#### CITY OF NEW BERN BOARD OF ALDERMEN MEETING OCTOBER 25, 2022 – 6:00 P.M. CITY HALL COURTROOM 300 POLLOCK STREET

- Meeting opened by Mayor Odham. Prayer Coordinated by Alderman Royal. Pledge of Allegiance.
- Roll Call.
- Approve Agenda.

#### Consent Agenda

- 4. Consider Approving the 2023 Holiday Calendar.
- 5. Consider Approving the 2023 Board of Aldermen Meeting Roster.
- 6. Consider Approving a Proclamation for Small Business Saturday.
- Approve Minutes.

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- Public Safety Update.
- 9. Recognition of New Bern 101 Graduates.
- 10. Conduct a Public Hearing on the Rezoning of 4416 US Highway 17 South; and
  - a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and
  - b) Consider Adopting an Ordinance to Rezone 4416 US Highway 17 South from R-10 Residential District to C-3 Commercial District.
- Conduct a Public Hearing and Consider Adopting an Ordinance to Amend Section Five – Electric Line Extension Policy of the City of New Bern Electric Department's Customer Service Policies.
- Consider Adopting a Resolution Authorizing the Execution of a Grant Agreement with Golden LEAF Foundation.
- Consider Adopting a Resolution Accepting the FY2022 Bureau of Justice Assistance Bulletproof Vest Program Grant.
- 14. Consider Adopting an Ordinance for the Demolition of 1607 High Street.
- 15. Consider Adopting an Ordinance for the Demolition of 423 (501) Sandy Point Road.
- 16. Consider Adopting a Budget Ordinance Amendment for FY 2022-23.

- Consider Adopting an Ordinance to Amend the Township 7 Sewer Improvements Project Fund.
- 18. Appointment(s).
- 19. Attorney's Report.
- 20. City Manager's Report.
- 21. New Business.
- 22. Closed Session.
- 23. Adjourn.

INDIVIDUALS WITH DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL 639-2931 NO LATER THAN 3 P.M. THE DATE OF THE MEETING

Aldermen

Rick Prill Hazel B. Royal Robert V. Aster Johnnie Ray Kinsey Barbara J. Best Robert Brinson, Jr.



300 Pollock Street, P.O. Box 1129 New Bern, NC 28563-1129 (252) 636-4000 Jeffrey T. Odham
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk
Kimberly A Ostrom
Director of Finance

Memo to: Mayor and Board of Aldermen

From: Foster Hughes, City Manager

Date: October 21, 2022

Re: October 25, 2022 Agenda Explanations

 Meeting opened by Mayor Jeffrey T. Odham. Prayer Coordinated by Alderman Royal. Pledge of Allegiance.

- Roll Call.
- 3. Approve Agenda.

#### Consent Agenda

4. Consider Approving the 2023 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 2023 is provided along with a brief memo from Sonya Hayes, Director of Human Resources.

5. Consider Approving the 2023 Board of Aldermen Meeting Roster.

The Board adopts a meeting roster for each calendar year. The proposed roster identifies the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month as regular meetings. All meetings will begin at 6 p.m. It also identifies two dates for budget meetings that will start at 1 p.m.

6. Consider Approving a Proclamation for Small Business Saturday.

Pam Woo from the Small Business Saturday Coalition has requested a proclamation for Small Business Saturday. This is observed annually on the Saturday following Thanksgiving.

#### 7. Approve Minutes.

Draft minutes from the October 11, 2022 meeting are provided for review and approval.

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#### 8. Public Safety Update.

In light of recent events, Police Chief Patrick Gallagher will provide a public safety update.

#### 9. Recognition of New Bern 101 Graduates.

The Fall 2022 session of New Bern 101 concludes with this Board meeting. Participants have visited each department of the City to learn about the departments' responsibilities, services provided, various programs, and to tour facilities and meet staff. The final week of the program, participants attend a Governing Board meeting to observe the Board in action. Participants will be called forward for recognition and presentation of a certificate of completion.

- 10. Conduct a Public Hearing on the Rezoning of 4416 US Highway 17 South; and
  - Consider Adopting a Statement of Zoning Consistency or Inconsistency;
     and
  - b) Consider Adopting an Ordinance to Rezone 4416 US Highway 17 South from R-10 Residential District to C-3 Commercial District.

(ETJ) Several months ago, Corey Thomas 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 ("P&Z") unanimously approved the application at its October 5, 2021 meeting. There were no public comments offered to P&Z at that meeting. The Board of Aldermen considered the request at its November 09, 2021 meeting, at which time the matter was tabled. The applicant has requested this matter be taken up again for consideration. A memo from Matt Schelly, Interim Director of Development Services, is attached.

#### Conduct a Public Hearing and Consider Adopting an Ordinance to Amend Section Five – Electric Line Extension Policy of the City of New Bern Electric Department's Customer Service Policies.

The City's customer service policy provides rules for electric line extensions. The policy generally provides that developers are required to pay the total estimated cost of construction less revenue credits when service lines are extended to developments. In response to concerns raised by developers, staff reviewed the policy and recommends changes that will better align the intent of the policy to

recover cost, promote economic development, and compete for customers in areas of customer choice. The significant alterations include:

- changing the revenue credit calculation from 2 to 3 years;
- updating the annual purchased power cost to reflect the current cost;
- omit streetlighting and transformer costs from the total estimated cost of construction; and
- reformatting the policy narrative and definitions, and adding clarification.

After conducting a public hearing to receive input on the changes, the Board is asked to consider adopting the ordinance to implement those changes. A memo from Charlie Bauschard, Director of Public Utilities, is attached.

# 12. Consider Adopting a Resolution Authorizing the Execution of a Grant Agreement with Golden LEAF Foundation.

The City applied for and has been awarded a grant in the amount of \$249,760 by the Golden LEAF Foundation. The funds will be used for the Rose Street Pump Retrofit to allow for better mitigation of high water levels resulting from intense rain events. The event does not require a match. A memo from George Chiles, Interim Director of Public Works, is attached.

# 13. Consider Adopting a Resolution Accepting the FY2022 Bureau of Justice Assistance Bulletproof Vest Program Grant.

The Police Department applied for and has been awarded the 2022 Bureau of Justice Assistance Bulletproof Vest Partnership grant. The total cost of the ballistic vests is \$29,782.60. The grant award will cover one-half of the cost, and the City is required to provide an equal match of \$14,981.30. This match has been budgeted in the department's FY2023 uniform account. A memo from Chief Gallagher is provided.

### 14. Consider Adopting an Ordinance for the Demolition of 1607 High Street.

(Ward 1) This item was on the Board's September 27, 2022 agenda, at which time it was tabled to allow the Craven County Disaster Recovery Alliance ("CCDRA") additional time to work with the property owner to appeal an award made by ReBuild NC. On October 11, 2022, staff was notified that ReBuild NC approved the owners' appeal and will issue an award letter indicating the current amount of funding allocated to the project. Owners will again have an opportunity to accept or appeal the latest reward. On October 12, 2022, staff contacted the CCDRA for an estimated time of demolition, but one had yet to be established. Although it was not reported by staff at the September 27th meeting, ReBuild NC had earlier confirmed that "if the City/County has a health and safety concern with a structure and determines that demolition is required, that will not affect an applicant's enrollment in the program."

As a reminder of the circumstances, a letter of minimum housing deficiencies was sent to the owners of 1607 High Street on June 29, 2020. A complaint alleging the structure was unfit for human habitation was filed on June 28, 2021, and a hearing

was scheduled for July 12, 2021. At the hearing, staff received a notice of appeal and a ReBuild NC award notification letter. The owners were given until January 22, 2022, to bring the dwelling into compliance, but no permits were obtained and no communication was received from the owners or ReBuild NC by the deadline. Public Works estimates the cost of demolition at \$5,253. Pictures of the property and a complete list of chronological events are attached along with a memo from Mr. Schelly.

#### Consider Adopting an Ordinance for the Demolition of 423 (501) Sandy Point Road.

(ETJ) A letter of minimum housing deficiencies was sent to the owner of 423 Sandy Point Road on February 03, 2021. A complaint was filed on December 06, 2021 alleging two structures on the property were unfit for human habitation. A hearing was scheduled for December 22, 2021, but the owner did not appear. Following the hearing, the owner was given until February 07, 2022 to bring the dwellings into compliance. On February 21, 2022, the owner submitted an incomplete application for a permit and was notified of such. The missing information was never submitted, and staff has had no contact from the owner since June 13, 2022. Permits have not been obtained, and the two structures remain noncompliant. Public Works estimates the cost of demolition at \$6,800 per structure. Pictures of the property and a complete list of chronological events are attached along with a memo from Mr. Schelly.

#### 16. Consider Adopting a Budget Ordinance Amendment for FY 2022-23.

This budget ordinance amendment recognizes grants of \$249,760 from the Golden LEAF Foundation for the Rose Street pump retrofit and \$45,000 from the NC Resilient Coastal Communities Program for the Duffyfield Community Resilience Improvement – Basin Restoration Enhancement project. Neither grant requires a match. The amendment also acknowledges a grant of \$14,891 from the Bureau of Justice Assistance – Bulletproof Vest Partnership grant. Matching funds of \$14,891 are required and have been budgeted in the Police Department's uniform expense account. A memo Kim Ostrom, Director of Finance, is attached.

# 17. Consider Adopting an Ordinance to Amend the Township 7 Sewer Improvements Project Fund.

The Township 7 Sewer Improvements Project Fund will be amended to appropriate \$175,000 from the Sewer Fund fund balance. This will cover the purchase of equipment needed by the contractor for the installation of the new sewer pump station. A memo from Mrs. Ostrom and email of explanation from Jordan Hughes, City Engineer, are enclosed.

#### 18. Appointment(s).

- (a) The two alternate seats on the Board of Adjustment are vacant. The Board is asked to make appointments to fill the remainder of these terms, which expire on June 30, 2023. Appointees must reside within the City limits of New Bern and should have a background related to land ownership and development issues.
- (b) Alderman Best is asked to make an appointment to replace Kip Peregoy on the Board of Adjustment. Mr. Peregoy's term has expired, and he is ineligible to serve again.
- (c) Each municipality in the service area of the Coastal Regional Solid Waste Management Authority ("CRSWMA") can have a member serve on the Authority's Municipal Committee and participate in Board meetings. The Municipal Committee member must be appointed by the municipality's Governing Board. Historically, New Bern has appointed the Director of Public Works since that position works closely with waste management. Al Cablay was the City's previous appointee. It is recommended the Board consider appointing David Cox, Waste Superintendent, to represent the City in this capacity.
- 19. Attorney's Report.
- 20. City Manager's Report.
- 21. New Business.
- 22. Closed Session.
- 23. Adjourn.

INDIVIDUALS WITH DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL 639-2931 NO LATER THAN 3 P.M. THE DATE OF THE MEETING

# AGENDA ITEM COVER SHEET



**Agenda Item Title:**Consider Approving the 2023 Holiday Schedule

022	Ward # if applicable:	
ources	Person Submitting Item: Sonya Hayes	
: □Yes⊠No	Date of Public Hearing:	
the Board of Al indicates dates	w Bern Holiday Schedule must be approved by dermen each year. The holiday schedule that the City of New Bern offices will be closed observance of designated holidays.	
Approval of 2023 Holiday Schedule		
Proposed 2023 Holiday Schedule and memo from Sonya Hayes Director of Human Resources		
opponents at t	he meeting? □Yes ☒ No	
one		
	een budgeted and are funds available ☐Yes ☐ No	
	The City of New the Board of Alindicates dates to the public in Approval of 202  Proposed 2023 Director of Hum  Yes No  /opponents at the one	

**Additional Notes:** 



303 First Street, P.O. Box 1129 New Bern, NC 28563 Phone: (252) 639-7571

TO:

Mayor and Board of Aldermen

FROM:

Sonya H. Hayes

Director of Human Resources

DATE:

October 25, 2022

SUBJECT: 2023 Holiday Schedule

Enclosed is a proposed 2023 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.

#### Recommendation

We are requesting that the Board of Aldermen approve the proposed 2023 Holiday Schedule which reflects twelve (12) dates City of New Bern offices will be closed in observance of designated holidays.

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

Enclosure

# City of New Bern 2023 Holiday Schedule



Monday	January 2, 2023	New Year's Day
Monday	January 16, 2023	Martin Luther King, Jr. Day
Friday	April 7, 2023	Good Friday
Monday	May 29, 2023	Memorial Day
Tuesday	July 4, 2023	Independence Day
Monday	September 4, 2023	Labor Day
Friday	November 10, 2023	Veterans Day
Thursday Friday	November 23, 2023 November 24, 2023	Thanksgiving Day Day After Thanksgiving
Monday Tuesday Wednesday	December 25, 2023 December 26, 2023 December 27, 2023	Christmas Holiday Christmas Holiday Christmas Holiday

# **AGENDA ITEM COVER SHEET**



**Agenda Item Title:**Consider Approving 2023 Board of Aldermen Meeting Roster

Date of Meeting: 10/25/2022		Ward # if applicable:	
Department: City Clerk  Call for Public Hearing: □Yes⊠No		Person Submitting Item: Brenda Blanco	
		Date of Public Hearing:	
Explanation of Item:		ng roster provides for meeting on the 2nd and f each month. It also establishes budget meetings th of May.	
Actions Needed by Board:	Approval of roster		
Backup Attached:	Proposed roster		
Is item time sensitive?	□Ves ⊠No		
		he meeting? □Yes ☒ No	
Cost of Agenda Item:			
If this requires an expe and certified by the Fin		een budgeted and are funds available ☐Yes ☐ No	

**Additional Notes:** 

### 2023 CITY OF NEW BERN BOARD OF ALDERMEN MEETINGS

Meetings begin at 6 p.m. unless otherwise noticed

#### SCHEDULED BOARD MEETINGS

SCHEDULED WORK SESSIONS

\*May 2 & 3, 2023 at 1 p.m.

January 10, 2023 January 24, 2023

February 14, 2023 February 28, 2023

March 14, 2023 March 28, 2023

April 11, 2023 \*April 25, 2023

May 9, 2023 May 23, 2023

June 13, 2023 June 27, 2023

July 11, 2023 July 25, 2023

August 8, 2023 August 22, 2023

September 12, 2023 September 26, 2023

October 10, 2023 October 24, 2023

November 14, 2023 November 28, 2023

December 12, 2023

### \*FY2023-24 Budget:

April 25, 2023: May 2 & May 3, 2023: City Manager's overview and presentation of budget

Budget workshops to begin at 1 p.m.



### MAYOR'S OFFICE PROCLAMATION

- WHEREAS, the government of the City of New Bern, North Carolina, celebrates local small businesses and the contributions they make to our local economy and community; and
- WHEREAS, according to the United States Small Business Administration, presently there are 32.5 million small businesses in the United States, small businesses represent 99.7% of firms with paid employees, small businesses are responsible for 62% of net new jobs created since 1995, and small businesses employ 46.8% of the employees in the private sector in the United States; and
- WHEREAS, currently 79% of consumers understand the importance of supporting the small businesses in their community on Small Business Saturday®, 70% report the day makes them want to encourage others to Shop Small®, independently-owned retailers, and 66% report that the day makes them want to Shop Small all year long; and
- WHEREAS, 58% of shoppers reported they shopped online with a small business and 54% reported they dined or ordered takeout from a small restaurant, bar, or café on Small Business Saturday in 2021; and
- WHEREAS, the City of New Bern supports local businesses that create jobs, boost our local economy, and preserve our communities; and
- WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.
- NOW, THEREFORE, I, Jeffrey T. Odham, Mayor of the City of New Bern, on behalf of the New Bern Board of Aldermen, do hereby proclaim the Saturday following Thanksgiving shall be observed annually as

#### SMALL BUSINESS SATURDAY

and urge the residents of our community and communities across the country to support small businesses and merchants on Small Business Saturday and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of New Bern this 25<sup>th</sup> day of October in the year of our Lord Two Thousand and Twenty-Two.



Jeffrey T. Odham, Mayor

# AGENDA ITEM COVER SHEET



Agenda Item Title: Recognition of Graduates of New Bern 101

Date of Meeting: 10/25/2022		Ward # if applicable:	
Department: Administration		Person Submitting Item: Colleen Roberts	
Call for Public Hearing: □Yes⊠No		Date of Public Hearing:	
Explanation of Item:	participants to le final session. Or class visited city about what each programs, service participated in a Governing Boar government dec program, participasked to step do	an 8-week program designed to introduce ocal government, wrapped up tonight with its ver the last several weeks, participants in the fall very departments, met staff, listened to presentations a department does, and learned about city ces and budgets. They toured city facilities and activities. Earlier this evening, they met the red and they are here in the courtroom to see local isions in action. In order to complete the pants must attend every session. The Board is we and congratulate tonight's graduates as they retificates of Completion.	
Actions Needed by Board:			
Backup Attached:			
Is item time sensitive?	⊠Yes □No		
Will there be advocates	s/opponents at t	he meeting? □Yes ⊠ No	
Cost of Agenda Item: \$ If this requires an expeand certified by the Fin	nditure, has it b	een budgeted and are funds available	

**Additional Notes:** 

## AGENDA ITEM COVER SHEET



### **Agenda Item Title:**

Conduct a Public Hearing on the Rezoning of 4416 US Highway 17 South; and a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and b) Consider Adopting an Ordinance to Rezone 4416 US Highway 17 South from R-10 Residential District to C-3 Commercial District.

