

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
OCTOBER 26, 2021 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

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

Consent Agenda

3. Consider Adopting a Resolution to Close the 200-300 Blocks of Middle Street for the Light Up the Season Beary Merry Christmas Event.
4. Consider Adopting a Resolution to Close Specific Streets for the Beary Not-So-Scary Halloween Event.
5. Consider Adopting a Resolution Calling for a Public Hearing to Rezone 4416 US Hwy. 17S from R-10 Residential District to C-3 Commercial District.
6. Approve Minutes.

7. Consider Approving the 2022 Holiday Calendar.
8. Consider Approving the 2022 Board of Aldermen Meeting Roster.
9. Consider Adopting a Resolution Amending Ward Boundaries and Approving a Map of New Bern Ward Boundaries Dated October 26, 2021.
10. Consider Adopting a Resolution Approving Guidelines for Elected and Appointed Boards, Commissions, and Committees Using Personal or Official Social Media Platforms.
11. Consider Adopting a Resolution Approving a General Warranty Deed between Habitat for Humanity of Craven County NC, Stephen Wood and Robin Powell, and the City of New Bern for 1707 Moore Avenue.
12. Consider Adopting a Resolution to Accept Ownership and Maintenance of Watercrest Loop in the Carolina Colours Subdivision.
13. Consider Adopting a Resolution to Accept Ownership and Maintenance of Downey Drive in the West New Bern Development.

14. Consider Adopting a Resolution to Approve a Change Order with Trader Construction Company for the Hurricane Florence Category A Drainage Ditch Project Within the Jack Smith Creek Drainage Basin.
15. Consider Adopting a Budget Ordinance Amendment for FY2021-22.
16. Discussion of Surplus Real Property.
17. Appointment(s).
18. Attorney's Report.
19. City Manager's Report.
20. New Business.
21. Closed Session.
22. 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
Jamesha 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
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk

Memo to: Mayor and Board of Aldermen
From: Foster Hughes, City Manager
Date: October 22, 2021
Re: October 26, 2021 Agenda Explanations

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

Consent Agenda

3. **Consider Adopting a Resolution to Close the 200-300 Blocks of Middle Street for the Light Up the Season Beary Merry Christmas Event.**

(Ward 1) Amanda Banks, Event Chair for the Downtown Council, has requested to close the 200 and 300 blocks of Middle Street for the Light Up the Season Beary Merry Christmas event on November 26, 2021 from 3:30 p.m. to 9:30 p.m. A rain date of November 27, 2021 is sought. A memo from Kari Warren, Interim Director of Parks and Recreation, is attached.

4. **Consider Adopting a Resolution to Close Specific Streets for the Beary Not-So-Scary Halloween Event.**

(Ward 1) Amanda Banks has also requested to close the 200-300 blocks of Middle Street, 300 block of Pollock Street, and 200 block of Craven Street for the Beary Not-So-Scary Halloween event on October 30, 2021 from 4:00 p.m. to 6:00 p.m. A rain date of October 31, 2021 has been requested. A memo from Mrs. Warren is attached.

5. Consider Adopting a Resolution Calling for a Public Hearing to Rezone 4416 US Hwy. 17S from R-10 Residential District to C-3 Commercial District.

(ETJ) Corey Thomas has requested to rezone a 0.46-acre parcel from R-10 Residential to C-3 Commercial. The parcel is in the extraterritorial jurisdiction west of the Rocky Run area and is identified as 4416 US Highway 17 South and Craven County Tax Parcel ID 8-206-028. The Planning and Zoning Board unanimously approved the application at its October 5, 2021 meeting. It is requested a public hearing be scheduled for November 9, 2021. A memo from Jeff Ruggieri, Director of Development Services, is attached.

6. Approve Minutes.

Minutes from the October 12, 2021 regular meeting are provided for review and approval. Additionally, closed session minutes from the following dates will be considered for approval: January 23, 2018, February 03, 2018, February 13, 2018, April 10, 2018, April 24, 2018, May 22, 2018, June 12, 2018, June 26, 2018, July 24, 2018, August 14, 2018, August 28, 2018, November 27, 2018, March 12, 2019, April 09, 2019, April 23, 2019, May 14, 2019, May 28, 2019, June 11, 2019, July 09, 2019, August 27, 2019, October 22, 2019, November 12, 2019, December 10, 2019, January 10, 2020, February 25, 2020, March 10, 2020, May 26, 2020, July 14, 2020, August 11, 2020, September 22, 2020, November 10, 2020, December 08, 2020, January 12, 2021, January 26, 2021, February 05, 2021, February 09, 2021, April 16, 2021, April 27, 2021, May 04, 2021, May 11, 2021, June 22, 2021, June 29, 2021, June 30, 2021, July 13, 2021, and August 24, 2021.

7. Consider Approving the 2022 Holiday Calendar.

Annually, the Board approves a calendar designating the holidays to be observed and dates for which City offices will be closed. The proposed calendar for 2022 mirrors the 11 days that will be observed by Craven County. The State of North Carolina will observe 12 days in 2022, as they will close three days for Christmas. A memo from Sonya Hayes, Director of Human Resources, is attached.

8. Consider Approving the 2022 Board of Aldermen Meeting Roster.

The Board adopts a meeting roster for each calendar year. The proposed roster identifies the 2nd and 4th Tuesdays of each month as regular meetings. All meetings will begin at 6 p.m.

9. Consider Adopting a Resolution Amending Ward Boundaries and Approving a Map of New Bern Ward Boundaries Dated October 26, 2021.

Based on the August 2021 release of census data, it was determined that population in some wards of New Bern had become imbalanced and in need of

adjustment. The Board discussed this topic several times and received public comments through its website and a public hearing that was conducted on September 28, 2021. After taking that input into consideration and working with staff, the boundaries have been realigned to create more balanced and better proportioned wards within the City. The new boundaries are designated on a map entitled "Map of New Bern Ward Boundaries – October 26, 2021". The Board is asked to adopt a resolution approving the new map. A memo from Alice Wilson, GIS Coordinator, is attached.

10. Consider Adopting a Resolution Approving Guidelines for Elected and Appointed Boards, Commissions, and Committees Using Personal or Official Social Media Platforms.

Guidelines for elected or appointed officials using personal or official social media platforms were reviewed at the October 12, 2021 meeting. A couple of minor revisions have been made to the guidelines and are indicated on the red-line version attached. The Board is asked to consider adopting a resolution to establish and approve the guidelines.

11. Consider Adopting a Resolution Approving a General Warranty Deed between Habitat for Humanity of Craven County NC, Stephen Wood and Robin Powell, and the City of New Bern for 1707 Moore Avenue.

(Ward 2) On September 24, 2019, the City approved the conveyance of 1707 Moore Avenue to Habitat for Humanity for the purpose of developing affordable housing for low and moderate-income families. Habitat has subsequently constructed a home on the property and intends to transfer the home to a buyer. By executing a deed to transfer ownership to the buyer, the City will release any rights retained under a Transfer and Reversion Agreement between the City and Habitat. A memo from Scott Davis, City Attorney, is attached.

12. Consider Adopting a Resolution to Accept Ownership and Maintenance of Watercrest Loop in the Carolina Colours Subdivision.

(Ward 3) The City received a request to accept ownership and maintenance of Watercrest Loop in the Carolina Colours Subdivision. Public Works has performed a built-to-standards inspection and confirmed that the street has been constructed to meet the City's street design standards. Thus, staff recommends the street be accepted. A memo from George Chiles, Interim Director of Public Works, is attached.

13. Consider Adopting a Resolution to Accept Ownership and Maintenance of Downey Drive in the West New Bern Development.

(Ward 6) The City received a request to accept ownership and maintenance of Downey Drive in the West New Bern Development. Public Works has performed a built-to-standards inspection and confirmed that the street has been constructed to

meet the City's street design standards. Therefore, staff recommends the street be accepted. A memo from Mr. Chiles is attached.

14. Consider Adopting a Resolution to Approve a Change Order with Trader Construction Company for the Hurricane Florence Category A Drainage Ditch Project Within the Jack Smith Creek Drainage Basin.

(Wards 4 and 5) The Board adopted a resolution on December 08, 2020 authorizing the City Manager to execute a contract with Trader Construction Company for the Jack Smith Creek Hurricane Florence Category A Drainage Ditch Project in the amount of \$382,650. A change order is requested to increase the contract by \$148,195 to cover realized and anticipated increases in quantities of sediment and vegetation and additional costs associated with working in the railroad right-of-way. A memo from Mr. Chiles is attached.

15. Consider Adopting a Budget Ordinance Amendment for FY2021-22.

This budget ordinance amendment reestablishes encumbrances for additional purchase orders outstanding as of June 30, 2021 that will be honored in Fiscal Year 2022. These purchase orders were not included with the ones that were "rolled forward" in the budget amendment adopted on September 14, 2021. This amendment also acknowledges \$20,000 in revenue from Magic Midways, the traveling carnival that rented Lawson Creek Park, and appropriates those funds for the Henderson Park project. Additionally, \$13,670 from fund balance is designated for the replacement of Parks and Recreation's 2018 Ford Escape that was totaled in an accident. Insurance funds of approximately \$21,330 will also be applied to cover the \$35,000 replacement cost. A memo from Kim Ostrom, Interim Director of Finance, is attached.

16. Discussion of Surplus Real Property.

Staff has reviewed real property owned by the City and determined 32 parcels are not beneficial for current or future planned use by the City. Of those parcels, 22 are owned jointly with Craven County. For reference, a descriptive list and map of the parcels are provided. Surplus real property is listed on the City's website and offered for sale to the public pursuant to the upset bid process outlined in NCGS §160A-269.

17. Appointment(s).

Lindsay Best has moved outside of the city limits of New Bern. Therefore, she is ineligible to continue serving on the Community Development Advisory Committee. Alderman Odham is asked to make a new appointment to finish out her term, which will expire on June 30, 2024.

18. Attorney's Report.

19. City Manager's Report.

20. **New Business.**
21. **Closed Session.**
22. **Adjourn.**

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution to close streets for Light Up the Season Beary Merry Christmas Event.

Date of Meeting: 10/26/2021	Ward # if applicable: Ward 1
Department: Parks & Recreation	Person Submitting Item: Kari Warren, Interim Director of Parks & Recreation
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	Downtown Council of the New Bern Chamber of Commerce has requested to close the 200-300 blocks of Middle Street to vehicle traffic for Light Up the Season Beary Merry Christmas event from 3:30 p.m. until 9:30 p.m. on November 26, 2021, with a rain date of November 27, 2021.
Actions Needed by Board:	Adopt the Resolution
Backup Attached:	Resolution – Memo – Application - Map

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: N/A
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: N/A

Aldermen

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



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Dana E. Outlaw
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk

Memo To: Mayor and Board of Aldermen

From: Kari Warren, CPRP
Interim Director of Parks & Recreation

Re: Street Closures for Light Up the Season Beary Merry Christmas Event.

Background Information:

Downtown Council of the New Bern Chamber of Commerce has requested to close the 200 and 300 blocks of Middle Street, to vehicle traffic for Light Up the Season Beary Merry Christmas event from 3:30 p.m. until 9:30 p.m., on November 26, 2021, with a rain date of November 27, 2021.

Recommendation:

Parks and Recreation staff recommends approval and request the Board adopt a Resolution approving the request.

If you have any questions concerning this matter, please call.

RESOLUTION

THAT WHEREAS, the Downtown Council of the New Bern Chamber of Commerce has requested that the 200-300 blocks of Middle Street be closed to vehicular traffic from 3:30 p.m. until 9:30 p.m. on Friday, November 26, 2021, with a rain date of Saturday, November 27, 2021, for Light Up the Season Beary Merry Christmas event; and

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

That the 200-300 blocks of Middle Street be closed to vehicular traffic from 3:30 p.m. until 9:30 p.m. on November 26, 2021, with a rain date of November 27, 2021, for Light Up the Season Beary Merry Christmas event.

ADOPTED THIS 26th DAY OF OCTOBER 2021.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

RECEIVED

OCT 11 2021

BY:

CITY OF NEW BERN**APPLICATION FOR PUBLIC ASSEMBLY, PARADE & SPECIAL EVENTS IN CITY PARKS**

This application is hereby made for a permit to hold a Public Assembly and/or Parade as described in the City of New Bern Code of Ordinances (Sec. 66-85; 66-86; and 66-87) – *Public Assemblies and Parades*. This application along with attachments must be presented at least **60 days prior** to the event date.

Festival – A concert, fair, festival, exhibit, athletic event, promotion, community event, block party, or similar event.

Parade – A march, ceremony, pageant, procession or other similar activities consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public street.

Public Assembly – A festival or demonstration which is reasonably anticipated to obstruct the normal flow of traffic upon any public street and that is collected together in one place; or a festival in any city-controlled park.

Name of Event/Activity: Beary Merry Christmas

Organization Name: Beary Merry Christmas Events

Responsible Contact: Amanda Banks

Address: 301 South Front St

City: New Bern State: NC Zip code: 28560

Phone: 252-671-1196 Alternate Phone: _____

Email: info@bearymerrychristmas.com

Type of Event: ☐ Demonstration ☒ Festival ☐ Parade

Date of Event: Friday, Nov 26th Proposed Rain Date: Saturday, Nov 27th

Event Set up time: 3:30 Event Tear Down Completed Time: 9:30

Event Start Time: 5:00p Event End Time: 8:00p

What is the specific location and/or route of the proposed event? (Attach additional information if needed)

See Attached Verbal request to close 300 block as well -

Note: A detailed map of the proposed route as well as a specific list of streets is required. The specific location of the Public Assembly must include the aerial overview with location marked. **Festivals/Events require detailed aerial map with complete layout.**

What is the purpose of this event? Please be detailed in your description - (Attach additional information if needed)

Estimated attendance: 1,500 - 3,000; Attendance not to exceed: _____

***Note: If more than 1,000 in attendance is expected 1) Proof of Crowd Manager Training Certification is required. Training is available at the following link: http://www.newbernnc.gov/departments/fire_department/crowd_manager_training.php 2) Public Safety Plan is required. Information must be submitted with application.** For additional info, please contact the Fire Marshall at 252-639-2931.

Tents # _____ Sizes _____ Provide additional info as needed (Note: Tents 700 sq. ft. or bigger must be inspected by Fire Marshall.)

How will you handle trash generated from the event?

We are requesting # _____ trash cans.

☐ We will provide our own bags & dispose of any trash generated ourselves.

☐ We request that City Staff dispose of all trash generated. We understand additional fees will be charged for this service, including the cost of labor, and materials (bags, etc.) used.

