

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
JANUARY 10, 2023 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

1. Meeting opened by Mayor Odham. Prayer Coordinated by Alderman Best. Pledge of Allegiance.
2. Roll Call.
3. Approve Agenda.
4. Request and Petition of Citizens.

Consent Agenda

5. Consider Adopting a Resolution to Close Specific Streets for the Ghent Neighborhood Mardi Gras Parade and Block Party.
6. Consider Adopting a Resolution to Close Specific Streets for Vision Forward's Black History Month Parade.
7. Consider Adopting a Resolution to Call for a Public Hearing to Amend the Ordinance for the Schedule of Fees and Charges Relative to Parking Rates.
8. Approve Minutes.

9. Conduct a Public Hearing on the Rezoning of 910 and 914 Bloomfield Street; and
 - a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and
 - b) Consider Adopting an Ordinance to Rezone 910 and 914 Bloomfield Street from R-6 Residential to C-4 Neighborhood Business District.
10. Presentation by Redevelopment Commission on Proposed Housing Project.
11. Consider Adopting a Resolution to Sale 2706 McKinley Avenue.
12. Consider Adopting a Resolution Approving Extended Constructions Hours for CapeFear Construction at 4115 Dr. MLK Jr. Boulevard.
13. Consider Adopting a Resolution Approving a Memorandum of Understanding with CarolinaEast Health System for EMS Housing and Ambulance Storage.
14. Consider Adopting an Ordinance for the Demolition of 1111 Cedar Street.

15. Consider Adopting a Budget Ordinance Amendment for FY2022-23.
16. Appointment(s).
17. Attorney's Report.
18. City Manager's Report.
19. New Business.
20. Closed Session.
21. Adjourn.

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



NEW BERN
CITY OF NEW BERN

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

Aldermen

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

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: January 06, 2023
Re: January 10, 2023 Agenda Explanations

- 1. Meeting opened by Mayor Jeffrey T. Odham. Prayer Coordinated by Alderman Best. Pledge of Allegiance.**
- 2. Roll Call.**
- 3. Approve Agenda.**
- 4. Request and Petition of Citizens.**

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

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

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

Consent Agenda

5. Consider Adopting a Resolution to Close Specific Streets for the Ghent Neighborhood Mardi Gras Parade and Block Party.

(Ward 1) The Ghent Neighborhood Association has requested the 1400-1900 blocks of Spencer Avenue be closed to vehicular traffic on February 18, 2023 from 12:00 p.m. to 3:30 p.m. for the neighborhood's annual Mardi Gras parade. It is also requested that the 1700-1900 blocks of Spencer Avenue be closed to vehicular traffic from 8:00 a.m. until 6:00 p.m. for a block party. A memo from Kari Warren, Director of Parks and Recreation, is attached along with a copy of the event application and a map of the area.

6. Consider Adopting a Resolution to Close Specific Streets for Vision Forward's Black History Month Parade.

(Wards 1 and 2) Victor Taylor with Vision Forward has requested the 400-600 blocks of Fort Totten Drive, 1300-1600 blocks of Trent Boulevard, 400 block of First Street, 700-1200 blocks of Broad Street, and 400-600 blocks of George Street be closed to vehicular traffic on Saturday, February 18, 2023, from 10 a.m. until 2 p.m. for the annual Black History Month parade that will commence at 12 noon. In the event of inclement weather, a rain date of February 25, 2023 has been requested. A memo from Mrs. Warren is attached along with copies of the application and a map of the parade route.

7. Consider Adopting a Resolution to Call for a Public Hearing to Amend the Ordinance for the Schedule of Fees and Charges Relative to Parking Rates.

At the Board's retreat in November, a discussion was held about downtown parking and the City's leased parking lots. The current monthly rate for limited leased parking Monday through Friday from 7 a.m. until 5:30 p.m. is \$20 per space and unlimited leased parking is \$30 per space. There has been no increase in these rates since at least 2011. Staff recommends adjusting the limited rate to \$35 monthly and unlimited to \$45 monthly. The increase would be effective April 01, 2023. A public hearing is sought for January 24, 2023 to receive public input on the proposed increases.

8. Approve Minutes.

Minutes from the October 25, 2022, November 08, 2022, and November 22, 2022 closed sessions and December 13, 2022 regular meeting are provided for review and approval.

- 9. Conduct a Public Hearing on the Rezoning of 910 and 914 Bloomfield Street; and**
a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and
b) Consider Adopting an Ordinance to Rezone 910 and 914 Bloomfield Street from R-6 Residential to C-4 Neighborhood Business District.

(Ward 5) The Redevelopment Commission has requested to rezone two parcels totaling 0.252 +/- acres from R-6 Residential to C-4 Neighborhood Business District. The parcels are located at 910 and 914 Bloomfield Street. The Planning and Zoning Board unanimously approved the request at its November 01, 2022 meeting. After conducting a public hearing, the Board is asked to consider adopting a statement of zoning consistency or inconsistency. If a statement of consistency is adopted, the Board is to then consider the adoption of an ordinance to rezone the property. A memo from Jessica Rhue, Director of Development Services, is attached along with a PowerPoint presentation detailing the request and providing pictures of the subject property.

- 10. Presentation by Redevelopment Commission on Proposed Housing Project.**

Beth Walker, a Commissioner on the Redevelopment Commission, will share a presentation on a proposed housing project.

- 11. Consider Adopting a Resolution to Sale 2706 McKinley Avenue.**

(Ward 2) After receiving an offer of \$2,500.00 from Stephonie Coward-Leary for the purchase of 2706 McKinley Avenue, the Board adopted a resolution to initiate the upset bid process. The bid was advertised, but no additional bids received. If the property is sold for the initial offer, the City will receive \$232.90, and the County will receive \$2,267.10.

The tax value of the 0.12-acre lot is \$4,500. The property was acquired jointly by the City and County through tax foreclosure in June of 2017. At that time, the City was owed \$475.06 in liens, taxes, interest, penalties, fees, and costs. The County was owed \$2,744.06 in taxes, interest, penalties, fees, and costs. A memo from Brenda Blanco, City Clerk, is attached.

- 12. Consider Adopting a Resolution Approving Extended Constructions Hours for CapeFear Construction at 4115 Dr. MLK Jr. Boulevard.**

(Ward 6) CapeFear Construction is building a 252-unit apartment complex at 4115 Dr. MLK Jr. Boulevard known as The Proximity New Bern. City ordinances confine construction noise to the hours of 7 a.m. to 9 p.m., but provides that an exemption can be provided with approval of the Governing Board. CapeFear has requested an exemption for the period of February 01, 2023 through July 01, 2023 to allow for deliveries of concrete, running of generators, and other construction-related activities. The project site is not immediately surrounded by residences that may be impacted by the request. A memo from Ms. Blanco is attached along with the request for an exemption.

13. Consider Adopting a Resolution Approving a Memorandum of Understanding with CarolinaEast Health System for EMS Housing and Ambulance Storage.

CarolinaEast Health System developed a contingency plan to provide for the strategic location and storage of ambulances and personnel in the event of an emergency that necessitates the evacuation of the center's emergency medical services ("EMS") facility. The proposed memorandum of understanding provides the City will house EMS personnel and store ambulances at its Fire-Rescue locations on Neuse Boulevard and Elizabeth Avenue, to the extent of its ability. A memo from Fire Chief Robert Boyd is attached.

14. Consider Adopting an Ordinance for the Demolition of 1111 Cedar Street.

(Ward 2) A letter of minimum housing deficiencies was sent to the owner of 1111 Cedar Street on April 21, 2020. Heirs subsequently expressed a desire to sell the property, but the home sustained major structural damage in a fire and never sold. A complaint was filed on May 09, 2022 alleging the structure unfit for human habitation. A hearing was scheduled for June 02, 2022, but none of the heirs attended. To date, there has been no further contact from the heirs, permits have not been obtained for the necessary repairs, and the structure remains noncompliant. Public Works estimates the cost of demolition at \$10,909.50. Pictures of the property and a complete list of chronological events are attached along with a memo from Mrs. Rhue.

15. Consider Adopting a Budget Ordinance Amendment for FY2022-23.

This budget amendment will appropriate \$55,000 from the Redevelopment Commission's fund balance to its redevelopment fund as requested and approved by the Commission on December 14, 2022. The funds will be used for expenses related to the rehabilitation of 911 Eubanks Street, asbestos work at 908 Bloomfield Street (McCotter House), the purchase of 910 and 914 Bloomfield Street, and lastly the demolition of 908, 910 and 914 Bloomfield Street. A memo from Kim Ostrom, Director of Finance, is attached.

16. Appointment(s).

- a) Alderman Kinsey is asked to make an appointment to fill the remainder of Tony Bryant's term on the Historic Preservation Commission, which expires June 30, 2024. Mr. Bryant resigned on December 13, 2022. The new appointee will serve in Seat 4.
- b) Alderman Best is asked to make an appointment to fill the remainder of Annette Stone's term on the Historic Preservation Commission. Ms. Stone resigned January 04, 2023 as she is no longer a resident of the City of New Bern. The new appointee will serve in Seat 5 through June 30, 2023.

17. **Attorney's Report.**
18. **City Manager's Report.**
19. **New Business.**
20. **Closed Session.**
21. **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 Adopting a Resolution to close streets for Ghent Neighborhood Association Mardi Gras Parade/Block Party.

Date of Meeting: 1/10/2023	Ward # if applicable: Ward 1
Department: Parks & Recreation	Person Submitting Item: Kari Warren, Director of Parks & Recreation
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	Ghent Neighborhood Association has requested to close the 1400-1900 blocks of Spencer Avenue beginning at 8 th Street (Trolley Run) and ending at 2 nd Street to vehicular traffic for Ghent Neighborhood Association parade from 12:00 p.m. until 3:30 p.m. as well as the 1700-1900 blocks of Spencer Avenue beginning at 5 th Street and ending at 8 th Street from 8:00 a.m. until 6:00 p.m. for the Ghent Neighborhood block party on February 18, 2023.
Actions Needed by Board:	Adopt the Resolution
Backup Attached:	Resolution – Memos – Application - Maps

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

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

Additional Notes: N/A



PARKS & RECREATION

Family, fitness and fun come together here.

Kari Warren, CPRP
Director of Parks & Recreation



Aldermen

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

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: Kari Warren, CPRP *KW*
Director of Parks & Recreation
Re: Ghent Neighborhood Association Mardi Gras Parade/Block Party.

Background Information:

Ghent Neighborhood Association has requested to close the 1400-1900 blocks of Spencer Avenue beginning at 8th Street (Trolley Run) and ending at 2nd Street to vehicular traffic for Ghent Neighborhood Association parade from 12:00 p.m. until 3:30 p.m. as well as the 1700-1900 blocks of Spencer Avenue beginning at 5th Street and ending at 8th Street from 8:00 a.m. until 6:00 p.m. for the Ghent Neighborhood block party on February 18, 2023. This event will not be rescheduled due to inclement weather.

