

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
FEBRUARY 14, 2023 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

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

Consent Agenda

5. Consider Adopting a Resolution to Initiate the Upset Bid Process for 1027 Lees Avenue.
6. Consider Approving a Proclamation for Arbor Day.
7. Approve Minutes.

8. Update from CPL Architects on Stanley White Recreation Center.
9. Presentation on GIS HUB.
10. Consider Adopting a Resolution Approving the Redevelopment Commission's Sale of 827 Cedar Street.
11. Consider Adopting a Resolution Approving a Law Enforcement Mutual Assistance Agreement with the Havelock Police Department.
12. Consider Adopting an Ordinance to Amend Chapter 70 "Traffic and Vehicles" to Amend the Schedule of Speed Limits to Reduce Speed on National Avenue.
13. Consider Adopting a Resolution to Authorize the Execution of a Deed and Transfer and Reversion Agreement to Transfer Properties to the Redevelopment Commission.
14. Consider Adopting an Ordinance for the Demolition of 831 Eubanks Street.
15. Consider Adopting an Ordinance to Amend Section 66-85 for City-Sponsored Events.
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: February 10, 2023
Re: February 14, 2023 Agenda Explanations

1. **Meeting opened by Mayor Jeffrey T. Odham. Prayer Coordinated by Alderman Brinson. 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 Initiate the Upset Bid Process for 1027 Lees Avenue.

(Ward 5) Beau Dorsey has submitted an offer to purchase 1027 Lees Avenue for \$2,000. The parcel is a vacant 0.12-acre residential lot with a tax value of \$4,000. The property was acquired jointly by the City and County in October 2015 through tax foreclosure. The unpaid taxes, interest, penalties, fees, and costs due at that time were \$2,580.52 to Craven County and \$216.38 to the City. This property is within the boundary of the Redevelopment Commission. The Commission adopted a resolution on July 13, 2022 in support of the Board initiating the upset bid process. A memo from Brenda Blanco, City Clerk, is attached.

6. Consider Approving a Proclamation for Arbor Day.

Kari Warren, Director of Parks and Recreation, has requested a proclamation to recognize Arbor Day on Friday, March 17, 2023. Parks and Recreation will make a future announcement about its plans to observe the day.

7. Approve Minutes.

Draft minutes from the December 13, 2022 closed session, January 28, 2023 regular meeting, and February 01, 2023 special meeting are provided for review and approval.

8. Update from CPL Architects on Stanley White Recreation Center.

(Ward 2) Representatives from Clark Patterson Lee ("CPL") Architects and Engineers will be in attendance to provide an update on the Stanley White Recreation Center project.

9. Presentation on GIS HUB.

Alice Wilson, GIS Manager, will review a GIS hub site that has been created to provide information related to the City and surrounding areas.

10. Consider Adopting a Resolution Approving the Redevelopment Commission's Sale of 827 Cedar Street.

(Ward 1) In August of 2022, the Redevelopment Commission received a bid of \$1,140 from William Richardson for the purchase of 827 Cedar Street. Mr. Richardson proposed to the Commission that he would use the property for personal space, possibly parking. The parcel is a very small 0.02-acre vacant residential lot with a tax value of \$1,520. His bid was advertised, but no additional bids received. If the sale is approved, restrictions will be imposed to prohibit the

property from being used to store junked or wrecked vehicles and to prohibit the erection of a structure. Proceeds from the sale will be placed in the Redevelopment Fund.

The City transferred ownership of the property to the Commission in November 2020. The parcel had been donated to the City in August of 2019 after the mortgage lender foreclosed for loan default. A memo from Ms. Blanco is attached.

11. Consider Adopting a Resolution Approving a Law Enforcement Mutual Assistance Agreement with the Havelock Police Department.

By resolution dated February 09, 2016, the Chief of Police is authorized to execute mutual aid agreements with other North Carolina law enforcement agencies pursuant to NCGS §160A-288, if the agreement is consistent with a model agreement that was part of that resolution. The City of Havelock has proposed an agreement that differs from the model and, therefore, requires Board approval. A memo from Police Chief Patrick Gallagher describing the additional provisions is attached. His memo also outlines his recommendations for approval of each provision.

12. Consider Adopting an Ordinance to Amend Chapter 70 "Traffic and Vehicles" to Amend the Schedule of Speed Limits to Reduce Speed on National Avenue.

(Ward 1) The Riverside Neighborhood Association has requested the speed limit on National Avenue between Neuse Avenue and Dunn Street be reduced from 35 mph to 25 mph. The request was evaluated by Public Works and the Police Department, and a determination was made that lowering the speed would benefit public safety without having a negative impact on vehicular traffic movement. A memo from George Chiles, Director of Public Works, is attached.

13. Consider Adopting a Resolution to Authorize the Execution of a Deed and Transfer and Reversion Agreement to Transfer Properties to the Redevelopment Commission.

(Wards 1, 2, and 5) The Redevelopment Commission approached the City in 2022 about the possible donation of a number of parcels that were jointly owned by the City and Craven County. The Commission's desire is to develop the parcels consistent with the redevelopment plan. Craven County agreed to transfer to the City its interest in 10 parcels with the understanding that the subsequent conveyance to the Commission will be subject to a Transfer and Reversion Agreement. The agreement provides the Commission must develop or cause the parcels to be developed consistent with the redevelopment plan within 60 months. The interest in any unutilized parcels will revert back to the City. The City will then transfer any such reverted parcels back to the County in the same amount of the County's percentage of ownership. A memo from Jaimee Bullock-Mosley, Assistant City Attorney, is attached along with a copy of the County's resolution that identifies the parcels by address and tax parcel ID.

14. Consider Adopting an Ordinance for the Demolition of 831 Eubanks Street.

(Ward 5) A letter of minimum housing deficiencies was sent to the owner of 831 Eubanks Street on May 19, 2020. A complaint was filed on December 13, 2021 alleging the structure unfit for human habitation, and a hearing was scheduled for December 29, 2021. The owner was present at the hearing and stated he was trying to sell the property. An order was issued giving the owner until March 01, 2022 to bring the property into compliance. To date, no permits have been applied for, and the structure remains noncompliant. A letter was sent to the owner on January 20, 2023 advising a demolition ordinance would be sought. Public Works estimates the cost of demolition at \$14,500. Pictures of the property and a complete list of chronological events are attached along with a memo from Jessica Rhue, Director of Development Services.

15. Consider Adopting an Ordinance to Amend Section 66-85 for City-Sponsored Events.

For several years, the Governing Board allocated funding in the City's annual budget for specific events coordinated by outside groups. Following discussions to eliminate such funding, the Board adopted an ordinance on February 14, 2012 that listed certain events to be designated as city-sponsored events. Those events would receive support from the City in the form of in-kind services. Staff seeks to update the list to remove events that are no longer held and those that are organized and conducted by the City. Additionally, Victor Taylor with Vision Forward has requested the list be expanded to include the Black History Month Parade that is held each year in February.

16. Appointment(s).

17. Attorney's Report.

18. City Manager's Report.

19. New Business.

20. Closed Session.

21. Adjourn.

AGENDA ITEM COVER SHEET



Agenda Item Title:

Consider Adopting a Resolution to Initiate the Upset Bid Process for 1027 Lees Avenue

Date of Meeting: 2/14/2023	Ward # if applicable: 5
Department: City Clerk	Person Submitting Item: Brenda Blanco, City Clerk
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	Beau Dorsey has submitted a bid of \$2,000 for the purchase of 1027 Lees Avenue. The vacant residential lot has a tax value of \$4,000. The property was acquired by the City and Craven County in 2015 through tax foreclosure. The parcel is within the boundaries of the Redevelopment Commission, which adopted a resolution in support of the upset process.
Actions Needed by Board:	Consider adopting resolution to initiate upset bid process.
Backup Attached:	Memo, resolution, offer to purchase, tax card, map, pictures of property, and resolution of support from Redevelopment Commission
Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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

Additional Notes:

Aldermen

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



NEW BERN
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City Clerk
Kimberly A. Ostrom
Director of Finance

MEMO TO: Mayor and Board of Aldermen
FROM: Brenda Blanco, City Clerk
DATE: February 03, 2023
SUBJECT: Offer to Purchase 1027 Lees Avenue

Beau Dorsey made an offer to purchase 1027 Lees Avenue for \$2,000. The parcel is a vacant 0.12-acre residential lot with a tax value of \$4,000. The property was acquired jointly by the City and County in October 2015 through tax foreclosure. The unpaid taxes, interest, penalties, fees, and costs due at that time were \$2,580.52 to Craven County and \$216.38 to the City.

If the property is sold for the initial bid, the City is projected to receive \$223.00 and the County \$1,777.00 from the proceeds.

This property is within the boundary of the Redevelopment Commission. The Commission adopted a resolution on July 13, 2022 in support of initiating the upset bid process.

/beb

RESOLUTION

THAT WHEREAS, the City of New Bern and Craven County own certain real property identified as 1027 Lees Avenue, Craven County parcel identification number 8-006-173; and

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

WHEREAS, the City and Craven County have received an offer to purchase the above described property in the amount of \$2,000.00 submitted by Beau Lee Dorsey; and

WHEREAS, Beau Lee Dorsey has paid the required five percent (5%) deposit on the offer.

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

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

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

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

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

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

Section 6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check or

certified check. The City will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset bid if a qualifying higher bid is received. If the City and County accept the final high bid, the deposit of the final high bidder will be applied to the purchase price at closing, and if the final high bidder is unable to complete the purchase of the property, the deposit shall be forfeited.

Section 7. The terms of the final sale are:

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

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

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

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

ADOPTED THIS 14th DAY OF FEBRUARY, 2023.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK

NORTH CAROLINA

OFFER TO PURCHASE AND CONTRACT

CRAVEN COUNTY

Beau Lee Dorsey, 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: 1027 Lees Ave
Subdivision Name: _____
Tax Parcel ID No.: 8-006-173
Plat Reference: _____

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

2. PURCHASE PRICE: The purchase price is \$ 2000 and shall be paid as follows:

- (a) \$ 100, 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) \$ 1900, 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 Beau Lee Dorsey.

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 BLD 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:

SELLER

(If an individual)

CRAVEN COUNTY

 _____ (SEAL)
 Name: Beau Lee Dorsey
 Date: 12-22-22
 Address: 1019 F St
New Bern, NC 28560
 Phone: (928) 261-7435

By: _____ (SEAL)
 Its: _____
 Date: _____

(If a business entity)

CITY OF NEW BERN

By: _____ (SEAL)
 Its: _____
 Date: _____
 Address: _____

 Phone: _____

By: _____ (SEAL)
 Its: _____
 Date: _____

Buyer Initials BD _____ 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 1/23/2023 10:31:12 AM

Parcel ID : 8-006 -173
Owner : CRAVEN COUNTY & NEW BERN-CITY
Mailing Address : 406 CRAVEN ST NEW BERN NC 28560
Property Address : LEES AVE
Description : 1027 LEES AVE



Lot Description : **Subdivision :**

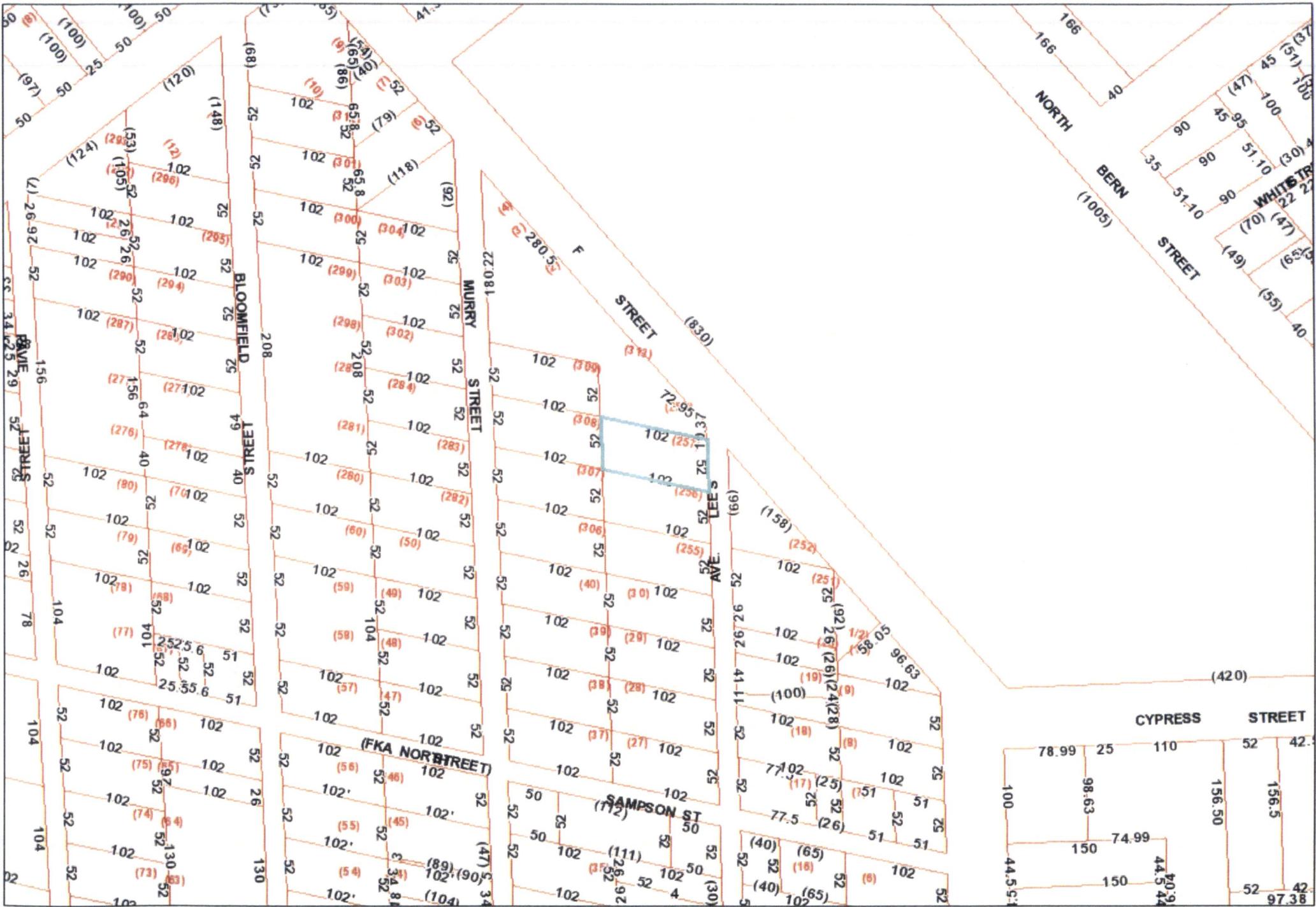
Assessed Acreage : 0.119 **Calculated Acreage :** 0.120
Deed Reference : 3391-0136 **Recorded Date :** 10 12 2015
Recorded Survey :
Estate Number :
Land Value : \$4,000 **Tax Exempt :** Yes
Improvement Value : \$0 **# of Improvements :** 0
Total Value : \$4,000
City Name : NEW BERN **Fire tax District :**
Drainage District : **Special District :**
Land use : VACANT - RESIDENTIAL TRACT

Recent Sales Information

SALE DATE	Sellers Name	Buyers Name	Sale Type	Sale Price
10/12/2015	BRIMAGE, DORIS	CRAVEN COUNTY & NEW BERN-CITY	STRAIGHT TRANSFER	\$3,000

List of Improvements to Site

No improvements listed for this parcel



Craven County GIS 1027 Lees Ave - PID 8-006-174

1 inch = 122 feet



1027 Lees Avenue





RESOLUTION TO RECOMMEND INITIATION OF UPSET BID

THAT WHEREAS, the City of New Bern and Craven County own certain real property identified as 1027 Lees Avenue, more particularly identified as Craven County parcel identification number 8-006-174 ("Subject Property");

WHEREAS, the Subject Property is located within the Redevelopment Area of the City of New Bern; and

WHEREAS, the Redevelopment Commission deems it advisable and in the public interest to have citizen participation in accomplishing the goals of the Redevelopment Commission; and

WHEREAS, Beau Dorsey desires to purchase the Subject Property from the City of New Bern and Craven County; and

WHEREAS, the Redevelopment Commission reviewed Mr. Dorsey's intended use of the Subject Property on July 13, 2022, and said use is consistent with the Redevelopment Plan; and

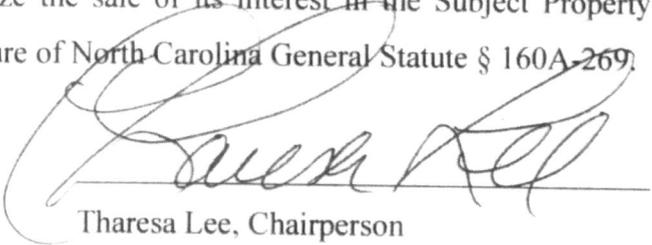
NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE CITY OF NEW BERN:

That, based on the foregoing findings, the Redevelopment Commission hereby recommends the Board of Aldermen authorize the sale of its interest in the Subject Property described above through the upset bid procedure of North Carolina General Statute § 160A-269.