RECEIVED

OCT 11 2021

BY:

Are you requesting any City of New Bern Street Closures?☒ Yes*☐ No

*Any street closures require approval of the Board of Aldermen. Street closures must be received **at least 60 days in advance** for consideration. Street closures require barricades. A fee of \$5.00 per barricade must be paid 48 business hours prior to the event.

***What Street(s) are you requesting to close? Be specific:** See Attached

Are you requesting any State Road or Bridge closures?☐ Yes*☒ No

*If yes, a 90 day notice and application is required by the NCDOT for in order to consider state roads or bridges. For additional information, please call NCDOT Office at 252-439-2816. The State Road/Bridge Closure permit must be attached to this application.

If this event includes the use of floats, vehicles, placards, loud speakers, or mechanical devices of any type, please provide a detailed explanation of their use, purpose and number.

Will Inflatables or other Play features be part of this event?☒ Yes☐ No (Additional insurance may be required)**Will Food Vendors or Commercial/Non-Profit vendors be part of this event?**☒ Yes☐ No

(If you answered YES, Additional Fees apply. A detailed list of all vendors is required.)

The following items are required and must be attached at the time of Application:

☐ A detailed map – including the location, route with beginning and ending point and street names included.

☐ Petition of Signatures – of business/residents affected – If roads are closed.

The following items are required within two (2) business days of the event or event shall be cancelled:

☐ Certificate of Insurance – Listing the City of New Bern, PO Box 1129, New Bern, NC as "Additional Insured".

☐ List of all food/commercial/non-profit vendors.

☐ Payment in full of applicable fees and charges.

I attest that I am authorized on behalf of this group/organization to request the permit for the activities prescribed herein. I understand that this application must be submitted with full details and attachments. I understand that additional fees and charges may be incurred. Those charges include set-up tear down time for staff, rental of barricades, Public Safety, Trash collection, damages, etc. I further understand that failure to provide the requested information within the specified timelines shall result in application being denied. I agree to indemnify and hold harmless the City of New Bern, its departments, agents, employees, officials and volunteers for any injury, illness or damage to person or property during this activity.

The following items must be submitted with Application:

- ☐ Completed & Signed Application
- ☐ Detailed maps of parade route and/or festival layout
- ☐ Petition of signatures (if road closure is requested)
- ☐ Proof of Crowd Manager training & Public Safety Plan (if attendance is 1,000 or more)

Amanda Banks

10/1/21

Authorized Signature

Date

All documents have been provided and this application is recommended for approval

Administrative Support Supervisor

Date

This application has been approved.

Director of Parks & Recreation

Date

Total Anticipated Charges

Barricades: # _____

\$ _____

Trash Collection:

\$ _____

City Staff:

\$ _____

Vendor Fees

\$ _____

Park/Facility Rental:

\$ _____

Total Due:

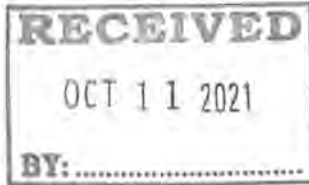
\$

- ☐ Have HOA's been notified? ☐ Yes ☐ No Spoke with: _____
- ☐ Approved by Department Date: _____ Staff Initials: _____
- ☐ Submitted for Board Approval Date: _____ Staff Initials: _____
- ☐ All Paperwork collected Date: _____ Staff Initials: _____
- ☐ All fees collected \$ _____ Date: _____ Staff Initials: _____

City Sponsored Event

☐ Yes ☐ No

Updated 6-3-2019



Beary Merry Christmas (Events)

Beary Not-So-Scary

Saturday October 30 (No rain date)

2hour Street closure request (4-6p)

Trick or Treat in The Street - 4-6pm

200 & 300 Blocks of Middle, 300 Block of Pollock and 200 Block of Craven

Downtown Christmas Event

November 26 – December 31, 2021

Summary of Anticipated Usage:

Bear Plaza – Delivery & take down determined by city staff

Decoration of Bear Plaza by Downtown Committee

Santa House is open from Nov 27rd until Dec 24th free of charge; \$6 for picture with Santa

House is removed by City Staff – date TBD by City Staff

Friday, November 26, 2021

3:30pm – 9:30pm

6 hours Street closure request

Rain date: Saturday, November 27th

200 Block of Middle Street

Light Up the Season – Santa's Arrival Celebration – November 26, 2021

5:00pm until 8:00pm

200 Block of Middle Street closed from 3:30pm until 9:30pm

Kick off to Christmas Season to include activities for children, entertainment, and the arrival of Santa to Bear Plaza where he will light it up!!

Beary Not-So-Scary Halloween Trick or Treat in The Street



Beary Merry Christmas Light Up the Season



AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution to close streets for Beary Not So Scary Halloween Event.

Date of Meeting: 10/26/2021	Ward # if applicable: Ward 1
Department: Parks & Recreation	Person Submitting Item: Kari Warren, Interim Director of Parks & Recreation
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	Downtown Council of the New Bern Chamber of Commerce has requested to close the 200-300 blocks of Middle Street, 300 block of Pollock Street, and 200 block of Craven Street to vehicle traffic for Beary Not So Scary Halloween event from 4:00 p.m. until 6:00 p.m. on October 30, 2021, with a rain date of October 31, 2021.
Actions Needed by Board:	Adopt the Resolution
Backup Attached:	Resolution – Memo – Application - Map

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: N/A
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: N/A

Aldermen

Sabrina Bengel
Jameesha Harris
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Dana E. Outlaw
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk

Memo To: Mayor and Board of Aldermen

From: Kari Warren, CPRP *KW*
Interim Director of Parks & Recreation

Re: Street Closures for Beary Not So Scary Halloween Event.

Background Information:

Downtown Council of the New Bern Chamber of Commerce has requested to close the 200-300 blocks of Middle Street, 300 block of Pollock Street, and 200 block of Craven Street to vehicle traffic for Beary Not So Scary Halloween event from 4:00 p.m. until 6:00 p.m., on October 30, 2021, with a rain date of October 31, 2021.

Recommendation:

Parks and Recreation staff recommends approval and request the Board adopt a Resolution approving the request.

If you have any questions concerning this matter, please call.

RESOLUTION

THAT WHEREAS, the Downtown Council of the New Bern Chamber of Commerce has requested that the 200-300 blocks of Middle Street, 300 block of Pollock Street, and 200 block of Craven Street be closed to vehicular traffic from 4:00 p.m. until 6:00 p.m. on Saturday, October 30, 2021, with a rain date of Sunday, October 31, 2021, for Beary Not So Scary Halloween event: and

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

That the 200-300 blocks of Middle Street, 300 block of Pollock Street, and 200 block of Craven Street be closed to vehicular traffic from 4:00 p.m. until 6:00 p.m. on October 30, 2021, with a rain date of October 31, 2021, for Beary Not So Scary Halloween event.

ADOPTED THIS 26th DAY OF OCTOBER 2021.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

RECEIVED

OCT 11 2021

BY: ND

Sat. Oct 30th/21

CITY OF NEW BERN

APPLICATION FOR PUBLIC ASSEMBLY, PARADE & SPECIAL EVENTS IN CITY PARKS

This application is hereby made for a permit to hold a Public Assembly and/or Parade as described in the City of New Bern Code of Ordinances (Sec. 66-85; 66-86; and 66-87) – Public Assemblies and Parades. This application along with attachments must be presented at least **60 days prior** to the event date.

Festival – A concert, fair, festival, exhibit, athletic event, promotion, community event, block party, or similar event.

Parade – A march, ceremony, pageant, procession or other similar activities consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public street.

Public Assembly – A festival or demonstration which is reasonably anticipated to obstruct the normal flow of traffic upon any public street and that is collected together in one place; or a festival in any city-controlled park.

Name of Event/Activity: Beary Not-So-Scary Halloween

Organization Name: Beary Merry/Downtown Council

Responsible Contact: Amanda Banks

Address: 301 South Front street

City: New Bern

State: NC

Zip code: 28560

Phone: 252-671-1196

Alternate Phone: _____

Email: info@bearymerrychristmas.com

Type of Event:

☐ Demonstration

☒ Festival

☐ Parade

Date of Event: 10/30/21

Proposed Rain Date: 10/31/21

Event Set up time: 4:00pm

Event Tear Down Completed Time: 6:00pm

Event Start Time: 4:00pm

Event End Time: 6:00pm

What is the specific location and/or route of the proposed event? (Attach additional information if needed)

200-300 Block of Middle, 300 Block of Pollock & 200 Block of Craven

Note: A detailed map of the proposed route as well as a specific list of streets is required. The specific location of the Public Assembly must include the aerial overview with location marked. *Festivals/Events require detailed aerial map with complete layout.*

What is the purpose of this event? Please be detailed in your description - (Attach additional information if needed)

Trick or Treating with downtown merchants and games

Estimated attendance: 500

; Attendance not to exceed: _____

**Note: If more than 1,000 in attendance is expected 1) Proof of Crowd Manager Training Certification is required. Training is available at the following link: http://www.newbernnc.gov/departments/fire_department/crowd_manager_training.php 2) Public Safety Plan is required. Information must be submitted with application. For additional info, please contact the Fire Marshall at 252-639-2931.*

Tents # _____ Sizes _____ Provide additional info as needed (Note: Tents 700 sq. ft. or bigger must be inspected by Fire Marshall.)

How will you handle trash generated from the event?

We are requesting # _____ trash cans.

☐ We will provide our own bags & dispose of any trash generated ourselves.

☐ We request that City Staff dispose of all trash generated. We understand additional fees will be charged for this service, including the cost of labor, and materials (bags, etc.) used.

RECEIVED

OCT 11 2021

BT:**Are you requesting any City of New Bern Street Closures?**☒ Yes*☐ No

*Any street closures require approval of the Board of Aldermen. Street closures must be received **at least 60 days in advance** for consideration. Street closures require barricades. A fee of **\$5.00 per barricade** must be paid 48 business hours prior to the event.

***What Street(s) are you requesting to close? Be specific:** See Attached

Are you requesting any State Road or Bridge closures?☐ Yes*☒ No

*If yes, a 90 day notice and application is required by the NCDOT for in order to consider state roads or bridges. For additional information, please call NCDOT Office at 252-439-2816. The State Road/Bridge Closure permit must be attached to this application.

If this event includes the use of floats, vehicles, placards, loud speakers, or mechanical devices of any type, please provide a detailed explanation of their use, purpose and number.

Will Inflatables or other Play features be part of this event?☒ Yes☐ No

(Additional insurance may be required)

Will Food Vendors or Commercial/Non-Profit vendors be part of this event?☒ Yes☐ No

(If you answered YES, Additional Fees apply. A detailed list of all vendors is required.)

The following items are required and must be attached **at the time of Application**:

- ☐ A detailed map – including the location, route with beginning and ending point and street names included.
- ☐ Petition of Signatures – of business/residents affected – If roads are closed.

The following items are required within **two (2) business days of the event or event shall be cancelled**:

- ☐ Certificate of Insurance – Listing the City of New Bern, PO Box 1129, New Bern, NC as "Additional Insured".
- ☐ List of all food/commercial/non-profit vendors.
- ☐ Payment in full of applicable fees and charges.

I attest that I am authorized on behalf of this group/organization to request the permit for the activities prescribed herein. I understand that this application must be submitted with full details and attachments. I understand that additional fees and charges may be incurred. Those charges include set-up tear down time for staff, rental of barricades, Public Safety, Trash collection, damages, etc. I further understand that failure to provide the requested information within the specified timelines shall result in application being denied. I agree to indemnify and hold harmless the City of New Bern, its departments, agents, employees, officials and volunteers for any injury, illness or damage to person or property during this activity.

The following items must be submitted with Application:

- ☐ Completed & Signed Application
- ☐ Detailed maps of parade route and/or festival layout
- ☐ Petition of signatures (If road closure is requested)
- ☐ Proof of Crowd Manager training & Public Safety Plan (if attendance is 1,000 or more)

Amanda Banks10/1/21

Authorized Signature

Date

All documents have been provided and this application is recommended for approval

Administrative Support SupervisorDate

This application has been approved.

Director of Parks & RecreationDate**Total Anticipated Charges**

Barricades: # _____
\$ _____

Trash Collection: \$ _____

City Staff: # _____
\$ _____

Vendor Fees # _____
\$ _____

Park/Facility Rental: \$ _____

Total Due: \$

- ☐ Have HOA's been notified? ☐ Yes ☐ No Spoke with: _____
- ☐ Approved by Department Date: _____ Staff Initials: _____
- ☐ Submitted for Board Approval Date: _____ Staff Initials: _____
- ☐ All Paperwork collected Date: _____ Staff Initials: _____
- ☐ All fees collected \$ _____ Date: _____ Staff Initials: _____

City Sponsored Event☐ Yes ☐ No

Updated 6-3-2019

Beary Merry Christmas (Events)

Beary Not-So-Scary

Saturday October 30 *(No rain date)*

2hour Street closure request (4-6p)

Trick or Treat in The Street - 4-6pm

200 & 300 Blocks of Middle, 300 Block of Pollock and 200 Block of Craven

Downtown Christmas Event

November 26 – December 31, 2021

Summary of Anticipated Usage:

Bear Plaza – Delivery & take down determined by city staff

Decoration of Bear Plaza by Downtown Committee

Santa House is open from Nov 27th until Dec 24th free of charge; \$6 for picture with Santa

House is removed by City Staff – date TBD by City Staff

Friday, November 26, 2021

3:30pm – 9:30pm

6 hours Street closure request

Rain date: Saturday, November 27th

200 Block of Middle Street

Light Up the Season – Santa's Arrival Celebration – November 26, 2021

5:00pm until 8:00pm

200 Block of Middle Street closed from 3:30pm until 9:30pm

Kick off to Christmas Season to include activities for children, entertainment, and the arrival of Santa to Bear Plaza where he will light it up!!

Beary Not-So-Scary Halloween Trick or Treat in The Street



Beary Merry Christmas Light Up the Season



AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution Calling for a Public Hearing to Rezone 4416 US Highway 17 South from R-10 Residential District to C-3 Commercial District.

Date of Meeting: 10/26/2021	Ward # if applicable: ETJ
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: 11/9/2021

Explanation of Item:	Property owner Corey Thomas has requested consideration to rezone one parcel, totaling 0.46 +/- acres, from R-10 Residential District to C-3 Commercial District.
Actions Needed by Board:	Adopt a Resolution
Backup Attached:	Memo, Resolution, Map

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 type="checkbox"/> No

Cost of Agenda Item: N/A
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: October 15, 2021

SUBJECT: Consider Adopting a Resolution Calling for a Public Hearing to Rezone 4416 US Highway 17 South from R-10 Residential District to C-3 Commercial District.