Date of Meeting: 10/25/2022		Ward # if applicable: Ward 6	
Department: Development Services  Call for Public Hearing: □Yes⊠No		Person Submitting Item: Matt Schelly, Interim Dir. of Dev. Serv.	
		Date of Public Hearing: Click or tap to enter a date.	
Explanation of Item:		Corey Thomas has requested to rezone 0.46+/- 0 Residential District to C-3 Commercial District.	
Actions Needed by Board:	Conduct Public Hearing, Adopt Ordinance		
Backup Attached:	Memo, Ordinance, Consistency or Inconsistency Statement, Map		
Is item time sensitive?	□Yes ⊠No		
		he meeting?   Yes   No	
Cost of Agenda Item: N	I/A		
The state of the s	nditure, has it l	been budgeted and are funds available  ☐Yes ☒ No	

**Additional Notes:** 



303 First Street, P.O. Box 1129 New Bern, NC 28563 (252)639-7587

#### **MEMORANDUM**

TO: Mayor Jeffrey Odham, City of New Bern Board of Aldermen

FROM: Matt Schelly, Interim Director Development Services

DATE: October 14, 2022

SUBJECT: Conduct a Public Hearing on the Rezoning of 4416 US Highway 17 South;

and a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and b) Consider Adopting an Ordinance 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.

The applicant's request was tabled by the Board of Alderman at their November 9, 2021, meeting, Mr. Thomas is requesting this be heard again.

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

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF NEW BERN SO AS TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY OWNED BY COREY MITCHELL THOMAS CONSISTING OF APPROXIMATELY 0.46 ACRES LOCATED AT 4416 US HIGHWAY 17 SOUTH FROM THE ZONING CLASSIFICATION OF R-10 RESIDENTIAL DISTRICT TO C-3 COMMERCIAL DISTRICT

THAT WHEREAS, Corey Mitchell Thomas owns real property located at 4416 US Highway 17 South in the City of New Bern, consisting of approximately 0.46 acres, more or less, and an application has been made to change the zoning classification of the subject property from R-10 Residential District to C-3 Commercial District consistent with the attached plat entitled "REZONING CASE: 4416 US Hwy. 17 S. – Approx. 0.46+- Acres: PID: 8-206-028" prepared by the Development Services Department of the City of New Bern; and

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

WHEREAS, the Board of Aldermen of the City of New Bern conducted a duly advertised public hearing with respect to the proposed amendment on October 25, 2022, at which time all interested parties were given an opportunity to be heard; and

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

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

Section 1. That the zoning map of the City of New Bern be and the same is hereby amended by changing the zoning classification of the subject property owned by Corey Mitchell Thomas located at 4416 US Highway 17 South in the City of New Bern, consisting of 0.46 acres, more or less, from R-10 Residential District to C-3 Commercial District as more specifically shown on the plat entitled "REZONING CASE: 4416 US Hwy. 17 S. – Approx. 0.46+- Acres: PID: 8-206-028" prepared by the Development Services Department of the City of New Bern, a copy of which is attached hereto and incorporated herein by reference.

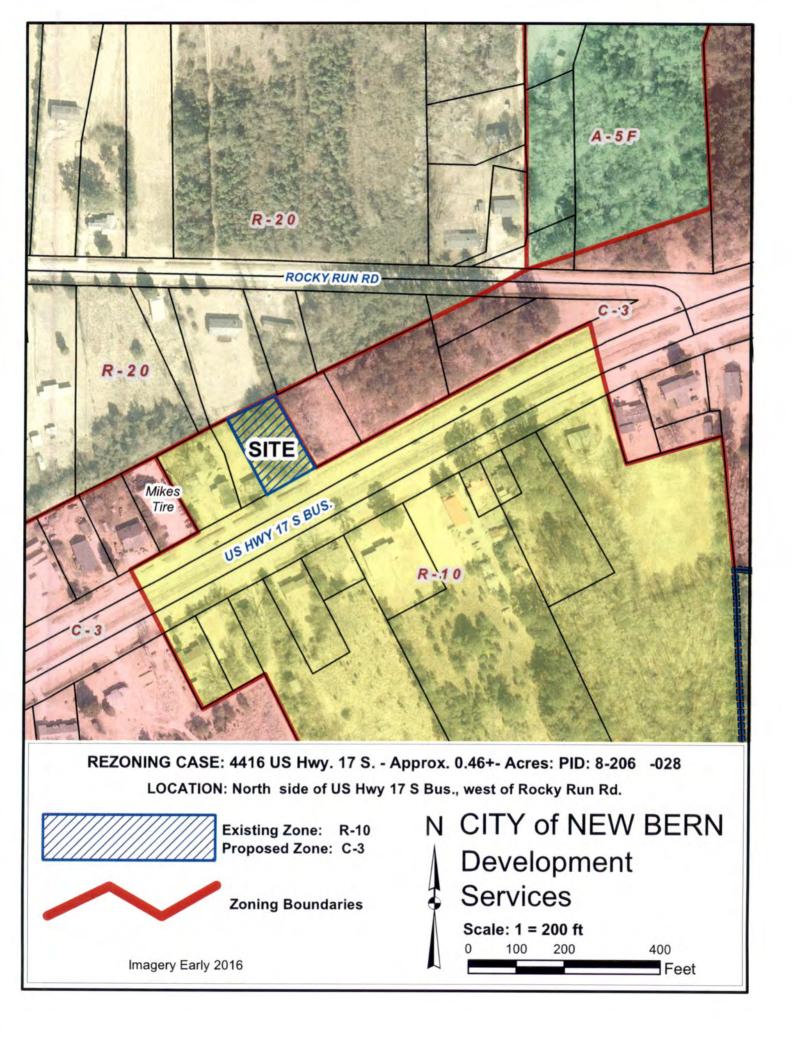
Section 2. That the Board deems it in the public interest to rezone the subject property consistent with the attached plat as the requested C-3 Commercial District classification is consistent with the City Land Use Plans and nearby land uses.

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

ADOPTED THIS 25<sup>th</sup> DAY OF OCTOBER, 2022.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK



#### Craven County Parcel ID # 8-206-028

#### STATEMENT OF ZONING CONSISTENCY WITH ADOPTED PLANS

The Board of Aldermen of the City of New Bern finds the action to rezone Craven County Parcel ID #8-206-028 to C-3 Commercial District is reasonable and in the public interest, and consistent with the City Land Use Plans and nearby land uses. In that:

- The C-3 Commercial District is deemed to be compatible with the "Developed" designation indicated in the Future Land Use Map found in the 2022 Land Use Plan Update.
- The proposed C-3 Commercial District is deemed to be compatible with adjacent zoning classifications.
- The proposed C-3 Commercial District is deemed to be compatible with existing uses.

This certifies the above statement of zoning consistency was adopted by the Board of Aldermen on October 25, 2022.

Brenda E. B	lanco	City Clerk	
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#### Craven County Parcel ID # 8-206-028

#### STATEMENT OF ZONING INCONSISTENCY WITH ADOPTED PLANS

The Board of Aldermen of the City of New Bern finds the action to rezone Craven County Parcel ID # 8-206-028 to C-3 Commercial District is not reasonable and is not in the public interest and finds it to be inconsistent with the Regional Land Use Plan and nearby land uses in the proposed C-3 Commercial District is incompatible with the uses permitted on nearby properties, and other properties in the vicinity. And that:

The proposed C-3 Commercial District would be incompatible with adjacent use and the Future Land Use Map found in the 2022 Land Use Plan Update.

This certifies the above statement of zoning inconsistency was adopted by the Board of Aldermen on October 25, 2022.

Brenda E. Blanco, City Clerk





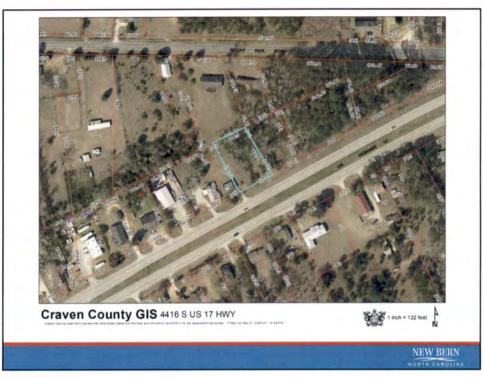
Request to Rezone 4416 S US 17

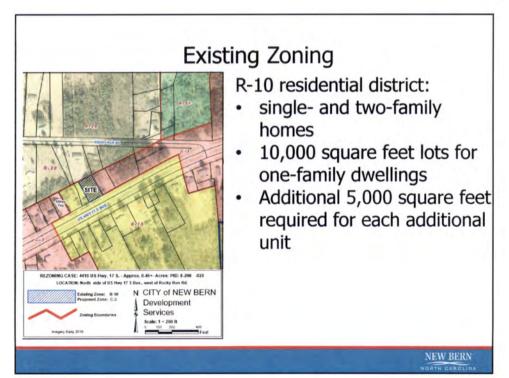
October 25, 2022

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## Rezoning Request Analysis

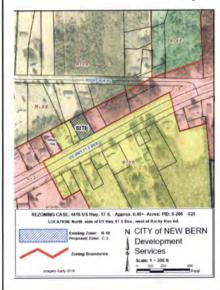
- · Applicant: Corey Thomas
- Location: 4416 S US 17(Craven County PID# 8-206-028)
- Existing Zoning: R-10 Residential District
- Proposed Zoning: C-3 Commercial District
- Size: 0.46+/- acres
- History/Background: The parcel is undeveloped
- · Present Land Use: Vacant





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### **Proposed Zoning**



C-3 commercial district:

- · Offices
- personal services
- retail sales of goods
- generally located on major radial roads.
- Emphasis on off-street parking, controlled traffic movement, and an appropriate appearance including suitable planting shall be provided.

NEW BERN

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#### Uses in C3

Single Family Residential

Townhomes

Multifamily development

Hotels, Motels

Govt offices

Schools (SUP)

Nursery school/Daycare facility

Religious facilities (SUP)

Athletic facilities

**Emergency services** 

Utility facilities (SUP)

Commercial offices

Nursing Home

Retail

Manufacturing

Banks

Restaurants/bars

Hospitals

Bowling & pool halls

Drive-in movie theater

Car sales & repair

Gasoline sales

Indoor storage

### Uses in R-10

Single Family Residential

Townhomes

Duplex

Govt Offices (SUP)

Schools (SUP)

Nursery School/Daycare (SUP)

Religious facilities

Athletic facilities

Emergency services (SUP)

Utility facilities (SUP)

# Surrounding Zoning

- North: Residential (R-20 Residential District)
- South: Residential (R-10 Residential District)
- East: Commercial (C-3 Commercial District)
- West: Commercial (C-3 Commercial District)

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### **Utilities**

- City water service is available to this site (no sewer available).
- · City electric service is not available to this site.

## 2022 Land Use Plan Update

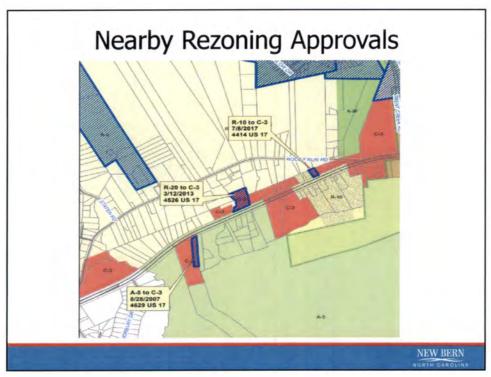
- The area is classified as "Developed"
  - Within the Martin Luther King Boulevard Focus Area
  - Mix of land uses
  - Residential densities from a maximum of one to five dwelling units per acre
  - Higher densities are permitted within multi-family residential, planned unit developments, & zoning overlay districts within commercial areas
  - Characterized by urban and higher intensity uses that require urban municipal or public service
  - Incompatible uses within this land classification are industrial and agricultural land uses.

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### **Environment**

- According to the Regional Land Use Plan, the subject property has high suitability for development.
- According to the North Carolina Floodplain
   Mapping Program, the property is located within
   the minimal risk flood risk zone (Zone X) on the
   Flood Risk Information System.



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### Recommendation

The proposal to rezone the subject parcel to C-3 Commercial District is consistent with the character of the adjacent land uses and the 2022 Land Use Plan Update.

The Planning and Zoning Board heard this request at their October 5, 2021, meeting and recommended approval with a unanimous vote.



# **AGENDA ITEM COVER SHEET**



**Agenda Item Title:** 

Conduct Public Hearing and Consider Adopting an ordinance to amend section 5 of the customer service policies to update the Customer Service/Line Extension Policy

Date of Meeting: October 25, 2022		Ward # if applicable: N/A	
Department: Public Utilities		Person Submitting Item: Charles Bauschard	
Call for Public Hearing: □Yes□No		Date of Public Hearing: 10/25/2022	
Explanation of Item:	Request for Ma	yor to execute Ordinance.	
Actions Needed by Board:	Conduct public hearing and onsider adopting the ordinance		
Backup Attached:	Memo, Customer Service Line Extension Revision – 2022, Ordinance to Amend Electric Line Extension Policy		
Is item time sensitive?		hamating TVos TNo	
will there be advocates	s/opponents at t	he meeting?   Yes   No	
Cost of Agenda Item: N	J/A		
If this requires an expe		been budgeted and are funds available	



New Bern, NC 28563-1129

TO: Foster Hughes, City Manager

FROM: Charles D. Bauschard, Director of Public Utilities

COPIES: Scott Davis, City Attorney; File

**SUBJECT:** Updates to the Line Extension Policy

**DATE:** October 20, 2022

In response to requests by developers to extend the public electric distribution system and set service for a growing number of commercial, residential, and master plan developments, staff attempted to apply the line extension policy set forth in the customer service policy.

The policy generally provides that developers are required to pay the total estimated cost of construction less revenue credits. However, staff encountered two problems in interpreting the policy. First was the actual interpretation of the calculations to be performed which required staff to make numerous assumptions. Second was the fact that the calculations even erring on the conservative side resulted in the cost of construction exceeding the revenue credits by a considerable amount. This is largely due to a combination of an outdated policy narrative, rapid inflation for goods and services, increased costs for purchased power, and levelized retail rates.

In response to concerns raised by the development community, staff reviewed the policy, and recommends changes that will better align the intent of the policy to recover cost, promote economic development and compete for customers in areas of customer choice. Significant changes to the policy include the following:

- 1. The revenue credit calculation is changed from 2 to 3 years. This positions the utility to compete for customers in areas of customer choice.
- The utilities annual purchased power cost has been updated to reflect current cost. The cost was last updated in 1999.
- The cost of street lighting construction is omitted from the total estimated cost of construction. This is unnecessary because the cost of street lighting construction is recovered thru the street lighting rate design.
- 4. The cost of transformers is omitted from the total estimated cost of construction. This is unnecessary because the cost of transformation is recovered thru retail rate design.
- 5. Reformatting of the policy narrative, definitions and added clarification. This will aid with the administration and understanding of the policy for both staff and customers.

Please let me know if you have any questions or concerns.

# AN ORDINANCE TO AMEND SECTION FIVE – ELECTRIC LINE EXTENSION POLICY OF THE CITY OF NEW BERN ELECTRIC DEPARTMENT'S CUSTOMER SERVICE POLICIES

THAT WHEREAS, the Board of Alderman of the City of New Bern deems it advisable and in the public interest to effect certain revisions to Section Five – Electric Line Extension Policy of the City of New Bern Electric Department's Customer Service Policies.

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

SECTION 1. That Section Five – Electric Line Extension Policy of the City of New Bern Electric Department's Customer Service Policies be and the same is hereby amended by deleting Section Five – Electric Line Extension Policy (presently pages 84-103) in its entirety and inserting in its stead the Electric Line Extension Policy attached hereto and incorporated herein by reference.

SECTION 2. This ordinance shall be effective October 25, 2022, provided that electric line extension requests submitted to and accepted by the city in writing prior to the effective date of this ordinance shall be exempt from the provisions of this amended policy.

ADOPTED THIS 25th DAY OF OCTOBER, 2022.

	JEFFREY T. ODHAM, MAYOR	
BRENDA E. BLANCO, CITY CLERK		

#### ELECTRIC LINE EXTENSION POLICY

#### I. Availability

Unless provided otherwise, the provisions of this plan apply to all line extensions to all retail services.