This the 13th day of July 2022.



Kip Peregoy, Vice Chair



Tharesa Lee, Chairperson

ESTIMATE OF DIVISION OF PROCEEDS

Property: 1027 Lees Avenue (PID: 8-006-173)			
Offer Amount			\$ 2,000.00
Less: Reimb to City for publication of notice of offer (approx)		\$ 223.00	
Balance			\$ 1,777.00
County cost reimbursement		\$ 2,238.41	
City cost reimbursement		\$ -	\$ 2,238.41
Remaining Balance			\$ (461.41)
County Taxes at Foreclosure	\$ 92.11	29.858%	\$ (137.77)
City Taxes/Priority Liens at Foreclosure	\$ 216.38	70.142%	\$ (323.64)
Total Taxes	\$ 308.49		
County Total	\$ 1,777.00		
City Total	\$ 223.00		

AGENDA ITEM COVER SHEET



Agenda Item Title:

Proclamation to Recognize March 17, 2023, as Arbor Day.

Date of Meeting: 2/14/2023	Ward # if applicable: N/A
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:	Parks and Recreation is requesting a Proclamation to recognize Arbor Day, which falls on Friday, March 17, 2023.
Actions Needed by Board:	Consider Approving the Proclamation.
Backup Attached:	Memo and Proclamation.
Is item time sensitive? <input checked="" 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 type="checkbox"/> No

Additional Notes: N/A

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 and Recreation
Re: Consider approving a Proclamation for Arbor Day 2023

Background Information:

Parks and Recreation is requesting a Proclamation to recognize Arbor Day, which falls on Friday, March 17, 2023. In 1967, the State Legislature ratified a bill in support of recognizing a particular day each year as Arbor Day. The first Friday following March 15th is designated as Arbor Day in North Carolina.

We will have a celebration for Arbor Day on Friday, March 17, 2023. Information to come about location and time.

Recommendation:

Consider approving the Arbor Day Proclamation.

If you have any questions concerning this matter, please let me know.

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



MAYOR'S OFFICE PROCLAMATION

WHEREAS, Arbor Day is a national celebration of community tree growing, planting and care dating back to 1872; and

WHEREAS, recognition of this important historical tradition and the practical as well as aesthetic value of trees is a year-long effort in New Bern; and

WHEREAS, Arbor Day serves to acknowledge the good work of City employees, resident volunteers, local garden clubs, corporate participants and the many service groups involved in the preservation and expansion of our urban forest; and

WHEREAS, Arbor Day reminds us all of the basic need for trees, such as they help clean the air, protect wildlife, save heating and cooling costs, conserve energy production, block pollution of rivers and streams, reduce soil erosion and provide a sense of comfort, shelter and spiritual well-being; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas and comprise a visual record of New Bern's past as well as a plan for the future appearance of its streetscapes and landscapes,

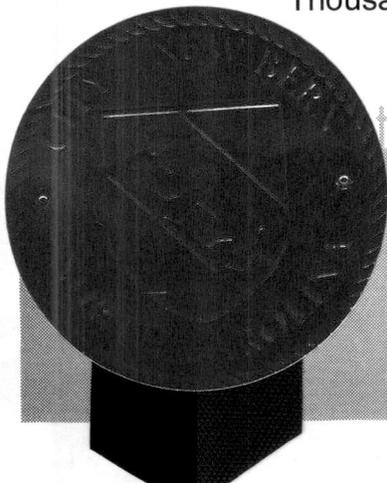
NOW THEREFORE, I, Jeffrey T. Odham, Mayor of the City of New Bern, on behalf of the New Bern Board of Aldermen do hereby proclaim March 17, 2023, as

"ARBOR DAY"

in the City of New Bern and urge all citizens to celebrate its meaning by planting, replacing or protecting their trees and woodlands and by learning more about the proper selection, care and maintenance of trees to make them last longer for the benefit of this and future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of New Bern this the 14th day of February in the Year of Our Lord Two Thousand and Twenty-Three.

JEFFREY T. ODHAM, MAYOR



AGENDA ITEM COVER SHEET



Agenda Item Title:

Presentation Clark Patterson Lee Architects and Engineers on Stanley White Recreation Center Project.

Date of Meeting: 2/14/2023	Ward # if applicable: Ward 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: N/A

Explanation of Item:	Staff with Clark Patterson Lee Architects and Engineers will provide an update on the Stanley White Recreation Center Project, to include schedule and plans.
Actions Needed by Board:	Information Only.
Backup Attached:	Memo and Presentation.
Is item time sensitive? <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 and Recreation

Re: Presentation by Clark Patterson Lee Architects and Engineers on Stanley White Recreation Center Project

Background Information:

Staff with Clark Patterson Lee Architects and Engineers will provide an update on the Stanley White Recreation Center Project, to include schedule and plans.

Recommendation:

To gather up to date information on the Stanley White Recreation Center Project.

If you have any questions concerning this matter, please let me know.

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

CITY OF NEW BERN
STANLEY A. WHITE RECREATION CENTER
NEW BERN, NC

PROJECT UPDATE - FEBRUARY 14, 2023



OWNER


CITY OF NEW BERN
300 POLLOCK ST
NEW BERN, NC 28540
T. 252.636.4000
www.newbernc.gov

ARCHITECT & MEP ENGINEERS


CPL
1420 HILLSBOROUGH ST.
SUITE A
RALEIGH, NC 27605
T. 800.374.9500
CPLteam.com

STRUCTURAL ENGINEERS


LYNCH MYKINS
301 N WEST STREET
SUITE #125
RALEIGH, NC 27603
T. 919.783.1833
www.lmynk.com

LANDSCAPE ARCHITECTS & CIVIL ENGINEERS


CLH DESIGN P.A.
400 REGENCY FOREST DR
SUITE #120
CARY, NC 27518
T. 919.319.6714
www.clhdesignpa.com

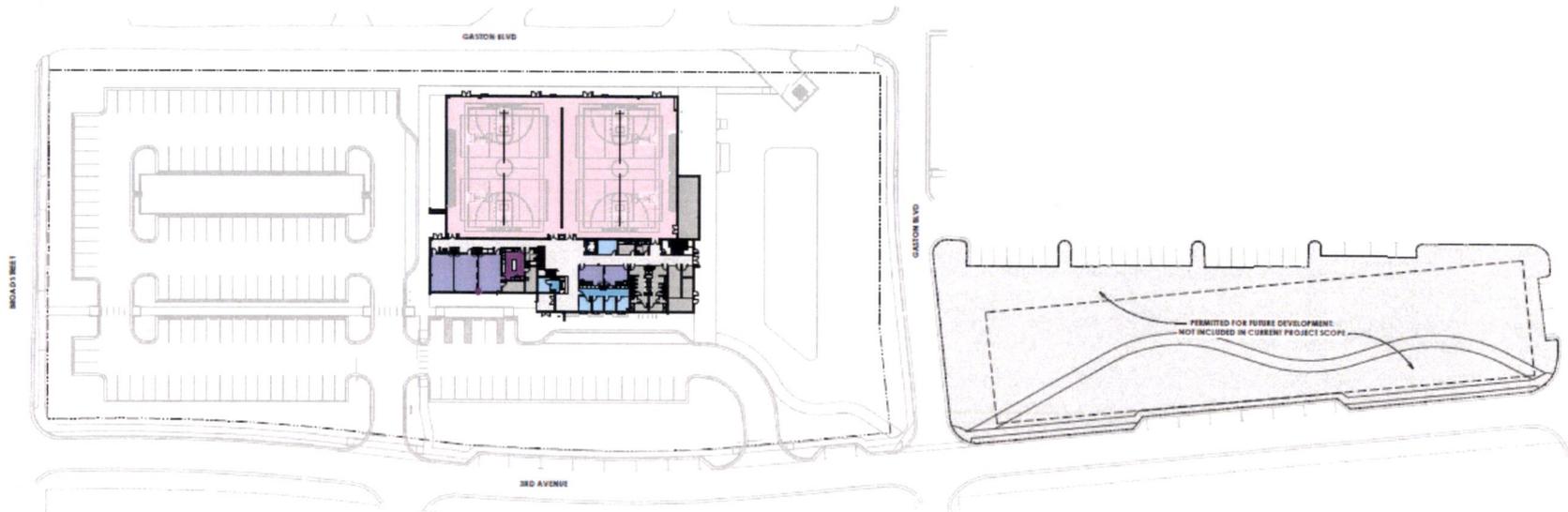

CPL
ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

DATE
BY
CHECKED
DATE

STANLEY A. WHITE RECREATION CENTER
CITY OF NEW BERN

COVER SHEET

K048



ARCHITECTURAL SITE PLAN



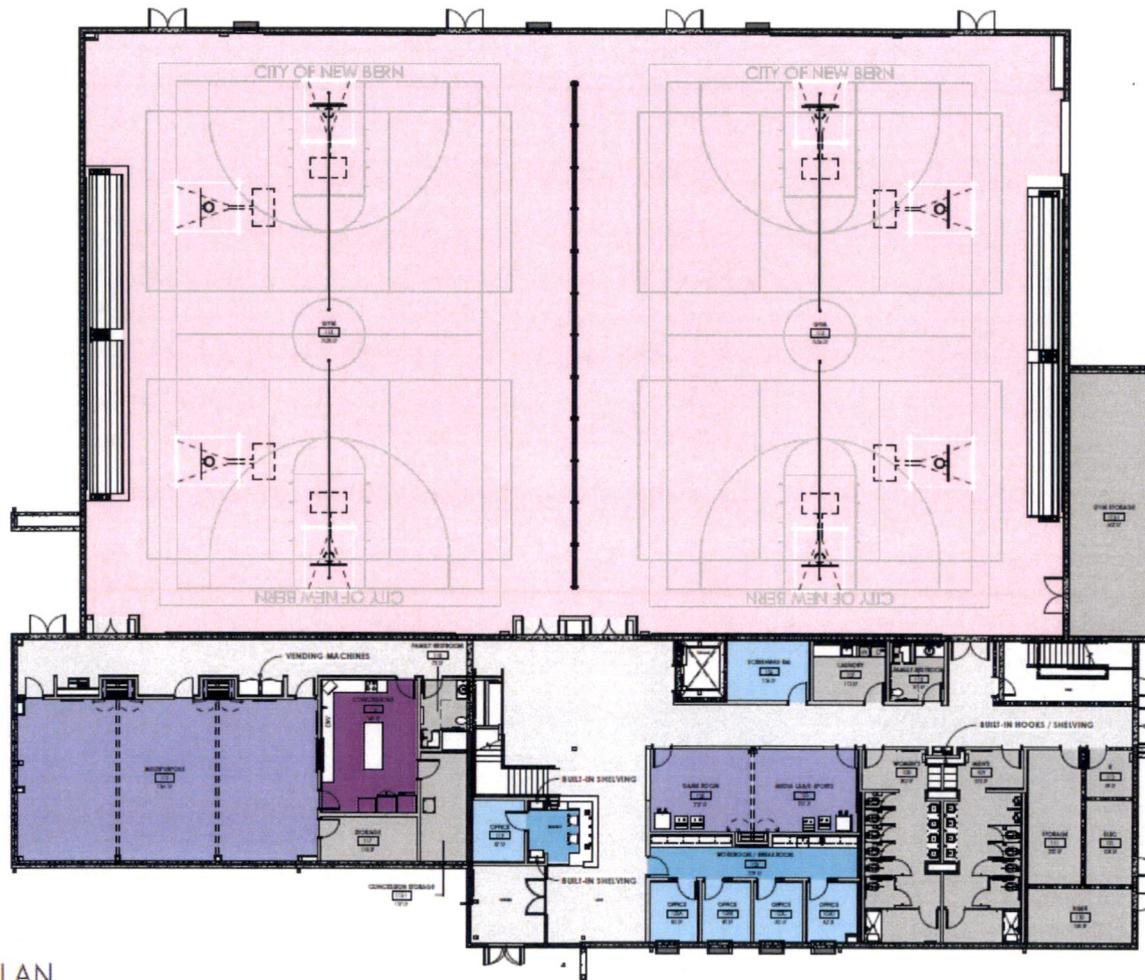
C.E.L.
ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

DATE: 02.24.19
PROJECT: STANLEY A. WHITE RECREATION CENTER

STANLEY A. WHITE RECREATION CENTER
CITY OF NEW BERN

SITE PLAN

SCALE: 1/8" = 1'-0"



LEVEL 1 FLOOR PLAN

35,094 SF



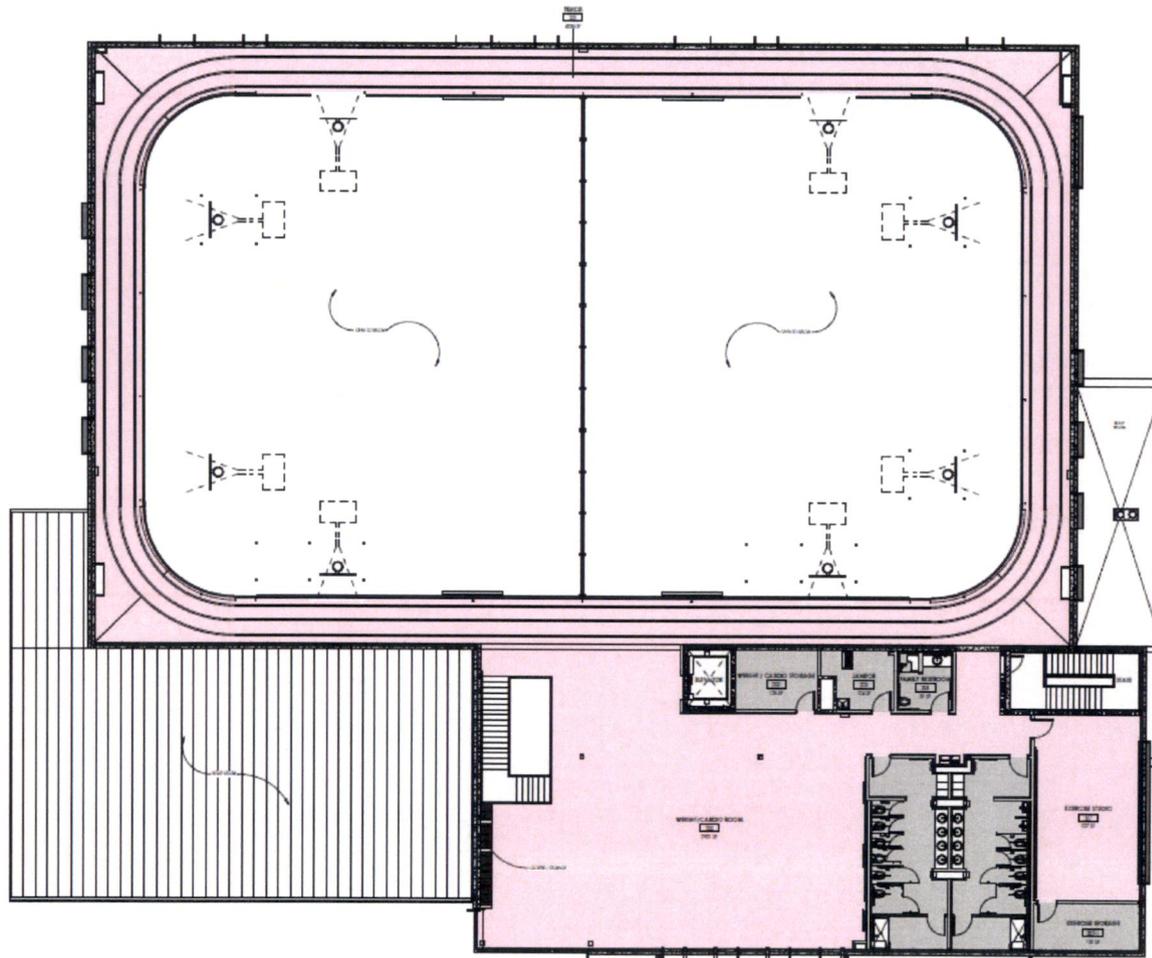
C&L
ARCHITECTURE
ENGINEERING
PLANNING
C&Lteam.com

DATE: 10.2016
PROJECT: Stanley A. White
SHEET: 101

STANLEY A. WHITE RECREATION CENTER
CITY OF NEW BERN

FLOOR PLANS - LEVEL 1

SCALE: 1/8" = 1'-0"