Corey Thomas has requested consideration to rezone one parcel, totaling 0.46 +/- acres, from R-10 Residential district to C-3 Commercial district. The parcel is located at 4416 US Highway 17 South and is further identified as Craven County Parcel ID number 8-206-028. (ETJ)

The Planning and Zoning Board unanimously approved this application at their October 5, 2021, meeting and recommend approval of the request.

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

RESOLUTION

WHEREAS, the Board of Aldermen of the City of New Bern desires to call for a public hearing to receive public comments on a request to rezone one parcel, totaling 0.46 +/- acres, from R-10 Residential to C-3 Commercial District. The property is further identified as Craven County Parcel Identification Number 8-206-028.

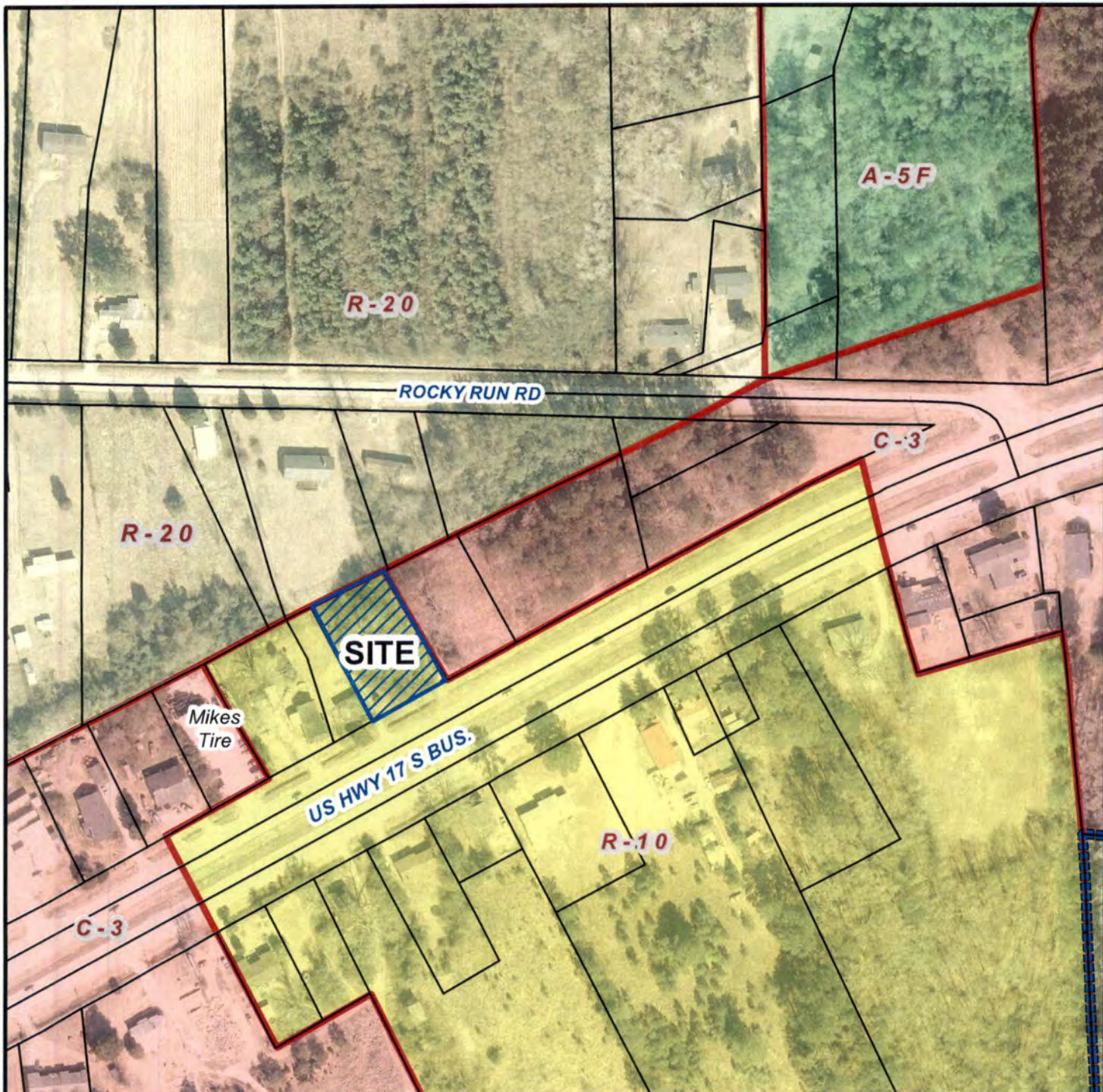
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That a public hearing will be conducted by the Board of Aldermen of the City of New Bern at 6:00 PM on Tuesday, November 9, 2021 in the in the City Hall Courtroom, or as soon thereafter as the matter may be reached, in order that all interested parties may be given an opportunity to be heard on a request to rezone one parcel, totaling 0.46 +/- acres, from R-10 Residential to C-3 Commercial District. The property is further identified as Craven County Parcel Identification Numbers 8-206-028.

ADOPTED THIS THE 26th DAY OF OCTOBER 2021.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK



REZONING CASE: 4416 US Hwy. 17 S. - Approx. 0.46+- Acres: PID: 8-206 -028

LOCATION: North side of US Hwy 17 S Bus., west of Rocky Run Rd.



Existing Zone: R-10
Proposed Zone: C-3

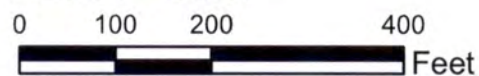


Zoning Boundaries

Imagery Early 2016

N CITY of NEW BERN
Development
Services

Scale: 1 = 200 ft



AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting the 2022 Holiday Schedule

Date of Meeting: 10/26/2021	Ward # if applicable:
Department: Human Resources	Person Submitting Item: Sonya Hayes
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	The City of New Bern Holiday Schedule must be approved by the Board of Aldermen each year. The holiday calendar indicates dates that City of New Bern offices will be closed to the public in observance of designated holidays.
Actions Needed by Board:	Approval of 2022 Holiday Schedule.
Backup Attached:	Proposed 2022 Holiday Schedule and Memo from Sonya Hayes, Director of Human Resources.

Is item time sensitive? ☒Yes ☐No

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

Cost of Agenda Item: None

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

Additional Notes:



TO: Mayor and Board of Aldermen

FROM: Sonya H. Hayes, Director of Human Resources

DATE: October 26, 2021

SUBJECT: 2022 Holiday Schedule

Enclosed is a proposed 2022 Holiday Schedule for your review and consideration for approval.

Background Information

Each year, in accordance with the Personnel Ordinance, we are required to seek approval from the Board of Aldermen for our Holiday Schedule. This has allowed us to propose a holiday calendar consistent with that of Craven County and the State of North Carolina since they normally observe many of the same holidays.

The State of North Carolina and Craven County will be observing the same holidays in 2022 with the exception of Christmas. The State of NC will be closed on December 23rd, 26th and 27th in observance of the Christmas Holiday. However, Craven County will be closed on December 26th and 27th in observance of the Christmas Holiday.

The Craven County Holiday Schedule reflects the observance of 11 holidays in 2022. The State of North Carolina Holiday Schedule reflects the observance of 12 holidays in 2022.

Recommendation

It has been our practice to submit a proposed holiday schedule that aligns with Craven County's approved schedule. Therefore, we are requesting that the Board of Aldermen approve the proposed 2022 Holiday Schedule consistent with the Schedule approved by Craven County on August 16, 2021.

If you have any questions, please do not hesitate to contact me.

Enclosure

Everything comes together here.

City of New Bern 2022 Holiday Schedule



Friday	December 31, 2021	New Year's Day
Monday	January 17, 2022	Martin Luther King, Jr. Day
Friday	April 15, 2022	Good Friday
Monday	May 30, 2022	Memorial Day
Monday	July 4, 2022	Independence Day
Monday	September 5, 2022	Labor Day
Friday	November 11, 2022	Veterans Day
Thursday	November 24, 2022	Thanksgiving Day
Friday	November 25, 2022	Day After Thanksgiving
Monday	December 26, 2022	Christmas Holiday
Tuesday	December 27, 2022	Christmas Holiday

STATE OF NORTH CAROLINA

2022 Holiday Schedule

Holiday	Observance Date	Day of Week
New Year's Day	December 31, 2021	Friday
Martin Luther King, Jr. Birthday	January 17, 2022	Monday
Good Friday	April 15, 2022	Friday
Memorial Day	May 30, 2022	Monday
Independence Day	July 4, 2022	Monday
Labor Day	September 5, 2022	Monday
Veterans Day	November 11, 2022	Friday
Thanksgiving	November 24 & 25, 2022	Thursday & Friday
Christmas	December 23, 26 & 27, 2022	Friday, Monday & Tuesday

Craven County



CRAVEN COUNTY 2022 HOLIDAY SCHEDULE

NEW YEAR'S DAY

Friday, December 31, 2021

MARTIN LUTHER KING, JR. DAY

Monday, January 17, 2022

GOOD FRIDAY

Friday, April 15, 2022

MEMORIAL DAY

Monday, May 30, 2022

INDEPENDENCE DAY

Monday, July 4, 2022

LABOR DAY

Monday, September 5, 2022

VETERANS DAY

Friday, November 11, 2022

THANKSGIVING

Thursday, November 24, 2022

Friday, November 25, 2022

CHRISTMAS

Monday, December 26, 2022

Tuesday, December 27, 2022

Approved by the Craven County Board of Commissioners at the
August 16, 2021 regularly scheduled meeting.

A handwritten signature in black ink that reads "Amber M. Parker".

Amber M. Parker
Human Resources Director

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Approving 2022 Board of Aldermen Meeting Roster

Date of Meeting: 10/26/2021	Ward # if applicable:
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:	The 2022 meeting roster provides for meeting on the 2nd and 4th Tuesdays of each month. It also establishes a retreat date and budget meeting during the month of May.
Actions Needed by Board:	Approval of roster
Backup Attached:	Proposed roster

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:



2022 BOARD OF ALDERMEN MEETINGS

Meetings begin at 6 p.m. unless otherwise noticed

SCHEDULED BOARD MEETINGS

January 11, 2022
January 25, 2022

February 8, 2022
February 22, 2022

March 8, 2022
March 22, 2022

April 12, 2022
April 26, 2022

May 10, 2022
May 24, 2022

June 14, 2022
June 28, 2022

July 12, 2022
July 26, 2022

August 9, 2022
August 23, 2022

September 13, 2022
September 27, 2022

October 11, 2022
October 25, 2022

November 8, 2022
November 22, 2022

December 13, 2022

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution Amending Ward Boundaries and Approving a Map of New Bern Ward Boundaries Dated October 26, 2021

Date of Meeting: 10/26/2021	Ward # if applicable: N/A
Department: Development Services/GIS	Person Submitting Item: Alice Wilson
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	The US Census Bureau released the 2020 Census Data related to redistricting. Staff worked with Aldermen/Alderwomen to create new ward boundaries. Board needs to adopt the new ward boundaries and map
Actions Needed by Board:	Resolution
Backup Attached:	Cover Letter and Final 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 checked="" type="checkbox"/> No

Cost of Agenda Item: \$0
If this requires an expenditure, has it be 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
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk

MEMORANDUM

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

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

Date: October 15, 2021

SUBJECT: Resolution to Adopt the proposed redistricting map and plan

BACKGROUND INFORMATION:

On August 12, 2021, the US Census Bureau released local data related to the April 2020 Census. This block level data is specific for local governments in determining the need for redistricting. In reviewing the data, it was determined that some Wards in the City of New Bern had grown at a significantly faster pace than others, creating an imbalance of population.

GS 160A -23(b) allows for any municipality to adjust its boundaries to correct such "population imbalances". In addition, GS 160A -23.1 states that with such imbalances, a city needs to "as soon as possible after the Census, determine if it is lawful to hold elections or to determine if our districts (wards) are out of balance and correct these imbalances".

In addition, The Equal Protection Clause of the US Constitution requires that where districts (wards) are used, they must be substantially equal in population so that each person's vote counts the same.

Staff has received and reviewed comments from both citizens and Board Members and has worked to create a redistricting map and plan dated October 28, 2021 which creates a more balanced or better proportioned Wards within the City of New Bern.

RECOMMENDATION:

Adopt a resolution at the Board of Aldermen's October 26th, 2021, meeting accepting the new ward boundaries.

RESOLUTION

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

Section 1. That the boundaries of Ward 1 through Ward 6 of the City of New Bern be and the same are hereby amended as shown on the map entitled "Map of New Bern Ward Boundaries" dated October 26, 2021, a copy of which is attached hereto and incorporated herein by reference. The map adopted herein shall supersede for all purposes the earlier map or maps identifying the boundaries of each ward.

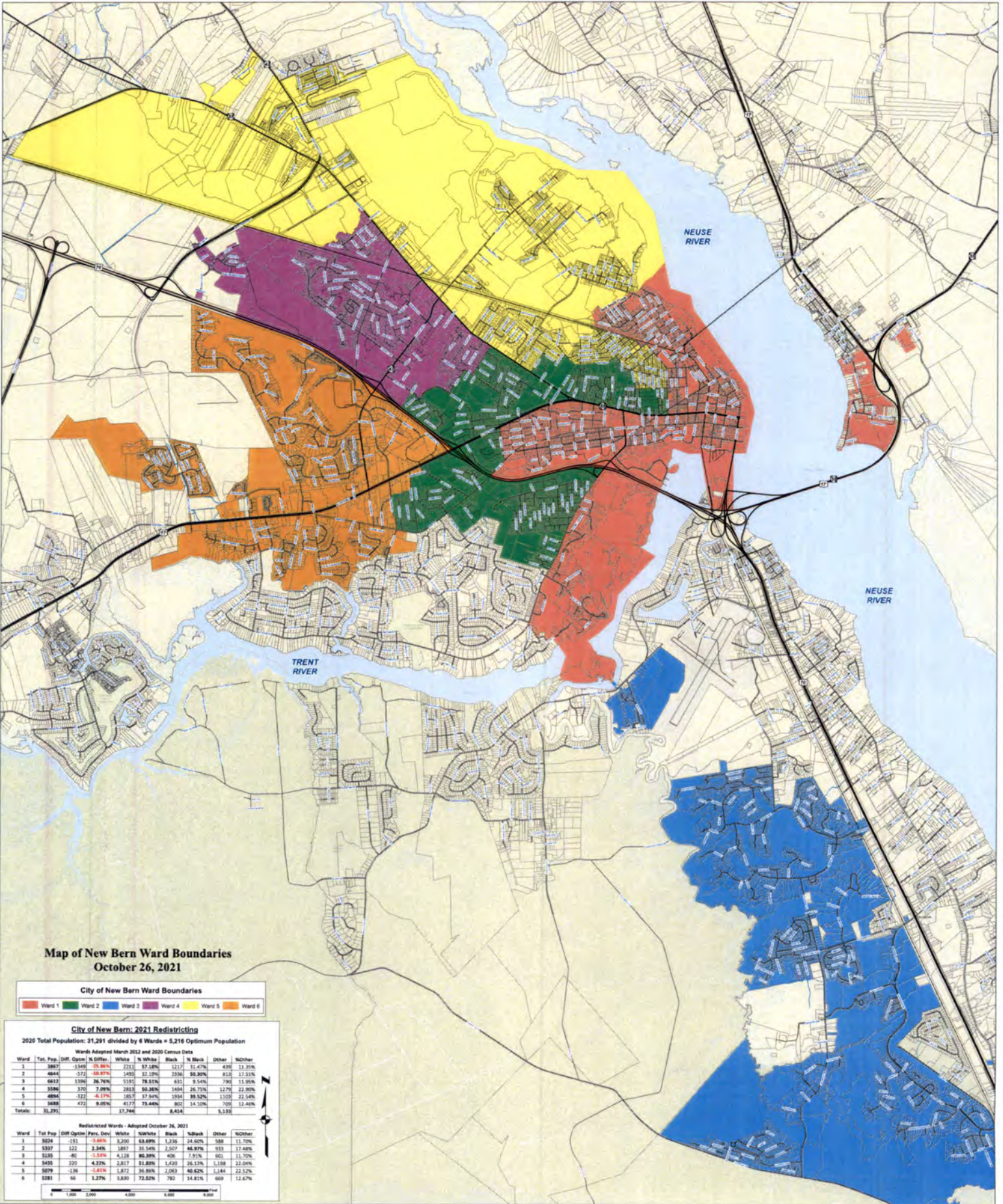
Section 2. That pursuant to Section 3.4 of the City Charter, a copy of the Map of New Bern Ward Boundaries dated October 26, 2021 shall be permanently retained in the office of the City Clerk.

