUTHORITY OF THE CITY OF NEW BERN

By: _____ [SEAL]

Martin Blaney, Executive Director

EXHIBIT A

BOUNDARY LINE EXHIBIT

ND: 4812-5263-0190, v. 1

AGENDA ITEM COVER SHEET

Agenda Item Title: Consider Adopting an Ordinance to Amend the FY2019-20 Operating Budget

Date of Meeting: 12/10/2019	Ward # if applicable:
Department: Finance	Person Submitting Item: Lori Mullican
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 Operating Budget to (1) recognize insurance proceeds for damaged vehicles, (2) recognize grant proceeds and establish the 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 been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input checked="" 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 27, 2019

RE: Amendments to the FY2019-20 Operating Budget

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

General Fund:

Recognize insurance proceeds of \$28,100.00 for a damaged vehicle. The proceeds will be used towards to cost of repairing the vehicle.

Sewer Fund:

Recognize insurance proceeds of \$33,282.00 for vehicle declared a total loss. The proceeds will be used to purchase a replacement vehicle.

Grants Fund:

Recognize a \$66,425.00 grant from the U.S. Department of Justice Office of Justice Programs. The grant funds are for the Project Safe Neighborhoods Grant program, which is the United States Attorney Office's (USAO) newest Initiative and is being implemented locally by the USAO Eastern District of North Carolina in partnership with the North Carolina Gang Association in collaboration with their Take Back North Carolina Initiative. PSN is a gun and gang violence program designed to inform the community of the restricted rights of felons and their new responsibilities pertaining to firearms and ammunition.

Requested Action

It is recommended that the Board adopt the attached budget amendment at its meeting to be held on December 10, 2019

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

FROM: Lori Mullican, Accounting Manager

MEETING DATE: December 10, 2019

EXPLANATION: General Fund - Recognize insurance proceeds of \$28,100.00 for a damaged vehicle. The proceeds will be used towards to cost of repairing the vehicle. Sewer Fund - Recognize insurance proceeds of \$33,282.00 for vehicle declared a total loss. The proceeds will be used to purchase a replacement vehicle. Grants Fund - Recognize a \$66,425 grant from the U.S. Department of Justice Office of Justice Programs. The grant funds are for the Project Safe Neighborhoods Grant program, which is the United States Attorney Office's (USAO) newest Initiative and is being implemented locally by the USAO Eastern District of North Carolina in partnership with the North Carolina Gang Association in collaboration with their Take Back North Carolina Initiative. PSN is a gun and gang violence program designed to inform the community of the restricted rights of felons and their new responsibilities pertaining to firearms and ammunition.

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 A - General Fund

Increase:	Public Works Streets	\$ 28,100
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Schedule D - Sewer Fund

Increase:	Sewer Collection System Maint.	\$ 33,282
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Schedule K - Grants Fund

Increase:	Police - SRF	\$ 66,425
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Section 2 - Estimated Revenues

Schedule A - General Fund

Increase:	Miscellaneous Revenue	\$ 28,100
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Schedule D - Sewer Fund

Increase:	Miscellaneous Revenue	\$ 33,282
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Schedule K - Grants Fund

Increase:	Police - SRF	\$ 66,425
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NATURE OF TRANSACTION:

☒ ADDITIONAL REVENUE AVAILABLE FOR APPROPRIATION
☐ TRANSFER WITHIN ACCOUNTS OF SAME FUND
☐ OTHER:

APPROVED BY THE BOARD OF ALDERMEN AND ENTERED
ON MINUTES DATED: 12/10/2019
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.