LEVEL 2 FLOOR PLAN

35,094 SF

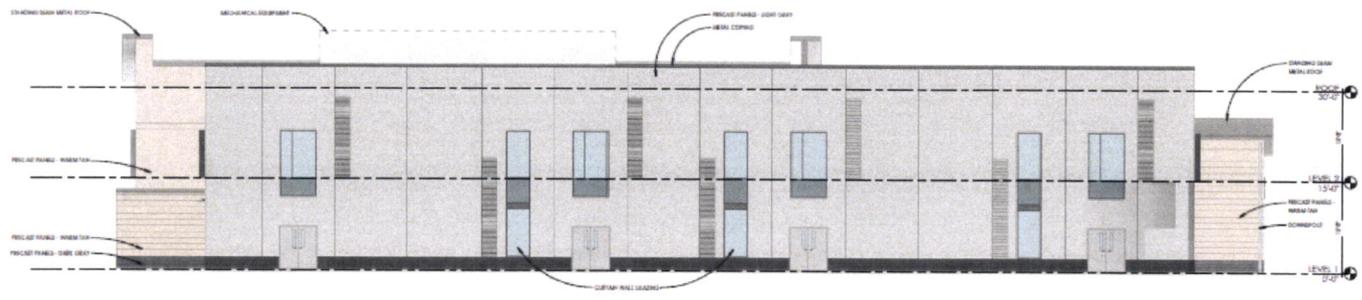


DATE: 10/20/16
 DRAWN BY: [unintelligible]
 CHECKED BY: [unintelligible]

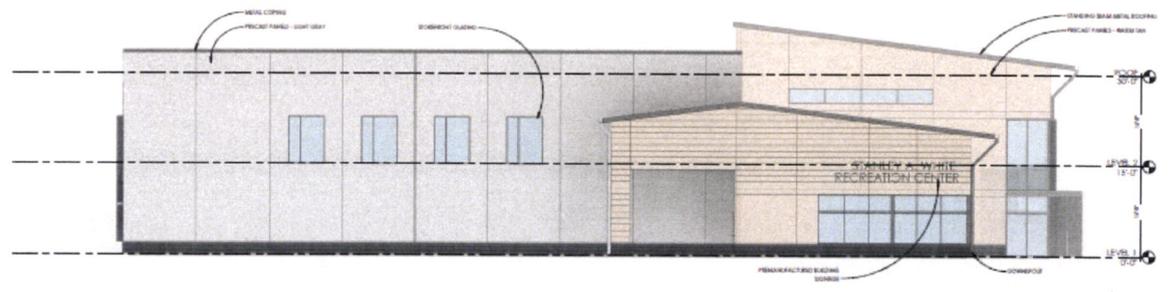
STANLEY A. WHITE RECREATION CENTER
 CITY OF NEW BERN

FLOOR PLANS - LEVEL 2

SCALE: 1/8" = 1'-0"

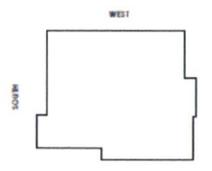


WEST ELEVATION (GASTON BLVD)
18-1112



SOUTH ELEVATION (BROAD ST)
18-1112

KEY PLAN:



ELEVATIONS - EAST & NORTH

STANLEY A. WHITE RECREATION CENTER
CITY OF NEW BERN

ELEVATIONS - SOUTH & WEST





C&P
ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

TEL: 908.348.1000
FAX: 908.348.1001

STANLEY A. WHITE RECREATION CENTER
CITY OF NEW BERN

ENTRY CANOPY RENDERING

04/21



• **Building Permit Submittal (City of New Bern)**

- Submitted: 11/16/22
- Review Timeline: APPROVED
- Notes: Permit can be obtained when contractor is on board for both Building & Fire Protection.

• **City of New Bern Site Plan Submittal (DRC)**

- Submitted: 10/3/22
- Review Timeline: APPROVED
- Notes: Updated set sent to City w/ the NC Department of Insurance (DOI) and NC Department of Environmental Quality (DEQ) revisions.

• **City of New Bern Fire Department:**

- Submitted: 02/01/23
- Review Timeline: 2 weeks
- Notes: Revised drawings from Department of Insurance (DOI) submission submitted to City for review, as DOI approval is required before City permit can be obtained.

• **City of New Bern Stormwater Submittal**

- Submitted: 11/4/22 - Comments Received (01/26/23).
- Resubmission: 02/01/23
- Review Timeline: 2-3 weeks

• **Department of Insurance (DOI) Fire Protection Submittal**

- Submitted: 11/16/22 - Comments Received (01/13/23)
- Resubmission: 01/31/23
- Review Timeline: Anticipated 02/21/23
- Notes: Required submission based on size of project and list of approved review jurisdictions.



FEMA

• **FEMA Review Submittal**

- Submission: Required pending approval from City of New Bern and Department of Insurance.

BIDDING SCHEDULE

BIDDING MILESTONE	PROPOSED DATE:
Issued for Construction (IFC) Drawings:	Friday, February 24th
Advertisement for Bid:	Monday, February 27th
Prebid Meeting:	Friday, March 10th
Inquiries / Addenda:	Friday, March 24th
Bid Opening:	Monday, March 27th

AGENDA ITEM COVER SHEET



Agenda Item Title:

Presentation on GIS HUB

Date of Meeting: 2/14/2023	Ward # if applicable: N/A
Department: IT	Person Submitting Item: Alice Wilson, GIS Manager
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Brief demonstration of the City's new GIS HUB site.
Actions Needed by Board:	N/A; informational only
Backup Attached:	Memo
Is item time sensitive? <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

MEMORANDUM

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

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

SUBJECT: Presentation: GIS HUB site

BACKGROUND INFORMATION:

GIS staff recently completed a GIS HUB site that will provide access to geospatial information related to the city and surrounding areas. The site will have links or cards for access to city departments and will be updated when new maps and geospatial apps are available for use.

The site will also have an “open data” portal for making maps on the fly and accessing city and other authoritative GIS data for use by staff, public, consultants and others.

Staff will do a brief presentation of the site and discuss future tools currently being worked on and being reviewed.

AGENDA ITEM COVER SHEET



Agenda Item Title:

Consider Adopting a Resolution Approving the Redevelopment Commission's Sale of 827 Cedar Street

Date of Meeting: 2/14/2023	Ward # if applicable: 1
Department: City Clerk	Person Submitting Item: Brenda Blanco, City Clerk
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing: N/A

Explanation of Item:	In August of 2022, William Richardson submitted a bid of \$1,140 to the Redevelopment Commission for the purchase of 827 Cedar Street. The bid was advertised, but no additional bids received. The parcel is a vacant residential lot 0.02-acres in size. The City transferred ownership to the Commission in November of 2020.
Actions Needed by Board:	Consider adopting a resolution approving the Redevelopment Commission's sale of 827 Cedar Street.
Backup Attached:	Memo, resolution, offer to purchase, tax card, map, and pictures of property.
Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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

Additional Notes:

Aldermen

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

Kimberly A. Ostrom
Director of Finance

MEMO TO: Mayor and Board of Aldermen

FROM: Brenda Blanco, City Clerk

DATE: February 03, 2023

SUBJECT: Redevelopment Commission's Sale of 827 Cedar Street

In August of 2022, the Redevelopment Commission received a bid of \$1,140 from William Richardson for the purchase of 827 Cedar Street. Mr. Richardson proposed to the Commission that he would use the property for personal space, possibly parking. The parcel is a very small 0.02-acre vacant residential lot with a tax value of \$1,520. The bid was advertised, but no additional bids received.

The City transferred ownership of the property to the Commission in November 2020. The parcel had been donated to the City in August of 2019 after the mortgage lender foreclosed for loan default.

If the sale is approved, restrictions will be imposed to prohibit the property from being used to store junked or wrecked vehicles and to prohibit the erection of a structure on the property. Proceeds from the sale will be placed in the Redevelopment Fund.

/beb

RESOLUTION

THAT WHEREAS, the Redevelopment Commission of the City of New Bern (“Commission”) has received an offer to purchase a parcel of property owned by the Commission located at 827 Cedar Street, New Bern, North Carolina and being more particularly described herein; and

WHEREAS, the Board of Aldermen must approve any sale of real property by the Commission pursuant to North Carolina General Statute §160A-514; and

WHEREAS, William L. Richardson of 140 Staten Road, New Bern, North Carolina 28562 has offered to purchase the property for the sum of \$1,140.00; that no increased bids were received, and the Commission deemed it advisable and in furtherance of its redevelopment plan to sell the subject property to the successful bidder for the bid amount of \$1,140.00, subject to covenants, restrictions and conditions 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 sale of said parcel bearing the postal enumeration for the City of New Bern of 827 Cedar Street, and being more particularly described herein, to William L. Richardson for the sum of \$1,140.00 be and the same is hereby approved, and the Chairman and Vice Chairman of the Redevelopment Commission of the City of New Bern be and they are hereby authorized to execute any required contracts, deeds, and other instruments and take all steps necessary to effectuate the sale of said property to the purchaser.

Section 2. That the conveyance of said property shall be subject to certain covenants, restrictions and conditions, a copy of which are attached hereto as Exhibit A and are incorporated herein by reference.

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

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

Lying and being situate in New Bern, Craven County, North Carolina, and on the south side of Cedar Street, and being a part of the Second Tract as appears of record in Book 930 at Page 140, Craven County Registry, and more particularly described as follows: Beginning at an iron pipe in the southern right-of-way line of Cedar Street, said point of beginning being South 61 degrees 00 minutes East 34.28 feet from the junction of the eastern right-of-way line of West Street with the southern right-of-way line of Cedar Street, and thence from said point of beginning and with the southern right-of-way line of Cedar Street 61 degrees 00 minutes East 17.57 to an iron pipe; thence south 29 degrees 57 minutes West 40.12 feet to an iron pipe; thence North 61 degrees 00 minutes West 17.57 feet to an iron pipe; thence North 29 degrees 57 minutes East 40.15 to the point of beginning in the southern right-of-way line of Cedar Street. Commonly known as 827 Cedar Street, New Bern, NC 28560.

Being that same property conveyed by Federal Home Loan Mortgage Corporation to the City of New Bern by deed dated August 6, 2019 recorded in Book 3579 at Page 1899 of the Craven County Registry.

ADOPTED THIS 14th DAY OF FEBRUARY, 2023.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK

EXHIBIT A

1. No motor vehicle that is junked, partially wrecked, fails to display a current license plate, fails to display a current North Carolina inspection sticker, or is non-operative, shall be placed or allow to remain on the real property described herein.
2. No stripped, partially wrecked or junked motor vehicle or boats, or parts thereof, shall be permitted to be parked or kept on the real property described herein.
3. No structures shall be erected, placed, or permitted to remain on the real property described herein.

NORTH CAROLINA

OFFER TO PURCHASE AND CONTRACT

CRAVEN COUNTY

William L Richardson, as Buyer, hereby offers to purchase and REDEVELOPMENT COMMISSION OF THE CITY OF NEW BERN, 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: 827 Cedar Street

Subdivision Name:

Tax Parcel ID No.: 8-007-363

Plat Reference:

Being all of that property more particularly described in Deed Book 3640, Page 1169 in the Craven County Registry.

2. PURCHASE PRICE: The purchase price is \$1,140.00 and shall be paid as follows:

(a) \$ 100.00, EARNEST MONEY DEPOSIT with this offer by [X] 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) \$ 1,040.00, 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 and § 160A-514. 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 the City of New Bern's Board of Aldermen pursuant to G.S. §160A-514. The deed is to be made to William L. Richardson.

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 WLR, 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)

W.L. Richardson (SEAL)

Name: William L. Richardson
 Date: August 01, 2022
 Address: 140 Staten Road
New Bern, NC 28562
 Phone: 252-259-7879

SELLER

REDEVELOPMENT COMMISSION
 OF THE CITY OF NEW BERN

By: _____ (SEAL)
 Its: _____
 Date: _____

(If a business entity)

By: _____ (SEAL)
 Its: _____
 Address: _____

 Phone: _____

Buyer Initials W.R. 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 8/1/2022 11:02:24 AM

Parcel ID : 8-007 -363
Owner : REDEVELOPMENT COMMISSION OF THE
Mailing Address : PO BOX 1129 NEW BERN NC 28563
Property Address : 827 CEDAR ST
Description : 827 CEDAR ST\$
Lot Description :



Subdivision :

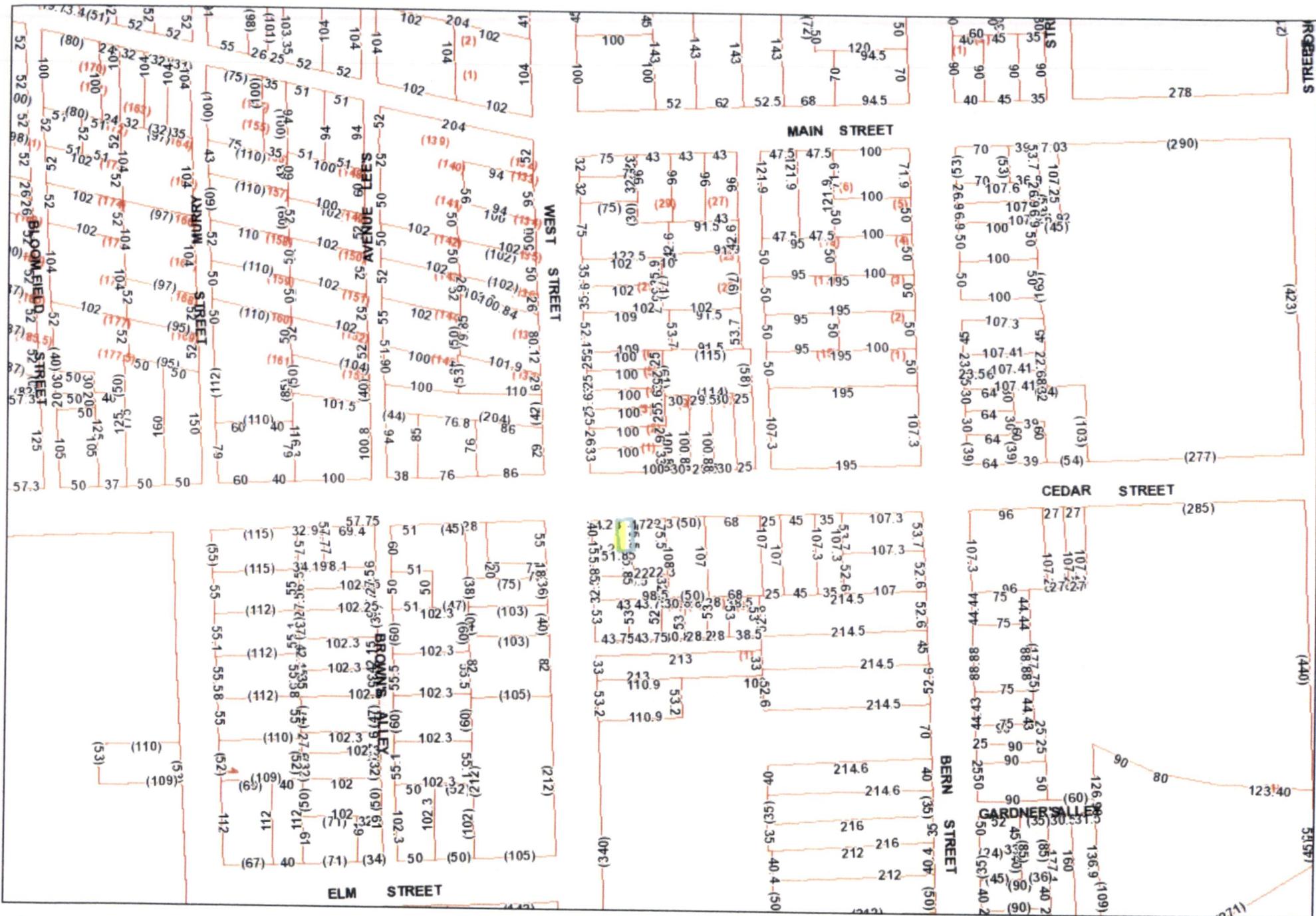
Assessed Acreage : 0.000 **Calculated Acreage :** 0.020
Deed Reference : 3640-1169 **Recorded Date :** 11 17 2020
Recorded Survey :
Estate Number :
Land Value : \$1,520 **Tax Exempt :** Yes
Improvement Value : \$0 **# of Improvements :** 0
Total Value : \$1,520
City Name : NEW BERN **Fire tax District :**
Drainage District : **Special District :**
Land use : VACANT-TRACT SUITABLE COMM DEV

Recent Sales Information

SALE DATE	Sellers Name	Buyers Name	Sale Type	Sale Price
11/17/2020	NEW BERN-CITY OF	REDEVELOPMENT COMMISSION OF THE	MULTI-PARCEL SALE-2 OR MORE PA	\$0
8/7/2019	FEDERAL HOME LOAN MORTGAGE CORP	NEW BERN-CITY OF	STRAIGHT TRANSFER	\$0
4/4/2019	BRYAN, JOHN L JR	FEDERAL HOME LOAN MORTGAGE CORP	STRAIGHT TRANSFER	\$0
10/22/1996	CLARK, WILLIE BELL	BRYAN, JOHN L JR	STRAIGHT TRANSFER	\$0
7/9/1996	WHITFIELD, JOHN T & LEAH	CLARK, WILLIE BELL	STRAIGHT TRANSFER	\$6,500

List of Improvements to Site

No improvements listed for this parcel



Craven County GIS 827 Cedar St PID 8-007-363

Craven County does NOT warrant the information shown on this map and should be used ONLY for tax assessment purposes. Printed on August 1, 2022 at 11:03:45 AM

1 inch = 162 feet



827 Cedar Street





AGENDA ITEM COVER SHEET



Agenda Item Title:

Mutual Aid Agreement with Havelock Police Department Pursuant to North Carolina General Statute § 160A-288

Date of Meeting: 2/14/2023	Ward # if applicable: NA
Department: Police	Person Submitting Item: Chief Patrick Gallagher
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	The City of Havelock and the Havelock Police Department has requested a new Mutual Aid Agreement between our two law enforcement agencies consistent with North Carolina General Statute § 160A-288.
Actions Needed by Board:	Adopt resolution to approve the Mutual Aid Agreement
Backup Attached:	Memo, resolution, agreement
Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Cost of Agenda Item: \$0.00
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: On February 9, 2016, the Board of Aldermen approved a resolution that permitted the Chief of Police to sign mutual aid agreements with other North Carolina law enforcement agencies pursuant to North Carolina General Statute § 160A-288. Within that resolution, a model policy was agreed upon and was to be used as a template for the Chief of Police to use in agreeing to sign these documents. With respect to the current Havelock Mutual Aid Agreement, there is added language that is not included in our current model policy. These differences are described in the attached memorandum.