Recommendation:

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

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

1307 Country Club Rd
New Bern, NC 28562
Office 252 639-2901
Fax 252 636-4138

RESOLUTION

THAT WHEREAS, the Ghent Neighborhood Association has scheduled its annual Mardi Gras Parade and block party. The Association has requested the 1400-1900 blocks of Spencer Avenue beginning at 8th Street (Trolley Run) and ending at 2nd Street be closed to vehicular traffic on Saturday, February 18, 2023, from 12:00 p.m. until 3:30 p.m. for the parade route; and

WHEREAS, the Association has also requested the 1700-1900 blocks of Spencer Avenue be closed to vehicular traffic beginning at 5th Street and ending at 8th Street for their annual block party from 8:00 a.m. until 6:00 p.m.; and

WHEREAS, the Director of Parks and Recreation of the City of New Bern recommends the streets be closed as requested.

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

That the 1400-1900 blocks of Spencer Avenue beginning at 8th Street (Trolley Run) and ending at 2nd Street be closed to vehicular traffic from 12:00 p.m. until 3:30 p.m. on Saturday, February 18, 2023, for the Ghent Neighborhood Association's annual Mardi Gras parade; and

Further, that the 1700-1900 blocks of Spencer Avenue be closed to vehicular traffic beginning at 5th Street and ending at 8th Street for the block party from 8:00 a.m. until 6:00 p.m. for the Ghent Neighborhood Association's block party.

ADOPTED THIS 10TH DAY OF JANUARY 2023.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK

RECEIVED
OCT 07 2022
BY: ND

February 18th
2023

CITY OF NEW BERN

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

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

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

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

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

Name of Event/Activity: Ghent Mardi Gras Festival

Organization Name: Ghent Neighborhood Associations

Responsible Contact: Tia Higgins

Address: 1318 Spencer Ave

City: New Bern State: NC Zip code: 28560

Phone: 704-699-1889 Alternate Phone: _____

Email: tbonehiggins1@yahoo.com

Street Closing

Type of Event: Demonstration Festival Parade

Date of Event: February 18, 2023 Proposed Rain Date: N/A

Event Set up time: 8 am Event Tear Down Completed Time: 6 pm

Event Start Time: 11 am Event End Time: 5 pm

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

Parade will start at 8th street/Trolley Run and go down Spencer Ave. Vendors and entertainment will be set up on S Spencer Ave between 5th and 8th streets.

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

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

Our annual neighborhood parade and block party.

Estimated attendance: 600; Attendance not to exceed: 1000

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

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

How will you handle trash generated from the event?

We are requesting # 8 trash cans.

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

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

parade 12pm-3:30pm - line up starts @ 3pm

Block Party 5th-8th - Spencer 8am-6pm 1700-1900

Parade 2nd 8th Spencer

1400-1900
7:30pm-3:30pm

Are you requesting any City of New Bern Street Closures?

Yes*

No

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

*What Street(s) are you requesting to close? **Be specific:** Block party will be limited to Spencer Ave between 5 5th to 6th For Parade only block west of 2nd and west of 6th st. Line up is on south side of 8th st in Trolley Run. No road blocks will be required

Are you requesting any State Road or Bridge closures?

Yes*

No

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

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

Will Inflatables or other Play features be part of this event?

Yes

No (Additional insurance may be required)

Will Food Vendors or Commercial/Non-Profit vendors be part of this event?

Yes No

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

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

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

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

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

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

The following items must be submitted with Application:

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

Authorized Signature

Date

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

Administrative Support Supervisor

Date

This application has been approved.

Director of Parks & Recreation

Date

Total Anticipated Charges

Barricades: # 28

5 ea. \$140.00

Trash Collection: \$

City Staff: # \$

Vendor Fees # \$

Park/Facility Rental: \$

Total Due: \$140.00

- Have HOA's been notified? Yes No Spoke with: _____
- Approved by Department Date: 12-13-22 Staff Initials: KW
- Submitted for Board Approval Date: 12-13-22 Staff Initials: _____
- All Paperwork collected Date: _____ Staff Initials: _____

City Sponsored Event

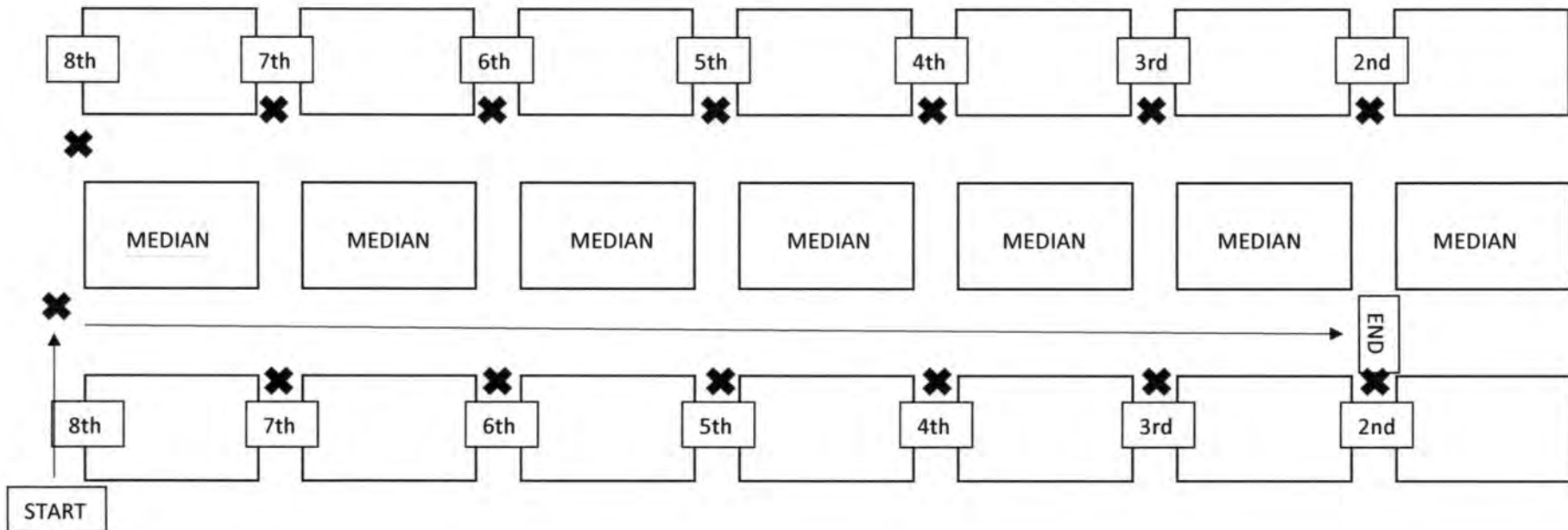
Yes No

Arrow Lines = PARADE ROUTE

X = Barricades

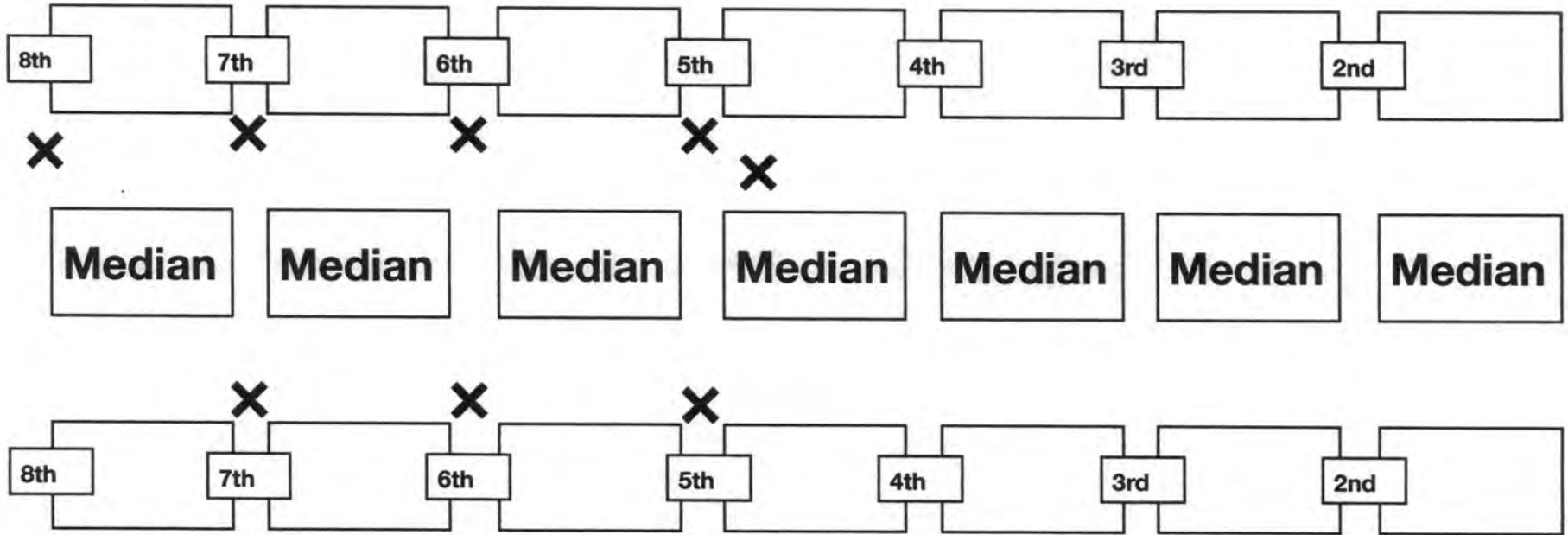
For duration of Parade ONLY (approximately 12 PM to 3:30 PM) access to Spencer Ave. and its cross streets will be blocked by movable barriers. Emergency vehicles will have access to all areas of Spencer Ave. at all times.

SPENCER AVE.



Block Party

The block party area (Spencer Ave between 8th to 5th) will be closed to non-emergency traffic by movable barriers from 8 am (to allow for setup of vendors and sanitation facilities) until the conclusion of the event at approximately 6pm



X= Barricades

Attachment to Application for Parade Permit

Event: Ghent Neighborhood Mardi Gras

Parade starts at 3 pm on February 18, 2023

Scope: Applicants seek a permit for the seventh Annual Ghent Neighborhood Mardi Gras festival. Parade attendance for this event is approximately 500-600. The event is not age specific. Currently we are expecting 15. The closing date for parade participants is February 8th and we will provide final numbers. All affected residents, including all residents of Spencer Ave. have been notified. We have tremendous support for the parade and no objections have been made to the Ghent Neighborhood Association nor the Mardi Gras Committee.

Proposed parade route:

Please see attached map. For parade only, Spencer Ave. blocked west of Second St. (not on parade route) and west of 8th St. Parade lineup is on the south side of 8th St. in Trolley Run, the road is wide enough there, no road blocks required. The time for the lineup will be between 12 and 3:30 pm. Required time to be in place is 1 pm.