Section 3. That this resolution shall be effective from and after its date of adoption.

ADOPTED THIS 26TH DAY OF OCTOBER, 2021.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK



AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution Approving Guidelines for Elected and Appointed Boards, Commissions, and Committees Using Personal or Official Social Media Platforms

Date of Meeting: 10/26/2021	Ward # if applicable:
Department: City Attorney	Person Submitting Item: Scott Davis and Jaimee Moseley
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Guidelines for elected or appointed officials using personal or official social media platforms were reviewed at the October 12, 2021 meeting. This resolution will adopt those guidelines.
Actions Needed by Board:	Consider adopting the resolution
Backup Attached:	

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:

RESOLUTION

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

That the "City of New Bern Guidelines for Elected and Appointed Boards, Commissions and Committees Using Personal or Official Social Media Platforms," a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved.

ADOPTED THIS 26th DAY OF OCTOBER, 2021,

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

CITY OF NEW BERN GUIDELINES FOR ELECTED AND APPOINTED BOARDS, COMMISSIONS AND COMMITTEES USING PERSONAL OR OFFICIAL SOCIAL MEDIA PLATFORMS

While elected officials and appointed board, committee and commission members may maintain and use personal web pages and websites, blogs, and social networking sites, their status as elected/appointed officials requires that the content of any postings on those sites not be in violation of federal and state laws, or City ordinances, policies, directives, rules or regulations.

The City's image as a professional organization is critical to maintaining the respect of its constituents. Although the City recognizes that elected/appointed officials may choose to express themselves by posting personal information upon social media platforms or by making comments on sites hosted by other persons, groups or organizations, this right of expression should not interfere with the operation of the City. That is, although the City acknowledges its officials have the First Amendment right to free speech, the right is not absolute when involving matters of official City business, issues or concerns.

If an elected/appointed official mentions or discusses any City business from either a personal or official account, officials should assume that City-related communications will be considered a public records subject to the North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 *et seq.*, as well as applicable portions of the record retention schedule at <https://archives.ncdcr.gov/government/local-government-agencies/municipal-schedule>.

Professional and Personal Conduct Standards

1. All officials are expected and required to conduct themselves in a manner consistent with the Code of Ethics.
2. It is anticipated that from time to time, officials will have access to information that is considered privileged or confidential under North Carolina General Statutes. Such information is typically considered an exception to the public records law and may have specific penalties for inappropriate disclosure. By way of example, such information may include but is not limited to certain personnel information, non-public information from criminal investigations and business trade secrets. Officials must not reveal any confidential or privileged information about the City, its constituents, its employees, or its contractors. Officials must be particularly careful to protect against inadvertent disclosure of confidential or privileged information.
3. Unless the official has been designated to serve as a spokesperson, officials should never represent themselves as a spokesperson for the Board of Aldermen, a City board or committee, the City administration, or any City department.
4. Officials are expressly prohibited from using personal or official social media to engage in any activity or conduct that violates federal, state, or local law. Elected officials are also

prohibited from using official social media accounts to circumvent election or campaign requirements.

5. Officials are prohibited from deleting posts and related comments regarding any City-related matters from personal or official social media platforms as such action violates the North Carolina Public Records Laws, N.C. Gen. Stat. § 132-1 *et seq.* In the event an official inadvertently posts erroneous information or desires to update a previous post, the official should add a disclaimer to the original post and/or publish a new post with a disclaimer and the revised content.
6. Officials may delete comments or content published on City-related posts on either their personal or official social media accounts that contain offensive comments that target or disparage any ethnic, racial, or religious group, advocate illegal activity, promote particular services, products, or political organizations, infringe on copyrights or trademarks, or use personally identifiable medical information. Content deleted pursuant to this subsection must be archived as required by the North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 *et seq.*
7. Officials should be mindful that posting content regarding City-related matters could inadvertently result in the violation of the Open Meetings Law if enough other officials engage on the post, resulting in a quorum. If this occurs, the online conversation should immediately cease with no further posts by the officials, and the City Clerk should be notified accordingly.
8. Officials who open the interactive features of their social media accounts to the public at large and discuss City-related matters are prohibited from using the platform's blocking function to censor selected users.

Additional Best Practices for Elected/Appointed Officials

The following best practices and guidelines are strongly recommended to ensure that the personal and official use of social media by elected/appointed officials is done so in a responsible manner. These guidelines are for advisory purposes only.

1. Public officials are strongly encouraged to separate personal social media content from content discussing City-related matters. City related matters are subjects within the City's authority or jurisdiction, regardless of whether such content is posted on a personal or official page. In the event City-related matters are discussed on a personal social media account, such content must be archived consistent with the applicable statutes.
2. Officials should exercise caution with respect to comments they post, particularly those concerning the City and the business of the City.
3. Officials are strongly encouraged to consider the potential impact of social media statements prior to posting. The City strives to be professional in its operations and processes. Posts that express favoritism and/or bias for or against any individual or group of individuals (e.g., based upon race, gender, national origin, etc.), reflect poorly on the

official, as well as the City and its residents. Further, comments suggesting such treatment can expose the City to liability and legal costs.

4. Officials should be mindful that members of the public who may appear before the Board of Aldermen as well as boards, commissions or committees come from all walks of life. Public comments, in any forum—including on personal and official social media accounts—that contain racial slurs, profane language or acronyms for profane language, or express bigotry toward any legally protected group may be considered conduct unbecoming.
5. Officials should consider whether liking, sharing, retweeting or commenting on any social media posts could be perceived as an endorsement of or about the City, its employees, constituents, other public officials, suppliers, vendors or contractors.
6. Officials should refrain from using social media accounts to communicate with City employees about City-related matters as this creates a public record on employees' personal accounts that must be retained per North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 *et. seq.* If elected/appointed officials want the City's official pages to respond to a social media inquiry, the following responses are suggested:
 - a. Twitter: "Tagging @CityofNewBern on your inquiry so the Administration may respond to you directly."
 - b. Facebook: "Tagging @cityofnb on your inquiry so the Administration may respond to you directly."
 - c. Instagram: "Tagging @cityofnewbern on your inquiry so the Administration may respond to you directly."
 - d. Other platforms: "Please contact the City of New Bern directly so the Administration may respond to you. You may submit your inquiry to (252) 636-4000 or info@newbernnc.gov."
7. Elected/appointed officials should be familiar with the North Carolina Department of Cultural Resources Division of Archives and Records Digital Records Policies and Guidelines (<https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines>) and Local Government Retention Schedules (<http://archives.ncdcr.gov/For-Government/Retention-Schedules/Local-Schedules>).
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8. Officials should contact the City Attorney's Office if they have any questions concerning these social media guidelines and their application to the use of social media.

AGENDA ITEM COVER SHEET

Agenda Item Title:

Resolution to approve a General Warranty Deed between Habitat for Humanity of Craven County NC, Stephen Wood and Robin Powell, and the City involving property at 1707 Moore Avenue

Date of Meeting: 10/26/2021	Ward # if applicable: 2
Department: City Attorney	Person Submitting Item: Scott Davis
Call for Public Hearing: <input type="checkbox"/> Yes <input type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	To approve the City's execution of a general warranty deed for the conveyance of property at 1707 Moore Avenue by Habitat to release any rights retained by the City by virtue of a Transfer and Reversion Agreement
Actions Needed by Board:	Adopt resolution
Backup Attached:	Resolution, Memo and Deed

Is item time sensitive? <input 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: N/A
If this requires an expenditure, has it be budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes:

MEMORANDUM

TO: Mayor and Members of the Board
City Manager

FROM: Michael Scott Davis, City Attorney

RE: Property at 1707 Moore Avenue conveyed by the City to Habitat for Humanity of
Craven County NC

DATE: October 26, 2021

In September of 2019, the City conveyed numerous properties, including property at 1707 Moore Avenue (Craven County parcel identification number 8-039-224) to Habitat for Humanity of Craven County NC to be developed as affordable housing for persons of low and moderate income. This property is subject to the terms and conditions of a Transfer and Reversion Agreement. The property has now been developed as low-income housing, and Habitat has requested that the City execute the deed to the buyer for the sole purpose of releasing any rights retained by the City by virtue of the Transfer and Reversion Agreement.

RESOLUTION

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

That the General Warranty Deed by and between Habitat for Humanity of Craven County NC, Stephen Wood and Robin Powell, 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 for and on behalf of the City.

ADOPTED THIS THE 26th DAY OF OCTOBER, 2021.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

Prepared by:
Aaron D. Arnette
Attorney at Law
Sumrell Sugg, P.A.
416 Pollock Street
New Bern, NC 28560

The property herein conveyed DOES NOT include the primary residence of a Grantor.

Parcel No. 8-039-224
Revenue Stamps \$ 234.00

NORTH CAROLINA
CRAVEN COUNTY

GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED, dated the 26th day of October, 2021, is made by and between **Habitat for Humanity of Craven County NC ("Habitat")**, a North Carolina nonprofit corporation, whose address is 930 Pollock Street, New Bern, North Carolina 28560, (herein called the "Grantor"); **Stephen Wood and Robin Powell**, whose address is _____, (herein called the "Grantee") and **The City of New Bern**, a North Carolina municipal corporation, whose address is P.O. Box 1129, New Bern, NC 28563, party of the third part (herein called the "City"), which joins in the execution of this deed for the sole purpose set out hereinbelow.

The terms "Grantor" and "Grantee" as used herein shall mean and include the parties indicated, whether one or more, and their heirs, legal representatives, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by the context.

WITNESSETH:

WHEREAS, City conveyed to Habitat the hereinafter described real property by Deed recorded in Book 3588, Page 459 of the Craven County Registry; and

WHEREAS, the conveyance by the City to Habitat was to enable Habitat to develop the subject property as affordable housing for persons of low and moderate income in the City of New Bern, as addressed in the Transfer and Reversion Agreement dated September 24, 2019, and recorded in Book 3588, Page 459 of the Craven County Registry.

NOW THEREFORE, Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple the following described real property in the City of New Bern, Township Eight (8), Craven County, to wit:

A certain tract or parcel of land in the City of New Bern, Craven County, State of North Carolina, bounded as follow, viz: A certain townsite which is plotted and known by the name of Pembroke, the plot of which is the same which is recorded in the Office of the Register of Deeds of Craven County in Book 183 at Page 290. The land herein conveyed being the certain lot which is designated on said plot by the number 452.

This being the same property conveyed to Habitat for Humanity of Craven County, NC by the City of New Bern by Deed dated September 24, 2019 and recorded October 15, 2019 in Book 3588, Page 469 in the Office of the Register of Deeds of Craven County.

This conveyance is made subject to the restrictive and protective covenants which are attached hereto as Exhibit A.

A survey depicting the property conveyed herein is attached hereto as Exhibit B.

TO HAVE AND TO HOLD the aforesaid real property and all privileges and appurtenances thereunto belonging to Grantee in fee simple.

And Habitat covenants with Grantee that Grantor is seized of the premises in fee and has the right to convey the same in fee simple, that the title is free and clear of all liens and

encumbrances except as herein otherwise described, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever.

The City of New Bern joins in the execution of this deed for the sole purpose of releasing any rights which it retained in the property being conveyed by this instrument by virtue of the Transfer and Reversion Agreement dated March 8, 2016, recorded in Book 3430 at Page 820 of the Craven County Registry.

IN WITNESS WHEREOF, Grantor and City have caused this instrument to be properly executed in such form as to be binding after proper authority having been given this the day and year first above written.

**Habitat for Humanity of Craven County NC,
a North Carolina nonprofit corporation**

By:

Cinda Hill, President

NORTH CAROLINA
CRAVEN COUNTY

I, a Notary Public of _____ County, North Carolina, certify that on this date before me personally appeared **Cinda Hill**, President of Habitat for Humanity of Craven County NC, a North Carolina nonprofit corporation, personally known to me or who produced satisfactory evidence of identification and voluntarily signed the foregoing or attached instrument for the purposes therein stated and in the capacity indicated.

Witness my hand and official stamp or seal this the ____ day of _____, 2021.



Notary Public

My Commission Expires: _____

City of New Bern
A North Carolina Municipal Corporation

By:

Dana E. Outlaw, Mayor

ATTEST:

Brenda E. Blanco, City Clerk

NORTH CAROLINA
CRAVEN COUNTY

I, _____, a Notary Public for said county and state, do hereby certify that on this day before me personally appeared **Dana E. Outlaw**, with whom I am personally acquainted, who, being by me duly sworn, says that he is the Mayor and that **Brenda E. Blanco** is the City Clerk for the City of New Bern, the municipal corporation described in and which executed the foregoing instrument; that he knows the common seal of said municipal corporation; that the seal affixed to the foregoing instrument is said common seal; that the name of the municipal corporation was subscribed thereto by the said Mayor; that the said common seal was affixed, all by order of the Board of Aldermen of said municipal corporation; and that the said instrument is the act and deed of said municipal corporation.

Witness my hand and official stamp or seal, this the _____ day of ^{October} _____, 2021.