Founded 1797

NEW BERN

NEW BERN POLICE DEPARTMENT

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

Police and Community Come Together Here



Patrick L. Gallagher
Chief of Police

To: Mayor Jeffrey T. Odham and the Board of Aldermen
From: Chief Patrick Gallagher
Date: February 03, 2023
Subject: Mutual Aid Agreement with Havelock Police Department Pursuant to North Carolina General Statute § 160A-288

As stated in the agenda cover sheet, the Chief of Police has been given authority to sign mutual aid agreements with North Carolina law enforcement agencies consistent with current statutory authority (§ 160A-288). Currently, the City of Havelock and the Havelock Police Department have requested a new Mutual Aid Agreement with the City of New Bern. This became necessary when the Havelock Police Department announced a new Chief of Police (Chris Morning).

Because added provisions were added by the Havelock Police Department that are not consistent with our model policy, it has become necessary for the Board of Aldermen to approve it. The added provisions are as follows:

[Section #3] Havelock Police Officers shall be assigned to the requesting agency in a number and for a time period specified by the granting agency.

[Recommendation: this is not unreasonable, and we should agree to this]

[Section #4] The granting agency reserves the right to recall any officer(s) from temporary assignment with the requesting agency at any time.

[Recommendation: this is not unreasonable, and we should agree to this]

[Section #6] The officer in charge of the division to which the lending agency's officer is temporarily assigned shall provide a weekly report to the officer in charge of the division of the lending agency to which the temporary officer is permanently assigned. Such report shall contain a daily breakdown of the number of hours worked and the assignments performed by the temporary assigned officer.

[Recommendation: this is not unreasonable, and we should agree to this]

[Section #10] Supplies and equipment may be loaned to the requesting agency determined by the Chief of Police of the lending agency. All supplies and



A Nationally Accredited Agency

Integrity – Motivation – Professionalism – Accountability – Commitment – Trust

equipment so loaned must be returned within thirty (30) days from the termination of this agreement. Any supplies and equipment, which are depleted through use or damage, must be replaced within one hundred eighty (180) days from the termination of this agreement. The Chief of Police of the lending agency must grant extension of these time limitations.

[Recommendation: this is the same as an indemnification for damage to equipment which is articulated in our model policy (section #5). This is not unreasonable, and I recommend we agree to this.

[Section #14] All reasonable expenses incurred by the temporarily assigned officer, including the cost of travel, food and lodging, shall be assumed by the requesting agency. The requesting agency shall also assume the cost of any travel required of the temporarily assigned officers in connections with or arising out of the officer's temporary assignment to the requesting agency, including, but not limited to, travel and court appearances.

[Recommendation: this is not unreasonable as the City of New Bern has done this for utility support from outside entities. In the past, the City of New Bern has incurred these expenses which were reimbursed by FEMA for hurricane/storm related events.]



A Nationally Accredited Agency

Integrity – Motivation – Professionalism – Accountability – Commitment – Trust

RESOLUTION

WHEREAS, the Chief of Police and the City Manager have recommended the adoption of a Mutual Aid Agreement with the Havelock Police Department Pursuant to North Carolina General Statute § 160A-288; and

WHEREAS the Board deems it advisable to approve said Mutual Aid Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of New Bern that the Mutual Aid Agreement with the Havelock Police Department, a copy of which is attached hereto and incorporated herein by reference, is hereby approved, and the Mayor is authorized to execute said agreement in duplicate originals.

ADOPTED THIS 14th DAY OF FEBRUARY 2023

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK



Havelock Police Department

Christopher Morning, Chief of Police
PO Drawer 368 / 2 Governmental Ave
Havelock, NC 28532

NORTH CAROLINA

CRAVEN COUNTY

**LAW ENFORCEMENT
MUTUAL ASSISTANCE
AGREEMENT**

THIS AGREEMENT is made and entered into this **13th day of January, 2023** by and between **Christopher Morning**, the Chief of the **Havelock Police Department**, Havelock, North Carolina, and **Jeffrey T. Odham**, the Mayor of the city of New Bern, North Carolina.

MUTUAL ASSISTANCE AGREEMENT Effective January 13, 2023 through December 31, 2023

Pursuant to section 160A-288 of the General Statutes of North Carolina, entitled "Cooperation Between Law Enforcement Agencies," the undersigned do hereby agree to provide temporary assistance to each other in enforcing the laws of the state of North Carolina when requested in writing to do so, and upon approval by the Chief of Police of the City of Havelock, North Carolina.

Both parties acknowledge mutual benefit in the form of enhanced law enforcement capabilities and efficiency within the jurisdictions of both agencies which insures to the benefit of both, each signature affixed and below in reliance to the other.

In addition to the provisions of Section 160A-288 of the North Carolina General Statues, the undersigned agree to the following terms and conditions:

1. As provided by G.S. 160A-288, either agency may request of the other the temporary lending of personnel, equipment and supplies.
2. Such request shall be in writing and executed by the Chief of Police of the requesting agency, or in his absence, by such other person as has been designated to make or grant such requests. Provided further, that where a request is made on an emergency basis, execution of this agreement shall be deemed the required written request, and the requesting agency shall furnish the specific request in writing as soon as practicable.
3. Havelock Police Officers shall be assigned to the requesting agency in a number and for a time period specified by the granting agency.
4. The granting agency reserves the right to recall any officer(s) from temporary assignment with the requesting agency at any time.
5. While on duty with the requesting agency, a temporarily assigned officer shall be subject to the lawful operational commands of the officer in charge of the division to which he/she is temporarily assigned, and shall operate under his direct supervision. The temporarily assigned officer shall obey all lawful and proper orders and diligently perform assigned duties, and shall work assigned hours.

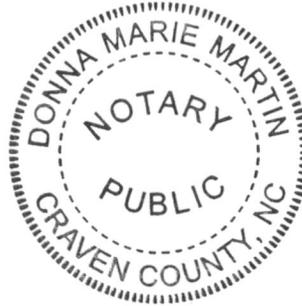
6. The officer in charge of the division to which the lending agency's officer is temporarily assigned shall provide a weekly report to the officer in charge of the division of the lending agency to which the temporary officer is permanently assigned. Such report shall contain a daily breakdown of the number of hours worked and the assignments performed by the temporary assigned officer.
7. All Havelock Police Officers temporarily assigned pursuant to this agreement shall remain subject to the rules, regulations and disciplinary procedures of their respective departments.
8. All disciplinary actions shall be handled by the agency employing the temporarily assigned officer. At any time, the supervisor in charge of the division of the agency borrowing a temporarily assigned officer may relieve the officer of his duties, after which the supervisor shall send a written statement containing the reason for his action to the temporarily assigned officer's supervisor.
9. The requesting agency shall furnish the temporarily assigned officer with the money, equipment, and personnel reasonably necessary to perform his/her duties; however, the temporarily assigned officer shall report to work with the equipment issued to him by his employer.
10. Supplies and equipment may be loaned to the requesting agency determined by the Chief of Police of the lending agency. All supplies and equipment so loaned must be returned within thirty (30) days from the termination of this agreement. Any supplies and equipment, which are depleted through use or damage, must be replaced within one hundred eighty (180) days from the termination of this agreement. The Chief of Police of the lending agency may grant extensions of these time limitations.
11. For personnel and administrative purposes, the temporarily assigned officer shall remain under the control of the lending agency, and shall be entitled to Worker's Compensation and other benefits to which he/she would be entitled were he/she functioning within the normal course and scope of his/her duties with the lending agency.
12. The requesting agency specifically covenants and agrees to assume all liability for any act committed by the temporarily assigned officer within the course and scope of his temporary assignment, and further agrees to hold harmless and indemnify the lending agency for all costs of litigations, including damages, awards, penalties payment of attorney's fees, or other costs incurred by the lending agency pursuant to such temporary assignment.
13. Neither the City of Havelock nor the Havelock Police Department, nor any officers thereof, will assume responsibility for the action of any Havelock Police Officer temporarily assigned to another law enforcement agency; and neither the City of Havelock nor the Havelock Police Department, nor any officer thereof, shall assume any responsibility for the failure or malfunction of any equipment or supplies loaned to another law enforcement agency.
14. All reasonable expenses incurred by the temporarily assigned officer, including the cost of travel, food, and lodging, shall be assumed by the requesting agency. The requesting agency shall also assume the costs of any travel required of the temporarily assigned officers in connections with or arising out of the officer's temporary assignment to the requesting agency, including, but not limited to, travel and court appearances.
15. While on duty with the requesting agency, the temporarily assigned officer shall have the same jurisdiction, powers, rights, privileges, benefits and immunities as the officers of the requesting agency, in addition to those that he/she possesses.
16. The undersigned enter into this agreement pursuant to duly adopted resolution of their respective governing bodies, as authorized by North Carolina General Statutes 160A-288.

North Carolina
County of Craven

SO AGREED.
This the 13th day of January, 2023

Christopher Morning
Christopher Morning, Chief of Police
Havelock Police Department

I, Donna Marie Martin, a Notary Public of said county and state, do hereby certify that **Christopher Morning** personally appeared before me this day and acknowledged the due execution of the foregoing **MUTUAL ASSISTANCE AGREEMENT**.



Witness my hand and notarial seal, this 13th day of January, 2023.

Donna Marie Martin
Notary Public My commission expires 12-21-2026

.....
North Carolina
County of _____

SO AGREED.
This the _____ day of _____, 20____

Jeffrey T. Odham
Mayor, New Bern, North Carolina

I, _____, a Notary Public of said county and state, do hereby certify that **Jeffrey T. Odham** personally appeared before me this day and acknowledged the due execution of the foregoing **MUTUAL ASSISTANCE AGREEMENT**.

Witness my hand and notarial seal, this _____ day of _____, 20____.

Notary Public My commission expires _____

RESOLUTION TO APPROVE A MODEL MUTUAL AID AGREEMENT, AND TO AUTHORIZE THE CHIEF OF POLICE TO EXECUTE SUCH AGREEMENTS FOR AND ON BEHALF OF THE CITY

THAT WHEREAS, pursuant to N.C.G.S. §160A-288, the Board of Aldermen may adopt appropriate guidelines for the purpose of mutual assistance with other municipal and county law enforcement agencies; and

WHEREAS, pursuant to said laws, the Board of Aldermen desires to establish a model mutual aid agreement to govern the terms, conditions and restrictions under which the city may provide and/or receive authorized assistance to or from other municipal and county law enforcement agencies; and

WHEREAS, the Board of Aldermen further desires to authorize the city's chief of police to execute mutual aid agreements for and on behalf of the city, provided such agreements contain such terms, conditions and restrictions consistent with the model mutual aid agreement drafted under the direction of the Attorney General of the State of North Carolina, a copy of which is attached hereto and incorporated herein by reference as Exhibit A.

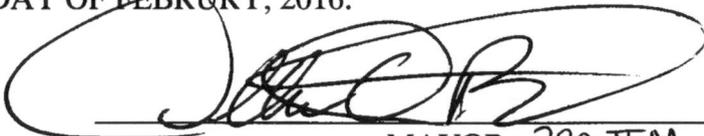
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

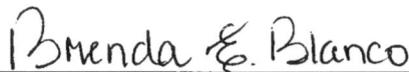
Section 1. That the model mutual assistance agreement ("Model Agreement"), a copy of which is attached hereto and incorporated herein by reference as Exhibit A, is hereby approved.

Section 2. That the chief of police is hereby authorized to execute mutual aid agreements for and on behalf of the city, provided that such agreements are consistent with the Model Agreement.

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

ADOPTED THIS 9th DAY OF FEBRUARY, 2016.


MAYOR PRO-TEM



DEPUTY CITY CLERK

MUTUAL ASSISTANCE AGREEMENT

Pursuant to North Carolina General Statutes § 160A-288 the undersigned do hereby request of each another, and agree to provide to each another, when feasible to do so, temporary assistance in enforcing the laws of North Carolina and other matters. This MUTUAL ASSISTANCE AGREEMENT shall serve as the request, in writing for such assistance. The assistance may consist of, but is not limited to, the loaning of officers (including in an undercover capacity) and equipment and supplies.

1. While working with a requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payments of judgments) as the officers of the requesting agency in addition to those the loaned officer normally possesses.

2. While on duty with the requesting agency an officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the loaned officer shall for personnel and administrative purposes, remain under the control of the officer's own agency, including for purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning within the normal scope of the officer's duties.

3. When temporary assistance is needed pursuant to this MUTUAL ASSISTANCE AGREEMENT, the requesting agency shall notify the assisting agency of the need for such assistance and the assistance shall be provided if feasible to do so. A requesting agency which needs temporary assistance shall notify the assisting agency of such need in writing, when possible. In an emergency situation, the notification of the need for temporary assistance need not be in writing, but a written notification shall be provided as soon thereafter as possible.

4. Any disciplinary actions arising out of the temporary work assignment of any loaned officer will remain the responsibility of the officer's own agency.

5. The requesting agency specifically covenants and agrees to assume all liability for any act committed by the temporarily assigned officer within the course and scope of the officer's temporary assignment or damage or injury caused by the use or misuse of loaned equipment, and further agrees to hold harmless and indemnify the assisting agency for any damages, including the payment of attorney's fees, incurred by the assisting agency pursuant to such temporary assignment.

6. The requesting agency agrees to hold harmless the assisting agency for any damage to the property of the requesting agency incurred in the scope and course of the temporarily assigned officer's duties or in the course and scope of the use of loaned equipment not accompanied by a temporarily assigned officer. Further, the assisting agency agrees to hold the requesting agency harmless for any damage to the property of the assisting agency occasioned by such act. The agreement shall not be construed as a bar to any other rights or claim, either direct or by subrogation, which either agency shall have against any other party.

7. The undersigned enter into this agreement pursuant to duly adopted resolutions of their respective governing bodies, as authorized by North Carolina General Statutes § 160A-288.

Date: _____

TOUISSANT E. SUMMERS, JR.
Chief of Police, City of New Bern

Date: _____

(Insert Name and Title of Signer)

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, Notary Public in and for said County and State, do hereby certify that TOUISSANT E. SUMMERS, JR., Chief of Police of the City of New Bern, personally appeared before me this day and acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed.

WITNESS my hand and official seal this the ____ day of _____, 20 ____.

Notary Public

My Commission Expires:

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, Notary Public in and for said County and State, do hereby certify that (Insert Name and Capacity of Signer), personally appeared before me this day and acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed.

WITNESS my hand and official seal this the _____ day of _____, 20__.

Notary Public

My Commission Expires:

AGENDA ITEM COVER SHEET



Agenda Item Title:

Consider adopting an Ordinance amendment amending chapter 70 "Traffic and Vehicles" of the City of New Bern Code of Ordinances.