Parade starts at 3 pm. Parade to travel east on the eastbound side of Spencer Ave to 2nd St. Parade ends at 2nd St. As soon as parade ends, western street barriers on the west side of 5th St. will be brought down to Spencer Ave. to the 5th east side of 8th St so that the block party will be limited to Spencer Ave. between 5th St. and 8th St. (This will happen at the end of the parade until 6 pm). The only closed through street will be 6th St., affecting one of the several approaches to Temple Church and YMCA.

Local traffic will access to westbound Spencer Ave. as may be needed. Temple Church has offered their parking lot for the event. We will be directing non-resident participants to park at Temple Church. We would like to use the power from the street lamp in the median at 6th st and Spencer Ave. for the entertainment.

The event runs from 11 am to 6 pm

Spencer - 6 - 17

+ Park Ave

PETITION IN FAVOR OF NEW BERN MARDI GRAS 2023

Mardi Gras Festival 2023 is scheduled for Saturday, February 18, 2023. I understand the 1700, 1800 & 1900 blocks of Spencer Ave. will be closed from 8 a.m. till 6 p.m. on that day in order to accommodate the festival. The parade will set up at 8th St. & Spencer Ave (at Trolley Run), start at 3 p.m. & go from 8th St. and Spencer Ave. toward 2nd St. and Spencer Ave. Vendors & entertainment will be set up on Spencer Ave. between 5th Street and 8th Street. by next Monday

PRINTED NAME	SIGNATURE	ADDRESS	DATE
Catherine Armentrout	Cathy Armentrout	1804 Spencer Ave	11/12/2022
Deborah E. Walker	Deborah E. Walker	1810 Spencer Ave.	11-12-2022
Shirley Blum	Shirley Blum	1816 Spencer Ave	11/12/22
JEAN WALKER	Jean Walker	1817 Spencer Ave	11/12/22
BOB BURNS	Bob Burns	1804 SPENCER	11/13/22
Rosa Ankrum	Rosa Ankrum	1819 Spencer Ave	
ROSA ANKRUM	Rosa Ankrum	1819 Spencer Ave.	11/13/22
Katy Pugh	Katy Pugh	1714 Park Ave	11/13/22

no one wanted to answer door

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution to close streets for Vision Forward's annual Black History Parade.

Date of Meeting: January 10, 2023.	Ward # if applicable: 1 & 2
Department: Parks & Recreation	Person Submitting Item: Kari Warren, Director of Parks & Recreation
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Vision Forward has made a request to close the 400-600 blocks of Fort Totten Drive, 1300-1600 blocks of Trent Boulevard, 400 block of First Street, 700-1200 blocks of Broad Street, and the 400-600 blocks of George Street to vehicular traffic for Vision Forward's annual Black History Parade from 10:00 a.m. until 2:00 p.m. on February 18, 2023, with a rain date of February 25, 2023.
Actions Needed by Board:	Adopt the Resolution
Backup Attached:	Resolution – Memo – Application - Map

Is item time sensitive? Yes No

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

Cost of Agenda Item:

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

Additional Notes:



Aldermen

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

Kari Warren, CPRP
Director of Parks & Recreation

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: Kari Warren, CPRP *hw*
Director of Parks & Recreation

Re: Vision Forward Black History Parade

Background Information:

Vision Forward has made a request to close the 400-600 blocks of Fort Totten Drive, 1300-1600 blocks of Trent Boulevard, 400 block of First Street, 700-1200 blocks of Broad Street, and the 400-600 blocks of George Street to vehicular traffic for Vision Forward's annual Black History Parade from 10:00 a.m. until 2:00 p.m. on February 18, 2023, with a rain date of February 25, 2023.

Recommendation:

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

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

1307 Country Club Rd
New Bern, NC 28562
Office 252 639-2901
Fax 252 636-4138

RESOLUTION

THAT WHEREAS, Vision Forward is planning their annual Black History Parade and has requested that specific streets be closed to vehicular traffic from 10:00 a.m. until 2:00 p.m. on Saturday, February 18, 2023, with a rain date of February 25, 2023. Those streets are the 400-600 blocks of Fort Totten Drive, 1300-1600 blocks of Trent Boulevard, 400 block of First Street, 700-1200 blocks of Broad Street, and 400-600 blocks of George Street: and

WHEREAS, the Director of Parks and Recreation of the City of New Bern recommends the streets be closed as requested.

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

That the 400-600 blocks of Fort Totten Drive, 1300-1600 blocks of Trent Boulevard, 400 block of First Street, 700-1200 blocks of Broad Street, and 400-600 blocks of George Street, shall be closed to vehicular traffic from 10:00 a.m. until 2:00 p.m. on February 18, 2023, with a rain date of February 25, 2023, for Vision Forward's annual Black History Parade.

ADOPTED THIS 10th DAY OF JANUARY 2023.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK

RECEIVED

11:47A

NOV 29 2022

BY: ND

CITY OF NEW BERN

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

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

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

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

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

Name of Event/Activity: Black History Month Parade
 Organization Name: Vision Forward
 Responsible Contact: Victor J. Taylor
 Address: 2817 Walter Drive
 City: New Bern State: NC Zip code: 28562
 Phone: 252 617 2537 Alternate Phone: _____
 Email: VSTaylor1@aol.com

Type of Event: Demonstration Festival Parade

Date of Event: 18 Feb 23 Proposed Rain Date: 25 Feb 23

Event Set up time: 10 AM Event Tear Down Completed Time: 2 pm

Event Start Time: 12 pm Event End Time: 1 pm

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

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

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

To bring awareness to the City of the History of African Americans throughout the County

Estimated attendance: 100; Attendance not to exceed: _____

*Note: If more than 1,000 in attendance is expected 1) Proof of Crowd Manager Training Certification is required. Training is available at the following link: http://www.newbernnc.gov/departments/fire_department/crowd_manager_training.php 2) Public Safety Plan is required. Information must be submitted with application. For additional info, please contact the Fire Marshall at 252-699-2931.

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

How will you handle trash generated from the event?

We are requesting # _____ trash cans.

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

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

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

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

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

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

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

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

Will Inflatables or other Play features be part of this event? Yes No (Additional insurance may be required)

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

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

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

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

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

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

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

Application Checklist:
- [] Application
- [] Detailed map
- [] Petition of Signatures
- [] Certificate of Insurance
- [] List of vendors
- [] Payment of fees

Authorized Signature: [Handwritten Signature]

Date: 21 Nov 22

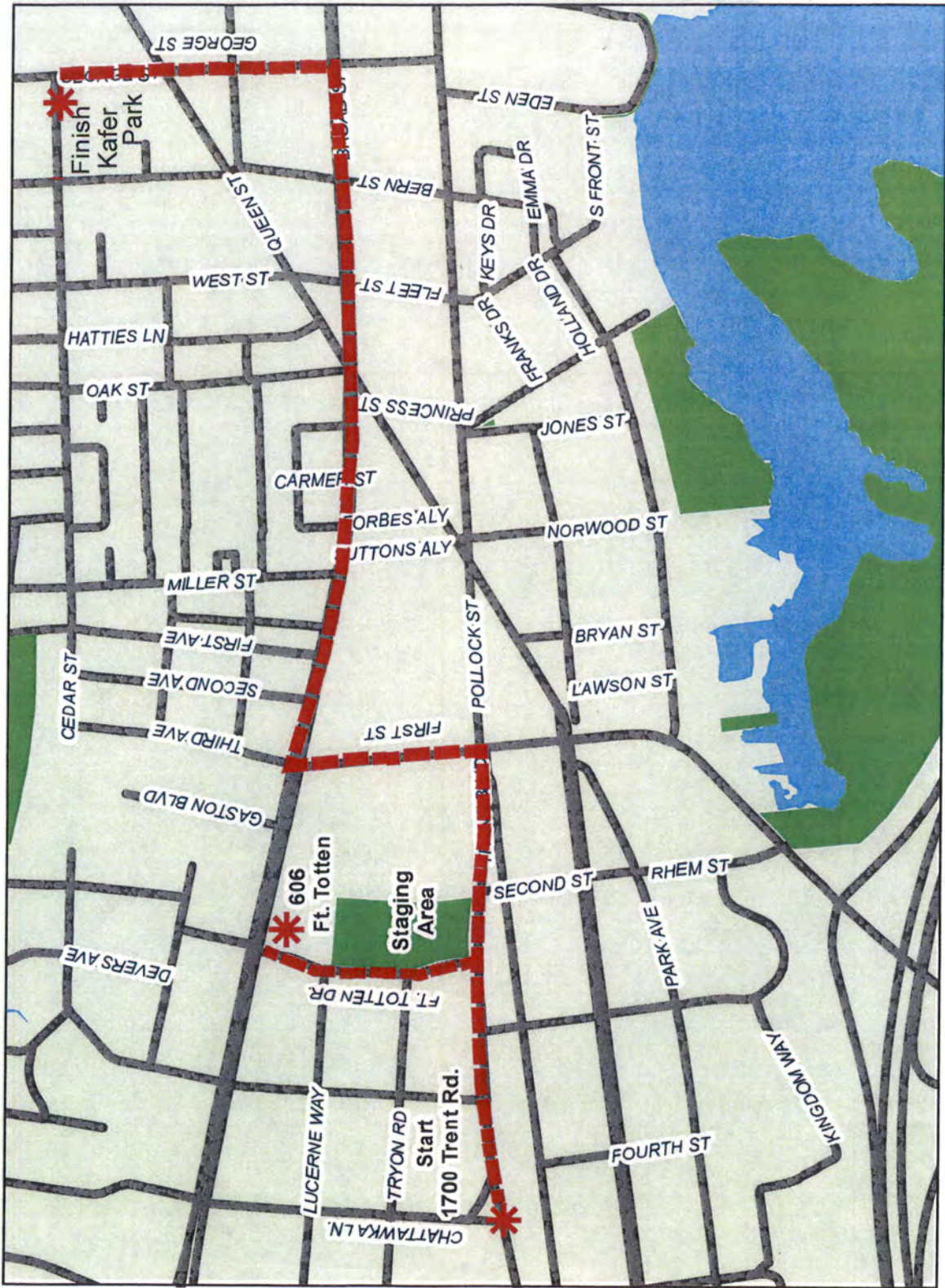
All documents have been provided and this application is recommended for approval
Administrative Support Supervisor: _____ Date: _____

This application has been approved.
Director of Parks & Recreation: [Handwritten Signature] Date: 12-20-2022

Total Anticipated Charges	
Barricades:	# _____
	\$ _____
Trash Collection:	\$ _____
City Staff:	# _____
	\$ _____
Vendor Fees	# _____
	\$ _____
Park/Facility Rental:	\$ _____
Total Due:	\$ _____

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

City Sponsored Event
 Yes No
Updated 6-3-2019



AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution to call for a Public Hearing to amend the Ordinance for the Schedule of Fees and Charges Relative to Parking Rates.