#### II. Definitions

When used in this Electric Line Extension Policy, the following terms and phrases shall be defined as follows:

- Construction cost means the sum of the cost of equipment plus the cost of labor
  plus the cost of materials plus a contingency fee to provide a line extension to serve a real estate
  development or phase thereof, or to serve a single retail service customer, plus the actual cost of
  any contract services required to complete the line extension.
- Construction service customer means a customer whose needs are normally for less than a 12-month continuous period and whose need is for use in the construction of buildings or other establishments which will receive, upon completion, permanent electric service from the city.
- 3. Contingency fee means ten percent (10%) of the sum of the cost of equipment plus the cost of labor plus the cost of materials. The city shall itemize any costs that exceed the original estimates of the cost of labor, cost of equipment, and cost of materials, if any. Any balance of the contingency fee remaining upon completion of the line extension shall be returned to the electric service customer within sixty (60) days of the completion and electrification of the line extension, along with the itemization of costs referenced herein.
- 4. Contract services means any third-party costs incurred by the city to provide a line extension to serve a real estate development or phase thereof, or to serve a retail service customer such as engineering services or equipment rental fees. Such costs may include the actual cost of providing a line extension when the city reasonably determines that it does not have the expertise or the staffing capacity to complete a line extension in a timely fashion.
- 5. Cost of equipment means the hourly rate set forth in the most recent U.S. Department of Homeland Security FEMA Schedule of Equipment Rates for each piece of city equipment required for a requested line extension multiplied by the number of operating hours reasonably estimated to complete a requested line extension.
- Cost of labor means the hourly rate set forth in the most recent Electric Department
  Hourly Labor Rate Pricing Table multiplied by each manhour reasonably estimated to complete a
  requested line extension.
- 7. Cost of materials means the last price paid by the city for the material reasonably required to complete a requested line extension, or the actual market quote price to be paid by the

city for material reasonably ordered to complete a requested line extension, for the facility components to be installed by the city consistent with the city's Electric Specifications for Commercial Underground Primary Installations and Electric Specifications for Commercial Underground Secondary Installations.

- 8. Customer contribution means the construction cost for a line extension less the revenue credit for the line extension to be paid by the electric service customer to the city. If the resulting sum is negative, the electric service customer shall not owe a customer contribution, and shall not be entitled to any payment from the city for the line extension for which the customer contribution was calculated.
- 9. Electric service customer means all city electric customers including construction service customers, retail service customers, and temporary service customers.
- 10. Estimated annual energy usage means the reasonably estimated annual electric usage for a specific electric service customer. Estimated annual electric usage for a specific electric service customer may be determined by reference to government studies, historical city electric usage data, and electric usage data provided by the electric service customer. For real estate developments or phase thereof as the case may be, the estimated annual energy usage shall be the sum total of all retail service customers located within the real estate development or phase under construction.
- 11. Line extension means an extension of the public electric transmission or distribution system, both overhead and underground, excluding secondary transformation, secondary voltage pedestals, and metering.
- 12. Normal point of delivery for overhead or underground service means for residential retail service customers the outside wall of the end of the building nearest to the source of the city's facilities entering the customer's premises. The normal point of delivery for all other customers will be at a location designated by the city.
- 13. Primary service means overhead or underground main electric feed lines that transmit electricity to transformers, and in some cases, directly to large retail service customers with high voltage requirements.
- 14. Real estate development means a residential subdivision, commercial subdivision, mobile home park, apartment complex, planned unit development, or other similar type development where the public electric distribution system must be extended to provide electric service to more than one individual customer.
- 15. Retail service customer means an individually metered electric service location intended to be served by the city's public electric distribution system on a permanent basis.
- 16. Revenue credit means a credit to be deducted from the construction cost and calculated as follows:

(a) The electric service rate schedule applicable to the retail service customer as set forth in the city's electric rate ordinance multiplied by the customer's average estimated monthly energy usage with the resulting sum multiplied by 12 months;

#### LESS

(b) The city's average energy cost in kilowatt hours for the previous fiscal year multiplied by the customer's average monthly energy usage with the resulting sum multiplied by 12 months;

#### MULTIPLIED

(c) By three (3) years.

#### **Example Calculation**

#### Assumptions:

- Customer service rate (Residential Schedule 01) =
  Base Charge per month of \$9.95
  First 300 kWh of \$0.1018
  All additional kWh of \$0.1175
- Customer estimated average monthly energy usage = 1,000 kWh
- City's average annual energy cost for FY 22 = \$0.08006 kWh

#### Revenue credit:

Monthly base charge = \$9.95

First 300 kWh = \$30.54 (300 kWh x \$0.1018)Additional kWh = \$82.25 (700 kWh x \$0.1175)

TOTAL  $$122.74 \times 12 \text{ months} = $1,472.88$ 

#### LESS

Average energy cost = \$80.06 (1,000 kWh x \$0.08006) x 12 months = \$960.72

Resulting amount = \$512.16 (\$1,472.88 - \$960.72)

MULTIPLIED x 3 years = \$1,536.48 (\$512.16 x 3)

Revenue Credit Per Residence = \$1,536.48

17. Secondary service means overhead or underground electric service lines originating at a transformer or pedestal and delivering electricity to a normal point of delivery.

18. Temporary service customer means an electric service customer whose electric service needs are for less than a 12-month continuous period where the city's facilities installed to serve the customer will not be needed on a permanent basis and will not be needed to serve other customers in the near future.

#### III. Line Extensions

#### A. Single Phase and Three Phase Service to Retail Service Customers

- 1. Extensions involving primary and secondary service. The city will provide primary and secondary service line extensions as follows:
- (a) For initial primary and/or secondary service line extensions, retail service customers within 300 feet of the required electric source to the normal point of delivery will incur no cost. Retail service customers will pay for the construction cost associated with construction beyond the initial 300 feet from the secondary or primary electric source as the case may be.
- (b) For retail service customers requesting relocations of primary or secondary service lines with no additional new electric load, the customer will pay the construction cost in advance.
- (c) For retail service customers requesting relocations of secondary service lines with additional new electric load, the customer will pay the customer contribution with the revenue credit being calculated based upon the incremental new electric load.
- (d) Temporary service customers will pay the construction cost for temporary service installations in advance.
- Extensions involving primary distribution facilities. The city will extend primary distribution facilities as follows:
- (a) For initial primary distribution facility extensions, retail service customers will pay the customer contribution.
- (b) Temporary service customers will pay the construction cost for the primary distribution facility extensions in advance.
- (c) For retail service customers requesting relocations of primary distribution facilities with no additional new electric load, the customer will pay the construction cost.
- (d) For retail service customers requesting relocations of primary distribution facilities with additional new electric load, the customer will pay the customer contribution with the revenue credit being calculated based upon the incremental new electric load.
  - 3. Payment of customer contribution for line extensions. Payments for customer

contributions as identified in this Section III shall be paid in advance except in the case of residential retail service customers who may pay the costumer contribution in up to six equal installments at the customer's election to be included as part of the first six electric service bills. The residential retail customer payment agreement shall be in writing.

#### B. Real Estate Developments

- New real estate developments. Construction service customers requesting electric utility service for real estate developments through a new line extension approved by the city will pay the customer contribution in advance.
- 2. General. The city reserves the right in its sole discretion to design and construct the line extension and electric distribution system for new real estate developments in phases. The customer contribution will be calculated for the approved phase, or the entire development as the case may be. A construction service customer shall have no right to electric utility service through a line extension until the city has provided a written calculation of the customer contribution to the construction service customer, and received payment in full for such approved phase or development. Written calculations from the city's electric service department shall be valid for thirty (30) days.

#### Conversions of Overhead to Underground Service

- I. No additional electric load service customers. Retail service customers requesting the conversion of existing overhead primary or secondary distribution facilities to underground distribution where no additional electric load is required shall pay the construction cost for such conversion in advance. Retail service customers will be responsible for adapting their service for the underground connection from the normal point of delivery, including the meter panel and wiring behind the meter.
- 2. Additional electric load. Retail service customers requesting the conversion of existing overhead primary or secondary distribution facilities to underground distribution where additional electric load is required shall pay the customer contribution for such conversion in advance with the revenue credit being calculated based upon the incremental new electric load. Retail Service customers will be responsible for adapting their service for the underground connection from the normal point of delivery, including the meter panel and behind the meter wiring
- 3. Replacement of general overhead distribution facilities with underground facilities. Conversions of overhead distribution facilities to underground distribution facilities for service to more than one service customer shall be evidenced by a written agreement approved by the board of aldermen and executed by all parties bearing any cost, duty, or obligation associated with the conversion. The conversion plan shall be supported by an engineering study, and shall address the costs, duties and obligations of all parties.

#### D. General

- Rights of way. When reasonably required, electric service customers will furnish without cost to the city adequate and accessible easements and rights of way (normally 30' wide for overhead and 20' wide for underground) for the supply of electric service in such form as approved by the city attorney. Electric customers shall be responsible for the initial clearing, grading and removal of all debris and obstructions within all easements and rights of way necessary to provide electric service.
- 2. <u>Type and location of facilities</u>. The type of construction and the location of electric service facilities will be determined in the sole discretion of the city. If an electric customer desires changes in either location or type of construction, the electric service facility changes will be made only when the electric customer pays the city the incremental construction cost for the proposed change.
- 3. Protection of vegetation. Shrubs and trees requiring protection during the installation of the underground electric service will be the responsibility of the electric customer, and the electric customer will hold the city and its sub-contractors harmless against any claims for damage. It will be the responsibility of the electric service customer to re-seed and/or maintain the trench cover. In public rights of way where the work is the city's responsibility, the city will take responsibility for re-seeding with common varieties and strawing a grassy area.
- Area lighting and street lighting. Street and area lighting service as provided in the electric rate ordinance are not included as a construction cost.
- 5. <u>Dispute resolution</u>. In the event there is a disagreement between an electric customer and the city regarding a construction cost or customer contribution calculation that cannot be resolved between the electric customer and the director of utility services, the electric customer may request a meeting with the city manager and the director of utility services to present information for the city manager's consideration. The city manager shall provide a written recommendation to the electric customer within ten (10) days of such meeting.
- Taxes. Applicable sales taxes for customer contributions will be added to the total due from the customer.

#### E. Effective Date

This electric line extension policy became effective for line extensions made on and after July 1, 1993, except where prior plans have been made and agreed upon in writing by the city and the electric service customer. This electric line extension policy was amended on October 25, 2022. Line extension requests submitted to and accepted by the city in writing prior to October 25, 2022 shall be exempt from the provisions of this electric line extension policy. Otherwise, this amended electric line extension policy shall be effective as of October 25, 2022.

## AGENDA ITEM COVER SHEET



## Agenda Item Title:

Consider adopting resolution authorizing the City Manager to execute the grant agreement with Golden LEAF Foundation in the amount of \$249,760.00 tor Rose Street Pump Retrofit.

Date of Meeting: 10/25/2022	Ward # if applicable: Ward 5	
Department: Public Works	Person Submitting Item: George Chiles, Interim Director of Public Works	
Call for Public Hearing: □Yes⊠No	Date of Public Hearing: N/A	

Explanation of Item:	The City of New Bern has been awarded a grant in the amount of \$249,760.00 by the Golden LEAF Foundation, Project File Number FY2022-167. These funds will be used for the Rose Street Pump Retrofit. The project will allow for better mitigation of high-water levels resulting from intense rain events.
Actions Needed by Board:	Adopt attached resolution.
Backup Attached:	Award Notification Letter, and Grantee Acknowledgement and Agreement with Golden LEAF Foundation.

Is item time sensitive? ⊠Yes □No
Will there be advocates/opponents at the meeting? □Yes ☒ No

Cost of Agenda Item:	N/A
If this requires an expe	enditure, has it been budgeted and are funds
available and certified	by the Finance Director? □Yes ⊠ No

**Additional Notes:** 



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 21, 2022

Memo to:

Mayor and Board of Aldermen

From:

George Chiles, Interim Director of Public Works

Re: Consider adopting resolution authorizing the City Manager to execute the grant agreement with Golden LEAF Foundation in the amount of \$249,760.00 tor Rose Street Pump Retrofit.

#### **Background Information:**

The City of New Bern has been awarded a grant in the amount of \$249,760.00 by the Golden LEAF Foundation, Project File Number FY2022-167. These funds will be used for the Rose Street Pump Retrofit. The project will allow for better mitigation of high-water levels within in this drain basin of the Duffyfield Community resulting from intense rain events.

#### Recommendation:

The Public Works Department is recommending the Board of Alderman adopt the resolution authorizing the City Manager to execute the grant agreement with Golden LEAF Foundation in the amount of \$249,760.00 tor Rose Street Pump Retrofit.

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

#### RESOLUTION

WHEREAS, The City of New Bern has been awarded a grant in the amount of \$249,760.00 by the Golden LEAF Foundation, Project File Number FY2022-167. These funds will be used for the Rose Street Pump Retrofit.

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

THAT the City Manager is authorized to execute the grant agreement with Golden LEAF Foundation in the amount of \$249,760.00 tor Rose Street Pump Retrofit, a copy of which is attached hereto and incorporated herein by reference.

ADOPTED THIS 25th DAY OF OCTOBER 2022.

#### The Golden LEAF Foundation ("Golden LEAF")

#### GRANTEE ACKNOWLEDGMENT AND AGREEMENT

1,	Gramec.	City of New Belli	
2.	Project File Number & Title:	FY2022-167 / Rose Street Pump Retrofit	

City of Navy Doen

3. Purpose of Grant: The City of New Bern experiences flooding along Rose Street in the Duffyfield community during frequent rain events. The flooding can take up to 2 weeks to fully dewater. In 2020, the city completed a multiphase feasibility study to create the Duffyfield Resiliency Improvement Initiative. Retrofitting of the stormwater pump station on Rose Street was identified as one of the projects to reduce repetitive flooding in this area. Golden LEAF flood mitigation grant funds will be used to modify the existing stormwater pump to allow for better mitigation against larger storm events and lowering the water levels in the Duffyfield community. The city is currently pursuing funding from the NC Land and Water Fund, the NC DOJ Environmental Enhancement Grant, and a Resilient Coastal Communities Grant to implement strategies identified. There are households, businesses, other public and private entities, and a healthcare facility that are in the immediate project area that will benefit from this project.

4.	Amount of Grant: \$249,760.00			
5.	Award Date:	10/6/2022	Start Date:	

6. Special Terms and Conditions Applicable to Grant:

Chantan

- a) The term of the grant is 12 months, commencing on the Award Date unless the Grantee proposes a later Start Date that is accepted by Golden LEAF. Golden LEAF may extend the term of the Grant. All project-related expenses must be incurred during the term of the grant. The provisions of this Grantee Acknowledgment and Agreement that by their nature extend beyond the term of the grant will survive the end of the term of the grant.
- b) Use of grant funds must comply with applicable requirements of S.L. 2021-180.
- 7. Standard conditions on the release of grant funds:
  - a) Release of grant funds is contingent on Grantee attending a Golden LEAF grant management workshop or participating in satisfactory discussions with Golden LEAF staff to gain training in the management of Golden LEAF grants and reporting requirements.
  - b) Release of funds is contingent on Grantee returning a fully executed original of this Grantee Acknowledgment and Agreement no later than forty-five (45) days after the Award Date, unless Golden LEAF agrees to extend the deadline for its submission.
  - c) Release of funds is contingent on Grantee submitting a project management plan ("PMP") that Golden LEAF has approved. The PMP must be submitted for approval within forty-five (45) days of the Award Date, unless Golden LEAF agrees to extend the deadline. Unless otherwise approved, the PMP must be submitted on Golden LEAF form(s). The PMP will include key activities that are critical to successful implementation of the grant and outcomes that will be used to assess the success and effectiveness of the project.
  - d) Release of funds is contingent on the Grantee submitting a project budget for approval by Golden LEAF. The project budget must be submitted for approval within forty-five (45) days of the Award Date unless Golden LEAF agrees to extend the deadline. Unless otherwise approved, the project budget must be submitted on Golden LEAF form(s).
  - e) If the approved project budget includes funds from other sources that are required for project implementation, Golden LEAF grant funds will not be released until Grantee demonstrates that it has secured those funds.