Date of Meeting: 2/14/2023	Ward # if applicable: Ward 1
Department: Public Works Department	Person Submitting Item: George Chiles, Director of Public Works
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	Request for speed limit reduction of National Avenue between Neuse Avenue and Dunn Street, from 35 MPH to 25 MPH, per request received from the Historic Riverside Neighborhood Association.
Actions Needed by Board:	Adopt Ordinance Amendment amending Section 70 "Traffic and Vehicles" of the Code of Ordinances of the City of New Bern to update 70-132 (Maximum Speed Limits).
Backup Attached:	Memo, Ordinance Amendment, Historic Riverside Neighborhood Association Petition Request, and Location Map.
Is item time sensitive? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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

Additional Notes:



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

February 03, 2023

Memo to: Mayor and Board of Aldermen

From: George Chiles, Director of Public Works

Re: Consider adopting an Ordinance amendment, amending chapter 70
"Traffic and Vehicles" of the City of New Bern Code of Ordinances

Background Information

The Riverside Historic Neighborhood Association recently requested the City of New Bern to consider reducing the maximum speed limit along National Avenue between Neuse Avenue and Dunn Street from 35 MPH to 25 MPH.

The Public Works Department and the New Bern Police Department evaluated this request and determined that lowering the speed limit along the above referenced roadway would benefit public safety and have no negative impact on vehicular traffic movement.

Recommendation

The Public Works Department recommends and request that the Mayor and Board of Aldermen adopt an ordinance amendment, amending Chapter 70 "Traffic and Vehicles" of the City of New Bern Code of Ordinances as requested above.

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

GC/skb
Enclosures

AN ORDINANCE TO AMEND CHAPTER 70 “TRAFFIC AND VEHICLES” OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN

THAT WHEREAS, the Director of Public Works of the City of New Bern recommends that certain amendments be made to Chapter 70 “Traffic and Vehicles” of the Code of Ordinances of the City of New Bern; and

WHEREAS, the Board of Aldermen of the City of New Bern deems it advisable and in the public interest to effect said revisions to Chapter 70 “Traffic and Vehicles” of the Code of Ordinances of the City of New Bern.

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

SECTION 1. That the traffic schedule identified as “Maximum Speed Limits” adopted by the board of aldermen and referenced in Section 70-132. “Maximum speed limits on specific streets.” of Division 4, “Speed” of Article III. “Operation of Vehicles” of Chapter 70 “Traffic and Vehicles” of the Code of Ordinances of the City of New Bern be and the same is hereby amended by adding the following streets to the section entitled “Maximim speed limits on specific streets—Twenty-five Miles per hour”:

National Avenue, from Neuse Avenue to Dunn Street.

SECTION 2. This ordinance shall be effective from and after the date of its adoption.

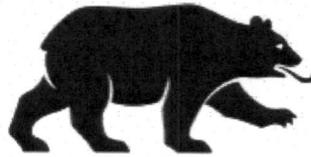
ADOPTED THIS 14th DAY OF FEBRUARY, 2023.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK

CITY OF NEW BERN

“MAXIMUM SPEED LIMITS”



NEW BERN

NORTH CAROLINA

AS DEFINED IN
SECTION 70-132 THROUGH 70-135 OF THE
NEW BERN CODE OF ORDINANCES

Adopted by the Board of Aldermen
of the City of New Bern

July 24, 2018

Revised: February 14, 2023

City of New Bern - Speed Limits
City Code Section 70-132

Maximum speed limits on specific streets - Twenty-five Miles per hour.

A Street
Adell Lane
Alabama Avenue
Albemarle Court
Albury Court
Allen Drive
Amhurst Boulevard
Apenzell Lane
Arbon Court
Arbon Lane
Arbor Green Way
Arcane Circle
Arcaro Walk
Asheville Street
Attmore Drive
Auburn Court
Augusta Court
Austin Avenue
Avenue A
Avenue B
Avenue C
Avenue D
Aycock Avenue
B Street
Baden Court
Baden Road
Bandon Drive
Basil Drive
Batts Hill Road, from Turtle Bay Drive east to its terminus
Bay Hill Court
Bay Street
Bayberry Park Drive
Beacon Hill Road
Beaufort Street
Beaver Dam Trail
Beech Street
Belle Oaks Drive
Belles Way
Belmont Boulevard
Benfield Avenue
Bern Street
Berry Hill Road
Biddle Street

City of New Bern - Speed Limits
City Code Section 70-132

Biel Lane
Blades Avenue
Bloomfield Street
Blue Jay Court
Bluebell Trace
Boleyn Loop
Booms Alley
Bray Avenue
Brems Battery
Briarhill Court
Briarhill Road
Brices Crossing Boulevard
Brookshire Drive
Brugg Court
Brunswick Avenue, from Colony Drive in a northwesterly direction, to its dead end
Bryan Street
Buckskin Drive
Bullens Creek Drive
Bungalow Drive
Burlywood Lane
Buttercup Court
Buxton Way
C Street
Canal Street
Candlewood Lane
Canterwood Lane
Cardinal Place
Cardinal Road
Carmel Lane
Carmer Street
Carolina Avenue
Carolina Street
Carroll Street
Carver Street
Cashmere Lane
Castle Ridge Road
Catarina Lane
Cayenne Court
Cedar Street
Celadon Lane
Center Avenue
Cerise Circle
Change Street
Chapman Street
Charles Street

City of New Bern - Speed Limits
City Code Section 70-132

Charmer Street
Chattawka Lane
Cherry Lane
Chestnut Avenue
Christian Court
Christopher Avenue
Church Street
Cinnamon Run
Clark Avenue
Clark Street
Cleveland Street
Club House Drive
Cobb Street
Cobblestone Alley
Coley Lane
College Court
College Street
College Way
Colonial Place
Colonial Way
Colony Drive
Concord Street
Conner Grant Road
Contentnea Avenue
Coventry Court
Corena Drive
Coriander Drive
Corinth Drive
Counts Court
Court Street
Cove Harbor
Crabtree Circle
Craftsman Drive
Cranberry Lane
Craven Street
Crawford Street
Creekside Drive
Creeping Phlox Drive
Crepe Myrtle Court
Crescent Street
Crimson Walk
Currituck Court
Cypress Shores Drive
Cypress Street
Dail Street

City of New Bern - Speed Limits
City Code Section 70-132

Daniels Street
Dare Court
Darst Avenue
Dartmouth Lane
Davis Street
Deer Path Circle
Deerfoot Circle
Delaney Way
Delesa Court
Delft Drive
Denim Court
Derby Court
Derby Park Avenue
Devers Avenue
Devers Circle
Dickinson Court
Dillahunt Street
Dixon Nursery Drive
Dogwood Drive
Doral Court
Dovefield Court
Drew Avenue
Duchess Court
Duffy Street
Dukes Court
Dunn Street
Durham Street
E Street
Earls Court
East Front Street
East Hightree Lane
East Pleasant Hill Drive
East Rose Street
Eden Street
Edenton Street
Edgecombe Street
Edgerton Drive
Edgewood Street
Educational Drive
Edwards Way
EF Thompkins Lane
Eighth Street
Elizabeth Avenue
Ellington Street
Elm Drive

City of New Bern - Speed Limits
City Code Section 70-132

Elm Street
Elmwood Street
Elsmore Drive
Elveden Road
Emerson Street
Emmen Road
English Ivy Lane
Eubanks Street
Evans Mill Road
Evans Street
Evergreen Lane
F Street
Fairfax Lane
Fairways Seven Court
Fairways West Court
Fairways West Drive
Fairwoods Lane
Farrior Circle
Fayetteville Street
Felicity Lane
Fieldgreen Circle
Fifth Street
Firestone Court
First Avenue
Fishing Creek Drive
Fleet Street
Florida Avenue
Forbes Alley
Forest Park Drive
Forest Street
Fort Totten Drive
Fourth Street
Fowlers Lane
Franklin Avenue
Friburg Road
Friendly Avenue
Fulcher Lane
G Street
Gables Road
Garden Street
Gardner Alley
Garfield Street
Gaston Boulevard
Gaston Court
General Branch Drive

City of New Bern - Speed Limits
City Code Section 70-132

Geneva Court
Geneva Road
George Street
Georgia Avenue
Gladiola Drive
Glenbrook Lane
Glenburnie Drive
Glenwood Avenue
Goldsboro Street
Grace Avenue
Grace Street
Granville Court
Grave Street
Green Street
Greenbrier Court
Greensboro Street
Griffin Avenue
Guilford Court
Guion Street
H Street
Haley Ray Lane
Halifax Circle
Hancock Street
Harbor Drive
Harbor Island Road
Hardee Farms Drive
Harkers Way
Harrison Street
Hartford Avenue
Harvard Way
Hatties Lane
Hawks Pond Road
Haywood Farms Road
Haywood Place
Hazel Avenue
Health Drive
Heather Court
Heckathorne Drive
Helen Avenue
Henderson Avenue
Henna Place
Heritage Drive
Hidden Drive
Hidden Harbor Drive
High School Drive

City of New Bern - Speed Limits
City Code Section 70-132

High Street
Highland Avenue, from Madison Avenue to Trent Road
Highwood Lane
Hillmont Road
Holly Street
Homestead Drive
Honda Drive
Honeycutt Court
Horgen Court
Horseshoe Road
Howard Street
Hunters Road
I Street
Indigo Lane
Inge Court
Innisbrook Court
Innisbrook Lane
Inverness Court
Ivy Court
Jackson Street
Jade Court
Jamestown Court
Jarvis Street
Jefferson Avenue
Jenny Lisa Lane
Jimmies Creek Drive
John Willis Road
Johnson Street
Johnston Lane
Jones Street
Joshua Norman Drive
Judge Manly Drive
Julia Clay Street
Jura Court
K Street
Kaitlyn Lane
Karen Drive
Karen Street
Kennedy Avenue
Kensington Park Drive
Kilmarnock Street
Kimberly Road
King Street
Kings Way
Kingsmill Court

City of New Bern - Speed Limits
City Code Section 70-132

Kinnakeet Lane
Kinston Street
Knights Court
Kriens Court
LaGrange Street
Lake Point Road
Lakeshore Drive
Lancewood Court
Lancy Lane
Lapis Court
Lark Street
Lathams Battery
Laura Lane
Laurel Street
Laurel Valley Drive
Lavenham Road
Lawson Street
Leaf Court
Lees Avenue
Liberty Street
Lichen Lane
Liestal Lane
Lincoln Street
Linden Street
Lipmans Alley
Loblolly Lane
Longview Drive
Lookout Lane
Lori Drive
Louisiana Avenue
Lowell Street
Lucerne Way
Lugano Road
Lynn Street
Macon Court
Macy Court
Madison Avenue
Magnolia Drive
Main Street
Manning Road
Manteo Court
Margaret Court
Mason Circle
McArthur Avenue
McKinley Avenue

City of New Bern - Speed Limits
City Code Section 70-132

Meadowcourt Drive
Meadows Street
Meadowview Drive
Mechanic Street
Medical Park Avenue
Mellen Court
Mellen Road
Meridian Court
Merriwood Court
Metcalf Street
Middle Street
Midyette Avenue
Miller Street
Mitchell Circle
Mockingbird Lane
Monroe Drive
Monterey Circle
Montgomery Court
Montreux Lane
Moore Avenue
Morton Road
Moses Griffin Lane
Moss Bend
Mourning Dove Trail
Mulligan Court
Murdock Way
Murl Lane
Murray Street
Myrtle Avenue
Myrtle Grove Road
Nathan Tisdale Lane
National Avenue, from Neuse Avenue to Dunn Street
National Court Drive
Neely Street
Nelson Street
Neuchatel Court
Neuchatel Road
Neuse Avenue
New Bern Avenue
New Street
Newsome Drive
Newton Drive
Ninth Street
Nordhoff Street
North Avenue

City of New Bern - Speed Limits
City Code Section 70-132

North Bern Street
North Cool Avenue
North Craven Street
North First Avenue
North Grace Avenue
North Hills Court
North Hills Drive
North Pasteur Street
North Second Avenue
North Street
Norwich Court
Norwich Road
Norwood Street
Nunn Street
Nydegg Court
Nydegg Road
Nyon Court
Nyon Road
Oak Drive
Oak Hill Lane
Oak Street
Oakdale Avenue
Oakland Avenue
Oakmont Circle
Oakwood Avenue
Old Airport Road (from Tyler Ryne Trail to the Bridge near Stonewall Circle)
Olde Towne Place
Onslow Court
Onyx Lane
Opal Street
Oscar Drive
Oxford Lane
Park Avenue
Pasteur Street
Pavie Avenue
Peach Tree Lane
Pearson Street
Pecan Court
Pella Lane
Pembroke Avenue
Penn Street
Pennyroyal Court
Pennyroyal Road
Peppercorn Court
Peppercorn Road

City of New Bern - Speed Limits
City Code Section 70-132

Periwinkle Place
Phillips Avenue
Pine Needle Place
Pine Valley Drive
Pinecrest Avenue
Pinehurst Drive
Pinetree Drive
Plymouth Drive
Pollock Street
Poplar Street
Powell Street
Preakness Place
Princess Street
Princeton Lane
Professional Drive
Queen Anne Lane
Rail Court
Rainmaker Drive
Red Oak Drive
Red Robin Lane
Reinach Lane
Reizenstein Street
Rennys Creek Drive
Reunion Pointe Lane
Rhem Avenue
Rhem Street
Richmond Court
River Drive
River Lane
Riverside Drive
Riviera Court
Roanoke Avenue
Robbie Lane
Rosemary Road
Roundtree Street
Ruth Avenue
Sage Close
Saint Gallen Court
Salvo Drive
Sandy Point Road
Sarahs Circle
Sardis Lane
Scamozzi Drive
Seabiscuit Lane
Seafoam Court

**City of New Bern - Speed Limits
City Code Section 70-132**

Second Avenue
Second Street
Sellhorn Boulevard
Seventh Street
Shadow Brook Lane
Sherwood Avenue
Shinnecock Court
Shinnecock Drive
Shoreview Drive
Sienna Place
Sienna Trail
Sir James Lane
Sixth Street
Skinner Court
Smith Street
South Carolina Avenue
South Front Street
Southern Hills Drive
Sparta Way
Spencer Avenue
Split Oak Way
Spring Green Pass
Spruce Court
St Andrews Circle
St John Street
St Paul Street
Stallings Parkway
Stewart Boulevard
Stimpson Street
Stonewall Circle
Stoney Hill trail
Sunrise Way
Sunset Road
Sursee Court
Sutton Street
Suttons Alley
Sweetbriar Court
Sycamore Street
Tanglewood Court
Tarragon Court
Tatum Drive
Taylor Street
Tesie Trail
Teufen Road
Thatcher Court

City of New Bern - Speed Limits
City Code Section 70-132

Third Avenue
Third Street
Thomas Avenue
Thorpe-Abbotts Lane
Thyme Court
Ticino Court
Ticino Road
Tina Court
Tobiano Drive
Token Court
Tomlinson Boulevard
Towne Woods Drive
Trappers Trail
Traveller Lane
Trent Avenue
Trent Creek Road
Trent Street
Trent Village Court
Trolley Court
Tryon Road
Tucker Street
Turtle Bay Drive
Tuscan Lane
Tyler Rhyne Trail
Underwriter Lane
Union Court
Uster Court
Valais Court
Vaud Court
Vineyard Drive
Viridian Trace
Wake Street
Walden Court
Walden Road
Walt Bellamy Drive
Walter Drive
Walton Drive
Washington Court
Washington Street
Waterleaf Pointe
Waters Street
Watson Avenue
Weathersby Drive
Wesley Drive
West High Street

**City of New Bern - Speed Limits
City Code Section 70-132**

West Hightree Lane
West Pleasant Hill Drive
West Street
Westover Lane
Westwood Court
White Ash Lane
White Street
Williams Street
Willowtree Street
Wilmington Street
Wilson Street
Windy Trail
Winged Foot Court
Woodland Avenue
Woodvine Court
Woolard Trail
Yadkin Court
Yarmouth Road
York Court
York Street
Zurich Place

Maximum speed limits on specific streets - Forty-five miles per hour.

Greenleaf Cemetary Road
NC 43 (Washington Post Road) from NC 55 (Neuse Boulevard) to SR 1483 (Briarwood Lane)
NC 55 (Neuse Boulevard) from 0.60 miles East of NCSR 1005 to Colony Drive
SR 1309 (South Glenburnie Road) from SR 1278 (Trent Road) to NC 55 (Neuse Boulevard)
SR 1395 (formerly US 70 Business) from US 70 to NC 55 (Neuse Boulevard)
West Thurman Road, from Old Airport Road to extent of city limits
Wilcox Road

Maximum speed limits on specific streets - Fifty miles per hour.

US 17 from SR 1214 to US 70

Maximum speed limits on specific streets - Fifty-five miles per hour.