Date of Meeting: 1/10/2023	Ward # if applicable: Ward 1
Department: Administration	Person Submitting Item: Foster Hughes, City Manager
Call for Public Hearing: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Date of Public Hearing: 1/24/2023

Explanation of Item:	This is a request for a public hearing to increase fees and charges for leased parking in certain City owned lots.
Actions Needed by Board:	Adopt resolution
Backup Attached:	Memo, resolution, parking fee schedule

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

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

Additional Notes:



NEW BERN
CITY OF NEW BERN

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

Aldermen

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

Jeffrey T. Odham
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk
Kimberly A. Ostrom
Director of Finance

To: Mayor and Board of Aldermen
From: Foster Hughes, City Manager
Date: January 10, 2023
Subject: Consider Adopting a Resolution to call for a Public Hearing to amend the Ordinance for the Schedule of Fees and Charges Relative to Parking Rates.

Background Information:

During the Board retreat on November 3, 2022, a discussion was held on downtown parking. The City currently has three off-street lots where parking spaces are leased. Over the last three years, the Pollock and Craven Street lots have had 100% occupancy, and the Hancock lot has around 74% occupancy. Annual revenue from the three lots is around \$25,000. The current monthly rate for leased parking is \$20 per space per month (7:00am – 5:30pm, Monday – Friday) and \$30 per space per month (24 hours unlimited). Leased parking rates have not been increased since at least 2011. Staff recommends adjusting the rates to \$35 per space per month (7:00am – 5:30pm limited) and \$45 per space per month (24 hours) effective April 1, 2023.

Recommendation:

Staff recommends adopting the resolution to call for a public hearing.

RESOLUTION

THAT WHEREAS, the Board of Aldermen of the City of New Bern desires to call for a public hearing to receive public comments on increasing the leased parking rates identified in the City of New Bern Schedule of Fees and Charges.

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

That a public hearing will be conducted by the Board of Aldermen of the City of New Bern at 6:00 p.m. on Tuesday, January 24, 2023 in the City Hall Courtroom, or as soon thereafter as the matter may be reached, in order that all interested parties may be given an opportunity to be heard on the proposed increase in monthly parking fees for limited and residential leased parking spaces.

ADOPTED THIS 10th DAY OF JANUARY, 2023.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK

4. PARKING: (Code Section 70-272)	FEES
Parking Spaces Monthly Fee: (billed annually)	\$20 \$35 Limited/\$30 \$45 Residential
Limited: 7:00am - 5:30pm, Monday - Friday	\$20 \$35
Residential: 24 hours	\$30 \$45
Sign Installation Fee - one-time fee for monthly spaces	\$20
Late Penalty - Parking leases billed and managed by Accounting (payment received after due date)	5% of monthly bill
Delinquent Fee - Parking leases billed and managed by Accounting (payment received 10+ days after due date)	\$30
Parking Penalties (Code Section 70-274)	\$25, see code for further details
Leased Space Parking Hangers	2 Free, \$3 each additional

AGENDA ITEM COVER SHEET

Agenda Item Title:

Conduct a Public Hearing on the Rezoning of 910 and 914 Bloomfield Street; and a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and b) Consider Adopting an Ordinance to Rezone 910 and 914 Bloomfield Street from R-6 Residential to C-4 Neighborhood Business District.

Date of Meeting: 01/10/2023	Ward # if applicable: Ward 5
Department: Development Services	Person Submitting Item: Jessica Rhue, Director of Development Services
Call for Public Hearing: <input type="checkbox"/> Yes <input type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	The Redevelopment Commission has requested consideration to rezone two parcels, totaling 0.252 +/- acres, from R-6 to C-4.
Actions Needed by Board:	Conduct Public Hearing, Adopt Ordinance
Backup Attached:	Memo, Ordinance, Consistency or Inconsistency Statement, Map

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

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

Additional Notes:



MEMORANDUM

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

FROM: Jessica Rhue, Director Development Services

DATE: January 03, 2023

SUBJECT: Conduct a Public Hearing on the Rezoning of 910 and 914 Bloomfield Street; and a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and b) Consider Adopting an Ordinance to Rezone 910 and 914 Bloomfield Street from R-6 Residential to C-4 Neighborhood Business District.

The Redevelopment Commission of New Bern has requested consideration to rezone two parcels, totaling 0.252 +/- acres, from R-6 Residential to C-4 Neighborhood Business District. The parcels located at 910 and 914 Bloomfield are further identified as Craven County Parcel ID #'s 8-006-319 and 8-006-320. (Ward 5) The purpose of the proposed rezoning request is for the development of a Wellness Center for Duffyfield residents.

The Planning and Zoning Board unanimously approved this application at their November 1, 2022, meeting and recommend approval of the request.

Please contact Jessica Rhue at 639-7587 should you have questions or need additional information.

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF NEW BERN SO AS TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY OWNED BY THE REDEVELOPMENT COMMISSION OF THE CITY OF NEW BERN CONSISTING OF APPROXIMATELY 0.25 +/- ACRES LOCATED AT 910 AND 914 BLOOMFIELD STREET, AND ARE FURTHER IDENTIFIED AS CRAVEN COUNTY PARCEL ID # 8-006-319 AND 8-006-320, FROM THE EXISTING R-6 RESIDENTIAL DISTRICT TO C-4 NEIGHBORHOOD BUSINESS DISTRICT.

THAT WHEREAS, the Redevelopment Commission of the City of New Bern owns approximately 0.25 acres, more or less, located at 910 and 914 Bloomfield Street, being the parcels identified by Craven County parcel identification numbers 8-012-119 and 8-006-320, in the City of New Bern, and an application has been made to change the zoning classification of the subject property from R-6 Residential District to C-4 Neighborhood Business District consistent with the attached plat entitled "REZONING CASE: 910-914 Bloomfield St.- Approx. .252 Acres: PID: 8-006-319 & 320" 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 January 10, 2023, 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-4 Neighborhood Business 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 the Redevelopment Commission of the City of New Bern consisting of 0.25 acres, more or less, located at 910 and 914 Bloomfield Street, and being a being the parcels identified by Craven County parcel identification numbers 8-012-119 and 8-006-320, in the City of New Bern, from R-6 Residential District to C-4 Neighborhood Business District, all more specifically shown on the plat entitled "REZONING CASE: 910-914 Bloomfield St.- Approx. .252 Acres: PID: 8-006-319 & 320" prepared by the Development Services Department of the City of New Bern, a copy of which is attached hereto and incorporated herein by reference.

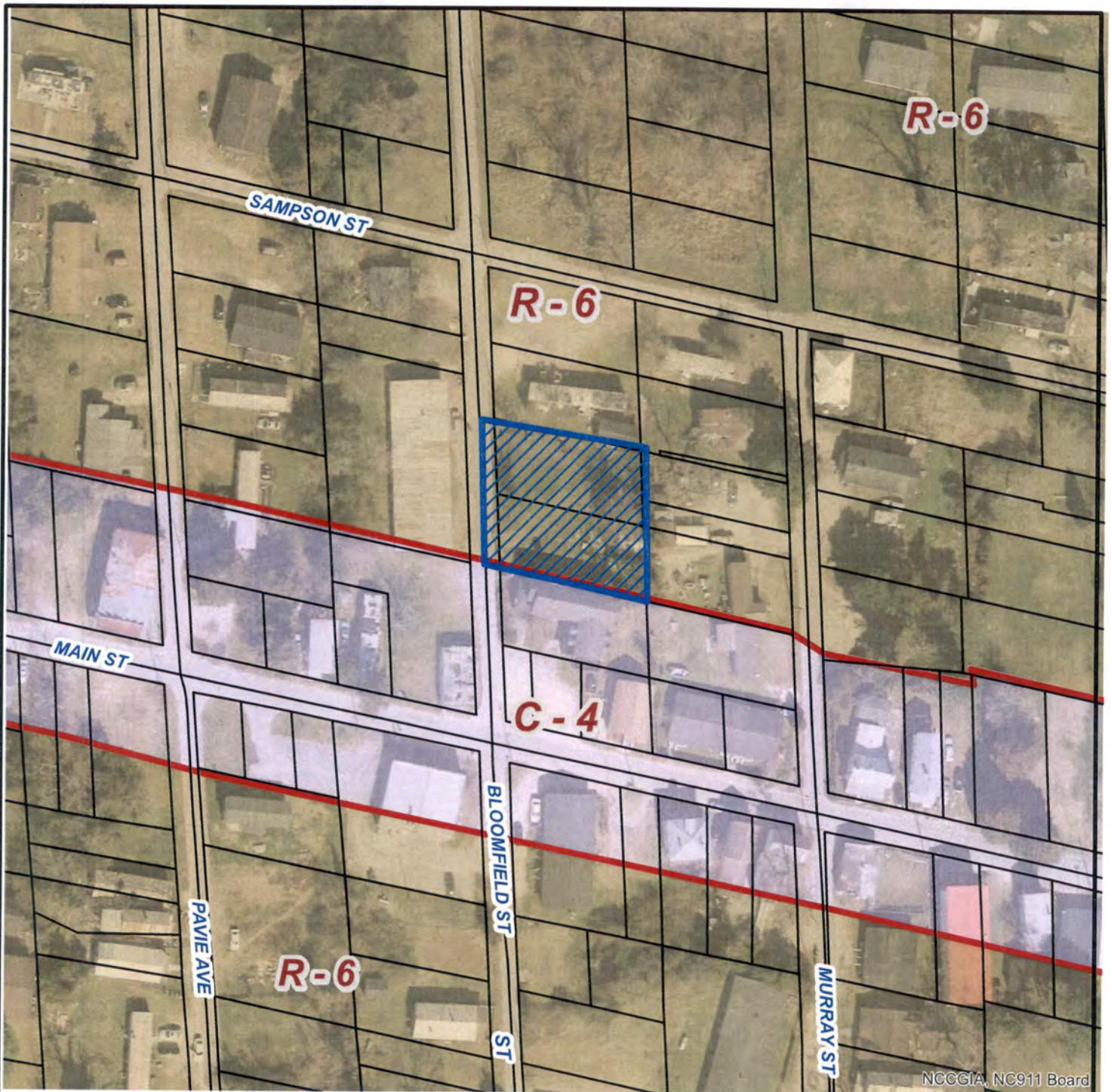
Section 2. That the Board deems it in the public interest to rezone the subject property consistent with the attached plat as the requested Zone C-4 Neighborhood Business District classification is consistent with the City Land Use Plans and nearby land uses.

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 10th DAY OF JANUARY, 2023.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK



NCCGIA, NC911 Board

REZONING CASE: 910-914 Bloomfield St - Approx. .252 Acres: PID: 8-006-319 & 320

LOCATION: East side of Bloomfield St, between Main and Sampson Streets.