- f) Golden LEAF grant funds may not be used for acquisition of interests in real property or for costs of grant administration.
- g) If the Grantee fails to comply with its obligations under this Agreement, no further grant funds will be released unless such noncompliance is resolved to the satisfaction of Golden LEAF.
- 8. Confirmation of Eligibility/Permissible use of Funds: The Grantee confirms: (1) that the Internal Revenue Service has determined that the Grantee is an organization described in Section 501(c) (3) of the Internal Revenue Code of 1986, as amended, and that such determination has not been revoked, or (2) that the Grantee is a federal, state or local governmental unit. Grantee agrees to notify Golden LEAF promptly if the Grantee's tax-exempt status is revoked or modified in any way. The Grantee agrees that it will use the funds from this grant only for charitable, educational, or scientific purposes within the meaning of Section 501(c)(3) of the Code, and that it will not use the funds from this grant in any way that would result in or give rise to private inurement or impermissible private benefit. The Grantee agrees that no funds from this grant will be used to carry on propaganda or otherwise to attempt to influence legislation, to influence the outcome of any public election, or to carry on directly or indirectly any voter registration drive. If grant funds are used to pay for sales tax for which the Grantee receives a refund, Grantee will use the refund for expenses that are consistent with the purpose of the grant and permissible under this Agreement. Unless otherwise agreed by Golden LEAF in writing, no portion of the Grantee's rights or obligations under this Agreement may be transferred or assigned to any other entity.
- 9. Compliance with laws/liens: The Grantee is in material compliance with all federal, state, county, and local laws, regulations, and orders that are applicable to the Grantee, and the Grantee has timely filed with the proper governmental authorities all statements and reports required by the laws, regulations, and orders to which the Grantee is subject. There is no litigation, claim, action, suit, proceeding or governmental investigation pending against the Grantee, and there is no pending or (to the Grantee's knowledge) threatened litigation, claim, action, suit, proceeding or governmental investigation against the Grantee that could reasonably be expected to have a material adverse effect upon the Grantee's ability to carry out this grant in accordance with its terms. The Grantee has timely paid all judgments, claims, and federal, state, and local taxes payable by the Grantee the non-payment of which might result in a lien on any of the Grantee's assets or might otherwise adversely affect the Grantee's ability to carry out this grant in accordance with its terms.
- 10. Conflict of interest: In connection with the project funded by Golden LEAF, no employee, officer, director, volunteer, or agent of the Grantee shall engage in any activity that involves a conflict of interest or that would appear to a reasonable person to involve a conflict of interest. Without limiting the foregoing principle, except as described below, in connection with implementation of the project funded by Golden LEAF, Grantee shall not procure goods or services from any Interested Person or from any individual or entity with which any Interested Person has a financial interest or from any family member of an Interested Person, nor shall Grantee use Golden LEAF grant funds to provide goods, services, or compensation (other than customary and reasonable wages and benefits) to any Interested Person or to any family member of an Interested Person. "Interested Person" includes officers and directors of the Grantee, and employees of the Grantee with authority to procure goods or services for the Grantee related to the project funded by Golden LEAF. For purposes of this section, family members shall include: (1) spouse, (2) ancestor, (3) brother, (4) half-brother, (5) sister, (6) half-sister, (7) child (whether by birth or by adoption), (8) grandchild, (9) great grandchild, or (10) spouse of brother, half-brother, sister, half-sister, child, grandchild, or great grandchild. An Interested Person has a financial interest if the Interested Person has, directly or indirectly, through business, investment, or family: a) an ownership or investment interest in any entity with which the Grantee has a transaction or arrangement; b) a compensation arrangement with the Grantee or with any entity or individual with which the Grantee has a transaction or arrangement; or c) a potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Grantee is negotiating a transaction or arrangement. Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial. An Interested Person must inform the Grantee of his or her financial interest upon becoming aware that the Grantee is considering procuring goods or services from any individual or entity with which any Interested Person has a financial interest. The foregoing notwithstanding, if after exercising due

diligence, the governing board or committee of the Grantee determines that the Grantee is not reasonably able to secure a more advantageous transaction or arrangement from an individual or entity with which an Interested Person does not have a financial interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Grantee's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination the Grantee shall make its decision as to whether to enter into the transaction or arrangement and shall keep written records of the meeting at which that decision was made. The Grantee shall inform all Interested Persons of the requirements set forth in this section. If the requirements set forth in this section conflict with any statute or regulation applicable to the Grantee, the statute or regulation shall control. If the Grantee has a conflict of interest or similar policy that provides more stringent restrictions and protections than those in this section, the Grantee may comply with its policy rather than the policy contained herein. This section does not alter the requirement that Grantee may not use the funds from this grant in any way that would result in or give rise to private inurement or impermissible private benefit.

- 11. Procurement: All goods or services acquired using Golden LEAF grant funds must be reasonably necessary to implement the project funded. All procurement transactions involving the use of Golden LEAF grant funds will be conducted to provide, to the extent possible and reasonable, free and open competition among suppliers. The Grantee should use reasonable efforts to procure goods and services from local businesses, small businesses, minority-owned firms, and women's business enterprises. The Grantee will seek competitive offers where possible and reasonable to obtain the best possible quality at the best possible price. Some form of cost or price analysis shall be made and documented in connection with every individual procurement in excess of \$1,000.00. Price analysis may be accomplished in various ways, including the comparison of price quotations or market prices, including discounts. For any single procurement of \$100,000.00 or more, Grantee will use a competitive bid process that is designed to attract a reasonable number of responsive bidders. The requirements of the bid process may vary depending on the value of the procurement. When evaluating bids received, the Grantee is not required to take the lowest price if other factors are reasonably important to the Grantee; however, the bases for evaluation and selection should be listed in the procurement documents and there should be an objective method for the decision made by the Grantee. The decision should be documented in writing. If the Grantee is subject to statutory or regulatory procurement requirements, those requirements supersede this section. The Grantee may request that the President of Golden LEAF approve the Grantee's use of a procurement policy that varies from the requirements of this section.
- 12. Project and budget modification: The Grantee will immediately notify Golden LEAF of anything that may materially affect the Grantee's ability to perform the project funded. If the Grantee proposes to modify the budget, the objectives, or any other feature of the project funded, the Grantee shall not encumber or expend any funds from this grant for such purposes unless and until Golden LEAF has approved such proposed modifications in writing. Moreover, no further payments shall be made to the Grantee in connection with the project funded unless and until Golden LEAF has approved such proposed modifications in writing.
- 13. Use of grant funds/rescission and termination of grants: The Grantee accepts and will retain full control of the disposition of funds awarded to the Grantee by Golden LEAF under this grant and accepts and will retain full responsibility for compliance with the terms and conditions of the grant. Grant funds shall be utilized exclusively for the purposes set forth above. If the Grantee breaches any of the covenants or agreements contained in this Grantee Acknowledgment and Agreement, uses grant funds for purposes other than those set out above, or any of the representations and warranties made by the Grantee are untrue as to a material fact, the Grantee agrees to repay to Golden LEAF the full amount of this grant. Any condition, purpose, term or provision in Golden LEAF's resolution approving funding or in this Agreement shall take precedence over any conflicting provision in the Grantee's application. Grantee shall not use grant funds for any purpose not included in the Grantee's application for funding unless specifically approved by Golden LEAF. If there is a conflict between the purpose of the grant and use of grant funds described in this Grantee Acknowledgment and Agreement and the Grantee's application for funding, this Grantee Acknowledgment and Agreement will control.

14. The Grantee acknowledges receipt of the following policy regarding termination and rescission of grants, which is intended to supplement but not replace or limit the rights and remedies of Golden LEAF set forth elsewhere in this Agreement. The Grantee acknowledges that Golden LEAF may, from time to time, amend its policy regarding termination and rescission of grants, and the Grantee acknowledges that the Grantee will be subject to the policy as amended.

Policy Regarding Rescission and Termination of Grants. Rescission of a grant revokes the grant award. When funds have been disbursed to a Grantee by Golden LEAF and a grant is rescinded, the Grantee may be liable for repayment to Golden LEAF for an amount up to the total of grant funds received by the Grantee, in addition to any other remedy available to Golden LEAF. Termination of a grant ends the grant on a going-forward basis, and the Grantee is responsible for repayment to Golden LEAF of only that portion of the grant funds that has been disbursed but not expended by the Grantee in accordance with the terms of the grant.

A grant may be rescinded or terminated at any time in the discretion of Golden LEAF for the Grantee's failure to comply with its obligations under this Agreement or if any of the Grantee's representations and warranties in this Agreement are or become untrue as to a material fact. Reasons for rescission or termination of a grant include but are not limited to the following:

- a. The Grantee has not signed and delivered to Golden LEAF the Grantee Acknowledgment and Agreement within forty-five (45) days of the Award Date set out in Section 5, above.
- b. The Grantee has failed to complete the project within the grant term established by this Agreement or any extensions thereof.
- The Grantee's tax-exempt status has been modified or revoked.
- d. The Grantee is unable, or has failed or refused, to comply with a material term or condition of the grant.
- e. The Grantee has experienced a change in circumstances that is likely to have a material adverse effect upon the Grantee's ability to accomplish fully the purposes of the grant (e.g., loss of collateral funding, loss of key personnel, etc.).
- f. The Grantee has failed or refused to submit a report, statement, accounting or return required by this Agreement or applicable law.
- The Grantee has materially modified its budget for the project, and such material modification has not been approved by Golden LEAF.
- h. The Grantee commits a material violation of the Internal Revenue Code or uses grant funds for some purpose not permitted by the Internal Revenue Code or for some purpose not contemplated by the grant.
  - The Grantee breaches any of the covenants or agreements contained in this Grantee Acknowledgment and Agreement.
- The Grantee requests that the grant be rescinded or terminated.

It is anticipated that a grant will be rescinded in situations in which no grant funds have been disbursed. Where grant funds have been disbursed, it is anticipated that a grant will be rescinded in the case of more serious violations (including, without limitation, use of grant funds for some purpose not contemplated by the grant or in violation of the Internal Revenue Code, or upon other affirmative misconduct of the Grantee), and that termination of a grant will occur in the case of the less serious instances of non-compliance or where the circumstance giving rise to termination is not the result of misconduct of the Grantee.

If the Board of Directors of Golden LEAF determines that a grant should be rescinded or terminated, Golden LEAF will notify the Grantee of that decision. Golden LEAF may choose to notify the Grantee that the grant is subject to rescission or termination unless the Grantee remedies the noncompliance, and Golden LEAF may establish deadlines or other limitations on the Grantee's opportunity to remedy the noncompliance. If Golden LEAF allows the Grantee the opportunity to correct the noncompliance, no further grant funds shall be advanced until the noncompliance is remedied.

- 15. Release of Funds: Unless otherwise agreed by Golden LEAF, up to twenty percent (20%) of funds may be released in advance after all conditions on the release of funds are satisfied. Funds may be released in additional advances of up to twenty percent (20%) of the grant amount upon receipt of evidence satisfactory to Golden LEAF that funds previously released have been properly expended and accounted for. Funds may also be released on a reimbursement basis, in which case payments may be made in an amount equal to or up to eighty percent (80%) of the grant amount upon receipt of evidence satisfactory to Golden LEAF that funds have been properly expended and accounted for. Unless otherwise approved by the President of Golden LEAF, a sum equal to twenty percent (20%) of the total amount of the grant will be retained by Golden LEAF until the Grantee completes its obligations under this grant, including submission of a satisfactory final report on the project funded. This final twenty percent (20%) retained by Golden LEAF shall be paid to the Grantee on a reimbursement basis. If the grant is conditional or contingent, all conditions and contingencies must be met before any payment will be made. Each request for payment shall be in writing using the approved Golden LEAF form and shall certify that the Grantee has performed in accordance with the terms and provisions of its Grantee Acknowledgment and Agreement, and that such Grantee is entitled under the terms of such Agreement to receive the amount so requested. Each request should be made to President, The Golden LEAF Foundation, 301 N. Winstead Avenue, Rocky Mount, NC 27804. Payment should not be requested until the Grantee has need for actual expenditures of the funds. The Grantee should request payment at least thirty (30) days prior to its desired payment date.
- 16. Reporting: The Grantee agrees to submit a progress report to Golden LEAF biannually, to be received by Golden LEAF six months from the date of award and every six months thereafter unless some other schedule is approved by Golden LEAF. The Grantee agrees to submit a final Progress Report for receipt by Golden LEAF within sixty (60) days after the completion of all obligations for the project funded or the end date, whichever comes first. The Grantee may be required to report results and accomplishments to Golden LEAF for a period beyond the grant term that is reasonably necessary to evaluate the outcomes of the grant. Report forms may be found on Golden LEAF's website, <a href="www.goldenleaf.org">www.goldenleaf.org</a>. The Grantee will furnish additional or further reports if requested by Golden LEAF on forms prescribed by Golden LEAF.
- 17. Records: The Grantee agrees to maintain full, accurate and verifiable financial records, supporting documents, and all other pertinent data for the project funded in such a manner so as to identify and document clearly the activities and outcomes of the project funded and the expenditure of Golden LEAF grant funds. Financial records regarding Golden LEAF's grant shall be maintained in such a way that they can be reported separately from monetary contributions, or other revenue sources of the Grantee. The Grantee agrees to retain all financial and programmatic records, supporting documents, and all other pertinent records related to the project funded for a period of five (5) years from the end of the grant term. In the event such records are audited, all project records shall be retained beyond such five-year period until all audit findings have been resolved. The Grantee shall provide to Golden LEAF copies of all financial and other records requested by Golden LEAF and shall make available to Golden LEAF, or Golden LEAF's designated representative, all of the Grantee's records that relate to the grant, and shall allow Golden LEAF or Golden LEAF's representative to audit, examine and copy any data, documents, proceedings, records and notes of activity relating to the grant. Access to these records shall be allowed upon request at any time during normal business hours and as often as Golden LEAF or its representative may deem necessary. The Grantee may be subject to audit by the State Auditor.

18.	This Section 18 is applicable if the following blank is marked:	Staff Initials & date:	
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Intellectual property/new developments: In consideration of its receipt of funds granted by Golden LEAF, the Grantee agrees that during the course of the project funded by the grant, the Grantee, and any recipient of grant funds, will promptly disclose to Golden LEAF any improvements, inventions, developments, discoveries, innovations, systems, techniques, ideas, processes, programs, and other things, whether patentable or unpatentable, that result from any work performed by or for the Grantee in connection with the project funded, or by individuals whose work is funded by the grant (the "New Developments"). If the Grantee provides to Golden

LEAF a copy of any Invention Disclosure Reports it receives from Grantee employees that report making inventions under this Agreement, then the Grantee will be deemed to have satisfied the disclosure requirement in the preceding sentence.

The Grantee agrees that it, and any recipient of grant funds, shall take all reasonably appropriate actions to assure that the New Developments shall be and remain the sole and exclusive property of the Grantee. In the event that the interests of the public would be served by commercialization of the New Developments, the Grantee agrees to use its best reasonable efforts to pursue the commercialization of any such New Developments in a manner that will serve the interests of the public, including but not limited to the transfer, assignment or licensing of such New Developments; provided, however, that the Grantee, and any recipient of grant funds, shall not transfer, assign or license such New Developments in part or in whole without first having obtained the written consent of Golden LEAF.

Any revenue generated as a result of transferring, assigning, or licensing New Developments will be managed by the Grantee in accordance with its published patent, copyright and technology transfer procedures, if any, and in the absence of such procedures such revenue will be managed by the Grantee in accordance with procedures approved by Golden LEAF. Such procedures typically will prioritize the distribution of revenues to ensure that the Grantee first honors its obligation to its inventors and then to cover its own out-of-pocket expenses as necessary to protect its intellectual property.

The Grantee and Golden LEAF further agree that should there be any revenue generated greater than that necessary to meet the obligations of the preceding paragraph ("Net Revenue"), the Net Revenue shall be managed by the Grantee as follows:

- a) 15% of the Net Revenue will be retained by the Grantee as a fee for the management and distribution of funds as required under this Agreement.
- b) 30% of the remaining Net Revenue will be paid to Golden LEAF.
- c) 70% of the remaining Net Revenue will be retained by the Grantee and used in accordance with the procedures referenced in the preceding paragraph above.

The Grantee's obligations pursuant to this Section will continue beyond the expiration of the funding period.

- 19. Independent entity: The Grantee acknowledges and agrees that the Grantee is an entity independent from Golden LEAF, is not an agent of Golden LEAF, and is not authorized to bind Golden LEAF to any agreement of payment for goods or services. The Grantee is responsible for payment of all its expenses, including rent, office expenses and all forms of compensation to employees. It shall provide workers compensation insurance to the extent required for its operations and shall accept full responsibility for payments of unemployment compensation, social security, income taxes and any other charges, taxes or payroll deductions required by law in connection with its operations, for itself and its employees. All expenses incurred by the Grantee are the sole responsibility of the Grantee, and Golden LEAF shall not be liable for the payment of any obligations incurred in the performance of the project funded.
- Non-discrimination: The Grantee shall not discriminate by reason of age, race, ethnicity, religion, color, sex, national origin, or handicap related to the activities of a project funded by Golden LEAF.
- 21. Publicity: All publicity and printed materials regarding projects or activities supported in whole or in part by this grant should contain the following language: "This project received support from The Golden LEAF Foundation." The Golden LEAF logo is to be displayed in all of the Grantee's publicity and printed materials relating to this grant. Please contact Jenny Tinklepaugh (jtinklepaugh@goldenleaf.org) for digital versions of the logo.

22. Authority to execute/Necessary Approvals Obtained: The individual signing below certifies his or her authority to execute this Agreement on behalf of the Grantee and that the Grantee has received any third-party approval that may be required prior to entering this Agreement. By executing this Agreement, the Grantee, to induce Golden LEAF to make this grant, makes each of the representations set forth hereinabove and certifies that each of such representations is true, accurate and complete as of the date hereof.