Notary Public
My Commission Expires: _____

EXHIBIT A

(Deed: Stephen Wood and Robin Powell)

This Restrictive and Protective Covenants Agreement, entered into this the ^{26th} day of October, 2021, by and between **Habitat for Humanity of Craven County NC**, a North Carolina non-profit corporation (hereinafter called "Habitat"), and **Stephen Wood and Robin Powell** (hereinafter called "Buyer"),

WITNESSETH:

WHEREAS, Habitat is the Craven County affiliate of Habitat for Humanity, an Ecumenical Christian Housing Ministry whose objective is to eliminate poverty housing from the world and to make decent shelter a matter of conscience; and,

WHEREAS, in accordance with its stated goal of providing affordable housing, Habitat agrees to build low cost homes for individuals or families, for no profit to Habitat and with no interest expense to the homeowner; and,

WHEREAS, because of the unique opportunity the Habitat program affords the homeowner, in order to protect the goals of Habitat it is necessary that certain restrictions be placed on the real property in this deed; and,

WHEREAS, Habitat has selected Buyer for whom Habitat has constructed a house; and,

WHEREAS, as a condition to the closing of this house Buyer has agreed to execute this Restrictive and Protective Covenants Agreement simultaneously with the delivery by Habitat of this deed and Buyer's receipt of said Deed in order to protect the interest of Habitat in the house and land.

NOW, THEREFORE, for valuable consideration, including without limitation the substantially below-market price and financing terms offered to Buyer, the receipt and disclosures of which are hereby acknowledged, Habitat and Buyer hereby agree as follows:

1. DESCRIPTION OF PROPERTY. The property which is the subject of this Restrictive and Protective Covenants Agreement is described in the Deed executed simultaneously with this Agreement and appended hereto and is hereinafter called "Property".

2. PROMISSORY NOTE: DEED OF TRUST. Buyer has executed a Promissory Note in favor of Habitat and Buyer has promised to execute a Deed of Trust on the Property. Reference is hereby made to that Offer to Purchase and Contract entered into by and between Habitat and Buyer for documentation of the underlying promises herein cited. For so long as the Habitat Note is outstanding and unpaid, Buyer agrees to comply with the terms of the Habitat

Note and the Habitat Deed of Trust. Buyer also agrees to execute a second Promissory Note and second Deed of Trust as further security for Habitat; a corresponding acknowledgment regarding this liquidated damages provision is documented in said offer to Purchase and Contract.

3. RESTRICTION ON RENTAL; USE AS PRINCIPAL RESIDENCE. For so long as Buyer is indebted to Habitat for the Property, Buyer shall not lease or rent the property/or any part thereof to one or more third parties; and, so long as Buyer is indebted to Habitat, Buyer shall utilize the Property as Buyer's principal residence. A breach of this condition shall be a default under the terms of the Deed of Trust given to secure the loans to Habitat, which default would allow Habitat to foreclose without any other default being evident.

4. FENCE RESTRICTION. No fence shall be erected on the Property that does not comply with the City of New Bern zoning ordinances or historic overlay district restrictions, and no fence shall be erected that is chain link or wire mesh. No fence shall exceed four (4) feet in height and any fence that is allowed must be slatted such that there are visible gaps between pickets to be "see through".

5. RIGHT OF FIRST REFUSAL. So long as Buyer is indebted to Habitat, upon the receipt by Buyer of a bona fide offer to purchase the property, Buyer shall promptly deliver to Habitat a copy of said Notice and a letter indicating that Buyer desires to sell the Property for that price. Habitat shall have a period of thirty (30) days in which to notify Buyer that Habitat is exercising its right of first refusal in electing to purchase the Property. In the event that Habitat elects to purchase the Property, Habitat shall have the right to purchase the Property in accordance with the following price schedule:

(a) If the contract from the third party is received within one (1) year of the date of recording of the Habitat Deed of Trust, (hereinafter called the "Acquisition Date"). Habitat shall be entitled to purchase the Property at the then outstanding amount of the Habitat Note.

(b) If the third party offer is received more than one (1) year after the Acquisition Date, Habitat shall be entitled to purchase the Property for the then outstanding amount of the Habitat Note plus the following described percentage of the difference between the outstanding amount of the Habitat Note and the third party offering price:

<u>Year</u>	<u>Percentage</u>
First anniversary to second anniversary	6.6%
For each subsequent year through the 14 th anniversary add per year	6.6%
Fourteenth anniversary to Final Anniversary	93.4%

(c) After the final anniversary of the Acquisition Date, the right of first refusal granted hereunder to Habitat shall terminate.

(d) The right of first refusal granted hereunder shall remain in effect until the final anniversary, regardless of whether the Habitat Note shall have been prepaid in whole or in part prior to such final anniversary.

(e) If Habitat shall elect to purchase the Property pursuant to this paragraph, closing the sale to Habitat shall occur no later than sixty (60) days from the date of delivery by Habitat of the notice of its election to purchase, and the purchase shall be for cash. Habitat shall be entitled to credit against its purchase price any amount outstanding to Habitat by Buyer on the date of closing under the Habitat Note or otherwise.

(f) In the event of the death of Buyer, Habitat shall be entitled to purchase the Property by giving written notice thereof to the executor or administrator of the estate within thirty (30) days from the date Habitat shall receive written notice of death. The purchase price to Habitat shall be equal to the outstanding amount owing to Habitat under the Habitat Note as of the date of death, plus a percentage of the difference between such outstanding amount and the fair market value of the Property at the date of death, which percentage shall be calculated in the same manner as hereinbefore provided in this section 5, as if the fair market value were identical to the third party offer. In order to determine the fair market value, Habitat shall appoint three (3) certified real estate appraisers, each of whom shall establish a value for the Property, and the fair market value shall be deemed to be the average of the three appraisals.

6. SHARING OF SALE PROCEEDS. If Habitat shall elect not to purchase the Property at the time of a third party offer, Buyer shall be entitled to sell the Property to such third party offeror, subject to the following terms and conditions. First, the purchase price shall be paid in cash or by official bank check at closing. Second, Habitat shall be entitled to receive a percentage of the proceeds of the sale, pursuant to the following schedule:

(a) If the sale occurs prior to the first anniversary of the acquisition Date, Habitat shall be entitled to receive an amount equal to the then outstanding principal amount of the Habitat Note on the date of closing plus one hundred per cent (100%) of the net excess proceeds. For purposes of this paragraph 6, "net excess proceeds" shall mean all proceeds, less all the payoff of the Habitat Note, less sales commission and less all other seller closing costs.

(b) If the sale shall occur after the first anniversary of the Acquisition Date Habitat shall be entitled to receive the outstanding principal amount of the Habitat Note on the date of closing, plus the following described percentage of the net excess proceeds:

<u>Year</u>	<u>Percentages</u>
First anniversary to	
Second anniversary	93.4%
For each subsequent year	
through the final anniversary	
subtract per year	6.6%
After final anniversary	0%

(c) The prepayment of the Habitat Note in whole or in part, shall not affect the right of Habitat to share proceeds as described above.

7. **DEFAULT**. The occurrence of any default or breach under this agreement shall constitute a default under the Habitat Note and the Habitat Deed of Trust, and shall entitle Habitat to accelerate the Habitat Note and foreclose upon the Property and pursue all other legal remedies provided under the Habitat Deed of Trust or otherwise available at law.

8. **SUCCESSORS AND ASSIGNS**. This agreement shall be binding upon, and inure to the benefit of, the parties hereto, and any subsequent owner of the property described herein.

9. **AMENDMENTS**. These restrictive and protective covenants may not be modified or amended without the prior or written consent of Habitat.

10. **ENFORCEMENT**. Enforcement of these restrictive and protective covenants shall be by any proceedings at law or at equity against any person or persons violating or attempting to violate any covenants or restriction contained herein, either to restrain violation or to recover damages, and against the land to enforce any lien created by these covenants; and failure by Habitat to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

11. **SEVERABILITY**. Invalidity of any one of these covenants or restrictions by judgment or court order shall not affect any of the provisions hereof, which shall remain in full force and effect.

12. **TERMINATION**. These restrictive and protective covenants shall terminate on the final anniversary hereof, said final anniversary being the date on which the debt is repaid in full.

IN WITNESS WHEREOF, the parties hereto have caused this document to be executed in such form as to be binding as of the day and year first above written.

_____(SEAL)
Stephen Wood

_____(SEAL)
Robin Powell

Habitat For Humanity of Craven County NC

By: _____
Cinda Hill, President

NORTH CAROLINA
CRAVEN COUNTY

I, a Notary Public for _____ County, North Carolina, do hereby certify that on this day before me personally appeared **Stephen Wood and Robin Powell** personally known to me or who produced satisfactory evidence of identification and voluntarily signed the foregoing or attached instrument for the purposes therein expressed *and in the capacity indicated.*

WITNESS my hand and official stamp or seal, this the ____ day of _____, 2021.

Notary Public
My Commission Expires: _____

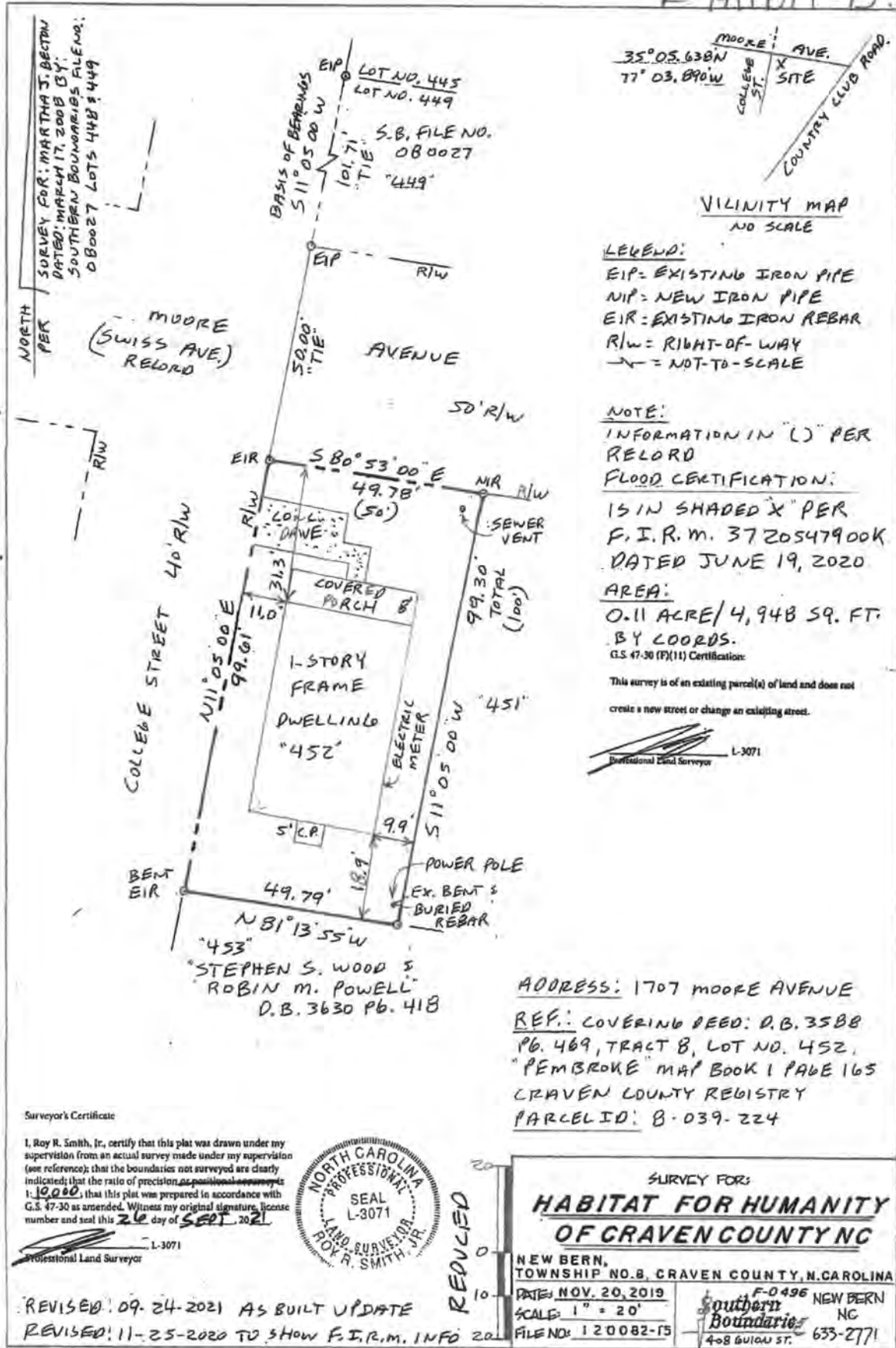
NORTH CAROLINA
CRAVEN COUNTY

I, a Notary Public for _____ County, North Carolina, do hereby certify that on this day before me personally appeared **Cinda Hill, President of Habitat for Humanity of Craven County NC**, personally known to me or who produced satisfactory evidence of identification and voluntarily signed the foregoing or attached instrument for the purposes therein expressed *and in the capacity indicated.*

WITNESS my hand and official stamp or seal, this the ____ day of _____, 2021.

Notary Public
My Commission Expires: _____

Exhibit B.



AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider adopting a resolution to accept ownership and maintenance responsibilities of Watercrest Loop.

Date of Meeting 10/26/21	Ward # if applicable: 3
Department: Public Works Department	Person Submitting Item: George Chiles, Interim Director of Public Works
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	Consider adopting a resolution to accept ownership and maintenance responsibilities of Watercrest Loop.
Actions Needed by Board:	Adopt resolution.
Backup Attached:	Memo Resolution Letter of Request Map

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: N/A
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: N/A



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

October 15, 2021

Memo to: Mayor and Board of Aldermen

From: George Chiles, Interim Director of Public Works

Re: Consider adopting a resolution to accept ownership and maintenance responsibilities of Watercrest Loop

Background Information:

The City of New Bern received request to accept ownership and maintenance responsibilities of Watercrest Loop.

The City of New Bern Public Works Department has performed a built-to-standards inspection and has confirmed that Watercrest Loop has been constructed to meet City of New Bern Street Design Standards.

Recommendation:

City staff recommends Board adopt Resolution to accept ownership and maintenance responsibilities of Watercrest Loop.

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

RESOLUTION

THAT WHEREAS, the City of New Bern has received a request to accept ownership and maintenance responsibilities of Watercrest Loop located within Carolina Colours' development; and

WHEREAS, the City of New Bern Public Works Department has performed a built-to-standards inspection and has confirmed that this street has been constructed to meet City of New Bern Street Design Standards, and recommends that the City accept the street known as Watercrest Loop; and

WHEREAS, the Board of Aldermen of the City of New Bern desires to approve said request.