Existing Zone: R-6
Proposed Zone: C-4



Zoning Boundaries

N CITY of NEW BERN
Development
Services



Scale: 1 = 100 ft



Imagery Early 2020

Craven County Parcel ID #'s 8-006-320 and 8-006-319

STATEMENT OF ZONING CONSISTENCY WITH ADOPTED PLANS

The Board of Aldermen of the City of New Bern finds the action to rezone Craven County Parcel ID #'s 8-006-320 and 8-006-319 to C-4 Neighborhood Business District is reasonable and in the public interest, and consistent with the City Land Use Plans and nearby land uses. In that:

1. The C-4 Neighborhood Business 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.
2. The proposed C-4 Neighborhood Business District is deemed to be compatible with adjacent zoning classifications.
3. The proposed C-4 Neighborhood Business 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 January 10, 2023.

Brenda E. Blanco, City Clerk

Craven County Parcel ID #'s 8-006-320 and 8-006-319

STATEMENT OF ZONING INCONSISTENCY WITH ADOPTED PLANS

The Board of Aldermen of the City of New Bern finds the action to rezone Craven County Parcel ID #'s 8-006-320 and 8-006-319 to C-4 Neighborhood Business 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-4 Neighborhood Business District is incompatible with the uses permitted on nearby properties, and other properties in the vicinity. And that:

The proposed C-4 Neighborhood Business 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 January 10, 2023.

Brenda E. Blanco, City Clerk



DEVELOPMENT SERVICES

January 10, 2023

1

Consideration of a rezoning request for 910 & 914 Bloomfield St.

2

Rezoning Request Analysis

- Applicant: City of New Bern Redevelopment Commission
- Location: 910 & 914 Bloomfield St (PIN's 8-006-319 & 8-006-320)
- Existing Zoning: R-6 Residential
- Proposed Zoning: C-4 Neighborhood Commercial District
- Size: 0.252 +/- acres
- History/Background: Lot #'s 53 and 54 of the Pavietown residential subdivision.
- Present Land Use: Vacant

3



4



914 Bloomfield

5



910 Bloomfield St.

6

Existing Zoning



The R-6 residential district

- designed to accommodate single-, two-, and multifamily dwellings, 6,000 sq ft lots.
- Mobile homes and mobile home parks are also permitted
- To encourage continued use of the land for residential purposes and certain compatible nonresidential uses

7

Proposed Zoning



The C-4 neighborhood business district:

- retailing of goods and services to the nearby residential neighborhoods.
- designed to limit the businesses which may be established in order to protect the abutting residential areas.

8

General Survey of Allowed Uses in C-4

- Residential
- Low Traffic Retail
- Restaurants
- Offices
- Libraries
- Indoor athletic centers
- Emergency services
- Funeral homes

Uses in R-6

Residential (Single, duplex, multi-fam)
Government offices (SUP)
Schools (SUP)
Churches
Public or Private outdoor rec (SUP)
Emergency services (SUP)
Nursery Schools/day care (SUP)
Nursing homes (SUP)
Manufactured home/parks

Uses in C-4

Residential (Single, duplex, multi-fam)
Government offices
Schools (SUP)
Churches (SUP)
Public or Private outdoor rec (SUP)
Emergency services
Nursery Schools/day care
Indoor athletic centers
Movie theaters \leq 300 seating (SUP)
Restaurants & Mobile food vendors
Veterinarians
Libraries
Funeral homes
Dry cleaners
Post of
Bed and breakfast
Low Traffic Retail
Professional & Medical offices

Surrounding Zoning

- North: Residential (R-6 Residential District)
- South: Government office (C-4 Commercial District).
- East: Residential (R-6 Residential District)
- West: Residential (R-6 Residential District)

Utilities

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

2022 Land Use Plan Update

- The area is classified as “Developed”. This area is largely built out with development. Growth in this area would largely require redevelopment of existing properties as apposed to development of available land.

Environment

- According to the 2022 Land Use Plan Update, the subject properties have high suitability for development. There are no known environmental hazards on this property.
- According to the North Carolina Floodplain Mapping Program, the properties are located within the unregulated 500- year floodplain, having a 0.2% annual chance of a flooding event. Properties within this zone are not required to elevate structures or carry flood insurance.

Recommendation

The proposal to rezone the subject properties to C-4 Commercial District is consistent with the character of the adjacent land uses and zoning classifications. Staff has found the proposed rezoning to be in the public interest and consistent with City Land Use and Transportation Plans. Staff recommends approval of the requested rezoning.

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution to Sale 2706 McKinley Avenue

Date of Meeting: 1/10/2023	Ward # if applicable: 2
Department: City Clerk	Person Submitting Item: Brenda Blanco
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	Stephonie Coward-Leary's offer of \$2,500 for the purchase of 2706 McKinley Avenue was advertised. No upset bids were received. The property is owned jointly by the City and Craven County, and the offer exceeds 50% of the tax value.
Actions Needed by Board:	Consider the sale of the property
Backup Attached:	Memo, resolution, offer to purchase, maps and pictures of the property, and tax property card

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

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

Additional Notes:



NEW BERN
CITY OF NEW BERN

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

Aldermen

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

Jeffrey T. Odham
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk
Kim Ostrom
Director of Finance

MEMO TO: Mayor and Board of Aldermen
FROM: Brenda Blanco, City Clerk
DATE: December 29, 2022
SUBJECT: Sale of 2706 McKinley Avenue

Stephonie Coward-Leary made an offer to purchase 2706 McKinley Avenue for \$2,500.00. After the Board adopted a resolution to initiate the upset bid process, the offer was advertised but no upset bids received. The tax value of the vacant 0.12-acre lot is \$4,500, and the offer represents more than 50% of the value.

The property was acquired jointly by the City and County through tax foreclosure in June 2017. At that time, the City was owed \$475.06 in liens, taxes, interest, penalties, fees and costs. The County was owed \$2,744.06 in taxes, interest, penalties, fees and costs. If the property is sold for the offer of \$2,500, the City will receive \$232.90 and the County will receive \$2,267.10.

/beb

RESOLUTION

THAT WHEREAS, the City of New Bern and Craven County have received an offer to purchase a parcel of property owned by the City and County located at 2706 McKinley Avenue, and being more particularly described herein; and

WHEREAS, the City owns a sixty-two percent (62%) undivided interest in the subject property, and Craven County owns a thirty-eight percent (38%) undivided interest; and

WHEREAS, the Board of Aldermen is authorized to sell the City's interest in the property pursuant to North Carolina General Statute §160A-269; and

WHEREAS, the offer to purchase was in the sum of \$2,500.00 by Stephonie Coward-Leary of 327 Eissel Street, New Bern, North Carolina 28562; that no increased bids were received, and the Board of Aldermen deemed it advisable and in the best interest of the City to sell its interest in the subject property to the successful bidder for sixty-two percent (62%) of the bid amount of \$2,500.00, and to convey its interest in said property by quitclaim deed.

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

Section 1. That the bid of Susan Barber in the sum of \$2,500.00 for said parcel bearing the postal enumeration for the City of New Bern of 2706 McKinley Avenue, and being more particularly described herein, be and the same is hereby accepted as to the City's interest in said property, and the Mayor and the City Clerk be and they are hereby authorized and directed to execute a quitclaim deed for the City's interest in said property to the purchaser.

Section 2. That a copy of said quitclaim deed is attached hereto and incorporated herein by reference, and the original deed shall be delivered to said purchaser once the same has

been executed on behalf of the City and County, upon payment of the balance due on the purchase price.

Section 3. That the subject property is more particularly described as follows:

Situated near New Bern, N.C., in a townsite which is plotted and known by the name of "Pembroke" the plot of which is the same which is recorded in the office of the Register of Deeds of Craven County, in Book number 183, on page 290, to which reference is made. The land herein covered being the certain lot number 392, in the said plot, and which was conveyed to B. B. Hurst by A. T. Dill and wife Clara G. Dill by A. T. Dill, Attorney in fact, and deed recorded in Book 198, page 195, Records of Craven County, N.C.

This property is also commonly referred to by its tax parcel identification number which is 8-037-061-C.

ADOPTED THIS 10th DAY OF JANUARY, 2023.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK

NORTH CAROLINA

OFFER TO PURCHASE AND CONTRACT

CRAVEN COUNTY

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

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

Street Address: 2706 McKinley Avenue

Subdivision Name: Pembroke

Tax Parcel ID No.: 8-037-061-C

Plat Reference: _____

Being all of that property more particularly described in Deed Book 3505, Page 0202 in the Craven County Registry.

2. **PURCHASE PRICE:** The purchase price is \$ 2,500.00 and shall be paid as follows:

(a) \$ 140.00, EARNEST MONEY DEPOSIT with this offer by cash bank check certified check to be held by Seller until the sale is closed, at which time it will be credited to Buyer, or until this contract is otherwise properly terminated. In the event this offer is not accepted, then all earnest monies shall be refunded to Buyer. In the event of breach of this contract by Seller, all earnest monies shall be refunded to Buyer upon Buyer's request. In the event of breach of this contract by Buyer, then all earnest monies shall be forfeited to Seller upon Seller's request, but such forfeiture shall not affect any other remedies available to Seller for such breach.

(b) \$ 2,360.00, BALANCE of the purchase price in cash or readily available funds at Closing.

3. **CONDITIONS:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Buyer Initials SL

Seller Initials _____

- 13. **RISK OF LOSS:** The risk of loss or damage by fire or other casualty prior to Closing shall be upon Seller.
- 14. **ASSIGNMENTS:** This contract may not be assigned without the written consent of all parties, but if assigned by agreement, then this contract shall be binding on the assignee and the assignee's heirs, successors or assigns (as the case may be).
- 15. **PARTIES:** This contract shall be binding upon and shall inure to the benefit of the parties, i.e., Buyer and Seller and their heirs, successors and assigns. As used herein, words in the singular include the plural and the masculine includes the feminine and neuter genders, as appropriate.
- 16. **SURVIVAL:** If any provision herein contained which by its nature and effect is required to be observed, kept or performed after the Closing, it shall survive the Closing and remain binding upon and for the benefit of the parties hereto until fully observed, kept or performed.
- 17. **ENTIRE AGREEMENT:** This contract contains the entire agreement of the parties and there are no representations, inducements or other provisions other than those expressed herein. All changes, additions or deletions hereto must be in writing and signed by all parties.
- 18. **NOTICE AND EXECUTION:** Any notice or communication to be given to a party herein may be given to the party or to such party's agent. This offer shall become a binding contract (the "Effective Date") when signed by both Buyer and Seller and such signing is communicated to the offering party. This contract is executed under seal in signed multiple originals, all of which together constitute one and the same instrument, with a signed original being retained by each party, and the parties adopt the word "SEAL" beside their signatures below.