IN WITNESS WHEREOF, the Grantee has executed this Agreement as of the date below:

Name of Grantee Organization (print):	City of New Bern
Signature:	
Name of Person Signing (print): Foste	er Hughes
Title of Person Signing (print): City M	lanager
Date: October 25, 2022	



#### BOARD OF DIRECTORS

October 10, 2022

DON FLOW CHAIR WINSTON-SALEM, NC

MURCHISON "BO" BIGGS LUMBERTON, NC

CHARLES BROWN ALBEMARLE, NC

S. LAWRENCE DAVENPORT GREENVILLE, NC

BARRY Z. DODSON STONEVILLE, NC

RANDY ISENHOWER NEWTON, NC

LAURENCE E. LILLEY, JR. WILLIAMSTON, NC

DARRYL MOSS CREEDMOOR, NC

BRIAN RAYNOR EASTOVER, NC

JOHNATHAN L. RHYNE, JR. LINCOLNTON, NC

BOBBIE RICHARDSON LOUISBURG NC

DAVID ROSE NASHVILLE, NO

RALPH STRAYHORN CHARLOTTE, NC

TOM TAFT GREENVILLE, NC

JEROME VICK WILSON, NC

SCOTT T. HAMILTON PRESIDENT, CHIEF EXECUTIVE OFFICER Mr. Foster Hughes City Manager City of New Bern hughesf@newbernnc.gov

Dear Mr. Hughes:

I am pleased to inform you that the Board of Directors of the Golden LEAF Foundation has approved funding for your project, "Rose Street Pump Retrofit," in the amount of \$249,760. We trust that this support will further your work to the benefit of North Carolinians.

We require that grantees become acquainted with Golden LEAF's policies governing grants by attending a grant management workshop. This workshop will be held on **Thursday**, **October 20**, **2022**, **from 2:00-4:30pm**. The grant management workshop will be held via Zoom. We recommend those who will be directly responsible for the financial and programmatic reporting for this grant to attend. Typically, this is at least two people per organization. Please register for the workshop by Thursday, October 13 to Brynn Fann (bfann@goldenleaf.org) with the names, titles, and e-mail addresses of those who will attend. By the end of day Friday, October 14, a Zoom link with additional instructions will be e-mailed to registered participants.

Attached is the Grantee Acknowledgement and Agreement for the project, which includes details regarding administration of the grant, including conditions that must be satisfied prior to release of funds, the payment process, and reporting requirements. Please read your agreement carefully and take note of any special conditions that apply to your award. You may return the signed document electronically with a scan of an original signature, or through the mail. Also, our controller, Erica Smith, will email a copy of the Grantee ACH Deposit Authorization form to you by secure email. Please complete the form and return it to Mrs. Smith's attention by replying to her secure email and attaching the completed form and supporting documents. Alternatively, you may fax the completed form to her at 252-442-7404 or mail it to her attention to Golden LEAF Foundation, 301 N. Winstead Avenue, Rocky Mount, NC 27804.

Mr. Hughes October 10, 2022 Page 2

Please download and review the <u>Golden LEAF Brand and Publicity Guide</u> and reach out to our Communications and External Affairs Manager Jenny Tinklepaugh at <u>jtinklepaugh@goldenleaf.org</u> with any questions.

Please let me or Brynn Fann (bfann@goldenleaf.org) know if you have any questions regarding your grant, its conditions, or reporting requirements. We stand ready to be of assistance to you at any time. Once again, on behalf of the Board, congratulations on receiving this funding.

Sincerely,

Scott T. Hamilton

Scott T. Hamieta

President, Chief Executive Officer

SH:dp

cc:

Enclosures: as stated

Mr. Al Cablay, Director of Public Works

cablay.al@newbernnc.gov

## AGENDA ITEM COVER SHEET



Agenda Item Title:
Accept Grant Funding from Bureau of Justice Assistance for Bulletproof Vest Program.

Date of Meeting: 10/25/2022		Ward # if applicable:	
Department: Police		Person Submitting Item: Chief Patrick Gallagher	
Call for Public Hearing: □Yes⊠No		Date of Public Hearing:	
Explanation of Item: Accept grant f		anding from BJA for Bulletproof Vest Program.	
Actions Needed by Board:	Approve acceptance of grant funds with a 50% match from the City.		
Backup Attached:	Agenda Cover Sheet, Memorandum and Grant Application		
Is item time sensitive?		the meeting? □Yes ⊠ No	
vin there be advocates	s/opponents at	ine meeting. El res El rio	
Cost of Agenda Item: \$ If this requires an expeand certified by the Fire	enditure, has it	been budgeted and are funds available ✓ XYes  ☐ No	

**Additional Notes:** 



Patrick L. Gallagher Chief of Police

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

Police and Community Come Together Here

TO:

Mayor Jeffrey Odham and Board of Aldermen

FROM:

Patrick L. Gallagher, Chief of Police

DATE:

October 11, 2022

SUBJECT: Bulletproof Vest Grant

#### Overview

The New Bern Police Department is the recipient of the Bureau of Justice Assistance Bulletproof Vest Partnership for FY2022 in the amount of \$14,981.30, which is 50% of the total cost of the required \$29,782.60 to purchase the ballistic vests. Based on our tracking of ballistic vests and expiration dates, we are projecting the purchase of 30 replacement vests for this year and the timeframe of the grant, which is 2022 - 2024. Our uniform line item includes the financial obligation in the 2022-23 budget.

#### Recommendation

It is recommended that the Board of Alderman approve the acceptance of \$14,981.30 from BJA, with a 50/50 match from the City, to procure ballistic vests.

#### RESOLUTION

WHEREAS, the City of New Bern desires to accept grant funding from the FY2022 Bureau of Justice Assistance ("BJA") for the Bulletproof Vest Partnership Program. The grant funding is in the amount of \$14,891.30 and requires a 50% match from the City to procure ballistic vests.

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

The Board authorizes the acceptance of grant funding from the FY2022 BJA grant to procure equipment and materials for the City of New Bern Police Department, with matching funds required from the City, and further authorizes the execution of a memorandum of agreement or other grant-related documents necessary to accept the funding.

ADOPTED THIS 25th DAY OF OCTOBER 2022.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK

## **AGENDA ITEM COVER SHEET**



**Agenda Item Title:**Consider Adopting an Ordinance for the Demolition of 1607 High Street.

Date of Meeting: 10/25/2022		Ward # if applicable: Ward 1	
<b>Department:</b> Development Services		Person Submitting Item: Matt Schelly, Interim Director of Development Services	
		Date of Public Hearing: N/A  approval of an Ordinance to demolish the d at 1607 High Street.	
Backup Attached:	Memo, Ordinance, Chronological Order of Events, Map		
Is item time sensitive?			
Will there be advocates	s/opponents at t	the meeting?   Yes   No	
Cost of Agenda Item:			
If this requires an expe and certified by the Fir		been budgeted and are funds available  Yes  No	

**Additional Notes:** 



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

### **MEMORANDUM**

TO:

Mayor Jeffrey Odham, City of New Bern Board of Aldermen

FROM:

Matt Schelly, Interim Director Development Services

DATE:

October 14, 2022

SUBJECT: Consider Adopting an Ordinance for the Demolition of 1607 High Street.

Staff is seeking approval of an ordinance to demolish the structure located at 1607 High Street.

Since the September 27, 2022, meeting of the Board of Aldermen, staff has contacted the property owners, Craven County Disaster Recovery Alliance (CCDRA) and ReBuild NC. On October 11, 2022, staff was notified that ReBuild NC approved the owners' appeal and will issue an award letter indicating the amount of grant funding to be allocated to the project. Staff was further advised that the owners will again have an opportunity to accept or appeal this award. On October 12, 2022, staff contacted the CCDRA to determine an estimated timeline for demolition. Staff was advised that no such timeline is available at this time. To date, no award letter has been provided to staff.

Previously, on June 17, 2022, ReBuild NC's Program Management Office indicated, "If the City/County has a health and safety concern with a structure and determines that demolition is required, that will not affect an applicant's enrollment in the program. We simply ask for a copy of the determination for our records." A copy of this correspondence is attached.

The owners initially engaged Rebuild NC in October 2020. Since then, the project has completed four of the program's eight steps. No permits have been applied for and the structure remains non-compliant. The Demolition estimate from Public Works is \$5,253.00. All utilities have been removed.

Pictures of the subject property are attached. Please contact Matt Schelly at 639-7583 should you have questions or need additional information.

#### Prepared by and return to:

Jaimee Bullock Mosley DAVIS HARTMAN WRIGHT LLP 209 Pollock Street New Bern, NC 28560

# AN ORDINANCE TO ORDER THE DEMOLITION OF A DWELLING UNFIT FOR HUMAN HABITATION LOCATED AT 1607 HIGH STREET IN THE CITY OF NEW BERN, NORTH CAROLINA

THAT WHEREAS, the City of New Bern properly served William F. Winter and spouse, if any, and Kelliane Winter and spouse, if any, (collectively "Owners"), on June 28, 2021, pursuant to Section 38-30 of the Code of Ordinances for the City of New Bern, complaining and alleging that the dwelling owned by Owners located at 1607 High Street in the City of New Bern, North Carolina (Craven County parcel identification number 8-016-1000) is unfit for human habitation; and

WHEREAS, the Owners of the certain dwelling located at 1607 High Street in the City of New Bern, North Carolina ("Subject Property") were ordered to remove or demolish the dwelling located on the Subject Property and clear the debris therefrom, or to repair, alter or improve said dwelling to comply with the minimum standards established by Chapter 38 of the Code of the City of New Bern by January 12, 2022; and

WHEREAS, the Owners have been given a reasonable opportunity to comply with the aforementioned Order of the Building Inspector; and

WHEREAS, the Owners have failed to remove or demolish the dwelling and clear the debris therefrom, or to repair, alter or improve said dwelling to comply with the minimum standards established by Chapter 38 of the Code of the City of New Bern, as directed in said Order.

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

Section 1. That the Building Inspector of the City of New Bern is ordered to remove or demolish the dwelling located on the Subject Property at 1607 High Street in the City of New Bern, North Carolina, more particularly described as follows:

#### SEE EXHIBIT A ATTACHED HERETO.

Section 2. That the Building Inspector of the City of New Bern is ordered to sell the materials of the dwelling that are salvageable and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited with the Clerk of Superior Court of Craven County, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

Section 3. That this ordinance shall be in full force and effect from and after its adoption.

ADOPTED THIS 25th DAY OF OCTOBER, 2022.

JEFFREY T. ODHAM, MAYOR	
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BRENDA E. BLANCO, CITY CLERK

#### EXHIBIT A

All that certain lot or parcel of land lying and being situate in Number Eight (8) Township, Craven County, North Carolina, and more particularly described as follows:

Being all of Lot No. Nineteen (19) of the "PLAN OF ROWLAND PARK, INC." as shown and delineated on that certain map or plat entitled "Plan of Rowland Park, Inc." as prepared by Albert R. Bell, C.E., dated May 12, 1952, and recorded in the Office of Register of Deeds of Craven County in Map Book 4 at Page 98, to which map or plat reference is hereby made for a more particular description.

SUBJECT TO those certain restrictive and protective covenants recorded in Book 471 at Page 22 in the Craven County Registry.

## CHRONOLOGICAL ORDER OF EVENTS

## 1607 High St Parcel ID # 8-016-1000

DATE	EVENTS

DAIL	LVENTS				
	Narrative Sheet; GIS Information Sheet.				
6/29/2020	Minimum Housing Letter with delivery confirmation.				
6/29/2020	Pictures of house from 6/29/2020 through 8/3/2022.				
6/14/2021	Title Option.				
6/28/2021	Complaint (Residential Building or Structure) (Dwelling Unfit for Human Habitation) and				
	Notice of Hearing/Notice of Lis Pendens, with delivery notifications.				
7/12/2021	Hearing sheet. Findings dilapidated, 90-day compliance and unfit for human habitation.				
7/12/2021	Issued Order of the Building Inspector (OBI), with delivery notifications. OBI expires on 1/22/2022. File # 21 M 184.				
1/22/2022	OBI has expired. \$13,000.00 in fines have accrued to date.				
2/8/2022	Memo from MHO and Chief Building Inspector on status of this case.				
8/1/2022	Administrative Order 5.6				
8/2/2022	Utility Terminations.				
8/2/2022	Request for demolition estimate.				
8/26/2022	Public Works demo estimate \$5253.00 with communication to ReBuild NC.				
9/27/2022	Issued tabled by BOA to 10/25/2022.				
9/29/2022	Staff send email to other staff, Stephine Richardson (ReBuild NC) and the Winters. Informing of current situation and requesting what their plans are to move forward.				
9/29/2022	Reply from Jefferey Royal (ReBuild NC) working on getting answers.				
9/29/2022	Reply from Kristy Kulberg, Craven County Disaster Recovery Alliance (CCDRA) acting as an				
.,,	advocate on behalf of the Winters, gives update on current situation, in process of contacting ReBuild NC and getting authorizations in place to speak as advocate.				
10/12/2022	Staff emails Kristy (CCDRA) requesting update and asking questions about demolition responsibility. ReBuild NC stated in an email on 6/17/2022 "If the City/County has a health and safety concern with a structure and determines that demolition is required, that will not affect an applicant's enrollment in the program. We simply ask for a copy of the determination for our records."				
10/15/2022	Received email tread from Staff with concerns over the status of the Winters case if City demolishes property. Outcome, if City does demolish no change in case status. Bill would go as tax lien.				
10/17/2022	Reply to staff confirming demolition and status worries.				
10/19/2022	Received email from ReBuild NC notifying case is going through "Quality Control" checks and approval letter should be awarded.				
10/20/2022	Received email from CCDRA confirming case status of approval of award letter.  There are multiple emails this day on different treads stating the same – the appeal was approved, the Winters received and signed award letter, and no other information was given. No date on when demolition will be conducted by ReBuild NC. No amount of award letter but we know the current dwelling will be demolished and a new dwelling rebuilt.				
10/20/2022	Reply to staff confirming status of case.  Point of interest – the case status is currently in a final QC status as per ReBuild NC. No movement will happen till this is over and unknown on length of QC.				
10/21/2022	No further information to add at this time.				
	The state of the s				

STATE OF NORTH CAR	OLINA FILED	OF THE CITY OF NEW BERN
COUNTY OF CRAVEN	2021 JUN 28 P 12: 0	File No. 21m 184
CITY OF NEW BERN,	CRAVEN COUNTY C.S.C.	COMPLAINT (Residential Building or Structure)
v.	)	(Dwelling Unfit for Human Habitation) AND
WILLIAM F. WINTER A any; & KELLIANNE WIN SPOUSE, if any;		NOTICE OF HEARING/ NOTICE OF LIS PENDENS
Del	fendants- Owners ) ) ) ) )	
	Lienholders )	

#### THE CITY OF NEW BERN ALLEGES AND SAYS THAT:

- 1. In accordance with North Carolina General Statutes Section 160D-1203 and Chapter 38 of the Code of the City of New Bern ("Chapter 38"), the undersigned Building Inspector for the City of New Bern has done a preliminary investigation to determine if the dwelling identified herein has been properly maintained so that the safety and health of its occupants are not jeopardized for failure of the property to meet the minimum standards established by Chapter 38 and to determine if the dwelling identified is unfit for human habitation.
- 2. The preliminary investigation has disclosed that there is a basis for believing that the residential building or structure located at 1607 High Street, New Bern, North Carolina, which bears Craven County parcel identification number 8-016-1000, is in violation of the minimum standards established by Chapter 38 and is unfit for human habitation as evidenced by the following:
- a. The roof has not been properly maintained allowing the entrance of moisture.
- b. The interior of the dwelling has not been properly maintained resulting in damage to sub-floor, floor joist, holes in the floor, damage to walls, damage to ceiling, and holes in the interior walls and floor.