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

That the City of New Bern hereby accepts ownership and/or maintenance responsibilities of Watercrest Loop.

ADOPTED THIS 26th DAY OF OCTOBER 2021.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

Sherri Baldree

From: George Chiles
Sent: Tuesday, September 28, 2021 11:46 AM
To: Kip Peregoy
Cc: Sherri Baldree
Subject: RE: carolina colours streets
Attachments: Watercrest Loop Owners Certification and Engineers Certification 4.21.21.pdf; Owner's Certification of Completion Revised 5.17.21.docx

Kip,

Attached is the prior submitted Owners & Engineers Certifications. From my research, the two-year warranty was discussed in prior meetings between the City and Developers. However, the ordinance was not updated to reflect the two-year warranty period. By City Ordinance the current required warranty period is one year. I have attached a revised Owners Certification reflecting the one-year warranty for your use. The previously submitted Engineers Certification does not need to be revised.

If you can provide me the revised Owners Certification for Watercrest by the middle of next week, I can have it on the Agenda for the October 13 Board of Alderman meeting. I will have our inspector complete an initial inspection of Verdant this week and if needed we can schedule a follow up inspection with you.

Let me know if you have any questions.

Thanks,



George Chiles
Interim Public Works Director

City of New Bern • Public Works Dept.
Mailing Address: P.O. Box 1129, New Bern, NC 28563
Shipping Address: 1004 S. Glenburnie Road, New Bern, NC 28562
252-639-7522

From: Kip Peregoy <kperegoy@carolinacolours.com>
Sent: Monday, September 20, 2021 2:16 PM
To: George Chiles <ChilesG@newbernnc.gov>
Subject: carolina colours streets

George, we still need to turnover the streets in Watercrest and have the inspection of streets in Verdant

----- If you are not the intended recipient, you must destroy this message and inform the sender immediately. This electronic mail message and any

OWNER'S CERTIFICATION OF COMPLETION

Name of Development/Project: Carolina Colours - Watercrest

Developer: Overlook Holdings LLC

Date: September 28, 2021

I, the undersigned, hereby certify:

1. That I am the owner/or authorized representative of the referenced project.
2. That the street(s) and storm drainage infrastructure for the referenced development are in accordance with the approved construction drawings dated 7-7-2017 and/or subsequent plan modifications as approved by the City of New Bern.
3. That I hereby convey the ownership of all street(s), easements, and storm drainage infrastructure to the City of New Bern as identified in the project plans.
4. That I as the developer, guarantee the materials and workmanship as directly associated with, but not limited to, the installation of the street(s), storm drainage infrastructure, and restoration of any disturbed areas located within the rights-of-way for a period of one (1) year that are proposed for acceptance and maintenance by the City of New Bern. For the one (1) year warranty period, I as the developer, shall be responsible for performing all repairs and restoration, as deemed necessary or required by the City, on street(s), storm drainage infrastructure and disturbed areas. The two year period shall begin at the date of issuance of the Acceptance letter by the City Engineer. If, for any reason that I, as the developer cannot make repairs within a time period accepted by the City, I will reimburse the City of New Bern for the cost of any repairs it deems necessary to make with its own forces including the costs of materials, labor, and equipment.
5. I further warrant to the City of New Bern that all fees and liens have been paid by the owner such that there is not outstanding indebtedness remaining and holding the City harmless in each instance.
6. That I hereby convey all necessary easements for the street(s) and storm drainage infrastructure to the City of New Bern as recorded with the Craven County Register of Deeds and as described in Plat Book I Page 121C & 121D.

Overlook Holdings LLC

September 27, 2021

Name (Print)

Date

 V. President

Signature

ENGINEER'S CERTIFICATION OF COMPLETION

Name of Development/Project: Carolina Colours - Watercrest Subdivision

Engineer: McKim & Creed, Inc

Date: 04/13/2021

I, the undersigned, hereby certify:

1. That as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe periodically the construction of the referenced project, hereby state that, to the best of my abilities, due care and diligence was used in the observation of the project construction such that the construction was observed to be built to completion within substantial compliance and intent of the approved plans and specification, and approved modifications of record.
2. That the street(s) and storm drainage infrastructure for the referenced development have been installed as shown on the Record Drawings submitted to the City of New Bern Engineering Department.

Richard M. Collier 2021-04-21
Name (Print) Date

Richard M. Collier
Signature





AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider adopting a resolution to accept ownership and maintenance responsibilities of Downey Drive.

Date of Meeting 10/26/21	Ward # if applicable: 6
Department: Public Works Department	Person Submitting Item: George Chiles, Interim Director of Public Works
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	Consider adopting a resolution to accept ownership and maintenance responsibilities of Downey Drive.
Actions Needed by Board:	Adopt resolution.
Backup Attached:	Memo Letter of Request Resolution Map

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: N/A
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: N/A



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

October 15, 2021

Memo to: Mayor and Board of Aldermen

From: George Chiles, Interim Director of Public Works

Re: Consider adopting a resolution to accept ownership and maintenance responsibilities of Downey Drive

Background Information:

The City of New Bern received request to accept ownership and maintenance responsibilities of Downey Drive.

The City of New Bern Public Works Department has performed a built-to-standards inspection and has confirmed that Downey Drive has been constructed to meet City of New Bern Street Design Standards.

Recommendation:

City staff recommends Board adopt Resolution to accept ownership and maintenance responsibilities of Downey Drive.

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

RESOLUTION

THAT WHEREAS, the City of New Bern has received a request to accept ownership and maintenance responsibilities of Downey Drive located within West New Bern Development; and

WHEREAS, the City of New Bern Public Works Department has performed a built-to-standards inspection and has confirmed that this street has been constructed to meet City of New Bern Street Design Standards, and recommends that the City accept the street known as Downey Drive; and

WHEREAS, the Board of Aldermen of the City of New Bern desires to approve said request.

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

That the City of New Bern hereby accepts ownership and/or maintenance responsibilities of Downey Drive.

ADOPTED THIS 26th DAY OF OCTOBER 2021.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

Sherri Baldree

From: Clifford P. Parson <CPP@wardandsmith.com>
Sent: Thursday, October 14, 2021 5:16 PM
To: George Chiles
Cc: Sherri Baldree; Jackson, Tim (Tim.Jackson@weyerhaeuser.com); Tara Schwenzfeier Murphy (TSchwenzfeier@mckimcreed.com) (TSchwenzfeier@mckimcreed.com); Richard (Rick) A. Moore
Subject: RE: Downey Drive Certification
Attachments: Executed Owner's Certification for Downey Drive, 4840-9878-7583.pdf; 2021.05.10_Engineer's Certification Downey Drive, 4818-9009-3311.pdf; 2021.05.10_Downey Drive Record Drawings, 4848-8902-0671.pdf

George,

I understand you are hoping to get this on the October 26 agenda. Attached is the Owner's Certification of Completion (will you need the original?). Weyerhaeuser NR Company requests the portion of Downey Drive shown on the attached MCE drawings be accepted by the City. I understand the linear footage of the centerline of the portion to be accepted is 720'.

Please let me know what other information you may need from me. Please also note that it is not imperative to Weyerhaeuser that this make it on the October 26 agenda, so if there is anything lacking we can push to the next meeting.

Thanks,

Cliff

OWNER'S CERTIFICATION OF COMPLETION

Name of Development/Project: West New Bern

Developer: Weyerhaeuser NR Company

Date: October 14, 2021

I, the undersigned, hereby certify:

1. That I am the owner/or authorized representative of the referenced project.
2. That the street(s) and storm drainage infrastructure for the referenced development are in accordance with the approved construction drawings and/or subsequent plan modifications as approved by the City of New Bern.
3. That I hereby convey the ownership of all street(s), easements, and storm drainage infrastructure to the City of New Bern as identified in the project plans.
4. That I as the developer, guarantee the materials and workmanship as directly associated with, but not limited to, the installation of the street(s), storm drainage infrastructure, and restoration of any disturbed areas located within the rights-of-way for a period of one (1) year that are proposed for acceptance and maintenance by the City of New Bern. For the one (1) year warranty period, I as the developer, shall be responsible for performing all repairs and restoration, as deemed necessary or required by the City, on street(s), storm drainage infrastructure and disturbed areas. The two year period shall begin at the date of issuance of the Acceptance letter by the City Engineer. If, for any reason that I, as the developer cannot make repairs within a time period accepted by the City, I will reimburse the City of New Bern for the cost of any repairs it deems necessary to make with its own forces including the costs of materials, labor, and equipment.
5. I further warrant to the City of New Bern that all fees and liens have been paid by the owner such that there is not outstanding indebtedness remaining and holding the City harmless in each instance.
6. That I hereby convey all necessary easements for the street(s) and storm drainage infrastructure to the City of New Bern as recorded with the Craven County Register of Deeds and as described in Plat Book I, Page 134H.

Clifford P. Parson, Authorized Representative
Name (Print) _____ Date October 14, 2021


Signature

ENGINEER'S CERTIFICATION OF COMPLETION

Name of Development/Project: West New Bern

Engineer: Richard A. Moore, PE; McKim and Creed, Inc.

Date: 5/10/2021

I, the undersigned, hereby certify:

1. That as a duly registered Professional Engineer in the State of North Carolina, having reviewed the testing data and as-built conditions of Downey Drive, hereby state that, to the best of my abilities, due care and diligence was used in the project's construction such that the construction appears to be built within substantial compliance and intent of the approved plans and specification, and approved modifications of record.
2. That the street(s) and storm drainage infrastructure for the referenced development have been installed as shown on the Record Drawings submitted to the City of New Bern Engineering Department.

RICHARD MOORE, PE 5/10/2021
Name (Print) Date

RM
Signature





**WEST
New Bern**
A WEYERHAEUSER COMMUNITY

The Next Direction in Carolina Living.

WEST NEW BERN

NEW BERN, CRAVEN COUNTY NORTH CAROLINA

05.10.2021

DOWNY DRIVE
STORMWATER RECORD DRAWINGS

NAME OF PROJECT: DOWNY DRIVE
STORMWATER RECORD DRAWINGS

OWNER/DEVELOPER:

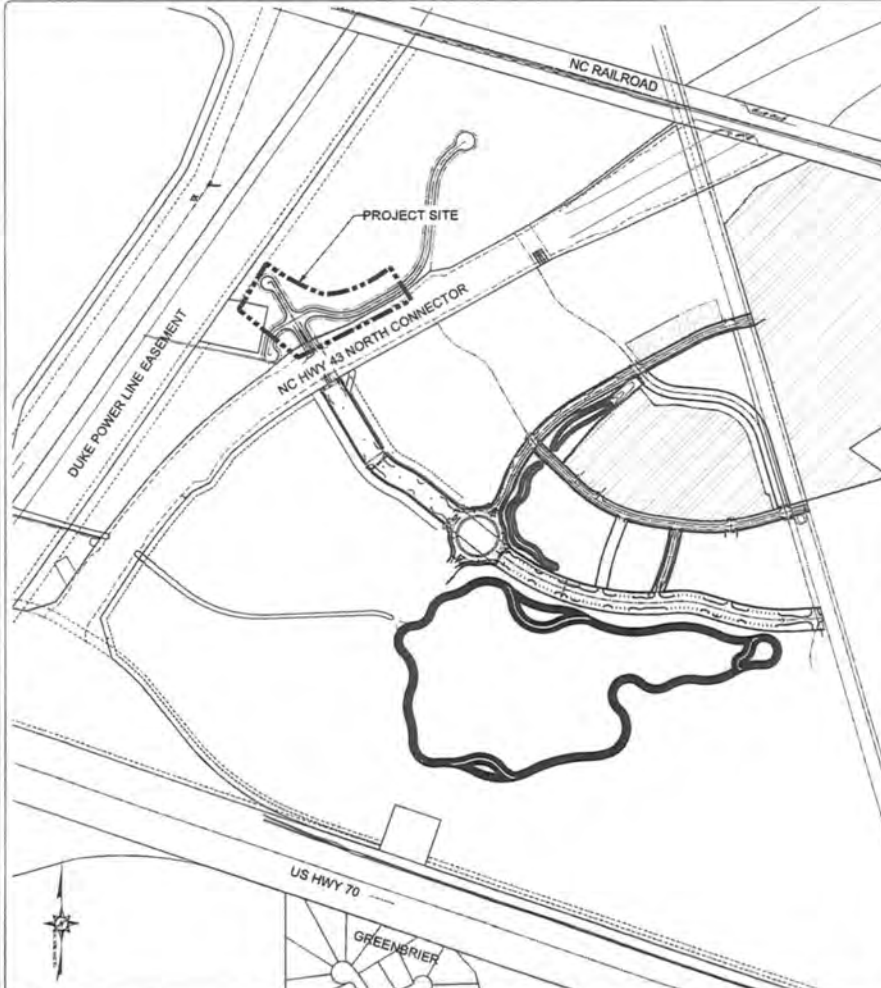
WEYERHAEUSER NR COMPANY
1785-B WEYERHAEUSER ROAD
VANCEBORO, NC 28586
PHONE: 252.633.7136
TIM JACKSON, PE, AICP
TIM.JACKSON@WEYERHAEUSER.COM

LAND SURVEYOR & ENGINEER:

MCKIM & CREED, INC
243 NORTH FRONT ST
WILMINGTON, NC 28401
PHONE: 910.343.1048
DAVID JONES, PLS, CFS
DJONES@MCKIMCREED.COM
RICHARD MOORE, PE
RAMOORE@MCKIMCREED.COM
TARA S. MURPHY, PLA, PMP
TSCHWENZFEIER@MCKIMCREED.COM

Weyerhaeuser
LandDesign

MCKIM & CREED
243 North Front Street
Wilmington, North Carolina 28401
Phone: (910)343-1048, Fax: (910)251-8282
License: F-1222
www.mckimcreed.com



Sheet List Table		
Sheet Number	Sheet Title	Sheet Description
1	C-001	COVER
2	CG-100	DRAINAGE PLAN

SITE DATA TABLE

PARCEL # NUMBERS	0-200-0000
	0-200-0001
	0-200-0002
	0-200-0003
	0-200-0004
	0-200-0005
TOTAL ACRES:	3.86 AC (167,761 SF)
NUMBER OF PARCELS:	1
LINEAR FEET OF NEW STREETS:	1,234 LF