BUYER:

(If an individual)

 (SEAL)

Name: Stephonie Coward-Leary

Date: 08/30/2022

Address: 327 Eissel Street
New Bern, NC 28562

Phone: 252-288-9460 Email: scowardleary@gmail.com

SELLER

CRAVEN COUNTY

By: _____ (SEAL)

Its: _____

Date: _____

(If a business entity)

CITY OF NEW BERN

By: _____ (SEAL)

Its: _____

Date: _____

Address: _____

Phone: _____

By: _____ (SEAL)

Its: _____

Date: _____

Buyer Initials  _____ Seller Initials _____

Craven County Geographic Information System

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

This report was created by Craven County GIS reporting services on 8/30/2022 9:07:06 AM

Parcel ID : 8-037 -061-C
Owner : CRAVEN COUNTY & NEW BERN-CITY
Mailing Address : 406 CRAVEN ST NEW BERN NC 28560
Property Address : 2706 MCKINLEY AVE
Description : 392 PEMBROKE\$
Lot Description :



Subdivision : PEMBROKE

Assessed Acreage : 0.117 **Calculated Acreage :** 0.120
Deed Reference : 3505-0202 **Recorded Date :** 6 21 2017
Recorded Survey :
Estate Number :
Land Value : \$4,500 **Tax Exempt :** Yes
Improvement Value : \$0 **# of Improvements :** 0
Total Value : \$4,500
City Name : NEW BERN **Fire tax District :**
Drainage District : **Special District :**
Land use : VACANT-RESIDENTIAL TRACT

Recent Sales Information

SALE DATE	Sellers Name	Buyers Name	Sale Type	Sale Price
6/21/2017	HILL, WM T HRS	CRAVEN COUNTY & NEW BERN-CITY	STRAIGHT TRANSFER	\$16,500

List of Improvements to Site

No improvements listed for this parcel



2706 McKINLEY AVE

Ownership: *New Bern/Craven Co.*
Size: *0.12 Acres*
Zoning: *R-6*
Land Use: *Vacant Lot*
Flood Hazard: *X (out)*
Tax Values
Land: \$4,500
Buildings: \$0
Total: \$4,500
Tax ID: 8-037-061C



1 inch = 100 feet

0 50 100 200 Feet



2808

000

DIVISION OF PROCEEDS

Property: 2706 McKinley Ave., PID: 8-037-061-C			
Offer Amount			\$ 2,500.00
Less: Reimb to City for publication of notice of offer		\$ 232.90	
Balance			\$ 2,267.10
County cost reimbursement		\$ 2,458.96	
City cost reimbursement		\$ -	\$ 2,458.96
Remaining Balance			\$ (191.86)
County Taxes at Foreclosure	\$ 285.10	37.505%	
City Taxes/Priority Liens at Foreclosure	\$ 475.06	62.495%	
Total Taxes	\$ 760.16		
County Total	\$ 2,267.10		
City Total	\$ 232.90		

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution Approving Extended Construction Hours for CapeFear Construction at 4115 Dr. Martin Luther King Jr. Boulevard

Date of Meeting: 1/10/2023	Ward # if applicable: 6
Department: City Clerk	Person Submitting Item: Brenda Blanco
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	CapeFear Construction is building an apartment complex at 4115 Dr. MLK Jr. Boulevard. The City's noise ordinance prohibits construction beyond the hours of 7 a.m. to 9 p.m. without approval from the Board of Aldermen. The lead superintendent finds it necessary to perform certain work, such as pouring of concrete, outside of these hours and is requesting a temporary exemption from the noise ordinance.
Actions Needed by Board:	Consider adopting the resolution
Backup Attached:	Resolution and request for exemption

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

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

Additional Notes:

Aldermen

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



NEW BERN
CITY OF NEW BERN

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
Kim Ostrom
Director of Finance

MEMO TO: Mayor and Board of Aldermen

FROM: Brenda Blanco, City Clerk

DATE: December 29, 2022

SUBJECT: Exemption from Construction Noise Ordinance

CapeFear Construction is building a 252-unit apartment complex at 4115 Dr. MLK Jr. Boulevard known as The Proximity New Bern. Section 26-71(5) of the City's ordinances confines construction noise to the hours of 7 a.m. to 9 p.m., but provides that an exemption can be provided with approval of the Governing Board. CapeFear has requested an exemption for the period of February 01, 2023 through July 01, 2023 to allow for deliveries of concrete, running of generators, and other construction-related activities. The project site is not immediately surrounded by residences that may be impacted by the request.

/beb

RESOLUTION

THAT WHEREAS, CapeFear Construction is building a 252-unit apartment complex at 4115 Dr. Martin Luther King, Jr. Boulevard; and

WHEREAS, Sec. 26-71(5) of Article III – Noise of the City's Code of Ordinances specifies hours of construction noise are confined to 7 a.m. to 9 p.m. CapeFear Construction has submitted a request for an exemption from the ordinance to allow for construction of the project to continue beyond these hours from February 01, 2023 through July 01, 2023; and

WHEREAS, the Board of Aldermen deems it advisable and in the public interest to approve the requested exemption.

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

Section 1. Pursuant to Section 26-71(5) of the Code of Ordinances of the City of New Bern, the Board of Aldermen of the City of New Bern hereby finds that it's in the public interest to allow CapeFear Construction to perform construction activities during the restricted hours of 9 p.m. to 7 a.m. from February 01, 2023 through July 01, 2023 at 4115 Dr. Martin Luther King Jr. Boulevard; and

Section 2. If any noise complaints are raised, CapeFear Construction shall work with the City Manager to address those complaints in an effort to, as much as possible, minimize the effects of sound created by construction activities.

Section 3. This resolution shall be effective on adoption.

ADOPTED this 10th day of January, 2023.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK

Brenda Blanco

From: Wes Esarove <wes@capefearconstructiongroup.com>
Sent: Tuesday, December 20, 2022 10:10 AM
To: Brenda Blanco
Cc: David Novotny
Subject: Zoning exception - Proximity at New Bern 4115 Dr. MLK Jr. Blvd.

Ms. Blanco,

The purpose of this letter is to obtain the City of New Bern's approval for our Construction team to begin early morning concrete pours over the next several months. We request an exception to the City of New Bern's zoning ordinance prohibiting construction during these hours. Our scheduled construction work would take place beginning 02/01/2023-07/01/2023. We will have concrete trucks with back up alarms, pump truck, and generators for lights. We will ensure our Construction team adheres to the utmost consideration pertaining to noise and lights, so as not to disturb others. The address of the project is 4115 Dr. MLK Jr. Blvd. directly across the street from the new U-Haul and next door to the new Ace Hardware.

We sincerely appreciate your willingness to consider this matter. Should you have any questions or need anything additional, please don't hesitate to let me know. I look forward to hearing from you soon.

Sincerely,

Wes Esarove

Lead Superintendent

Mobile (972) 333-3722

102 Autumn Hall Drive | Suite 210 | Wilmington, NC 28403



----- If you are not the intended recipient, you must destroy this message and inform the sender immediately. This electronic mail message and any attachments, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any time. It also may contain information which is confidential within the meaning of applicable federal and state laws.

AGENDA ITEM COVER SHEET

Agenda Item Title: Consider Adopting a Resolution Approving a Memorandum of Understanding with CarolinaEast EMS

Date of Meeting: 1/10/2023	Ward # if applicable: N/A
Department: Fire	Person Submitting Item: Robert Boyd (Fire Chief)
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	This agreement is part of contingency plan to facilitate housing and ambulance storage for EMS at New Bern Fire Rescue if CarolinaEast Medical Center's Emergency Medical Services (EMS) was needing to be evacuated.
Actions Needed by Board:	Approve resolution
Backup Attached:	See resolution, MEMO, and Memorandum of Understanding.

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

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

Additional Notes:



Robert M. Boyd, Jr.
Fire-Rescue Chief

NEW BERN
NORTH CAROLINA

FIRE-RESCUE DEPARTMENT

1401 Neuse Boulevard
P.O. Box 1129
New Bern, NC 28563-1129
(252) 639-2931

~ Proudly Serving Since 1845 ~

Battalion Chiefs
Dennis Tyndall - A Shift
William Smith - B Shift
Scott Gladson - C Shift

Division Chiefs
Jeremy Blalock, Interim Fire Marshal
James P. McConnell, Training Officer

TO: Mayor and the Board of Alderman
FROM: Robert Boyd, Fire Rescue Chief
DATE: December 29, 2022
SUBJECT: Automatic Aid Agreement for Fire Protection

Background:

CarolinaEast Medical Center developed a contingency plan for placement of ambulances and personnel in the event their Emergency Medical Service's facility needed to be evacuated due to an emergency.

Recommendation:

Approve resolution for the Memorandum of Understanding agreement between CarolinaEast Medical and the City of New Bern.

RESOLUTION

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

THAT the Memorandum of Understanding between CarolinaEast Medical Center's Emergency Medical Services ("EMS") and the City of New Bern to facilitate housing and ambulances in the event of an occurrence of necessitating evacuation, a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the City Manager is hereby authorized and directed to execute the same in duplicate originals for and on behalf of the City.

ADOPTED this the 10th day of January, 2023.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK



MEMORANDUM OF UNDERSTANDING
Between
CAROLINA EAST HEALTH SYSTEM
And
CITY OF NEW BERN

CarolinaEast Health System
2000 Neuse Boulevard
New Bern, North Carolina 28561

City of New Bern
300 Pollock Street
New Bern, North Carolina 28560

This MEMORANDUM OF UNDERSTANDING (MOU) dated January 10, 2023 (“Effective Date”) is entered into by and between **CarolinaEast Health System** and the **City of New Bern**.

WHEREAS, in the event of an occurrence necessitating evacuation of CarolinaEast Medical Center’s Emergency Medical Services (EMS), the City of New Bern agrees to facilitate housing and ambulance storage for EMS at its New Bern Fire-Rescue location at 1401 Neuse Boulevard and 3101 Elizabeth Avenue, to the extent of its ability and resources. CarolinaEast Health System will provide supportive staff, any medical equipment and pharmaceuticals required for treatment of patients, to the extent of its ability and available resources.

NOW, THEREFORE, in consideration of the foregoing, both parties mutually agree to assist the other in a major disaster event.

TERM: The term is for indefinite period of time and shall continue in perpetuity, unless written notice of termination is given by one party unto the other, in which case this agreement will immediately become null and void.

CarolinaEast Health System

City of New Bern

Signature

Signature

Printed Name

Printed Name

Date

Date

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting an Ordinance for the Demolition of 1111 Cedar Street.