- The dwelling does not have the required insulation within the floors, walls,
   and ceiling.
- d. The electrical system has not been properly maintained resulting in signs of damage to various electrical receptacles and or missing components of interior electrical system to include missing the required Ground Fault Circuit Interrupter (GFCI) outlets and or circuit breakers. The dwelling does not have electrical services.
- e. The dwelling does not have the ability to produce hot water for any sanitary reasons.
- f. The dwelling does not have a mechanical system capable of maintaining required internal temperature required of a dwelling unit.
- g. The dwelling does not have a bathroom or fixtures and or capabilities to properly remove sanitary and sewage waste from the dwelling unit.
  - The dwelling does not have water and sewer services.
  - The dwelling does not have smoke detectors.
- j. The dwelling has not had the yard maintained, allowing the grass, trash, and debris to grow higher than required and not picked up. This causing a nuisance and or hazard to the community.
- k. There are vehicles that have not been properly maintained or abended on the property.
- The posts for temporary meters have not been removed once the temporary meters and trailers where removed.
- A hearing will be held on the 12<sup>th</sup> Day of July 2021, at 2:00 p.m. in the office of the City Building Inspector located at 303 First Street, New Bern, North Carolina 28560.
- You have the right to file an answer to this Complaint by writing to the Building Inspector of the City of New Bern, P.O. Box 1129, New Bern, NC 28563-1129.
- You have the right to appear at the above-scheduled hearing, in person or otherwise,
   and give testimony.
- 6. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the City Building Inspector.
- Following the hearing, the undersigned Building Inspector may issue an order to repair, alter, improve, vacate and close, or remove or demolish the structures and clear the debris

therefrom, as appears appropriate. Failure to comply with an Order of the Building Inspector will result in the assessment of the following civil penalties as required by Code Section 38-5 of the Code of Ordinances of the City of New Bern:

- The sum of \$500.00 for failure to comply with said order within thirty-one (31) days of its expiration;
- An additional sum of \$1,000.00 (for a total sum of \$1,500.00) for failure to comply with said order within sixty-one (61) days of its expiration;
- An additional sum of \$1,500.00 (for a total sum of \$3,000.00) for failure to comply with said order within ninety-one (91) days of its expiration;
- An additional sum of \$2,000.00 (for a total sum of \$5,000.00) for failure to comply with said order within one hundred twenty-one (121) days of its expiration; and
- An additional sum of \$2,000.00 (\$5,000.00 plus \$2,000.00 per month) for each additional thirty (30) days, or fraction thereof, for failure to comply with said order after one hundred twenty-one (121) days of its expiration.

This 28th Day of June 2021.

Patrick J Ezel

Patrick J Ezel Building Inspector Minimum Housing Officer City of New Bern (252) 639-2943

4440 AL 4514 100

21 M 184

1250 HUEST

#### Certificate of Service

I hereby certify that on the this 28<sup>th</sup> Day of June 2021, I served a copy of the foregoing Complaint (Residential Building Or Structure) and Notice of Hearing/Notice of Lis Pendens upon the following persons by depositing a true and correct copy thereof in an envelope with proper postage affixed thereto for mailing by certified mail, return receipt requested, and also by placing a true and correct copy thereof in another envelope with proper postage affixed thereto for mailing by regular first class mail, and depositing said envelopes in a regular depository for the United States mail at New Bern, North Carolina, addressed as follows:

 Spouse of William F. Winter, if any 1607 High St
New Bern, NC 28560
Spouse Kellianne Winter, if any 1607 High St
New Bern, NC 28560
New Bern, NC 28560

Patrick J Ezel

Patrick J Ezel Building Inspector Minimum Housing Officer City of New Bern (252) 639-2943







#### Certificate of Service

Re: 1607 High St, New Bern, NC

I hereby certify that on the 13<sup>th</sup> Day of July 2021, I served a copy of the foregoing **Order of the Building Inspector** upon the following persons by depositing a true and correct copy thereof in an envelope with proper postage affixed thereto for mailing by certified mail, return receipt requested, and also by placing a true and correct copy thereof in another envelope with proper postage affixed thereto for mailing by regular first class mail, and depositing said envelopes in a regular depository for the United States mail at New Bern, North Carolina, addressed as follows:

William F. Winter Res 1607 High St Cent RTS

New Bern, NC 28560

Kellianne Winter Reg 1607 High St Cert RTS New Bern, NC 28560

William F. Winter
112 South Cherie Ct
New Bern, NC 28562

Kellianne Winter

112 South Cherie Ct

New Bern, NC 28562

Spouse of William F. Winter, if any 1607 High St
New Bern, NC 28560

Spouse Kellianne Winter, if any 1607 High St
New Bern, NC 28560

Spouse of William F. Winter, if any
112 South Cherie Ct
New Bern, NC 28562

Spouse Kellianne Winter, if any
112 South Cherie Ct
New Bern, NC 28562

## Patrick J Ezel

Patrick J Ezel
Building Inspector
Minimum Housing Officer
City of New Bern
252-639-2943

STATE OF NORTH CAROLINA	FIL		RE THE BUILDING INSPECTOR OF THE CITY OF NEW BERN
COUNTY OF CRAVEN	2021 JUL 13	A 10: 1 D	File No. 21 M 184
CITY OF NEW BERN,	Plaintiff )	VY, C.S.C.	ORDER OF THE
v.	)		BUILDING INSPECTOR
WILLIAM F. WINTER AND SPO any; & KELLIANNE WINTER A SPOUSE, if any;  Defendants	ND )		OF THE CITY OF NEW BERN

THIS MATTER came on to be heard and was heard before the undersigned Building Inspector of the City of New Bern, at a hearing in the office of the Building Inspector of the City of New Bern on the 12<sup>th</sup> Day of July 2021; and

**UPON HEARING** evidence and testimony in this matter, the Building Inspector of the City of New Bern found the following facts:

- Patrick J Ezel, Building Inspector, Minimum Housing Officer appeared on behalf of the City of New Bern. Francis Winter and Kellianne Winter appeared on behalf of the defendants/owners.
- 2. The following were properly notified but not present, Spouse of Francis Winter, if any and Spouse of Kellianne Winter, if any.

- William F. Winter and spouse, if any and Kellianne Winter and spouse, if any are the real property owners located at 1607 High Street, New Bern, North Carolina, and further identified by Craven County Tax Identification number 8-016-1000.
- The dwelling located at 1607 High Street, New Bern, North Carolina does not meet the Minimum housing standard set forth in Chapter 38 of the City of New Bern's Ordinance due to deterioration and defects, increasing the hazard of fire, accidents, or other calamities. The deficiencies are set forth in the Complaint (Residential Building or Structure) (Dwelling Unfit for Human Habitation) and Notice of Hearing/Notice of Lis Pendens.
- 5. The dwelling is presently vacant and is to remain vacant until this order is cancelled.
- 6. It is the opinion of the Inspections Department of the City of New Bern that the dwelling cannot be repaired, altered, or improved to comply with the minimum standards established by Chapter 38 of the Code of the City of New Bern at a cost less than seventy-five (75%) percent of the value, and, therefore, it is a **dilapidated** dwelling as defined by Chapter 38 of the Code of the City of New Bern. As a result, thereof, no one shall reside in or occupy said dwelling.
- 7. The aforesaid dwelling must remain vacated, closed, secured, and must be repaired, altered, improved or demolished/removed to comply with the minimum standards established by Chapter 38 of the Code of the City of New Bern.
- 8. The Subject dwelling shall require work to be performed by subcontractors to bring it into compliance with the minimum standards established by Chapter 38 of the Code of the City of New Bern. All work such as electrical, plumbing, gas, heating, and air conditioning shall be performed by persons licensed by the State of North Carolina to perform such work and shall be inspected as required by law. Electrical service will only be provided with a temporary service pole or a generator with city

noise restrictions applying.

- 9. After finding the aforementioned facts, the Building Inspector ordered that the Owner (s) shall:
- a. Repair, alter, improve, or remove/demolish said dwelling to comply with the minimum standards, established by Chapter 38 of the Code of the City of New Bern no later than 12 January 2022.
  - b. Ensure all permits are obtained prior to work beginning.
- c. Ensure that all work for mechanical, plumbing, gas, and or electrical work shall be performed by persons licensed by the State of North Carolina to perform such work, and that all such work is inspected as required by law.
- d. Ensure that lead paint, if any, on the exterior of said dwelling is abated in compliance with the regulations enforced by the Craven County Health Department.
  - e. Property and structure (s) to be brought into compliance with Article XVI of the Appendix A of the Land Use Ordinance of the City of New Bern, which is commonalty, called the Flood Plain Ordinance.
    - f. Shall be assessed a civil penalty as required by the City Code Section 38-5 as follows:
- The sum of \$500.00 for failure to comply with said order within thirty-one (31) days of its expiration;
- An additional sum of \$1,000.00 (for a total sum of \$1,500.00) for failure to comply with said order within sixty-one (61) days of its expiration;
- An additional sum of \$1,500.00 (for a total sum of \$3,000.00) for failure comply with said order within ninety-one (91) days of its expiration;
  - An additional sum of \$2,000.00 (for a total sum of \$5,000.00) for failure to comply with

said order within one hundred twenty-one (121) days of its expiration; and

An additional sum of \$2,000.00 (\$5,000.00 plus \$2,000.00 per month) for each additional 30-days or fraction thereof for failure to comply with said order after one hundred twenty-one (121) days of its expiration.

This 12th Day July 2021

Patrick J Ezel

Patrick J Ezel
Building Inspector
Minimum Housing Officer
City of New Bern
252-639-2943

#### Patrick Ezel

From: Richardson, Wilhelmina Stephanie <stephanie.richardson@ncdps.gov>

**Sent:** Friday, June 17, 2022 2:41 PM **To:** Patrick Ezel; Royal, Jeffrey

Cc: Matthew Boswell; Jaimee Mosley

Subject: RE: [External] 1607 High St (Parcel ID # 8-016-1000) and ReBuild NC

Hi Patrick,

Thank you for this email. It is very timely. I have added Jeff Royal to the email as he is the Housing Recovery Program Manager and can speak to your "billing" questions.

If the City/County has a health and safety concern with a structure and determines that demolition is required, that will not affect an applicant's enrollment in the program. We simply ask for a copy of the determination for our records.

I'll let Jeff tackle the other items.

Thank you,

#### W. Stephanie Richardson

Program Management Office | Environmental Manager

#### ReBuild NC

N.C. Office of Recovery & Resiliency P.O. Box 110465, Durham, NC 27709

833-ASK-RBNC | Direct: 984-232-1958 | Stephanie.Richardson@ncdps.gov

From: Patrick Ezel <ezelp@newbernnc.gov>

Sent: Friday, June 17, 2022 2:27 PM

To: Richardson, Wilhelmina Stephanie <stephanie.richardson@ncdps.gov>

Subject: [External] 1607 High St (Parcel ID # 8-016-1000) and ReBuild NC

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.

Stephanie,

Thank you again for taking the time to inform us more about your program. Like we discussed, we just wanted your input/guidance on the following information.

Demolition of homes; if the City demolishes a house in (whether fully enrolled or pending enrollment) does this remove the owners from your program? If the City does demolish a home, the cost associated with this (asbestos testing/abatement, demolition of the structure, removal/disposal of the debris, and labor/equipment use) are billed to the homeowner. If they are unable to pay this bill, it is than placed as a lien on the property. The other issues was the lack of communication from your local office here in New Bern on the status of owners in your programs. We have requested serval updates on the Winter's status (1607 High St) and have received nothing from the local office here.

Thank you again for any information that you can provide to us on this. If there is anything that we can do to help, please let us know. Thank you again.

## Patrick J Ezel

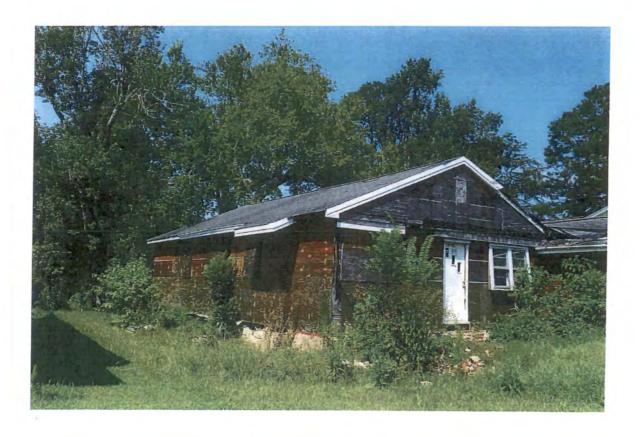
Building Inspectior 1
Minimum Housing Officer
Office - 252-639-2943
Cell - 252-671-1781
303 First St
PO Box 1129
New Bern, NC 28563

recipient, you must destroy this message and inform the sender immediately. This electronic mail message and any attachments, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any time. It also may contain information which is confidential within the meaning of applicable federal and state laws.

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

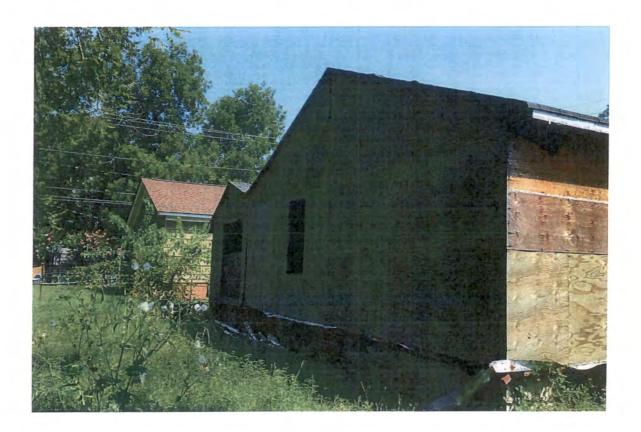
1607 High St 8-3-2022



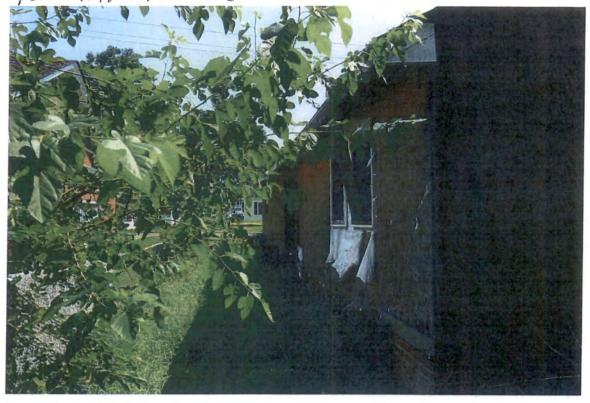


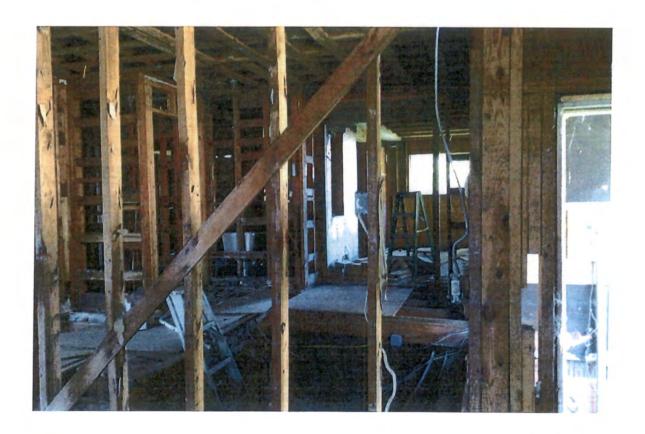
1607 High St 8.3.2002





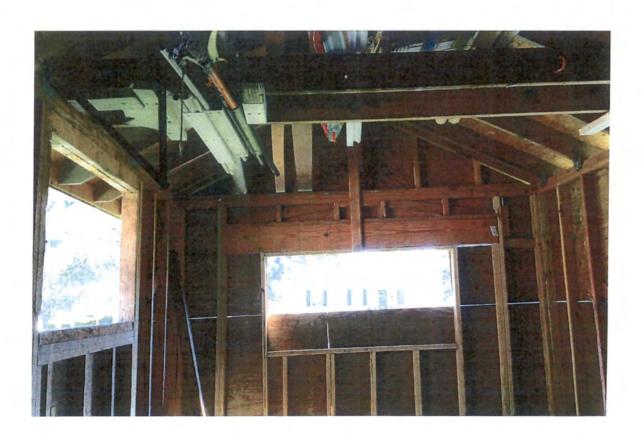
1607 High 5+ 8-3-2002





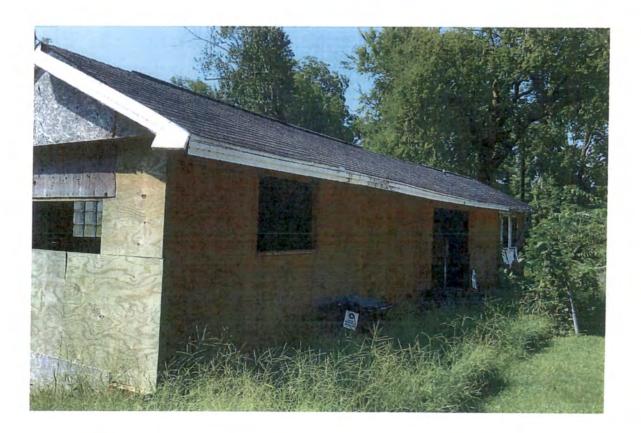
8.3.202 8.3.202





1607 High St 8.3.2002









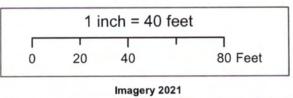
Current Owner(s): Winter, William & Kellianne Address: 1607 High St.

Acres: 0.18 Ac.