NC 43 from 0.98 miles north of US 70 to NC 55

Revisions:

9/11/18 NC HWY 55 (Neuse Blvd) Extended 35mph Zone

9/11/18 Old Airport Road 45mph to 35mph

10/16/20 Old Airport Road (Tyler Ryan Trail to the bridge near Stonewall Circle) from 35 MPH to 25 MPH

City of New Bern - Speed Limits
City Code Section 70-132

4/27/21 Arbor Green Way - Acceptance 25 MPH

2/14/23 National Avenue (Neuse Avenue to Dunn Street) - from 35 MPH to 25 MPH

Maximum speed limits on specific streets - Twenty-five Miles per hour.

A Street
Adell Lane
Alabama Avenue
Albemarle Court
Albury Court
Allen Drive
Amhurst Boulevard
Apenzell Lane
Arbon Court
Arbon Lane
Arbor Green Way
Arcane Circle
Arcaro Walk
Asheville Street
Attmore Drive
Auburn Court
Augusta Court
Austin Avenue
Avenue A
Avenue B
Avenue C
Avenue D
Aycock Avenue
B Street
Baden Court
Baden Road
Bandon Drive
Basil Drive
Batts Hill Road, from Turtle Bay Drive east to its terminus
Bay Hill Court
Bay Street
Bayberry Park Drive
Beacon Hill Road
Beaufort Street
Beaver Dam Trail
Beech Street
Belle Oaks Drive
Belles Way
Belmont Boulevard
Benfield Avenue
Bern Street
Berry Hill Road
Biddle Street

Biel Lane
Blades Avenue
Bloomfield Street
Blue Jay Court
Bluebell Trace
Boleyn Loop
Booms Alley
Bray Avenue
Brems Battery
Briarhill Court
Briarhill Road
Brices Crossing Boulevard
Brookshire Drive
Brugg Court
Brunswick Avenue, from Colony Drive in a northwesterly direction, to its dead end
Bryan Street
Buckskin Drive
Bullens Creek Drive
Bungalow Drive
Burlywood Lane
Buttercup Court
Buxton Way
C Street
Canal Street
Candlewood Lane
Canterwood Lane
Cardinal Place
Cardinal Road
Carmel Lane
Carmer Street
Carolina Avenue
Carolina Street
Carroll Street
Carver Street
Cashmere Lane
Castle Ridge Road
Catarina Lane
Cayenne Court
Cedar Street
Celadon Lane
Center Avenue
Cerise Circle
Change Street
Chapman Street
Charles Street

Charmer Street
Chattawka Lane
Cherry Lane
Chestnut Avenue
Christian Court
Christopher Avenue
Church Street
Cinnamon Run
Clark Avenue
Clark Street
Cleveland Street
Club House Drive
Cobb Street
Cobblestone Alley
Coley Lane
College Court
College Street
College Way
Colonial Place
Colonial Way
Colony Drive
Concord Street
Conner Grant Road
Contentnea Avenue
Coventry Court
Corena Drive
Coriander Drive
Corinth Drive
Counts Court
Court Street
Cove Harbor
Crabtree Circle
Craftsman Drive
Cranberry Lane
Craven Street
Crawford Street
Creekside Drive
Creeping Phlox Drive
Crepe Myrtle Court
Crescent Street
Crimson Walk
Currituck Court
Cypress Shores Drive
Cypress Street
Dail Street

Daniels Street
Dare Court
Darst Avenue
Dartmouth Lane
Davis Street
Deer Path Circle
Deerfoot Circle
Delaney Way
Delesa Court
Delft Drive
Denim Court
Derby Court
Derby Park Avenue
Devers Avenue
Devers Circle
Dickinson Court
Dillahunt Street
Dixon Nursery Drive
Dogwood Drive
Doral Court
Dovefield Court
Drew Avenue
Duchess Court
Duffy Street
Dukes Court
Dunn Street
Durham Street
E Street
Earls Court
East Front Street
East Hightree Lane
East Pleasant Hill Drive
East Rose Street
Eden Street
Edenton Street
Edgecombe Street
Edgerton Drive
Edgewood Street
Educational Drive
Edwards Way
EF Thompkins Lane
Eighth Street
Elizabeth Avenue
Ellington Street
Elm Drive

Elm Street
Elmwood Street
Elsmore Drive
Elveden Road
Emerson Street
Emmen Road
English Ivy Lane
Eubanks Street
Evans Mill Road
Evans Street
Evergreen Lane
F Street
Fairfax Lane
Fairways Seven Court
Fairways West Court
Fairways West Drive
Fairwoods Lane
Farrior Circle
Fayetteville Street
Felicity Lane
Fieldgreen Circle
Fifth Street
Firestone Court
First Avenue
Fishing Creek Drive
Fleet Street
Florida Avenue
Forbes Alley
Forest Park Drive
Forest Street
Fort Totten Drive
Fourth Street
Fowlers Lane
Franklin Avenue
Friburg Road
Friendly Avenue
Fulcher Lane
G Street
Gables Road
Garden Street
Gardner Alley
Garfield Street
Gaston Boulevard
Gaston Court
General Branch Drive

Geneva Court
Geneva Road
George Street
Georgia Avenue
Gladiola Drive
Glenbrook Lane
Glenburnie Drive
Glenwood Avenue
Goldsboro Street
Grace Avenue
Grace Street
Granville Court
Grave Street
Green Street
Greenbrier Court
Greensboro Street
Griffin Avenue
Guilford Court
Guion Street
H Street
Haley Ray Lane
Halifax Circle
Hancock Street
Harbor Drive
Harbor Island Road
Hardee Farms Drive
Harkers Way
Harrison Street
Hartford Avenue
Harvard Way
Hatties Lane
Hawks Pond Road
Haywood Farms Road
Haywood Place
Hazel Avenue
Health Drive
Heather Court
Heckathorne Drive
Helen Avenue
Henderson Avenue
Henna Place
Heritage Drive
Hidden Drive
Hidden Harbor Drive
High School Drive

High Street
Highland Avenue, from Madison Avenue to Trent Road
Highwood Lane
Hillmont Road
Holly Street
Homestead Drive
Honda Drive
Honeycutt Court
Horgen Court
Horseshoe Road
Howard Street
Hunters Road
I Street
Indigo Lane
Inge Court
Innisbrook Court
Innisbrook Lane
Inverness Court
Ivy Court
Jackson Street
Jade Court
Jamestown Court
Jarvis Street
Jefferson Avenue
Jenny Lisa Lane
Jimmies Creek Drive
John Willis Road
Johnson Street
Johnston Lane
Jones Street
Joshua Norman Drive
Judge Manly Drive
Julia Clay Street
Jura Court
K Street
Kaitlyn Lane
Karen Drive
Karen Street
Kennedy Avenue
Kensington Park Drive
Kilmarnock Street
Kimberly Road
King Street
Kings Way
Kingsmill Court

Kinnakeet Lane
Kinston Street
Knights Court
Kriens Court
LaGrange Street
Lake Point Road
Lakeshore Drive
Lancewood Court
Lancy Lane
Lapis Court
Lark Street
Lathams Battery
Laura Lane
Laurel Street
Laurel Valley Drive
Lavenham Road
Lawson Street
Leaf Court
Lees Avenue
Liberty Street
Lichen Lane
Liestal Lane
Lincoln Street
Linden Street
Lipmans Alley
Loblolly Lane
Longview Drive
Lookout Lane
Lori Drive
Louisiana Avenue
Lowell Street
Lucerne Way
Lugano Road
Lynn Street
Macon Court
Macy Court
Madison Avenue
Magnolia Drive
Main Street
Manning Road
Manteo Court
Margaret Court
Mason Circle
McArthur Avenue
McKinley Avenue

Meadowcourt Drive
Meadows Street
Meadowview Drive
Mechanic Street
Medical Park Avenue
Mellen Court
Mellen Road
Meridian Court
Merriwood Court
Metcalf Street
Middle Street
Midyette Avenue
Miller Street
Mitchell Circle
Mockingbird Lane
Monroe Drive
Monterey Circle
Montgomery Court
Montreux Lane
Moore Avenue
Morton Road
Moses Griffin Lane
Moss Bend
Mourning Dove Trail
Mulligan Court
Murdock Way
Murl Lane
Murray Street
Myrtle Avenue
Myrtle Grove Road
Nathan Tisdale Lane
National Avenue, from Neuse Avenue to Dunn Street
National Court Drive
Neely Street
Nelson Street
Neuchatel Court
Neuchatel Road
Neuse Avenue
New Bern Avenue
New Street
Newsome Drive
Newton Drive
Ninth Street
Nordhoff Street
North Avenue

North Bern Street
North Cool Avenue
North Craven Street
North First Avenue
North Grace Avenue
North Hills Court
North Hills Drive
North Pasteur Street
North Second Avenue
North Street
Norwich Court
Norwich Road
Norwood Street
Nunn Street
Nydegg Court
Nydegg Road
Nyon Court
Nyon Road
Oak Drive
Oak Hill Lane
Oak Street
Oakdale Avenue
Oakland Avenue
Oakmont Circle
Oakwood Avenue
Old Airport Road (from Tyler Ryne Trail to the Bridge near Stonewall Circle)
Olde Towne Place
Onslow Court
Onyx Lane
Opal Street
Oscar Drive
Oxford Lane
Park Avenue
Pasteur Street
Pavie Avenue
Peach Tree Lane
Pearson Street
Pecan Court
Pella Lane
Pembroke Avenue
Penn Street
Pennyroyal Court
Pennyroyal Road
Peppercorn Court
Peppercorn Road

Periwinkle Place
Phillips Avenue
Pine Needle Place
Pine Valley Drive
Pinecrest Avenue
Pinehurst Drive
Pinetree Drive
Plymouth Drive
Pollock Street
Poplar Street
Powell Street
Preakness Place
Princess Street
Princeton Lane
Professional Drive
Queen Anne Lane
Rail Court
Rainmaker Drive
Red Oak Drive
Red Robin Lane
Reinach Lane
Reizenstein Street
Rennys Creek Drive
Reunion Pointe Lane
Rhem Avenue
Rhem Street
Richmond Court
River Drive
River Lane
Riverside Drive
Riviera Court
Roanoke Avenue
Robbie Lane
Rosemary Road
Roundtree Street
Ruth Avenue
Sage Close
Saint Gallen Court
Salvo Drive
Sandy Point Road
Sarahs Circle
Sardis Lane
Scamozzi Drive
Seabiscuit Lane
Seafoam Court

Second Avenue
Second Street
Sellhorn Boulevard
Seventh Street
Shadow Brook Lane
Sherwood Avenue
Shinnecock Court
Shinnecock Drive
Shoreview Drive
Sienna Place
Sienna Trail
Sir James Lane
Sixth Street
Skinner Court
Smith Street
South Carolina Avenue
South Front Street
Southern Hills Drive
Sparta Way
Spencer Avenue
Split Oak Way
Spring Green Pass
Spruce Court
St Andrews Circle
St John Street
St Paul Street
Stallings Parkway
Stewart Boulevard
Stimpson Street
Stonewall Circle
Stoney Hill trail
Sunrise Way
Sunset Road
Sursee Court
Sutton Street
Suttons Alley
Sweetbriar Court
Sycamore Street
Tanglewood Court
Tarragon Court
Tatum Drive
Taylor Street
Tesie Trail
Teufen Road
Thatcher Court

Third Avenue
Third Street
Thomas Avenue
Thorpe-Abbotts Lane
Thyme Court
Ticino Court
Ticino Road
Tina Court
Tobiano Drive
Token Court
Tomlinson Boulevard
Towne Woods Drive
Trappers Trail
Traveller Lane
Trent Avenue
Trent Creek Road
Trent Street
Trent Village Court
Trolley Court
Tryon Road
Tucker Street
Turtle Bay Drive
Tuscan Lane
Tyler Rhyne Trail
Underwriter Lane
Union Court
Uster Court
Valais Court
Vaud Court
Vineyard Drive
Viridian Trace
Wake Street
Walden Court
Walden Road
Walt Bellamy Drive
Walter Drive
Walton Drive
Washington Court
Washington Street
Waterleaf Pointe
Waters Street
Watson Avenue
Weathersby Drive
Wesley Drive
West High Street

West Hightree Lane
West Pleasant Hill Drive
West Street
Westover Lane
Westwood Court
White Ash Lane
White Street
Williams Street
Willowtree Street
Wilmington Street
Wilson Street
Windy Trail
Winged Foot Court
Woodland Avenue
Woodvine Court
Woolard Trail
Yadkin Court
Yarmouth Road
York Court
York Street
Zurich Place

Maximum speed limits on specific streets - Forty-five miles per hour.

Greenleaf Cemetary Road
NC 43 (Washington Post Road) from NC 55 (Neuse Boulevard) to SR 1483 (Briarwood Lane)
NC 55 (Neuse Boulevard) from 0.60 miles East of NCSR 1005 to Colony Drive
SR 1309 (South Glenburnie Road) from SR 1278 (Trent Road) to NC 55 (Neuse Boulevard)
SR 1395 (formerly US 70 Business) from US 70 to NC 55 (Neuse Boulevard)
West Thurman Road, from Old Airport Road to extent of city limits
Wilcox Road

Maximum speed limits on specific streets - Fifty miles per hour.

US 17 from SR 1214 to US 70

Maximum speed limits on specific streets - Fifty-five miles per hour.

NC 43 from 0.98 miles north of US 70 to NC 55

Revisions:

9/11/18 NC HWY 55 (Neuse Blvd) Extended 35mph Zone
9/11/18 Old Airport Road 45mph to 35mph
10/16/20 Old Airport Road (Tyler Ryan Trail to the bridge near Stonewall Circle) from 35 MPH to 25 MPH

**City of New Bern - Speed Limits
City Code Section 70-132**

RED-LINED COPY

4/27/21 Arbor Green Way - Acceptance 25 MPH

2/14/23 National Avenue (Neuse Avenue to Dunn Street) - from 35 MPH to 25 MPH

SAFETY CONCERNS FOR REDUCING THE SPEED LIMIT ON NATIONAL AVE.

(Between Dunn Street and Neuse Ave.)

- Closely spaced houses along National Ave. similar to Ghent and other 25 mph neighborhoods with lots of foot and car traffic.
- Family neighborhood with children playing in front yards. Lots of large trucks using the avenue can't stop quickly if a child strays.
- 70% of houses on National Ave. do not have turn-around driveways which necessitates backing out into traffic. This hazard has produced several "close calls" as cars parked along the avenue and large trees obstruct the view of oncoming traffic. This also applies to cars entering from side streets. Slower oncoming traffic will make things much safer.
- It is a fairly narrow avenue (roughly 23 feet allotted for two-way traffic) bordered by trees very close to the road and parked cars on one side. Several accidents have resulted in parked cars being side-swiped.
- History of several automobile crashes on the avenue including overturned speeding cars (see attached list compiled from New Bern Police Department records).
- The City of New Bern has plans to create a bicycle trail between downtown and Martin-Marietta Park along National Ave.. Families with children on bicycles will appreciate the safety of slower moving cars.

POSSIBLE ARGUMENTS FOR NOT REDUCING THE SPEED LIMIT

- National Ave. is a minor but important thoroughfare for the city connecting downtown and Glenburnie Ave.. Citizens using the route don't want to be slowed down.

(Actually, a loss of only 24 seconds was recorded when reducing speed from 35 to 25 mph along the proposed 3/4-mile length of National Ave).

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This change will make the speed limit consistent throughout Riverside. It will protect the safety of residents, pedestrians and vehicle drivers and occupants as well as resident properties and parked vehicles and overall contribute to the quality of life in our neighborhood.