5 PROJECT INFORMATION

4 LOCATION MAP

SCALE: NTS

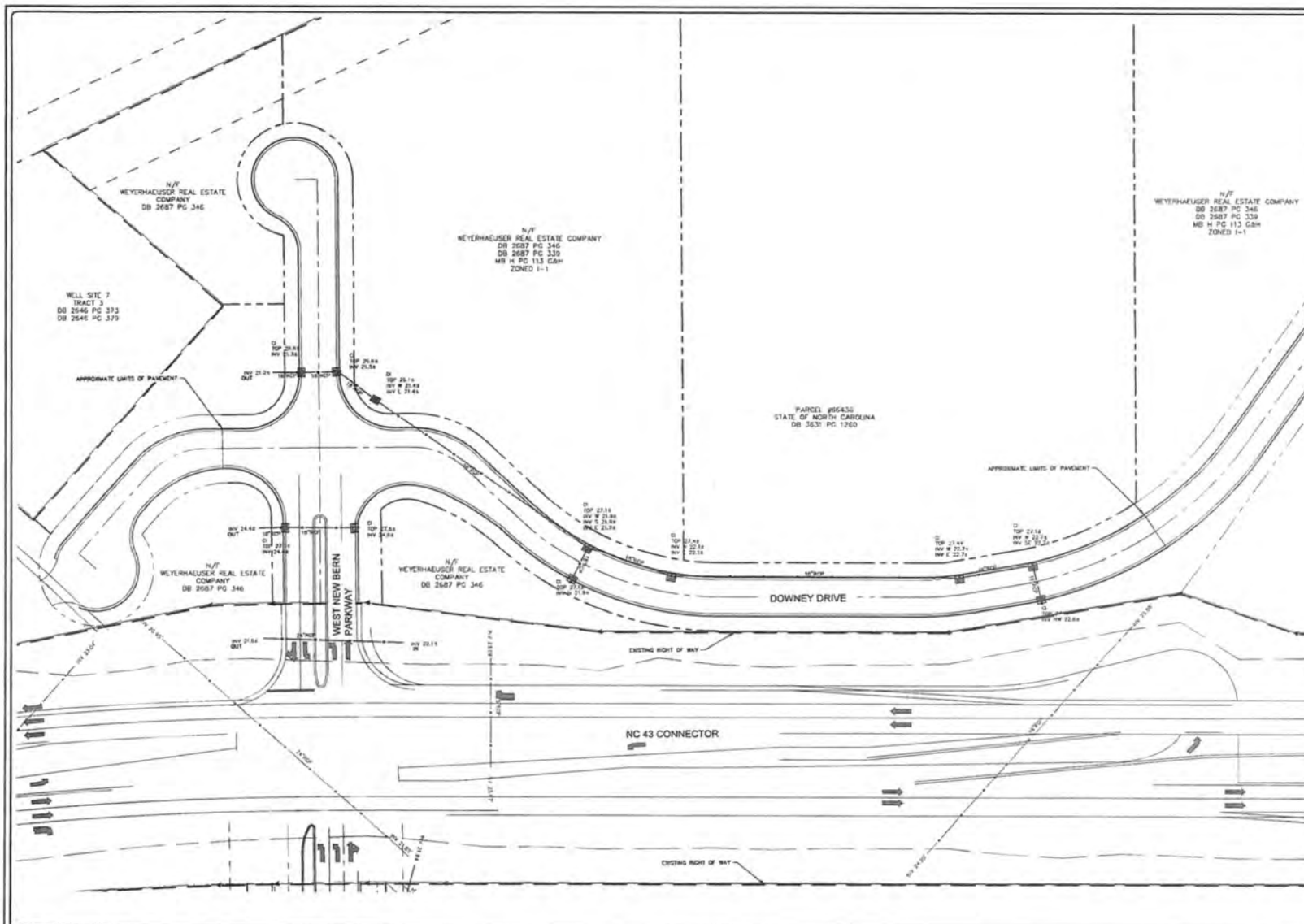
3 ENGINEERING SHEET INDEX

1 SITE DATA

DOWNY DRIVE STORMWATER RECORD DRAWINGS

0510-0178

MAY 10, 2021



NOTE:
STORM SYSTEM INFORMATION
BASED UPON AS-BUILT SURVEYS
PERFORMED BY MCKIM AND
CREED, INC. ALL OTHER
LINEWORK BASED ON
INFORMATION PROVIDED BY
ROBERT CHILES ENGINEERING, NC
DEPARTMENT OF
TRANSPORTATION, AND CRAVEN
COUNTY GIS.

2 DRAINAGE PLAN

SCALE: 1"=40'

1 LEGEND AND NOTES

NO SCALE

NO.	REVISION	DATE
1	ISSUED	05/18/2020
2	REVISION	05/18/2020



MCKIM & CREED
343 North Front Street
Wilmington, North Carolina 28401
Phone: (910) 343-1048 Fax: (910) 251-8282
License: F-1222
www.mckimcreed.com

Weyerhaeuser

DOWNEY DRIVE
CITY OF NEW BERN
CRAVEN COUNTY, NORTH CAROLINA
DRAINAGE PLAN

DATE: 05/18/2020	SCALE: CG-100
PROJECT: 10089-0029	HORIZONTAL: 1"=40'
DRAWN: JCB	VERTICAL: N/A
DESIGNED: JCB	2
CHECKED: RMB	
STATUS: RECORD DRAWINGS	



AGENDA ITEM COVER SHEET

Agenda Item Title: Consider adopting a resolution authorizing the City Manager to execute on behalf of the City of New Bern a change order for Trader Construction Company Inc. for the Hurricane Florence Debris Removal Activities for Jack Smith Creek Drainage Basin.

Date of Meeting 10/26/21	Ward # if applicable: 4 & 5
Department: Public Works Department	Person Submitting Item: George Chiles, Interim Director of Public Works
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	Consider adopting a resolution authorizing the City Manager to execute on behalf of the City of New Bern a change order for Trader Construction Company Inc. for the Hurricane Florence Debris Removal Activities for Jack Smith Creek Drainage Basin.
Actions Needed by Board:	Adopt ordinance amendment.
Backup Attached:	Memo Resolution Change Order 1 / Summary Table Map

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: N/A
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: N/A



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

October 15, 2021

Memo to: Mayor and Board of Aldermen

From: George Chiles, Interim Director of Public Works

Re: Consider adopting a resolution authorizing the City Manager to execute on behalf of the City of New Bern a change order for Trader Construction Company Inc. for the Hurricane Florence Debris Removal Activities for Jack Smith Creek Drainage Basin

Background Information:

The Hurricane Florence Debris Removal Activities for Jack Smith Creek Drainage Basin was publicly advertised on October 14, 2020, and bids were open November 24, 2020. The City adopted a resolution on December 8, 2020, authorizing the City Manager to execute contract documents with Trader Construction Company Inc. in the amount of \$382,650.00. A change order is requested to increase the prior approved contract in the amount by \$148,195.00. This amount covers realized and anticipated increases in quantities of sediment and vegetation removed from the Jack Smith Creek Basin and additional costs associated with working in the railroad right-of-way.

Recommendation:

The Public Works Department recommends and request the Board adopt a resolution authorizing the City Manager to execute on behalf of the City of New Bern a change order for Trader Construction Company Inc. for additional costs for Hurricane Florence Debris Removal Activities Jack Smith Creek Basin.

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

Enclosures

RESOLUTION

THAT WHEREAS, after advertising and receiving bids for the Hurricane Florence Debris Removal Activities for Jack Smith Drainage Basin, the Governing Board adopted a resolution on December 8, 2020, authorizing the City Manager to execute contract documents with Trader Construction Company Inc. and any change orders within the budgeted amount of \$382,650.00.

WHEREAS, the Board of Aldermen has since approved and allocated funds for the Hurricane Florence Debris Removal Activities for Jack Smith Drainage Basin work.

WHEREAS, the Interim Director of Public Works of the City of New Bern recommends the City Manager be authorized to execute a change order to the Hurricane Florence Debris Removal Activities for Jack Smith Drainage Basin Contract with Trader Construction Company Inc. in the amount of \$148,195.00 to include the anticipated cost increase.

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

That the City Manager is hereby authorized to execute on behalf of the City of New Bern a change order to the contract with Trader Construction Company Inc. in the amount of \$148,195.00 for the Hurricane Florence Debris Removal Activities for Jack Smith Drainage Basin Contract to include the increased costs.

ADOPTED THIS 26TH DAY OF OCTOBER 2021,

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

CHANGE ORDER NO.: 1

Owner: City of New Bern

Engineer: Draper Aden Associates

Contractor: Trader Construction Company, Inc.

Project: Hurricane Florence Debris Removal Activities – Jack Smith Creek Drainage Basin

Contract Name: Hurricane Florence Debris Removal Activities – Jack Smith Creek Drainage Basin

Owner's Project No.:

Engineer's Project No.: 19080319-070302

Contractor's Project No.:

Effective Date of

Date Issued: October 15, 2021

Change Order: October 15, 2021

The Contract is modified as follows upon execution of this Change Order:

Description: Change Order 1 seeks to adjust the "Mobilization," "Sediment and Erosion Control," "Traffic Control," "Sediment Removal," "Jet Clean Pipe or Culvert," "Vegetative Debris Removal," and "Miscellaneous Debris Removal" line items of the contract. Debris removal activities adjacent to the railroad have required additional coordination, permitting, and safety precautions that were not originally anticipated. Further, quantities encountered at time of work exceeded original estimates.

Attachments: Change Order 1 - Quantity Adjustment Summary Table

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ 382,650.00	Original Contract Times: Substantial Completion: 120 days Ready for final payment: 150 days
(Increase) (Decrease) from previously approved Change Orders No. 1 to No. N/A: \$ N/A	(Increase) (Decrease) from previously approved Change Orders No. 1 to No. N/A: Substantial Completion: Ready for final payment:
Contract Price prior to this Change Order: \$ 382,650.00	Contract Times prior to this Change Order: Substantial Completion: June 29, 2021 Ready for final payment: July 29, 2021
Increase this Change Order: \$ 148,195.00	Increase this Change Order: Substantial Completion: 150 days Ready for final payment: 150 days
Contract Price incorporating this Change Order: \$ 530,845.00	Contract Times with all approved Change Orders: Substantial Completion: November 26, 2021 Ready for final payment: December 26, 2021

Recommended by Engineer (if required)

Authorized by Owner

By: Title: Project ManagerDate: October 15, 2021Authorized by OwnerApproved by Funding Agency (if applicable)By: Title: Date:

EJCDC® C-941, Change Order.

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and American Society of Civil Engineers. All rights reserved.

Hurricane Florence Debris Removal Activities - Jack Smith Creek Drainage Basin								
Change Order 1 - Summary Table								
Original Contract					Change Order 1			
Bid Item No.	Description	Item Quantity	Unit	Unit Price	Adjusted Item Quantity	Change in Quantity	Original Extended Cost	Extended Cost Following Increase
1	Mobilization	1	EA	\$11,470.00	NA	\$4,000.00	\$11,470.00	\$15,470.00
2	Sediment and Erosion Control	1	EA	\$94,800.00	NA	\$1,000.00	\$94,800.00	\$95,800.00
3	Traffic Control	1	EA	\$20,000.00	NA	\$15,000.00	\$20,000.00	\$35,000.00
5	Sediment Removal*	1,100	CY	\$90.00	1,450	350	\$99,000.00	\$130,500.00
6	Jet Clean Pipe or Culvert*	700	LF	\$25.00	741	41	\$17,500.00	\$18,525.00
7	Vegetative Debris Removal*	326	Tons	\$255.00	600	274	\$83,130.00	\$153,000.00
8	Miscellaneous Debris Removal*	5	Tons	\$430.00	65	60	\$2,150.00	\$27,950.00
Original Contract Subtotal Line Items:							\$328,050.00	\$476,245.00
Change after Change Order 1:							\$148,195.00	
Original Contract Amount:							\$382,650.00	
Total Contract Price Incorporating Change Order 1:							\$530,845.00	

Notes:

Debris quantity line items (Bid Item No. 5, 6, 7, and 8) include current quantity overages and estimated quantities from the additional work. The extended costs for these line items are shown for cost estimating only. Final quantities and payment will be based upon scale tickets. Quantities are not guaranteed.



Additional Debris Removal Work in Jack Smith Creek Drainage Basin



Draper Aden Associates

Engineering • Surveying • Environmental Services

114 Edinburgh South Dr, Suite 200
Cary, NC 27511
919-827-0864 Fax: 919-839-8138
NC Firm License # F-1429

Richmond, VA
Blacksburg, VA
Charlottesville, VA

Hampton Roads, VA
Fayetteville, NC
Northern Virginia
Virginia Beach, VA

DESIGNED: MCB
DRAWN: MCB
CHECKED: MCB
DATE: 10.14.2021

SCALE: 1" = 1,500'

PROJECT: 19080319-07

FIGURE
A

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider adopting an amendment to the FY 2021-22 annual adopted budget.

Date of Meeting: 10/26/2021	Ward # if applicable:
Department: Finance	Person Submitting Item: Kim Ostrom, Interim Finance Director
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Consider adopting an amendment to the FY 2021-22 annual adopted budget.
Actions Needed by Board:	Adopt ordinance amendment.
Backup Attached:	Memo, Ordinance Amendment

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 type="checkbox"/> No

Additional Notes:



TO: City Manager, Honorable Mayor and Members of the Board of Aldermen
FROM: Kim Ostrom – Interim Finance Director
DATE: October 26, 2021
RE: Amendments to the FY 2021-22 Operating Budget

Background Information

The operating budget for Fiscal Year 2022 is amended for the amount of appropriations necessary to reestablish encumbrances for additional various outstanding purchase orders as of June 30, 2021. The General Fund is amended to acknowledge \$20,000 in revenue from the Midway rental of Lawson Creek Park which will be appropriated for the Henderson Park project. In addition, the General Fund is amended to appropriate \$13,670 from fund balance towards the replacement of a 2018 Ford Escape totaled in an accident in September 2021. A settlement payment of approximately \$21,330 from the insurance company will also be applied towards the replacement vehicle. The total cost of the new vehicle is approximately \$35,000. The Grants Fund is amended to recognize a Walmart Community Grant of \$1,000 designated for the Fire Department. No matching funds are required.

Requested Action

The Board considers adopting the enclosed budget amendment at its meeting on October 26, 2021.