Date of Meeting: 1/10/2023	Ward # if applicable: Ward 2
Department: Development Services	Person Submitting Item: Jessica Rhue, Director of Development Services
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	Staff is seeking approval of an Ordinance to demolish the structure located at 1111 Cedar Street.
Actions Needed by Board:	Adopt Ordinance
Backup Attached:	Memo, Ordinance, Chronological Order of Events, Map

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

Cost of Agenda Item: \$10,909.50
If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director? <input type="checkbox"/> Yes <input type="checkbox"/> No

Additional Notes:



MEMORANDUM

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

FROM: Jessica Rhue, Director Development Services

DATE: January 03, 2023

SUBJECT: Consider Adopting an Ordinance for the Demolition of 1111 Cedar Street.

Staff is seeking approval of an ordinance to demolish the structure located at 1111 Cedar Street.

Staff sent the owner of record an initial minimum housing letter on April 21, 2020, stating that the dwelling located at 1111 Cedar Street had deficiencies violating the City's Minimum Housing Code. Staff spoke with one of the property heirs on January 8, 2021, they stated they were interested in selling the property, the original owners are deceased. On April 28, 2021, there was a structure fire which caused major structural damage to the home. In May 2022 the property was listed for sale; however, the property never sold.

Staff filed a complaint and notice of hearing on May 9, 2022, with a confirmed delivery confirmation. None of the heirs attended or responded to the June 2, 2022, hearing.

On June 3, 2022, an Order of the Building Inspector (OBI) was served to the heirs to bring the dwelling back into compliance with the minimum standards established by Chapter 38 of the Code with an expiration date of July 2, 2022. An amended OBI was mailed on September 26, 2022, due to possible unknown heirs, the complaint required publication in the Sun Journal. To date there has been no contact from the owner, no permits have been applied for, and the structure remains non-compliant.

The demolition estimate from Public Works is \$10,909.50. Utility termination has been completed.

A complete list of chronological events related to the property as well as pictures are attached. Please contact Jessica Rhue at 639-7587 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 1111 CEDAR STREET IN THE CITY OF NEW BERN, NORTH CAROLINA

THAT WHEREAS, the City of New Bern properly served Eliza Coleman and spouse, if any, Lillie Ruth Coleman and spouse, if any, the unknown adult, infant, and unborn heirs of Lillie Ruth Coleman, Elbert Livingston Coleman and spouse, if any (collectively "Owners"), on May 9, 2022 and May 10, 2022, 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 1111 Cedar Street in the City of New Bern, North Carolina (Craven County parcel identification number 8-007-037) is unfit for human habitation; and

WHEREAS, the Owners of the certain dwelling located at 1111 Cedar 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 October 31, 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 1111 Cedar 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 10th DAY OF JANUARY, 2023.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK

EXHIBIT A

All that certain lot or parcel of land lying and being situate in the City of New Bern, said State and County, and in that portion of said City known and designated as Reizensteinville” as plotted and recorded in the public records in the office of the Register of Deeds of the said Craven County in Book 105 at pages 56 and 57 and bearing number eleven (11) according to said plan and bounded as follows:

Beginning at the Southeastern intersection of Chapman and Cedar streets, and runs Southwardly along said Chapman St. 75 feet more or less, to the Northern line of lot No. 27; thence Eastwardly along said Northern line of Lot No 27 58 feet, more or less, to the western line of Lot No. 12; 75 feet more or less to Cedar St. thence westwardly along the Southern line of Cedar St. to the beginning, being fully described in a deed dated the 21st day of April, 1913, from R. O’Hara to Miles B. Spruill, which is recorded in Book 194, page 256, in the office of the Register of Deeds of Craven County. Being the same land conveyed from Miles B. Spruill to John S. Garrett and registered in the office of the Register of Deeds of Craven County in Book 194, page 294.

CHRONOLOGICAL ORDER OF EVENTS

1111 Cedar Street

(Parcel ID # 8-007-037)

DATE

EVENTS

04/22/2020	Narrative sheet.
04/21/2020	Initial minimum housing letter, with delivery confirmation. (not included)
10/20/2020	Second minimum housing letter, with delivery confirmation. (not included)
	Pictures ranging from 04/14/2020 through 12/07/2022.
01/08/2021	CAO had a phone call with Eliza Coleman, in New York. May be interested in selling property. Received obituaries for owners. (not included)
04/28/2021	(Statement) Structure fire, major structural damage to house.
05/06/2021	Staff had a phone call with Lesia Bradley, friend of Elisa Coleman, wanting to sell property because they no longer want it and do not have the means for compliance. (not included)
05/14/2021	Invoice: I-0665 Public work board up due to fire, \$774.96. (not included)
03/29/2022	COA called Melissa Hall, owner's goddaughter, unable to give us any information about Mrs. Coleman's plans for the house. (not included)
04/04/2022	Title Option. (not included)
04/26/2022	Invoice: I-0681 Public works re-board up house and garage and pick up trash/debris in yard, \$988.71. (not included)
05/2022 – 07/2022	(Statement) Family listed property for sale. No sale occurred.
05/09/2022	Filed Complaint (Residential Building or Structure) and Notice of Hearing/ Notice of Lis Pendens, hearing date 06/02/2022, with delivery confirmations. File # 22 M 171.
05/10/2022	Notice of Service of Process by Publication with proof of publication. (not included)
05/13/2022	Affidavit of Posting, Complaint (Residential Building or Structure) and Notice of Hearing/ Notice of Lis Pendens. (not included)
06/02/2022	Hearing notes. (not included)
06/03/2022	Filed Order of the Building Inspector, File # 21 M 171, Dilapidated, remain vacant, expires 07/02/2022, with delivery confirmations.
06/22/2022	Utility terminations; waiting gas. (not included)
07/02/2022	(Statement) OBI expires, no permits applied for, no communication from owners, penalties begin to accrue. Real-estate agent, might sell.
07-7-2021 – 06/27/2022	Emails: Conversations with City staff; Demo estimate \$10,909.50; Real-estate agent might sell. (not included)
4/15/2020 – 12/07/2022	GIS data sheets, showing ownership status and taxes.
07/05/2022	(Statement) Still no permits applied for, there has been no communication from the owner. Estimated penalties owed to date \$500.00. Asbestos testing and abatement have not been completed as of this date.
9/26/2022	Amended Order of the Building Inspector, File # 22 M 171, Dilapidated remain vacant, expires 10/31/2022, with delivery confirmations.
9/26/2022	Notice of Service of Process by Publication with proof of publication. (not included)
9/27/2022	Affidavit of Posting, Notice of Order of the Building Inspector, Amended on property. (not included)
12/07/2022	(Statement) No permits applied for and no communication on this property from the owners.
12/12/2022	Memo sent to owners and family informing them we are requesting a demolition ordinance. (not included)

1111 Cedar St

4-14-2022



same 7-6-2022

1111 Cedar St 4.14.2022



same 7.5.2022

1111 Cedar St 12.7.2022



STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

CITY OF NEW BERN,

BEFORE THE BUILDING INSPECTOR

OF THE CITY OF NEW BERN

File No. 22M171

FILED

2022 JUL -9 A 8:46
Plaintiff

CRAVEN CO., C.S.C.

BY 

v.

ELIZA COLEMAN AND SPOUSE, if any;

LILLIE RUTH COLEMAN AND SPOUSE,
if any;

THE UNKNOWN ADULT, INFANT, AND
UNBORN HEIRS OF
LILLIE RUTH COLEMAN, DECEASED;

ELBERT LIVINGSTON COLEMAN AND
SPOUSE, if any;

Defendants- Owners

CURTIS SHAW AND SPOUSE, if any;

Party-in-Interest

CRAVEN COUNTY AND CITY OF NEW
BERN,

Lienholders

COMPLAINT
(Residential Building or Structure)
(Dwelling Unfit for Human Habitation)
AND
NOTICE OF HEARING/
NOTICE OF LIS PENDENS

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 dwelling (to include the detached garage) located at 1111 Cedar Street, New Bern, North Carolina, which bears Craven County parcel identification number 8-007-037, 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 and there are multiple holes in the roof 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 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.
 - h. The dwelling does not have water and sewer services.
 - i. 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. The dwelling is presently vacant.
 - l. The dwelling has suffered significant structural damage from a fire on the 28th day of April 2021.
3. A hearing will be held on the **2nd Day of June 2022, at 2:00 p.m.** in the office of the City Building Inspector located at 303 First Street, New Bern, North Carolina 28560.
 4. 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.

5. 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.

7. 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 9th Day of May 2022.

Patrick J. Ezel

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

9 May 2022

File # 22-M-171
Hearing 2. Sun. 2022
Comp

Certificate of Service

I hereby certify that on the this 9th Day of May 2022, 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:

Eliza Coleman
1455 Geneva Loop, Apt 5 A
Brooklyn, NY 11239
7021 0350 0001 8412 8518

Reg Delv - 7-18-2022

Spouse of Eliza Coleman, if any
1455 Geneva Loop, Apt 5 A
Brooklyn, NY 11239
7021 0350 0001 8412 8525

Reg Delv

Lillie Ruth Coleman
1455 Geneva Loop, Apt 5 A
Brooklyn, NY 11239
7021 0350 0001 8412 8532

Reg Delv

Spouse of Lillie Ruth Coleman, if any
1455 Geneva Loop, Apt 5 A
Brooklyn, NY 11239
7021 0350 0001 8412 8549

Reg Delv

Elbert Livingston Coleman
1455 Geneva Loop, Apt 5 A
Brooklyn, NY 11239
7021 0350 0001 8412 8556

Reg Delv

Spouse of Elbert Livingston Coleman, if any
1455 Geneva Loop, Apt 5 A
Brooklyn, NY 11239
7021 0350 0001 8412 8563

Reg Delv - 7-18-2022

Curtis Shaw
917 B Bloomfield Street
New Bern, NC 28560
7021 0350 0001 8412 8570

Reg Delv - 5-13-2022

Spouse of Curtis Shaw, if any
917 B Bloomfield Street
New Bern, NC 28560
7021 0350 0001 8412 8587

Reg Delv - 5-13-2022

Craven County c/o Arey W. Grady, III
244-A Craven St
New Bern, NC 28560
7021 0350 0001 8412 8594

Reg Delv - 5-16-2022

I further certify that on this 9th Day of May 2022, 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

COPY

FILED

NORTH CAROLINA
COUNTY OF CRAVEN

2022 JUN -3 A 8:59

CRAVEN CO., G.S.C.

BEFORE THE BUILDING INSPECTOR
OF THE CITY OF NEW BERN

File# 22 M 171

ORDER OF THE
BUILDING INSPECTOR
OF THE CITY OF NEW BERN

BY [Signature]

CITY OF NEW BERN,

Plaintiff

v.

ELIZA COLEMAN AND SPOUSE, if any;

LILLIE RUTH COLEMAN AND SPOUSE,
if any;

THE UNKNOWN ADULT, INFANT, AND
UNBORN HEIRS OF
LILLIE RUTH COLEMAN, DECEASED;

ELBERT LIVINGSTON COLEMAN AND
SPOUSE, if any;

Defendants- Owners

CURTIS SHAW AND SPOUSE, if any;

Party-in-Interest

CRAVEN COUNTY AND CITY OF NEW BERN,
Lienholders

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 2nd Day of June 2022; 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.