Parcel ID: 8-016-1000







# AGENDA ITEM COVER SHEET



**Agenda Item Title:**Consider Adopting an Ordinance for the Demolition of 423 (501) Sandy Point Road.

Date of Meeting: 10/25/2022  Department: Development Services  Call for Public Hearing: □Yes⊠No		Ward # if applicable: ETJ  Person Submitting Item: Matt Schelly, Interim Director of Development Services  Date of Public Hearing: N/A				
				Explanation of Item:		approval of an Ordinance to demolish the ed at 423 (501) Sandy Point Road.
				Actions Needed by Board:	Adopt Ordinance	
Backup Attached:	Memo, Ordinance, Chronological Order of Events, Map					
		,				
Is item time sensitive?		the meeting?   Yes   No				
will there be advocate	s/opponents at t	ine infecting. Tes Tro				
Cost of Agenda Item:						
If this requires an expe and certified by the Fir		been budgeted and are funds available  Ves  No				

**Additional Notes:** 



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

### **MEMORANDUM**

TO: Mayor Jeffrey Odham, City of New Bern Board of Aldermen

FROM: Matt Schelly, Interim Director Development Services

DATE: October 14, 2022

SUBJECT: Consider Adopting an Ordinance for the Demolition of 423 (501) Sandy

Point Road.

Staff is seeking approval of an ordinance to demolish the structures located at 423 (501) Sandy Point Road.

Staff sent the owner of record an initial minimum housing letter on February 3, 2021, stating that the dwellings located at 423 (501) Sandy Point Road had deficiencies violating the City's Minimum Housing Code. Staff filed a complaint and notice of hearing on December 6, 2021, with notice of a hearing date of December 22, 2021.

On December 28, 2021, an Order of the Building Inspector was served to the owner to bring both dwellings back into compliance with the minimum standards established by Chapter 38 of the Code with an expiration date of February 7, 2022. On February 21, 2022, the owner turned in a permit with missing information therefore we were unable to process the request, the owner was notified of this, staff never received the proper information to proceed with processing the permit. To date there has been no contact from the owner since June 13, 2022, no permits have been applied for and the structure remains non-compliant.

The demolition estimate from Public Works is \$6,800.00 per structure. All utilities have been removed.

A complete list of chronological events related to the property as well as pictures are attached. Please contact Matt Schelly at 639-7583 should you have questions or need additional information.

Prepared by and return to:

Jaimee Bullock Mosley DAVIS HARTMAN WRIGHT LLP 209 Pollock Street New Bern, NC 28560

AN ORDINANCE TO ORDER THE DEMOLITION OF A DWELLING UNFIT FOR HUMAN HABITATION LOCATED AT 423 SANDY POINT ROAD IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF NEW BERN, NORTH CAROLINA

THAT WHEREAS, the City of New Bern properly served Paul F. Proctor, and spouse if any, (collectively "Owner"), by certified mail, return receipt request, and by regular U.S. Mail on December 7, 2021, with a Notice of Hearing complaining and alleging that the dwelling owned by Owner located at 423 Sandy Point Road within the extraterritorial jurisdiction of the City of New Bern, North Carolina is unfit for human habitation; and

WHEREAS, the Owner of the certain dwelling located at 423 Sandy Point Road within the extraterritorial jurisdiction of the City of New Bern, North Carolina ("Subject Property") was ordered to remove or demolish the dwelling located on the Subject Property and clear the debris therefrom, or to repair, alter or improve said dwelling to comply with the minimum standards established by Chapter 38 of the Code of the City of New Bern no later than February 7, 2022; and

WHEREAS, the Owner has been given a reasonable opportunity to comply with the aforementioned Order of the Building Inspector; and

WHEREAS, the Owners have failed to remove or demolish the dwelling and clear the debris therefrom, or to repair, alter or improve said dwelling to comply with the minimum standards established by Chapter 38 of the Code of the City of New Bern, as directed in said Order.

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

Section 1. That the Building Inspector of the City of New Bern is ordered to remove or demolish the dwelling located on the Subject Property at 423 Sandy Point Road within the extraterritorial jurisdiction of the City of New Bern, North Carolina, more particularly described as follows:

#### SEE EXHIBIT A ATTACHED HERETO.

Section 2. That the Building Inspector of the City of New Bern is ordered to sell the materials of the dwelling that are salvageable and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited with the Clerk of Superior Court of Craven County, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

Section 3. That this ordinance shall be in full force and effect from and after its adoption.

ADOPTED THIS 25th DAY OF OCTOBER, 2022.

T ODHAM MAY	OR
	T. ODHAM, MAY

BRENDA E. BLANCO, CITY CLERK

### EXHIBIT A

A certain tract or parcel of land in Number Two (2) Township, Craven County, North Carolina, particularly described as follows:

That certain lot or parcel of land lying and being situate in Number Two Township, Craven County, North Carolina, designated as Lot Number One (1) in Block R, in that certain subdivision known as Riverview Park, a map or plat of which said subdivision appears of record in the Office of the Register of Deeds of Craven County in Map Book 3 at Page 90 to which said map reference is hereby made for a particular description of the aforesaid Lot Number One (1) in Block R hereby conveyed.

Being the same lot or parcel of land which was conveyed by Riverview Park, Inc. to Dr. Williams H. Willis, Jr. et ux by deed dated January \_\_\_\_ 1951, appearing of record in the Office of the Register of Deeds of Craven County in Book 452 at Page 235.





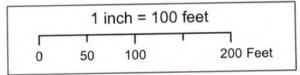
Property Site

Current Owner(s): Proctor, Paul

Address: 423 Sandy Point Rd

Acres: 0.461 Ac. Parcel ID: 2-037-042





Imagery 2021

# CHRONOLOGICAL ORDER OF EVENTS

# 423 (501) Sandy Point Road

DATE	(Parcel ID # 2-037-042) EVENTS
1/13/2021	Narrative Sheet. Map shows 423 and 501.
2/3/2021	Initial minimum housing letter, with delivery confirmation.
3/17/2021	Second minimum housing letter, new address, with delivery confirmation.
	Pictures ranging from 1/13/2021 through 7/5/2022. No change in condition of property as of 10/7/2022.
10/13/2021	Title Option.
10/27/2021	Email. Demolition estimate from Public Works, \$6800.00. Does not include asbestos testing/abatement.
12/6/2021	Filed Complaint (Non-Residential Building or Structure) and Notice of Hearing/ Notice of Lis Pendens, hearing date 12/22/2021, with delivery confirmations. File # 21 M 335.
12/22/2021	Hearing notes.
12/28/2021	Filed Order of the Building Inspector, File # 21 M 333, Dilapidated, remain vacant, expire 02/07/2022, with delivery confirmations.
02/07/2022	OBI expires, no permits applied for, minimum communication from owner, penalties begin to accrue.
2/21/2022	Owner turns in permits, missing information; unable to process. Owner notified of this and no follow up made by owner.
03/03/2022	Hand Delivered, Certificate of Service for Complaint (Non-Residential Building or Structure) and Notice of Hearing/ Notice of Lis Pendens filed on 12/6/2021 and Order of the Building Inspector, filed on 12/28/2021. File # 21 M 335.
4/22/2022	Email conversation with owner; tried to determine required information for permits turned in Feb 2022. No follow up on this email as of 10/7/2022.
5/18/2022	Memo on what Mr. Proctor needs to do.
6/13/2022	Email conversation to owner, attached demolition permits; shows received. No permits turned in as of 10/7/2022.
1/13/2021 – 07/6/2022	GIS data sheets, showing ownership status, values, and taxes.
07/06/2022	Utility termination requests sent.
07/06/2022	Still no permits applied for, there has been no communication from the owner since 6/13/2022. Estimated penalties owed to date \$34,000.00. Asbestos testing and abatement have not been completed as of this date.
10/7/2022	All utilities have been terminated.



**Craven County GIS** 

423 Sandy Point Rel 3-2-2000

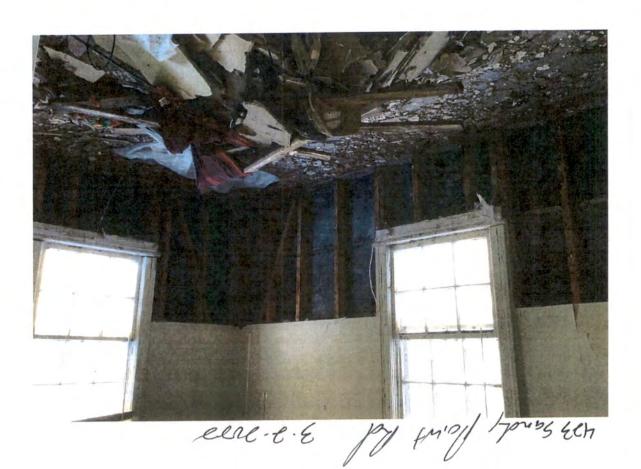




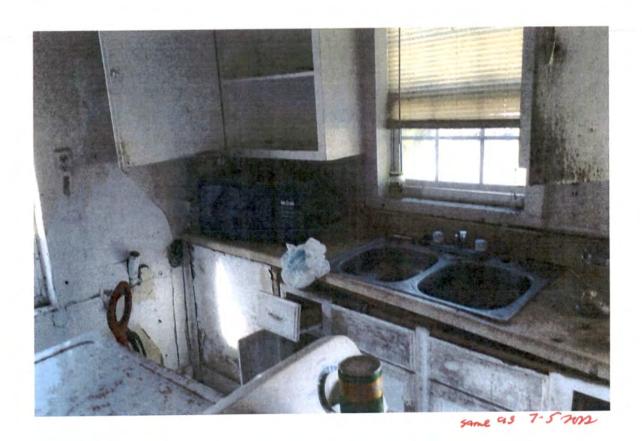
Same 7. 5. 2000

cone. S.L Durs

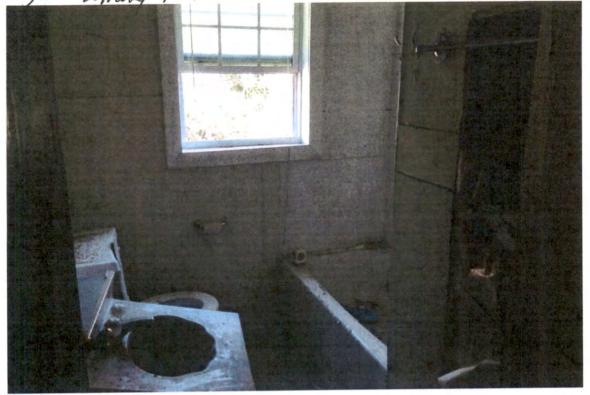




501 Sandy Point Rel 3-2.7002



501 Sandy Port Pel 3.2 now





File#21 M 335 Hang 22 Dec 2021

#### CERTIFICATE OF SERVICE

I hereby certify that on the 7<sup>th</sup> Day of December, 2021, I served a copy of the foregoing Complaint (Residential Building Or Structure) and Notice of Hearing/Notice of Lis Pendens upon the following persons by depositing a true and correct copy thereof in an envelope with proper postage affixed thereto for mailing by certified mail, return receipt requested, and also by placing a true and correct copy thereof in another envelope with proper postage affixed thereto for mailing by regular first class mail, and depositing said envelopes in a regular depository for the United States mail at New Bern, North Carolina, addressed as follows:

Paul F. Proctor 4075 US Hwy 17 N Ernul, NC 28527

Res cert-ATS

10 Bec wal

Spouse of Paul F. Proctor, if any Res 4075 US Hwy 17 N Ernul, NC 28527

7021 0350 0001 8412 8006

7021 0350 0001 8412 8013

Craven County c/o Arey Grady Grady Quattlebaum, PLLC 244-A Craven Street

cert-12-10-7021

New Bern, NC 28560

7021 0350 0001 8412 8020

I further certify that on the 7<sup>th</sup> Day of December, 2021, I personally delivered a copy of the foregoing Complaint (Residential Building Or Structure) and Notice of Hearing/Notice of Lis Pendens to the following persons at the addresses indicated:

Foster Hughes, City Manager City of New Bern 300 Pollock Street New Bern, NC 28560

Patrick J Ezel

Patrick J Ezel Building Inspector Minimum Housing Officer City of New Bern (252) 639-2943

STATE OF NORTH CAROLINA	BEFORE THE BUILDING INSPECTOR
COUNTY OF CRAVEN	
CITY OF NEW BERN,  CRAVPLANDENTY)C.	\$ 5 <b>4</b>
v. BY	COMPLAINT (Residential Building or Structure)
PAUL PROCTOR AND SPOUSE, if any, Defendants-Owners	(Dwelling Unfit for Human Habitation)  AND  NOTICE OF HEARING/
CRAVEN COUNTY, and CITY OF NEW ) BERN, )	NOTICE OF HEARING/ NOTICE OF LIS PENDENS
Lienholders )	

## THE CITY OF NEW BERN ALLEGES AND SAYS THAT:

- 1. In accordance with North Carolina General Statutes Section 160A, Article 19, Part 6, and Chapter 38-29 of the Code of the City of New Bern ("Chapter 38"), the undersigned Building Inspector for the City of New Bern has done a preliminary investigation to determine if the dwelling identified herein has been properly maintained so that the safety and health of its occupants are not jeopardized for failure of the property to meet the minimum standards established by Chapter 38 and to determine if the dwelling identified is unfit for human habitation.
- 2. The dwelling identified herein is located at 423 Sandy Point Road, New Bern, North Carolina, which bears Craven County parcel identification number 2-037-042 ("Subject Dwelling"). The Subject Dwelling is located within the City of New Bern's extraterritorial jurisdiction.
- 3. The preliminary investigation has disclosed that there is a basis for believing that the Subject Dwelling is in violation of the minimum standards established by Chapter 38 and is unfit for human habitation as evidenced by the following:
- a. The roof has not been properly maintained allowing for the entrance of moisture.
- b. The interior of the dwelling has not been properly maintained resulting in damage to the sub-floor, floor joist, walls, ceiling, and holes in the interior walls and floor.

- c. The electrical system has not been properly maintained resulting in signs of damage to various electrical receptacles and or missing components of interior electrical system to include missing the required Ground Fault Circuit Interrupter (GFCI) outlets and or circuit breakers. The dwelling does not have electrical services.
- d. The Subject Dwelling does not have the ability to produce hot water for any sanitary reasons.
- e. The Subject Dwelling does not have a mechanical system capable of maintaining required internal temperature required of a dwelling unit.
- f. The Subject Dwelling does not have a bathroom or fixtures and or capabilities to properly remove sanitary and sewage waste from the dwelling unit.
  - g. The Subject Dwelling does not have water and sewer services.
  - h. The Subject Dwelling does not have smoke detectors.
- The Subject Dwelling has not had the yard maintained, allowing the grass, trash, and debris to grow higher than required and not picked up. This causing a nuisance and or hazard to the community.
  - j. The dwelling is presently vacant.
- The structure is currently located in the AE flood zone with base flood elevation
   (BFE) of 9 foot, the panel number is 3720549900K.
- 4. A hearing will be held on the 22<sup>nd</sup> day of December, 2021, at 2:00 p.m. in the office of the City Building Inspector located at 303 First Street, New Bern, North Carolina.
- You have the right to file an answer to this Complaint by writing to the Building Inspector of the City of New Bern, P.O. Box 1129, New Bern, NC 28563-1129.
- You have the right to appear at the above-scheduled hearing, in person or otherwise,
   and give testimony.
- The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the City Building Inspector.
- 8. Following the hearing, the undersigned Building Inspector may issue an order to repair, alter, improve, vacate and close, or remove or demolish the structures and clear the debris therefrom, as appears appropriate. Failure to comply with an order of the Building Inspector will

result in the assessment of the following civil penalties as required by Code Section 38-5 of the Code of Ordinances of the City of New Bern:

- The sum of \$500.00 for failure to comply with said order within thirty-one (31) days of its expiration;
- An additional sum of \$1,000.00 (for a total sum of \$1,500.00) for failure to comply with said order within sixty-one (61) days of its expiration;
- An additional sum of \$1,500.00 (for a total sum of \$3,000.00) for failure to comply with said order within ninety-one (91) days of its expiration;
- An additional sum of \$2,000.00 (for a total sum of \$5,000.00) for failure to comply with said order within one hundred twenty-one (121) days of its expiration; and
- An additional sum of \$2,000.00 (\$5,000.00 plus \$2,000.00 per month) for each additional thirty (30) days, or fraction thereof, for failure to comply with said order after one hundred twenty-one (121) days of its expiration.

This 6th day of December, 2021.