CITY OF NEW BERN, NORTH CAROLINA
REQUESTED AMENDMENT TO
Fiscal Year 2021-2022

FROM: Kim Ostrom, Interim Finance Director

Meeting Date: October 26, 2021

EXPLANATION:

The operating budget for Fiscal Year 2022 is amended for the amount of appropriations necessary to reestablish encumbrances for additional various outstanding purchase orders as of June 30, 2021. The General Fund is amended to acknowledge \$20,000 in revenue from the Midway rental of Lawson Creek Park which will be appropriated for the Henderson Park project. In addition, the General Fund is amended to appropriate \$13,670 from fund balance towards the replacement of a 2018 Ford Escape totaled in an accident in September 2021. A settlement payment of approximately \$21,330 from the insurance company will also be applied towards the replacement vehicle. The total cost of the new vehicle is approximately \$35,000. The Grants Fund is amended to recognize a Walmart Community Grant of \$1,000 designated for the Fire Department. No matching funds are required.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN
THAT THE 2021-2022 ANNUAL BUDGET ORDINANCE IS AMENDED AS FOLLOWS:

Section 1 - Appropriations

Schedule A - GENERAL FUND

Increase: Information Technology	\$	43,621
Accounting	\$	11,953
Police	\$	45,691
Parks & Recreation Administration	\$	15,811
Parks & Recreation Parks & Grounds	\$	79,839
Development Services	\$	11,319
Insurance	\$	2,509
Public Buildings	\$	3,284
Streets	\$	300
	\$	<u>214,327</u>

Schedule D - SEWER FUND

Increase: Sewer Treatment	\$	4,724
Sewer Collection System Maintenance	\$	6,477
	\$	<u>11,201</u>

Schedule E - ELECTRIC FUND

Increase: Electric Power Production	\$	<u>240,783</u>
-------------------------------------	----	----------------

Schedule K - GRANTS FUND

Increase: Development Services SRF	\$	15,000
Grants Fire	\$	1,000
	\$	<u>16,000</u>

Section 2 - Estimated Revenues

Schedule A - GENERAL FUND

Increase: Fund Balance Appropriated	\$	194,327
Parks & Recreation Parks & Grounds	\$	20,000
	\$	<u>214,327</u>

Schedule D - SEWER FUND

Increase: Fund Balance Appropriated	\$	<u>11,201</u>
-------------------------------------	----	---------------

Schedule E - ELECTRIC FUND

Increase: Fund Balance Appropriated	\$	<u>240,783</u>
-------------------------------------	----	----------------

Schedule K - GRANTS FUND

Increase: Fund Balance Appropriated	\$	15,000
Grants Fire	\$	1,000
	\$	<u>16,000</u>

NATURE OF TRANSACTION:

<u>X</u>	ADDITIONAL REVENUE AVAILABLE FOR APPROPRIATION
<u> </u>	TRANSFER WITHIN ACCOUNTS OF SAME FUND
<u>X</u>	OTHER : <u>APPROPRIATED FUND BALANCE</u>

APPROVED BY THE BOARD OF ALDERMEN AND
ENTERED ON MINUTES DATED OCTOBER 26, 2021
AGENDA ITEM NUMBER _____

BRENDA E. BLANCO, CITY CLERK

City of New Bern
FY21 to FY22 Purchase Order Rollover Listing

Fund or Department	Amount	Description
Information Technology	\$ 43,621.00	IT Equipment
Accounting	\$ 11,953.00	Professional Services
Police	\$ 45,691.00	Supplies, Ammunition, IT Equipment
Parks & Recreation Administration	\$ 2,141.00	Sound System, Trailer Registration
Parks & Recreation - Parks & Grounds	\$ 59,839.00	Vehicle, Equipment, Bldg
Development Services	\$ 11,319.00	Professional Services, Bldg
Insurance	\$ 2,509.00	Insurance Claims
Public Buildings	\$ 3,284.00	Buildings
Streets	\$ 300.00	Consulting Services
Total General Fund	\$ 180,657.00	
Grants Fund	\$ 15,000.00	KSL Professional Services
Sewer Fund	\$ 11,201.00	Equipment, Repairs/Maintenance
Electric Fund	\$ 240,783.00	Load Mngmt, Repairs/Maintenance
Grand Total All Funds	\$ 447,641.00	

AGENDA ITEM COVER SHEET

Agenda Item Title:

Discussion of Surplus Real Properties

Date of Meeting: 10/26/2021	Ward # if applicable:
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:

Explanation of Item:	Discussion of Surplus Real Properties
Actions Needed by Board:	
Backup Attached:	Map of Surplus Properties, List of Sellable Properties

Is item time sensitive? <input 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 type="checkbox"/> No

Additional Notes:



MEMORANDUM

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

FROM: Jeff Ruggieri, Director Development Services

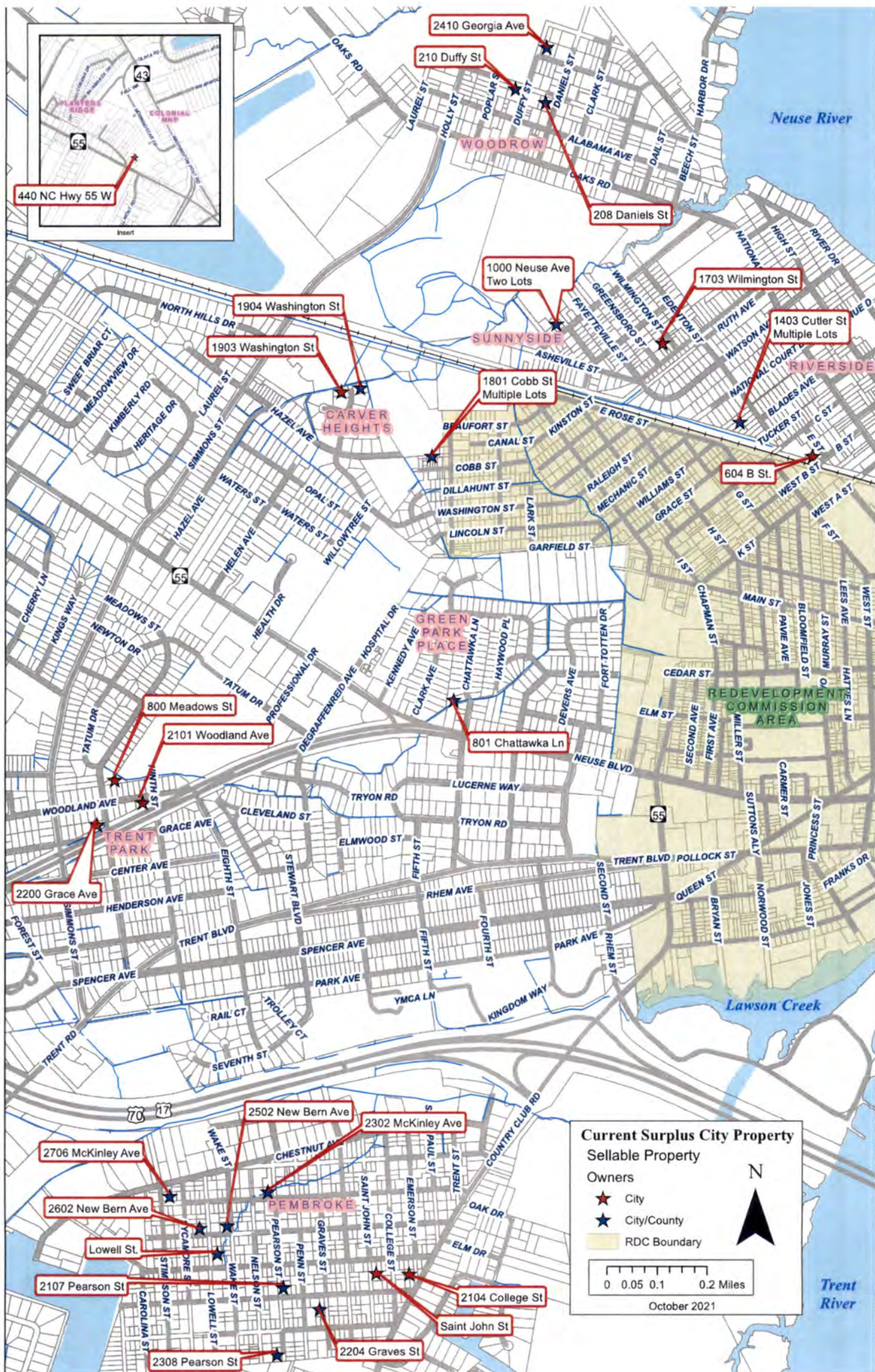
DATE: October 15, 2021

SUBJECT: Discussion of Surplus Real Properties

The attached 32 parcels, 22 of which are owned by the City of New Bern and Craven County, have been identified as surplus property by city staff. City staff has reviewed the parcels and has determined the parcels are not beneficial for any city operation present or planned. Surplus properties are offered for sale to the public pursuant to the upset bid process outlined in NCGS §160A-269.

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

Address	Owner	Tax Value	Acreage	Zoning	Current Use	Flood Zone	Tax ID
604 B ST	NEW BERN-CITY OF	\$3,900	0.19	R-10S	VACANT RESIDENTIAL LOT	SHADED X	8-005 -015
1403 CUTLER ST	CRAVEN COUNTY & NEW BERN-CITY	\$13,000	0.17	R-10S	VACANT RESIDENTIAL LOT	AE	8-014 -183
101 CUTLER ST	CRAVEN COUNTY & NEW BERN-CITY	\$11,700	0.1	R-10S	VACANT RESIDENTIAL LOT	AE	8-014 -184
CUTLER ST	CRAVEN COUNTY & NEW BERN-CITY	\$11,700	0.19	R-10S	VACANT RESIDENTIAL LOT	AE	8-014 -189
CUTLER ST	CRAVEN COUNTY & NEW BERN-CITY	\$11,700	0.23	R-10S	VACANT RESIDENTIAL LOT	AE	8-014 -189-A
CUTLER (OFF) ST	CRAVEN COUNTY & NEW BERN-CITY	\$11,700	0.14	R-10S	VACANT RESIDENTIAL LOT	AE	8-014 -189-B
1000 NEUSE AVE (REAR)	NEW BERN-CITY OF	\$5,400	0.12	R-8	VACANT RESIDENTIAL LOT	AE	8-015 -022
1000 NEUSE AVE	CRAVEN COUNTY & NEW BERN-CITY	\$6,000	0.23	R-8	VACANT RESIDENTIAL LOT	AE	8-015 -023
1703 WILMINGTON ST	NEW BERN-CITY OF	\$6,000	0.092	R-6	VACANT RESIDENTIAL LOT	AE	8-015 -107
210 DUFFY ST	CRAVEN COUNTY & NEW BERN-CITY	\$9,000	0.17	R-6S	VACANT RESIDENTIAL LOT	AE	8-018 -057
208 DANIELS ST	CRAVEN COUNTY & NEW BERN-CITY	\$18,000	0.504	R-6S	SINGLE FAMILY RESIDENT	AE	8-018 -063
2410 GEORGIA AVE	CRAVEN COUNTY & NEW BERN-CITY	\$15,620	0.314	R-6S	VACANT RESIDENTIAL LOT	AE	8-018 -123
1801 COBB ST	CRAVEN COUNTY & NEW BERN-CITY	\$6,000	0.03	R-10A	VACANT RESIDENTIAL LOT	AE	8-020 -008-B
1805 COBB ST	CRAVEN COUNTY & NEW BERN-CITY	\$6,000	0.03	R-10A	VACANT RESIDENTIAL LOT	AE	8-020 -008-C
1810 COBB ST	NEW BERN-CITY OF	\$6,000	0.07	R-10A	VACANT RESIDENTIAL LOT	AE	8-020 -009
801 CHATTAWKA LN	CRAVEN COUNTY & NEW BERN-CITY	\$15,000	0.34	R-10	VACANT RESIDENTIAL LOT	AE	8-022 -081
2200 GRACE AVE	NEW BERN-CITY OF	\$20,000	0.08	R-10	VACANT RESIDENTIAL LOT	NONE	8-026 -021
2101 WOODLAND AVE	NEW BERN-CITY OF	\$20,000	0.09	R-10	VACANT RESIDENTIAL LOT	NONE	8-026 -053
800 MEADOWS ST	NEW BERN-CITY OF	\$49,400	0.32	R-10	VACANT RESIDENTIAL LOT	NONE	8-026 -055
2706 MCKINLEY AVE	CRAVEN COUNTY & NEW BERN-CITY	\$4,500	0.12	R-6	VACANT RESIDENTIAL LOT	NONE	8-037 -061-C
2602 NEW BERN AVE	CRAVEN COUNTY & NEW BERN-CITY	\$20,190	0.11	R-6	SINGLE FAMILY RESIDENT	SHADED X	8-037 -066-B
LOWELL ST	CRAVEN COUNTY & NEW BERN-CITY	\$4,500	0.11	R-6	VACANT RESIDENTIAL LOT	AE	8-037 -095
2502 NEW BERN AVE	CRAVEN COUNTY & NEW BERN-CITY	\$5,000	0.11	R-6	VACANT RESIDENTIAL LOT	SHADED X	8-037 -102
2302 MCKINLEY AVE	CRAVEN COUNTY & NEW BERN-CITY	\$6,080	0.23	R-6	VACANT RESIDENTIAL LOT	AE	8-038 -064
2308 PEARSON ST	CRAVEN COUNTY & NEW BERN-CITY	\$5,000	0.12	R-10	VACANT RESIDENTIAL LOT	SHADED X	8-039 -040
2107 PEARSON ST	CRAVEN COUNTY & NEW BERN-CITY	\$7,500	0.23	R-6	VACANT RESIDENTIAL LOT	SHADED X	8-039 -079
2204 GRAVES ST	CRAVEN COUNTY & NEW BERN-CITY	\$4,500	0.11	R-10	VACANT RESIDENTIAL LOT	SHADED X	8-039 -108
2104 COLLEGE ST	NEW BERN-CITY OF	\$4,500	0.11	R-10	VACANT RESIDENTIAL LOT	SHADED X	8-039 -197
ST JOHN STREET	NEW BERN-CITY OF	\$4,500	0.12	R-10	VACANT RESIDENTIAL LOT	SHADED X	8-039 -203
1904 WASHINGTON ST	CRAVEN COUNTY & NEW BERN-CITY	\$15,000	0.37	R-10A	VACANT RESIDENTIAL LOT	AE	8-070 -012
1903 WASHINGTON ST	NEW BERN-CITY OF	\$15,000	0.38	R-10A	VACANT RESIDENTIAL LOT	AE	8-070 -013
440 W NC 55 HWY	CRAVEN COUNTY & NEW BERN-CITY	\$3,650	0.07	R-20	VACANT RESIDENTIAL LOT	NONE	8-220 -015



Current Surplus City Property
Sellable Property

Owners

- ★ City
- ★ City/County
- RDC Boundary

0 0.05 0.1 0.2 Miles

October 2021

Aldermen

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



Dana E. Outlaw
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk

Memorandum

TO: Alderman Jeffrey Odham

FROM: Brenda Blanco, City Clerk

DATE: October 1, 2021

SUBJECT: Appointment to Community Development Advisory Committee

Lindsay Best has moved outside of the city limits of New Bern. Therefore, she is ineligible to continue serving on the Community Development Advisory Committee. You are asked to make a new appointment to finish out her term, which will expire on June 30, 2024.

/beb