Name	Address	Signature	Date
<i>Molan Tomboulis</i>	1214 N. Pasteur	<i>Molan Tomboulis</i>	10-15-2022
<i>Barbara Kramer</i>	1304 National	<i>Barbara Kramer</i>	10/15/2022
<i>Sarah Misty-Davis</i>	1514 National	<i>Sarah Misty-Davis</i>	10-15-22
<i>Ted Fridholm</i>	1214 National Ave	<i>Ted Fridholm</i>	10-15-22
GLEN SPENCER	1209 N PASTEUR ST	<i>Glen Spencer</i>	10-15-22
<i>Jan Whisenand</i>	1207 Nat. Ave	<i>Jan Whisenand</i>	10/30/22
<i>Anthony Whisenand</i>	1207 National Ave	<i>Anthony Whisenand</i>	10/30/22
<i>John A. Williams</i>	1225 NATIONAL AV	<i>John A. Williams</i>	10/30/22
<i>Suzanne B Williams</i>	1225 NATIONAL AV	<i>Suzanne B Williams</i>	10/30/22
<i>Kristen Moffitt</i>	1303 National Ave	<i>Kristen Moffitt</i>	10/30/22
<i>Steven B Moffitt</i>	1303 National Ave	<i>Steven B Moffitt</i>	10/30/22
<i>Debra G Moffitt</i>	1303 National Ave	<i>Debra G Moffitt</i>	10/30/22
<i>Kenny Sibert</i>	1305 "	<i>Kenny Sibert</i>	10/30/22
<i>Angel Ridder</i>	1307 National Ave	<i>Angel Ridder</i>	10/30/22
<i>Carl Long</i>	1317 National Avenue	<i>Carl Long</i>	10/30/22
<i>Austin Arrington</i>	1405 National Ave.	<i>Austin Arrington</i>	10/30/22
<i>Jan Raf</i>	1502 National Ave	<i>Jan Raf</i>	10/30/22
<i>Julia Raf</i>	" "	<i>Julia Raf</i>	10/30/22
BRIDGE WHISTLER	1419 NATIONAL AV.	<i>Bridge Whistler</i>	10/30/22
<i>Rachel McGuire</i>	1413 NATIONAL AVE	<i>Rachel McGuire</i>	10/30/22

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Name	Address	Signature	Date
ROB EBERLE	1310 NATIONAL		10-15-22
MARY SKINNER	1203 NATIONAL		10-15-22
Colleen Adams	1233 National Ave.		10-15-22
Kathy Hamilton	1229 National Ave		10/15/22
Janet Jensen	1229 National Ave.		10/15/22
BRYNA COOMIN	1508 N. Craven St		10/15/22
Ellie White	1110 National Ave		10/15/22
Anna Burleson	405 Ave D		10/15/22
David White	1110 National Ave		10/15/22
ERIC A CAMPBELL	1233 NATIONAL		10/15/22
BRYAN R. HAMILTON	1229 National Ave		10/15/22
John Carroll	1304 NATIONAL		10/15/22
Gregory Russell	1215 National		10/15/22
Caitlin Wood-Yesline	1316 National		10/15/22
JILL EBERLE	1310 NATIONAL AVE		10-15-22
Kathy Glover	1214 National Ave		10-15-22
MARY GIBBS	315 Avenue C		10/15/22
Christina D. Carrace	1304 National Ave NB.		10/15/22
GINGER MOTT	1218 NATIONAL AVE, NB		10/15/22
KEVIN CROCKETT	1218 NATIONAL AVE. NB		10/15/22

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Name	Address	Signature	Date
Tim Thompson	404 Ave A	E. Thompson	15 OCT 2022
CHARLES DAVIS	1514 NATIONAL AVE.	[Signature]	15 OCT 2022
Teresa Risty	402 Ave D	[Signature]	10-15-22
Lois Hummer	404 Ave D	Lois Ellen Plummer	16 Oct-22
Karen Poole	401 Ave D	Karen Poole	10/16/22
JAMES BARCLAY	312 AVE D	[Signature]	16 OCT 22
RON WNIIEWSKI	310 AVE D.	[Signature]	16 OCT 22
Beth Debagian	406 Ave A	Beth J Debagian	16/Oct/22
Mare Debagian	406 Ave A	Mare Debagian	16/Oct/22
Shelly M Hines	406 North Ave	Shelly M Hines	16/Oct/2022
Jonathan [unclear]	406 North Ave	[Signature]	16/Oct/2022
Roger Noyes	403 Ave. D	Roger Noyes	10-16-22
Sarah Risty-Davis	1514 National Ave.	[Signature]	10-16-22

[Handwritten mark]

**Historic Riverside Neighborhood Association
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Name	Address	Signature	Date
Elizabeth Stoholt	402 Dunn Street	<i>Elizabeth Stoholt</i>	10/15/2022
Frank Brown	402 Dunn St.	<i>Frank Brown</i>	10/15/2022
Dane Vincent	1220 National Ave	<i>Dane Vincent</i>	10/30/2022
Tim+Lauren Jannik	1208 National Avenue	<i>Tim+Lauren Jannik</i>	10/30/2022
Lindy & Lance Cummings	1206 National	<i>Lance Cummings</i>	10/30/2022
Elspeth Avery	1110 National Ave	<i>Elspeth Avery</i>	10/30/22
David White	1110 National Ave	<i>David White</i>	10/30/22
Roosevelt White	1110 National Ave	<i>Roosevelt White</i>	10/30/22
Amy Stone	402 Ave A	<i>Amy Stone</i>	10/30/22
Victoria Black	1265 N. PASTEUR	<i>Victoria Black</i>	10/30/22
Jodi Tombarian	1214 N Pasteur St	<i>Jodi S. Tombarian</i>	10/30/22
Duane Spellman	1220 N Pasteur St	<i>Duane Spellman</i>	10/30/22
LINDA B DIXON	1212 N. PASTEUR ST NB, NC	<i>Linda B Dixon</i>	10/30/22

**Historic Riverside Neighborhood Association
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Name	Address	Signature	Date
Cindy Dameron	1309 N Pasteur St	Cindy Dameron	10/28/22
Sherry Imhof	1312 National Ave	Sherry Imhof	10/28/22
EFF WOODS/ESLIVE	1316 National Ave	Eff Woods	10-28-22
BRUCE L. WR16th	1223 National Ave	Bruce L. Wright	11/12/22
Jean Wright	1223 National Ave	Jean Wright	11/12/22
Bob Dineds	1307 N Pasteur St	Bob Dineds	11/12/22
Robyn O'Rilly	1307 N Pasteur St	Robyn O'Rilly	11/12/22
Sherry Imhof	1404 National Ave	Sherry Imhof	11/21/22
Jean Holt	1404 National Ave	Jean Holt	11/21/22
Debbie Rutledge Holt	1404 National Ave	Debbie Rutledge Holt	11/27/22
Alexis ^{Carroll} Carroll	404 Ave C	Alexis Carroll	1-24-23
Virginia Cardelli	404 Ave C	Virginia Cardelli	1-24-23
Gwen McDaniel	403 Ave C	Gwen McDaniel	1-24-23
Kathy M. Evans	409 Ave C	Kathy M. Evans	1-24-23

AGENDA ITEM COVER SHEET



Agenda Item Title:

Consider Adopting a Resolution to Transfer Properties to the Redevelopment Commission

Date of Meeting: 2/14/2023	Ward # if applicable: 1, 2 & 5
Department: City Attorney	Person Submitting Item: Jaimee Bullock-Mosley
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	The Redevelopment Commission requested the City donate parcels of land to the Commission. The parcels were owned jointly between the City and the County, and the County agreed to transfer 10 lots to the City subject to the City entering into a Transfer and Reversion Agreement with the Commission.
Actions Needed by Board:	Consider Adopting Resolution to Transfer Property
Backup Attached:	Memo, Resolution, Quitclaim Deed, Transfer & Reversion Agreement
Is item time sensitive? <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: List of properties: 703 Second Avenue, 705 Second Avenue, 709 Second Avenue, 717 Second Avenue, 720 Second Avenue, 821 West Street, 908 Eubanks Street, 912 Eubanks Street, 209 Bryan Street, and 708 West A Street.

MEMORANDUM

TO: Mayor and Board of Aldermen

FROM: Jaimee Bullock Mosley, Assistant City Attorney

RE: Resolution to Transfer Properties to the Redevelopment Commission

The Redevelopment Commission of the City of New Bern (“Commission”) approached the City in 2022 about the possible donation of a number of parcels of real property. The Commission desires to develop the parcels, which are jointly owned by the City and Craven County, consistent with the City’s redevelopment plan. Craven County has agreed to transfer its interest in ten parcels to the City with the understanding that the subsequent conveyance to the Commission will be subject to a Transfer and Reversion Agreement.

Pursuant to the Transfer and Reversion Agreement, the Commission will receive ten parcels and must develop or cause the parcels to be developed consistent with the redevelopment plan within sixty (60) months. The interest in any unutilized parcels will revert back to the City. The City will then transfer any such reverted parcels back to the County in the same amount of the County’s percentage of ownership.

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

RESOLUTION

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

That the Deed and Transfer and Reversion Agreement by and between the City of New Bern and the Redevelopment Commission of the City of New Bern, copies of which are attached hereto and incorporated herein by reference, be and the same are hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute same for and on behalf of the City.

ADOPTED this 14th day of February, 2023.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK

Prepared by and return to:

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

PARCEL NOS. 8-012-174, 8-012-173, 8-012-172, 8-012-170, 8-012-197, 8-007-225, 8-006-274, 8-006-275, 8-011-177 and 8-006-104

REVENUE STAMPS: \$0.00

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

THIS QUITCLAIM DEED, made and entered into this ____ day of February, 2023, by and the **CITY OF NEW BERN**, a municipal corporation of the State of North Carolina, (“Grantor”), and the **REDEVELOPMENT COMMISSION OF THE CITY OF NEW BERN**, with a mailing address of Post Office Box 1129, New Bern, North Carolina, 28563, (“Grantee”);

W I T N E S S E T H:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to it in hand paid by the Grantee, the receipt of which is hereby acknowledged, the Grantor has remised and released, and by these presents does remise, release and forever quitclaim unto the Grantee, its successors and assigns, all right, title and interest of the said Grantor in and to those lots or parcels of land located in Number Eight (8) Township, Craven County, North Carolina, and being more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

DAVIS HARTMAN WRIGHT LLP
Attorneys at Law
209 Pollock Street
New Bern, NC 28560

The property herein conveyed does (not) include the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lots or parcels of land and all privileges and appurtenances thereunto belonging to the said Grantee, its successors and assigns, free and discharged from all right, title, claim, or interest of the said Grantor, or anyone claiming by, through or under it, SUBJECT ALWAYS, HOWEVER, to the terms and conditions of the Transfer and Reversion Agreement of even date herewith, including the reverter provisions thereof, which said Agreement is recorded in Book _____, Page _____, in the Craven County Registry.

IN TESTIMONY WHEREOF, the **CITY OF NEW BERN** has caused this instrument to be executed as its act and deed by its Mayor, attested to by its Clerk, and its seal to be hereunto affixed, all by the authority of its Board of Aldermen, as of the day and year first above written.

CITY OF NEW BERN

(SEAL)

By: _____ (SEAL)
Jeffrey T. Odham, Mayor

ATTEST:

Brenda E. Blanco, City Clerk

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

I, _____, Notary Public in and for said County and State, do hereby certify that on _____ day of February, 2023, before me personally appeared JEFFREY T. ODHAM, with whom I am personally acquainted, who, being by me duly sworn, says that he is the Mayor and that BRENDA E. BLANCO is the City Clerk for the City of New Bern, the municipal corporation described in and which executed the foregoing instrument; that he knows the common seal of said municipal corporation that the seal affixed to the foregoing instrument is said common seal; that the name of the municipal corporation was subscribed thereto by the said Mayor; that the said common seal was affixed, all by order of the Board of Aldermen of said municipal corporation; and that the said instrument is the act and deed of said municipal corporation.

WITNESS my hand and official seal this the _____ day of February, 2023.

Notary Public

My Commission Expires:

EXHIBIT A

TRACT 1: (Parcel No. 8-012-174)

All that certain lot No. 118 in Craven County, State of North Carolina, carved out of that certain tract of land adjoining the western limits of the City of New Bern on Neuse Road and known as the Miller Tract of land, as described in deed from W. F. Crockett and wife to T. A. Uzzell and Corrine C. Uzzell, his wife and J. W. Stewart and Sarah C. Stewart, his wife, dated March 19, 1911 and duly recorded in the office of the Register of Deeds of Craven County in Book 187, Page 1; the same having been divided into lots and streets and duly plotted and laid down upon the certain plot duly recorded in the office of said Register of Deeds in Book 187 Page 3, to which reference is made for the description of the said lot herein conveyed, bearing the number aforesaid upon said plot.

All of that certain property more particularly described in Deed Book 618, at Page 541, in the Craven County Registry.

This property is also commonly referred to by its tax parcel identification number which is 8-012-174.

TRACT 2: (Parcel No. 8-012-173)

All of that certain property more particularly described in Deed Book 1092 at Page 952, in Craven County Registry. This property is also commonly referred to by its tax parcel identification number which is 8-012-173.

TRACT 3: (Parcel No. 8-012-172)

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

Lot Number 120 according to that certain plat and plan of a subdivision known as "West End", which plat is recorded in the office of the Craven County Register of Deeds in Book 187, Page 3, (see Map book 7, Page 74).

The property is commonly referred to by its tax parcel identification number which is 8-012-172.

TRACT 4: (Parcel No. 8-012-170)

Those two certain lots or parcels of land situate on North Carolina, Craven County, City of New Bern, on the west side of Second Avenue and between Elm and Cedar Streets, and bearing Nos. One Hundred Twenty-Two (122), and One Hundred Twenty-Three (123) according to that

certain plat and plan of a subdivision known as the Stewart and Uzzell plot, and better known as the plan and plot of "West End", which plot is recorded in the Office of the Register of Deeds of Craven County, North Carolina in Book 187, Page 3 (see map Book 7, Page 74), to which reference is hereby made for a more complete description.

All of that certain property more particularly described in Deed Book 1161, at Page 1098, in the Craven County Registry.

This property is also commonly referred to by its tax parcel identification number which is 8-012-170.

TRACT 5: (Parcel No. 8-012-197)

A certain parcel or tract of land lying and being situate in the City of New Bern, No. 8 Township, North Carolina, and more particularly described as follows, to wit: Fronting thirty-five (35) feet on Second Avenue and extending Eastwardly in parallel lines eighty-seven and five twelfths ($87 \frac{5}{12}$) feet and being Lot Number One Hundred Twelve (112) duly plotted and recorded in the Registry of Craven County in Book 7, Page 74 to which reference is made for more complete description.

Subject to restrictive covenants and easements of record.

Parcel Identification Number: 8 012 197

TRACT 6: (Parcel No. 8-007-225)

All that certain lot or parcel of land lying and being in No. 8 Township, Craven County, North Carolina, and being more particularly described as follows:

Bounded on the North by the lands owned by Mrs. Leinster Duffy; on the East by West Street; on the South by the lands of Charlie James and on the West by the lands owned by Mrs. Leinster Duffy, and being more fully described as follows: BEGINNING at a point on the eastern side of West Street, which is 150 feet Southwardly from the Southwest intersection of Main and West Streets, running thence S. $2 \frac{1}{2}^{\circ}$ E. 50 feet to a corner of the lot owned by Charlie James; thence N. $78 \frac{1}{2}^{\circ}$ W. 102 feet to a corner of the lot owned by Mrs. Leinster Duffy; thence N. $2 \frac{1}{2}^{\circ}$ W. parallel with West Street 50 feet to a corner of the land owned by Mrs. Leinster Duffy; thence S. $78 \frac{1}{2}^{\circ}$ E. 102 feet to the western margin of West Street, the point of BEGINNING. Being that certain lot or parcel of land conveyed to Lillie McCafferty no Lillie S. Skinner, by deed dated March 22, 1923, and recorded in the office of the Register of Deeds of Craven County in Book 239, page 215, and being that lot described in the map of B. M., Potter, C.E. which said map was made on the 14th day of February, 1934.

Being the same property conveyed by Allen Scott B. Dudley and wife, Eliza M. Dudley to Raphael O. Boone by deed recorded in Book 389, Page 269, Craven County Registry.

This property is commonly referred to by its tax parcel identification number which is 8-007-225.

TRACT 7: (Parcel No. 8-006-274)

All of that certain property more particularly described in Deed Book 986, at Page 778, in the Craven County Registry. This property is also commonly referred to by its tax parcel identification number which is 8-006-274.

TRACT 8: (Parcel No. 8-006-275)

Beginning at a point in the eastern line of Eubanks Street, which point is North 0° 42' East 137.5 feet from the northeastern corner of Eubanks Street and Main Street; running thence North 0° 42' East with the eastern line of Eubanks Street 33.5 feet; thence South 89° 18' East 98.3 feet; thence South 0° 42' West 33.5 feet; thence North 89° 18' West 98.3 feet to the eastern line of Eubanks Street, the place of beginning, according to a survey and map made by Darrel D. Daniels, C. E., January 14, 1951; together with the building and improvements situate thereon, and being No. 912 Eubanks Street according to the present enumeration of dwellings and buildings in the City of New Bern.

The property is commonly referred to by its tax parcel identification number which is 8-006-275.

TRACT 9: (Parcel No. 8-011-177)

All that certain tract or parcel of land in Craven County, North Carolina, being more particularly described as follows:

Situate in No. 8 Township, Craven County, and known as that certain lot or parcel of land situate in the City of New Bern, known as No. 26 Bryant (Bryan) Street according to the postal enumeration of said City; and being Lot No. 32 as shown on the map of the Jones Subdivision, recorded in the office of the Register of Deeds of said County in Book 126, Page 501.

Subject to restrictive covenants and easements of record.
Parcel Identification Number: 8 011 177

TRACT 10: (Parcel No. 8-006-104)

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

All that certain lot or parcel of land situate in the City of New Bern, NC on the west side of the A & N.C.R.R., and being Lot No. 22 in the plan of town laid off by A. T. Jerkins as registered in the Register of Deeds of Craven County in Book 64, Page 94.