Patrick J. Ezel

Patrick J. Ezel Building Inspector Minimum Housing Officer City of New Bern (252) 639-2943 28 Pec 2021

0BI File#21/1335 Dil 7 Feb 2002

### Certificate of Service

Re: 423 Sandy Point Road (Parcel ID # 2-037-042)

I hereby certify that on the 29<sup>th</sup> Day of December 2021, I served a copy of the foregoing **Order** of the Building Inspector upon the following persons by depositing a true and correct copy thereof in an envelope with proper postage affixed thereto for mailing by certified mail, return receipt requested, and also by placing a true and correct copy thereof in another envelope with proper postage affixed thereto for mailing by regular first class mail, and depositing said envelopes in a regular depository for the United States mail at New Bern, North Carolina, addressed as follows:

Paul F. Proctor 4075 US Hwy 17 N Ernul, NC 28527 7021 0350 0001 8412 8303

Craven County c/o Arey Grady
Grady Quattlebaum, PLLC
244-A Craven Street
New Bern, NC 28560

Spouse of Paul F. Proctor, if any 4075 US Hwy 17 N
Ernul, NC 28527

7021 0350 0001 8412 8310

I further certify that on this the 29<sup>th</sup> Day of December 2021, I served a copy of the foregoing **Order of the Building Inspector** to the following persons at the addresses indicated:

Foster Hughes, City Manager City of New Bern 300 Pollock Street New Bern, NC 28560

7021 0350 0001 8412 8327

Patrick J Ezel

Patrick J Ezel
Building Inspector
Minimum Housing Officer
City of New Bern
252-639-2943

NORTH CAROLINA

FILED

BEFORE THE BUILDING INSPECTOR OF THE CITY OF NEW BERN

COUNTY OF CRAVEN

2021 DEC 28 A 9: 19

CRAVE CO., C.S.C.

Plaintiff

CITY OF NEW BERN,

File# 21 M 335 ORDER OF THE

BUILDING INSPECTOR

OF THE CITY OF NEW BERN

PAUL PROCTOR AND SPOUSE, if any,

Defendants-Owners

CRAVEN COUNTY, and CITY OF NEW BERN, Lienholders

V.

THIS MATTER came on to be heard and was heard before the undersigned Building Inspector of the City of New Bern, at a hearing in the office of the Building Inspector of the City of New Bern on the 22<sup>nd</sup> Day of December 2021; and

**UPON HEARING** evidence and testimony in this matter, the Building Inspector of the City of New Bern found the following facts:

- 1. Patrick J Ezel, Building Inspector appeared on behalf of the City of New Bern.
- The following were properly notified but not present; Paul Proctor and Spouse if any,
   Arey Grady, and Foster Hughes.
- Paul Proctor and Spouse if any, own the real property located at 423 Sandy Point Road,
   New Bern, North Carolina, and further identified by Craven County Tax Identification number 2-037 ("Subject Dwelling"). The Subject Dwelling is located within the City of New Bern's

extraterritorial jurisdiction.

- The dwelling located at 423 Sandy Point Road, New Bern, North Carolina does not meet the Minimum housing standard set forth in Chapter 38 of the City of New Bern's Ordinance due to deterioration and defects, increasing the hazard of fire, accidents, or other calamities outlined in the Complaint (Residential Building or Structure)(Dwelling Unfit for Human Habitation) and Notice of Hearing/Notice of Lis Pendens.
  - 5. The dwelling is presently vacant.
- 6. It is the opinion of the Inspections Department of the City of New Bern that the dwelling cannot be repaired, altered, or improved to comply with the minimum standards established by Chapter 38 of the Code of the City of New Bern at a cost less than seventy-five (75%) percent of the value, and, therefore, it is a **dilapidated** dwelling as defined by Chapter 38 of the Code of the City of New Bern. As a result, thereof, no one shall reside in or occupy said dwelling.
- 7. The aforesaid dwelling must remain vacated, closed, secured and must be repaired, altered, improved or demolished/removed to comply with the minimum standards established by Chapter 38 of the Code of the City of New Bern.
- 8. The Subject dwelling requires work to be performed by subcontractors to bring it into compliance with the minimum standards established by Chapter 38 of the Code of the City of New Bern. All work such as electrical, plumbing, gas, heating and air conditioning must be performed by persons licensed by the State of North Carolina to perform such work and shall be inspected as required by law. Electrical service will only be provided with a temporary service pole or a generator with city noise restrictions applying.
  - 9. After finding the aforementioned facts, the Building Inspector ordered that the Owners

#### shall:

- a. Repair, alter, improve, or remove/demolish said dwelling to comply with the minimum standards, established by Chapter 38 of the Code of the City of New Bern no later than **February 7**, 2022.
  - b. Ensure all permits are obtained prior to work beginning.
- Ensure that all mechanical work be performed by persons licensed by the State of North
   Carolina to perform such work, and that all such work is inspected as required by law.
- d. Ensure that lead paint, if any, on the exterior of said dwelling is abated in compliance with the regulations enforced by the Craven County Health Department.
  - e. Property and structure (s) to be brought into compliance with Article XVI of the Appendix A of the Land Use Ordinance of the City of New Bern, which is commonalty, called the Flood Plain Ordinance.
    - f. Shall be assessed a civil penalty as required by the City Code Section 38-5 as follows:
- The sum of \$500.00 for failure to comply with said order within thirty-one (31) days of its expiration;
- An additional sum of \$1,000.00 (for a total sum of \$1,500.00) for failure to comply with said order within sixty-one (61) days of its expiration;
- An additional sum of \$1,500.00 (for a total sum of \$3,000.00) for failure comply with said order within ninety-one (91) days of its expiration;
- An additional sum of \$2,000.00 (for a total sum of \$5,000.00) for failure to comply with said order within one hundred twenty-one (121) days of its expiration; and
  - An additional sum of \$2,000.00 (\$5,000.00 plus \$2,000.00 per month) for each

additional 30-days or fraction thereof for failure to comply with said order after one hundred twenty-one (121) days of its expiration.

This 23<sup>rd</sup> Day of December 2021

Patrick J Ezel
Patrick J Ezel

Patrick J Ezel
Building Inspector
Minimum Housing Officer
City of New Bern
252-639-2943

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

Kimberly A. Ostrom

Director of Finance

New Bern, NC 28563-1129 (252) 636-4000

Certificate of Service

Hand Delivered Complaint

(Residential Building or Structure)
(Dwelling Unfit for Human Habitation)
and
Notice of Hearing/Notice of Lis Pendens

File No. 21 M 335

Re: 423 Sandy Point Rd (Parcel ID # 2-037-042)

I further certify that on the 2<sup>nd</sup> Day of March 2022 that I personally hand delivered a copy of the above-mentioned Complaint (Residential Building or Structure) (Dwelling Unfit for Human Habitation) and Notice of Hearing/Notice of Lis Pendens to Paul F. Proctor.

Patrick J Ezel

Patrick Ezel Building Inspector Minimum Housing Officer City of New Bern 252-639-2943

/ In IN D	
Paul F. Proctor Mill O In all	
NC Divers License Number: 8755	
Date: 3-2-02	

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



300 Połlock Street, P.O. Box 1129 New Bern, NC 28563-1129 (252) 636-4000 Certificate of Service

Hand-Delivered

Order
of the
Building Inspector
of the
City of New Bern

File No. 21 M 335

Dana E. Outlaw
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk
Kimberly A. Ostrom
Director of Finance

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Patrick J Ezel

Patrick Ezel Building Inspector Minimum Housing Officer City of New Bern 252-639-2943

	an Will
Paul F. Proctor	of the
NC Divers License Number: _	82555
Date:	3-2-02

# AGENDA ITEM COVER SHEET



Agenda Item Title:
Consider adopting an amendment to the FY 2022-23 annual adopted budget.

Date of Meeting: 10/25/2022  Department: Finance  Call for Public Hearing: □Yes⊠No		Ward # if applicable:  Person Submitting Item: Kim Ostrom, Director of Finance  Date of Public Hearing:				
				Explanation of Item:	Amend Grants Fund to recognize grant awards from Golden LEAF Foundation for Rose St Pump Retrofit, NCRCCP for Duffyfield Community Resilience, and BJ. for Bulletproof Vest Partnership	
				Actions Needed by Board:		
Backup Attached:	Memo, Ordinance Amendment					
Is item time sensitive?						
Will there be advocates	s/opponents at t	the meeting?   Yes   No				
Cost of Agenda Item:						
If this requires an expe		been budgeted and are funds available □Yes □ No				

**Additional Notes:** 

Rick Prill Hazel B. Royal Robert V. Aster Johnnie Ray Kinsey Barbara J. Best Robert Brinson, Jr.



300 Pollock Street, P.O. Box 1129 New Bern, NC 28563-1129 (252) 636-4000 Jeffrey T. Odham
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk
Kimberly A. Ostrom
Director of Finance

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

FROM: Kim Ostrom - Director of Finance

DATE: October 18, 2022

RE: Amendments to the FY 2022-23 Operating Budget

#### **Grants Fund**

The Grants Fund is amended to recognize the following grant awards:

- \$249,760 Golden LEAF Foundation Rose Street Pump Retrofit. No match required.
- \$45,000 NC Resilient Coastal Communities Program Duffyfield Community Resilience Improvement-Basin Restoration Enhancement. No match required.
- \$14,891 Bureau of Justice Assistance Patrick Leahy Bulletproof Vest Partnership with an equal match requirement of \$14,891 which is budgeted in the Police Uniform expense account.

### Requested Action

The Board considers adopting the enclosed budget amendment at its meeting on October 25, 2022.

## CITY OF NEW BERN, NORTH CAROLINA REQUESTED AMENDMENT TO Fiscal Year 2022-2023

FROM: Kim Ostrom, Director of	of Finance	Meeting Date:	October 25, 2022
EXPLANATION:			
The Grants Fund is amended a Foundation for the Rose Stree Program for the Duffyfield Com \$14,891 from the Bureau of Jurequired 50/50 match for the buniform expense account.	t Pump Retrofit; 2 nmunity Resiliend estice Assistance	2) \$45,000 from NC Resili be Improvement-Basin Re for the Patrick Leahy Bull	ent Coastal Communities storation Enhancement; 3) etproof Vest Partnership. The
BE IT ORDAINED BY THE BO THAT THE <u>2022-2023 ANNUA</u>			
	Section	1 - Appropriations	
Schedule K - GRANTS FUND Increase: Grants - Police Grants - Developm Grants - Public Wo		\$ \$	249,760
	Section 2 -	Estimated Revenues	
Schedule K - GRANTS FUND Increase: Grants - Police Grants - Developm Grants - Public Wo		\$ \$	45,000 249,760
NATURE OF TRANSACTION:  X ADDITIONAL REV TRANSFER WITH X OTHER: FUND B	ENUE AVAILABI IN ACCOUNTS (		N
	ENTE	ROVED BY THE BOARD ERED ON MINUTES DAT NDA ITEM NUMBER	
	BREN	NDA E. BLANCO, CITY C	LERK

# AGENDA ITEM COVER SHEET



**Agenda Item Title:** 

Consider adopting an amendment to the Township 7 Sewer Improvements Project Fund

Date of Meeting: 10/25/22  Department: Finance  Call for Public Hearing: □Yes⊠No		Ward # if applicable:  Person Submitting Item: Kim Ostrom, Director of Finance  Date of Public Hearing:				
				Explanation of Item:	Consider adopting an amendment to the Township 7 Sew Improvements Project Fund.	
				Actions Needed by Board:	Adopt ordinance amendment.	
Backup Attached:	Memo, Ordinance Amendment					
Is item time sensitive?	⊠Yes □No					
		the meeting?   Yes   No				
Cost of Agenda Item: If this requires an expe and certified by the Fir		been budgeted and are funds available				

**Additional Notes:** 

Rick Prill Hazel B. Royal Robert V. Aster Johnnie Ray Kinsey Barbara J. Best Robert Brinson, Jr.



300 Pollock Street, P.O. Box 1129 New Bern, NC 28563-1129 (252) 636-4000 Jeffrey T. Odham
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk
Kimberly A. Ostrom
Director of Finance

TO:

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

FROM:

Kim Ostrom -Director of Finance

DATE:

October 14, 2022

RE:

Amendment to the Township 7 Sewer Improvements Project Fund

**Background Information** 

This ordinance will amend the Township 7 Sewer Improvements Project Fund by \$175,000 for the purchase of equipment needed by the contractor for the installation of the new sewer pump station. The \$175,000 will be appropriated from the Sewer Fund fund balance.

Requested Action

The Board considers adopting the enclosed budget amendment at its meeting on October 25, 2022.

# AN ORDINANCE TO AMEND THE CAPITAL PROJECT ORDINANCE TOWNSHIP 7 SEWER IMPROVEMENTS PROJECT FUND

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

Section 1. That Section 3 of the Township 7 Sewer Improvements Project Fund Ordinance adopted on December 10, 2015 is hereby amended to recognize additional appropriation:

Increase: Sewer System Improvements Project Fund

\$175,000

Section 2. That Section 4 of the Township 7 Sewer Improvements Project Fund Ordinance adopted on December 10, 2015 is hereby amended to recognize revenue from the Sewer Fund:

Increase: Transfer from Sewer Fund

\$175,000

Section 3. This amendment shall become effective upon adoption.

ADOPTED THIS 25TH DAY OF OCTOBER 2022.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK

#### **Tanya Harms**

From: Jordan Hughes

Sent: Tuesday, October 11, 2022 12:32 PM
To: Kimberly Ostrom; Tanya Harms

Subject: Budget Amendment

Kim and Tanya,

The Township No. 7 Sewer Improvements project – phase III (Org. 45148250) is finally ready to move into the construction phase. The construction contracts are currently out for bids and the bid opening is scheduled for the 27<sup>th</sup> of October. After the bids are opened, I'll know the anticipated construction costs and we can make adjustments to the project fund for the construction. In the meantime, I need to go ahead and order the equipment that the City will be supplying to the contractor for installation in the new sewer pump station that is part of the project. The total cost of the equipment is going to be approximately \$175,000 and I would like to go ahead and transfer this amount from the sewer fund balance into the project fund and establish an "Other Equipment" line item in the project fund. The lead time on some of the equipment is currently 54-56 weeks, so I would like to able to issue a PO for this as soon as possible.

Just let me know if you have any questions and thanks in advance for the help.

# Jordan B. Hughes, P.E.

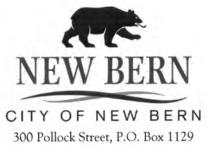
City Engineer 527 NC Hwy. 55 West New Bern, NC 28562 o.(252) 639-7527 • c.(252) 341-5448



Department of Public Utilities

recipient, you must destroy this message and inform the sender immediately. This electronic mail message and any attachments, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any time. It also may contain information which is confidential within the meaning of applicable federal and state laws.

Rick Prill Hazel B. Royal Robert V. Aster Johnnie Ray Kinsey Barbara J. Best Robert Brinson, Jr.



300 Pollock Street, P.O. Box 1129 New Bern, NC 28563-1129 (252) 636-4000 Jeffrey T. Odham
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk
Kimberly A. Ostrom
Director of Finance

### Memorandum

TO:

Mayor and Board of Aldermen

FROM:

Brenda Blanco, City Clerk

DATE:

September 16, 2022

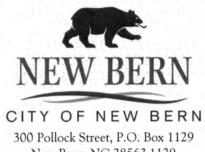
SUBJECT:

Appointments to Board of Adjustment

The two alternate seats on the Board of Adjustment are vacant. You are asked to make appointments to fill these two unexpired terms. Appointees must reside within the city limits of New Bern and should have a background related to land ownership and development issues (i.e. law, real estate, banking, building, environmental groups, governmental agencies, community organizations, etc.). The appointees will serve until June 30, 2023.

/beb

Rick Prill Hazel B. Royal Robert V. Aster Johnnie Ray Kinsey Barbara J. Best Robert Brinson, Jr.



300 Pollock Street, P.O. Box 1129 New Bern, NC 28563-1129 (252) 636-4000 Jeffrey T. Odham
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk
Kimberly A. Ostrom
Director of Finance

### Memorandum

TO:

Alderman Barbara Best

FROM:

Brenda Blanco, City Clerk

DATE:

September 16, 2022

SUBJECT:

Appointment to Board of Adjustment

Kip Peregoy's term on the Board of Adjustment has expired. He is ineligible for reappointment as he has served two consecutive terms. A new appointment is needed to fill seat 6. The new appointee will serve until June 30, 2025.

/beb

Rick Prill Hazel B. Royal Robert V. Aster Johnnie Ray Kinsey Barbara J. Best Robert Brinson, Jr.



300 Pollock Street, P.O. Box 1129 New Bern, NC 28563-1129 (252) 636-4000 Jeffrey T. Odham
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk
Kimberly A. Ostrom
Director of Finance

MEMO TO:

Mayor and Board of Aldermen

FROM:

Brenda Blanco, City Clerk

DATE:

October 14, 2022

SUBJECT:

Appointment to Coastal Regional Solid Waste Management

**Authority Municipal Committee** 

Each municipality in the service area of the Coastal Regional Solid Waste Management Authority ("CRSWMA") can have a member serve on the Authority's Municipal Committee and participate in CRSWMA Board meetings. The Municipal Committee member must be appointed by the municipality's Governing Board. The former Director of Public Works, Al Cablay, served in this capacity. Since Mr. Cablay is no longer with the City, it is necessary to fill this seat with a new appointee.

George Chiles, Interim Director of Public Works, has recommended David Cox, Waste Collection Superintendent, be appointed to represent the City in this capacity.

/beb