2. The following were properly notified but not present: Eliza Coleman and Spouse, if any; Lillie Ruth Coleman and Spouse, if any; Elbert Livingston Coleman and Spouse, if any; Curtis Shaw and Spouse, if any; Arey W Grady, III; and Foster Hughes.

3. Lillie Ruth Coleman and Spouse if any; and Elbert Livingston Coleman and Spouse if any, own the real property located at 1111 Cedar Street, New Bern, North Carolina 28560, and further identified by Craven County Tax Identification number 8-007-037.

4. The dwelling located at 1111 Cedar 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 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 **July 2, 2022**.

b. Ensure all permits are obtained prior to work beginning.

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

This 2nd Day of June 2022

Patrick J Ezel

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

3 June 2022

OBT 22.11.171
Dilap exp
7.2.2022

Certificate of Service

Re: 1111 Cedar St Street (Parcel ID # 8-007-037)

I hereby certify that on the 3rd Day of June 2022, 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:

Eliza Coleman ^{Reg}
cert 6.11.2022
1455 Geneva Loop, Apt 5 A
Brooklyn, NY 11239
7021 0350 0001 8412 8754

Spouse of Eliza Coleman, if any ^{Reg}
cert 6.11.2022
1455 Geneva Loop, Apt 5 A
Brooklyn, NY 11239
7021 0350 0001 8412 8761

Lillie Ruth Coleman
1455 Geneva Loop, Apt 5 A ^{Reg}
cert 6.11.2022
Brooklyn, NY 11239
7021 0350 0001 8412 8778

Spouse of Lillie Ruth Coleman, if any
1455 Geneva Loop, Apt 5 A ^{Reg}
cert 6.11.2022
Brooklyn, NY 11239
7021 0350 0001 8412 8785

Elbert Livingston Coleman
1455 Geneva Loop, Apt 5 A ^{Reg}
cert 6.11.2022
Brooklyn, NY 11239
7021 0350 0001 8412 8792

Spouse of Elbert Livingston Coleman, if any
1455 Geneva Loop, Apt 5 A ^{Reg}
cert 6.11.2022
Brooklyn, NY 11239
7021 0350 0001 8412 8808

Curtis Shaw ^{Reg}
cert - RTS
917 B Bloomfield Street
New Bern, NC 28560
7021 0350 0001 8412 8815

Spouse of Curtis Shaw, if any ^{Reg}
cert - RTS
917 B Bloomfield Street
New Bern, NC 28560
7021 0350 0001 8412 8822

Craven County c/o Arey W. Grady, III
244-A Craven St ^{Reg}
cert 6.9.2022
New Bern, NC 28560
7021 0350 0001 8412 8839

I further certify that on this the 3rd Day of June 2022, 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

Patrick J Ezel

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

NORTH CAROLINA
COUNTY OF CRAVEN

FILED

BEFORE THE BUILDING INSPECTOR
OF THE CITY OF NEW BERN

2022 SEP 26 A 9:56
CRAVEN CO., C.S.C.

File# 22 M 171

ORDER OF THE
BUILDING INSPECTOR
OF THE CITY OF NEW BERN

CITY OF NEW BERN,

BY 
Plaintiff

v.

ELIZA COLEMAN AND SPOUSE, if any;

LILLIE RUTH COLEMAN AND SPOUSE,
if any;

THE UNKNOWN ADULT, INFANT, AND
UNBORN HEIRS OF
LILLIE RUTH COLEMAN, DECEASED;

ELBERT LIVINGSTON COLEMAN AND
SPOUSE, if any;

Defendants- Owners

CURTIS SHAW AND SPOUSE, if any;

Party-in-Interest

CRAVEN COUNTY AND CITY OF NEW BERN,
Lienholders

AMENDED

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 2nd Day of June 2022; 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.
2. The following were properly notified but not present: Eliza Coleman and Spouse, if any; Lillie Ruth Coleman and Spouse, if any; Elbert Livingston Coleman and Spouse, if any; Curtis Shaw and Spouse, if any; Arey W Grady, III; and Foster Hughes.
3. Lillie Ruth Coleman and Spouse if any; and Elbert Livingston Coleman and Spouse if any, own the real property located at 1111 Cedar Street, New Bern, North Carolina 28560, and further identified by Craven County Tax Identification number 8-007-037.
4. The dwelling located at 1111 Cedar 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 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 **October 31, 2022.**

b. Ensure all permits are obtained prior to work beginning.

c. 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 26th Day of September 2022.

Patrick J Ezel

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

Amended OBP
 File # 22M171
 Dilsp
 etp 10-31-2022

Certificate of Service

Re: 1111 Cedar St Street (Parcel ID # 8-007-037)

I hereby certify that on the 26th Day of September 2022, 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:

Res
 cert. 9.30.2022
 Eliza Coleman
 1455 Geneva Loop, Apt 5 A
 Brooklvn. NY 11239
 7021 0350 0001 8412 9454

Spouse of Eliza Coleman, if any Res
 1455 Geneva Loop, Apt 5 A cert. 9.30.2022
 Brooklyn, NY 11239
 7021 0350 0001 8412 9461

es
 cert. 9.30.2022
 Lillie Ruth Coleman
 1455 Geneva Loop, Apt 5 A
 Brooklvn. NY 11239
 7021 0350 0001 8412 9478

Spouse of Lillie Ruth Coleman, if any Res
 1455 Geneva Loop, Apt 5 A cert. 9.30.2022
 Brooklyn, NY 11239
 7021 0350 0001 8412 9485

es
 cert. 9.30.2022
 Elbert Livingston Coleman
 1455 Geneva Loop, Apt 5 A
 Brooklyn, NY 11239
 7021 0350 0001 8412 9492

Spouse of Elbert Livingston Coleman, if any Res
 1455 Geneva Loop, Apt 5 A cert. 9.30.2022
 Brooklyn, NY 11239
 7021 0350 0001 8412 9508

Res
 cert
 Curtis Shaw
 917 B Bloomfield Street
 New Bern, NC 28560
 7021 0350 0001 8412 9515

Spouse of Curtis Shaw, if any Res
 917 B Bloomfield Street cert
 New Bern, NC 28560
 7021 0350 0001 8412 9522

es
 cert. 9.27.2022
 Craven County c/o Arey W. Grady, III
 244-A Craven St
 New Bern, NC 28560
 7021 0350 0001 8412 9539

I further certify that on this the 26th Day of September 2022, 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

Patrick J Ezel

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



Proposed Demolition Context Map: 1111 Cedar St



Property Site



Current Owner(s):
 Coleman, Lillie Ruth etal
 Address: 1111 Cedar St
 Acres: 0.196 Ac.
 Parcel ID: 8-007-037



1 inch = 50 feet

0 25 50 100 Feet

Imagery 2021

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider adopting an amendment to the FY 2022-23 annual adopted budget.

Date of Meeting: 01/10/2023	Ward # if applicable:
Department: Finance	Person Submitting Item: Kim Ostrom, Director of Finance
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Redevelopment Fund to appropriate \$55,000 from fund balance
Actions Needed by Board:	
Backup Attached:	Memo, Ordinance Amendment

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

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

Additional Notes:



NEW BERN
CITY OF NEW BERN

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

Aldermen

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

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: December 30, 2022
RE: Amendments to the FY 2022-23 Operating Budget

Redevelopment Fund

The Redevelopment Fund is amended to appropriate \$55,000 from fund balance approved by the Redevelopment Commission on December 14, 2022, for the following expenses:

Amount	Vendor	Description
\$8,092	Davis Hartman Wright	910 & 914 Bloomfield Purchase
8,000	Ed Munford, Contractor	911 Eubanks Rehab (\$8,000 from Redevelopment/\$18,600 from CDBG)
15,250	Enviro Assessments	908 Bloomfield Asbestos Abatement
945	Enviro Assessments	908 Bloomfield Asbestos Inspection
17,365	CNB Public Works	908 Bloomfield Demolition
3,025	CNB Public Works	910 Bloomfield Demolition
1,300	CNB Public Works	914 Bloomfield Demolition
\$53,977	Total	

Requested Action

The Board considers adopting the enclosed budget amendment at its meeting on January 10, 2023.

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

FROM: Kim Ostrom, Director of Finance

Meeting Date: January 10, 2023

EXPLANATION:

The Redevelopment Fund is amended to appropriate \$55,000 from fund balance for expenses related to the rehabilitation of 911 Eubanks and the purchase and demolition of 908, 910 & 914 Bloomfield.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN
THAT THE 2022-2023 ANNUAL BUDGET ORDINANCE IS AMENDED AS FOLLOWS:

Section 1 - Appropriations

Schedule U - REDEVELOPMENT FUND

Increase: Redevelopment \$ 55,000

Section 2 - Estimated Revenues

Schedule U - REDEVELOPMENT FUND

Increase: Fund Balance Appropriated \$ 55,000

NATURE OF TRANSACTION:

ADDITIONAL REVENUE AVAILABLE FOR APPROPRIATION
 TRANSFER WITHIN ACCOUNTS OF SAME FUND
 OTHER: FUND BALANCE APPROPRIATED

APPROVED BY THE BOARD OF ALDERMEN AND
ENTERED ON MINUTES DATED JANUARY 10, 2023
AGENDA ITEM NUMBER _____

BRENDA E. BLANCO, CITY CLERK

RESOLUTION

BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE CITY OF
NEW BERN:

That the Redevelopment Commission of the City of New Bern hereby approves the transfer
of \$55,000 from Fund Balance to Land & Structures budget line item, subject to approval by the
New Bern Board of Aldermen.

ADOPTED THIS 14TH DAY OF DECEMBER 2022.


THARESA LEE, CHAIRPERSON


CATRÉCIA BOWMAN, EXECUTIVE DIRECTOR



NEW BERN
CITY OF NEW BERN

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

Aldermen

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

Jeffrey T. Odham
Mayor
Foster Hughes
City Manager
Brenda E. Blanco
City Clerk
Kimberly A. Ostrom
Director of Finance

Memorandum

TO: Alderman Johnnie Ray Kinsey
FROM: Brenda Blanco, City Clerk
DATE: December 29, 2022
SUBJECT: Appointment to Historic Preservation Commission

Tony Bryant resigned from the Historic Preservation Commission on December 13, 2022. A new appointment is needed to fill the remainder of his term, which will expire on June 30, 2024.

/beb



NEW BERN
CITY OF NEW BERN

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

Aldermen

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

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: January 04, 2023
SUBJECT: Appointment to Historic Preservation Commission

Annette Stone resigned from the Historic Preservation Commission today. She no longer is a resident of New Bern, which disqualifies her from serving. A new appointment is needed to fill the remainder of her term, which will expire on June 30, 2023.

/beb