SAVING AND EXCEPTING from the above-described parcel of land all that property conveyed in Deed recorded in Book 2879, Page 322 and further described in Deed recorded in book 2010, Page 556, Craven County Registry.

Being the property known as 708 A Street for 911 purposes.

The property is commonly referred to by its tax parcel identification number which is 8-006-104.

Prepared by and return to:

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

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

TRANSFER AND REVERSION AGREEMENT

THIS TRANSFER AGREEMENT (“Agreement”) is made this ____ day of February, 2023, by and between the **CITY OF NEW BERN**, a municipal corporation of the State of North Carolina (“City”) and the **REDEVELOPMENT COMMISSION OF THE CITY OF NEW BERN** (“Commission”).

WITNESSETH:

THAT WHEREAS, City is authorized by G.S. §160A-20.1 to “...contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the city is authorized by law to engage in”; and

WHEREAS, City is authorized by law to engage in any activity in which a redevelopment commission might engage, which includes the exercising public and essential governmental powers necessary to promote the public health, safety and general welfare of residents in blighted areas; and

WHEREAS, G.S. §160A-279 specifically authorizes a city to convey real or personal property by private sale to any public or private entity to which a city might appropriate funds pursuant to G.S. §160A-20.1, subject to certain limitations; and

WHEREAS, the Commission has requested that the City convey to it certain properties owned by the City to be developed consistent with the City’s redevelopment plan (“Redevelopment Plan”), dated February 11, 2020; and

WHEREAS, a description of the real properties to be conveyed to Commission is reflected on the attached Exhibit A, which is incorporated herein by reference; and

WHEREAS, the City and Commission have reached an agreement with respect to the proposed development, and the circumstances under which all or a portion of said property will revert to the City, and wish to reduce their agreement to writing.

NOW, THEREFORE, the City and Commission, in consideration of the premises and other good and valuable consideration, the receipt of which is hereby acknowledged, agree with each other as follows:

1. City shall convey to Commission, and Commission shall accept the conveyance from City, of City's properties ("Subject Properties) described in Exhibit B attached hereto and incorporated herein by reference.

2. Commission agrees to use the Subject Properties consistent with Article 22 of Chapter 160A of the North Carolina General Statutes and the Redevelopment Plan.

3. City agrees that it will join in any subsequent conveyance by Commission for the sole purpose of reflecting that the provisions of this contract have been satisfied by Commission, so that the reverted provisions of this Agreement no longer apply to the property being conveyed.

4. Commission shall cause the Subject Properties to be developed or used in a manner otherwise consistent with the Redevelopment Plan within sixty (60) months of the date hereof. In the event the Commission has not developed or used any of the Subject Properties within sixty (60) months of the date hereof, title to the unutilized Subject Property/Properties shall automatically revert to City, free and clear of all liens and encumbrances, unless City and Redevelopment Commission shall have otherwise amended this agreement in writing.

5. Should an event of default occur with respect to the Subject Properties so that it automatically reverted to the City, then and in that event, Commission agrees to execute a conveyance by which the reverting property is conveyed to the City so that such instrument might be recorded in the Office of the Register of Deeds of Craven County to evidence the reversion. Should Commission fail or neglect to execute said conveyance upon request, Commission hereby authorizes Michael Scott Davis, City Attorney, or his successor in office, to effect said conveyance for Commission as its attorney-in-fact.

6. This Agreement shall not be modified unless in writing, executed by the parties hereto.

7. Miscellaneous paragraphs:

(a) This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their estates, devisees, heirs, executors, assigns, successors and representatives, all persons claiming by, through or under them.

(b) If any provision or clause of this Agreement is held invalid, such invalidity shall not affect other provisions or applications of this Agreement which can be given effect without the invalid provisions or application, and to this end, the provisions of this Agreement are severable.

(c) Two copies of this Agreement shall be executed, each of which shall be deemed an original, but all of which taken together constitute one Agreement. IN TESTIMONY WHEREOF, City has caused this instrument to be executed in its corporate name by its Mayor and its seal to be hereunto affixed and attested by its City Clerk; and Commission has caused this instrument to be executed in its corporate name, all the day and year first above written.

CITY OF NEW BERN

[SEAL]

By: _____
Jeffrey T. Odham, Mayor

ATTEST:

Brenda E. Blanco, City Clerk

REDEVELOPMENT COMMISSION OF THE
CITY OF NEW BERN [SEAL]

By: _____
Theresa Lee, Chairperson

ATTEST:

Kip Peregoy, Vice Chairman

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

I, _____, Notary Public in and for said County and State, do hereby certify that on the _____ day of February, 2023, before me personally appeared JEFFREY T. ODHAM, with whom I am personally acquainted, who, being by me duly sworn, says that he is the Mayor and that BRENDA E. BLANCO is the City Clerk for the City of New Bern, the municipal corporation described in and which executed the foregoing instrument; that he knows the common seal of said municipal corporation; that the seal affixed to the foregoing instrument is said common seal; that the said common seal was affixed, all by order of the Board of Aldermen of said municipal corporation; and that the said instrument is the act and deed of said municipal corporation.

WITNESS my hand and official seal this the _____ day of February, 2023.

Notary Public

My Commission Expires:

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

I, _____, Notary Public in and for said County and State, do hereby certify that THARESA LEE personally appeared before me this day and acknowledged that she is Chairperson of the Redevelopment Commission of the City of New Bern, a body politic and corporate of the State of North Carolina, and that she, as Chairperson, being duly authorized to do so, voluntarily executed the foregoing instrument on behalf of said corporation for the purposes stated herein.

WITNESS my hand and official seal this the ____ day of February, 2023.

Notary Public

My Commission Expires:

EXHIBIT A

TRACT 1: (Parcel No. 8-012-174)

All that certain lot No. 118 in Craven County, State of North Carolina, carved out of that certain tract of land adjoining the western limits of the City of New Bern on Neuse Road and known as the Miller Tract of land, as described in deed from W. F. Crockett and wife to T. A. Uzzell and Corrine C. Uzzell, his wife and J. W. Stewart and Sarah C. Stewart, his wife, dated March 19, 1911 and duly recorded in the office of the Register of Deeds of Craven County in Book 187, Page 1; the same having been divided into lots and streets and duly plotted and laid down upon the certain plot duly recorded in the office of said Register of Deeds in Book 187 Page 3, to which reference is made for the description of the said lot herein conveyed, bearing the number aforesaid upon said plot.

All of that certain property more particularly described in Deed Book 618, at Page 541, in the Craven County Registry.

This property is also commonly referred to by its tax parcel identification number which is 8-012-174.

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All of that certain property more particularly described in Deed Book 1092 at Page 952, in Craven County Registry. This property is also commonly referred to by its tax parcel identification number which is 8-012-173.

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Subject to restrictive covenants and easements of record.

Parcel Identification Number: 8 012 197

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Bounded on the North by the lands owned by Mrs. Leinster Duffy; on the East by West Street; on the South by the lands of Charlie James and on the West by the lands owned by Mrs. Leinster Duffy, and being more fully described as follows: BEGINNING at a point on the eastern side of West Street, which is 150 feet Southwardly from the Southwest intersection of Main and West Streets, running thence S. $2 \frac{1}{2}^{\circ}$ E. 50 feet to a corner of the lot owned by Charlie James; thence N. $78 \frac{1}{2}^{\circ}$ W. 102 feet to a corner of the lot owned by Mrs. Leinster Duffy; thence N. $2 \frac{1}{2}^{\circ}$ W. parallel with West Street 50 feet to a corner of the land owned by Mrs. Leinster Duffy; thence S. $78 \frac{1}{2}^{\circ}$ E. 102 feet to the western margin of West Street, the point of BEGINNING. Being that certain lot or parcel of land conveyed to Lillie McCafferty no Lillie S. Skinner, by deed dated March 22, 1923, and recorded in the office of the Register of Deeds of Craven County in Book 239, page 215, and being that lot described in the map of B. M., Potter, C.E. which said map was made on the 14th day of February, 1934.

Being the same property conveyed by Allen Scott B. Dudley and wife, Eliza M. Dudley to Raphael O. Boone by deed recorded in Book 389, Page 269, Craven County Registry.

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TRACT 9: (Parcel No. 8-011-177)

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Subject to restrictive covenants and easements of record.

Parcel Identification Number: 8 011 177

TRACT 10: (Parcel No. 8-006-104)

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

All that certain lot or parcel of land situate in the City of New Bern, NC on the west side of the A & N.C.R.R., and being Lot No. 22 in the plan of town laid off by A. T. Jerkins as registered in the Register of Deeds of Craven County in Book 64, Page 94.

SAVING AND EXCEPTING from the above-described parcel of land all that property conveyed in Deed recorded in Book 2879, Page 322 and further described in Deed recorded in book 2010, Page 556, Craven County Registry.

Being the property known as 708 A Street for 911 purposes.

The property is commonly referred to by its tax parcel identification number which is 8-006-104.

RESOLUTION AUTHORIZING CONVEYANCE OF CERTAIN REAL ESTATE

WHEREAS, Craven County (the "County") and the City of New Bern (the "City") acquired through tax foreclosures those certain properties (collectively, the "Real Property") commonly known as:

- A. 703 Second Avenue (Craven County Parcel ID number 8-012-174),
- B. 705 Second Avenue (Craven County Parcel ID number 8-012-173),
- C. 709 Second Avenue (Craven County Parcel ID number 8-012-172),
- D. 717 Second Avenue (Craven County Parcel ID number 8-012-170),
- E. 720 Second Avenue (Craven County Parcel ID number 8-012-197),
- F. 821 West Street (Craven County Parcel ID number 8-007-225),
- G. 908 Eubanks Street (Craven County Parcel ID number 8-006-274),
- H. 912 Eubanks Street (Craven County Parcel ID number 8-006-275),
- I. 209 Bryan Street (Craven County Parcel ID number 08-011-177).
- J. 708 West A Street (Craven County Parcel ID number 8-006-104); and,

WHEREAS; the City desires to donate the Real Property to The City of New Bern Redevelopment Commission, for use in accordance with the City's redevelopment plan; and,

WHEREAS, the City has requested that the County participate in the aforesaid donation through the execution of an agreement requiring the County to convey its interest in the Real Property to the City, upon the express condition that any particular parcel of the Real Property that reverts back to the City shall be reconveyed to Craven County in the same percentage owned by the County upon the initial transfer to the City; and,

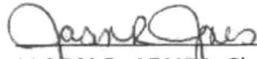
WHEREAS, the Board of Commissioners is authorized pursuant to North Carolina General Statute §160A-274 to convey the County's interest in the Real Property to the City, "upon such terms and conditions as it deems wise, with or without consideration."

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CRAVEN COUNTY THAT:

1. The Craven County Board of Commissioners hereby authorizes the conveyances of the County's interest in the Real Property to the City, by quitclaim deed.
2. The Chairman, the County Manager, the Assistant County Manager, the Clerk to the Board of Commissioners and/or the County Attorney are authorized to take all actions and

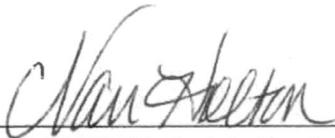
to execute all documents (including but not limited to the Agreement attached hereto and incorporated herein) necessary to accomplish the transactions contemplated by this Resolution.

ADOPTED THIS 17th DAY OF OCTOBER, 2022.



JASON R. JONES, Chairman, Craven County
Board of Commissioners

(County Seal)



NAN HOLTON, Clerk to the Craven County
Board of Commissioners

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting an Ordinance for the Demolition of 831 Eubanks Street.

Date of Meeting: 2/14/2023	Ward # if applicable: Ward 5
Department: Development Services	Person Submitting Item: Jessie 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 831 Eubanks 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	

Cost of Agenda Item: \$14,500.00
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

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

MEMORANDUM

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

FROM: Jessie Rhue, Director Development Services

DATE: February 2, 2023

SUBJECT: Consider Adopting an Ordinance for the Demolition of 831 Eubanks Street.

Staff is seeking approval of an ordinance to demolish the structure located at 831 Eubanks Street.

Staff sent the owner of record an initial minimum housing letter on May 19, 2020, stating that the dwelling located at 831 Eubanks Street had deficiencies violating the City's Minimum Housing Code.

Staff filed a complaint on December 13, 2021, with notice of hearing date for December 29, 2021. The homeowner was present for the hearing and stated that he was trying to sell the home.

On December 30, 2021, an Order of the Building Inspector (OBI) was served to the owner to bring the dwelling back into compliance with the minimum standards established by Chapter 38 of the Code with an expiration date of March 1, 2022. To date no permits have been applied for, and the structure remains non-compliant.

On January 20, 2023, a letter was mailed the owner stating a demolition ordinance has been requested by the city since the home remains non-compliant. A utility termination request was sent on January 27, 2023. The demolition estimate from Public Works is \$14,500.00.

A complete list of chronological events related to the property as well as pictures are attached. Please contact Jessie 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 831 EUBANKS STREET IN THE CITY OF NEW BERN, NORTH CAROLINA

THAT WHEREAS, the City of New Bern properly served Brian J. Hudson and spouse, if any, (collectively “Owners”), on December 14, 2021, pursuant to Section 38-30 of the Code of Ordinances for the City of New Bern, complaining and alleging that the dwelling owned by Owners located at 831 Eubanks Street in the City of New Bern, North Carolina (Craven County parcel identification number 8-007-005) is unfit for human habitation; and

WHEREAS, the Owners of the certain dwelling located at 831 Eubanks 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 March 1, 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 831 Eubanks 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 14th DAY OF FEBRUARY, 2023.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK

EXHIBIT A

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

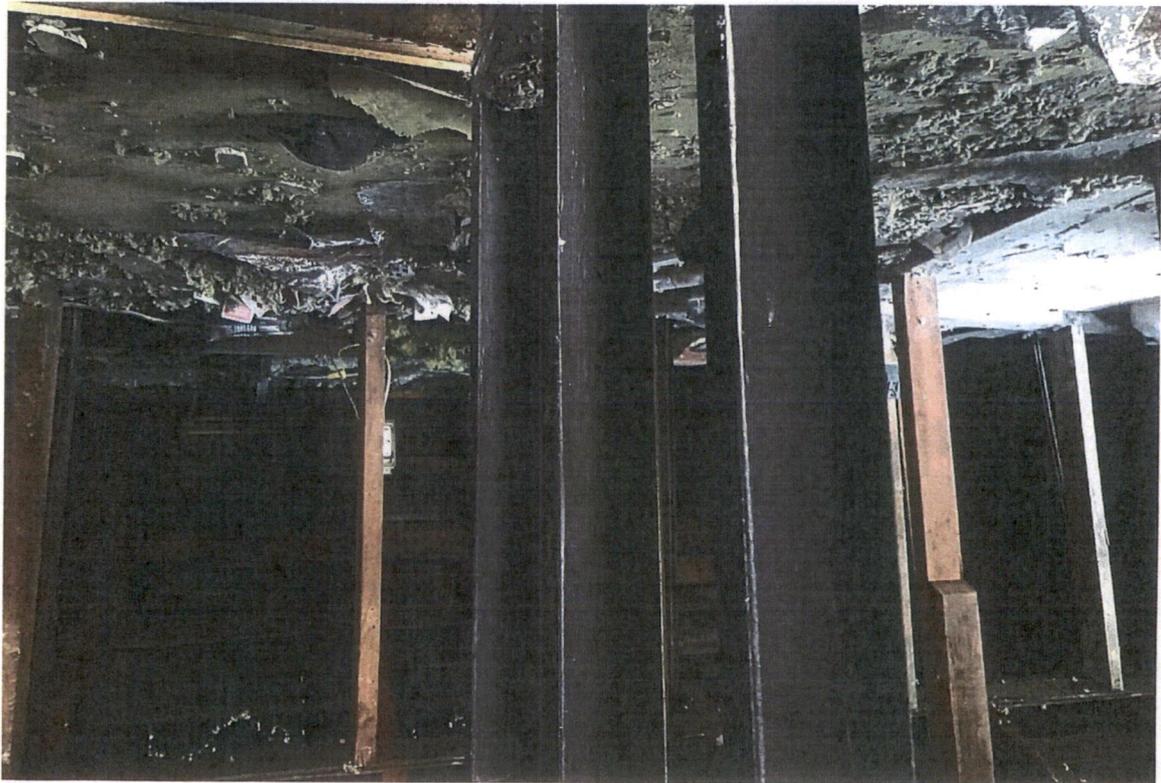
All that certain lots or parcel of land lying situate and being in the City of New Bern, North Carolina on the west side of Eubanks St. between Main Street and Boone's Alley, and being lot nos. 233 and 242 in the plan of Pavietown as shown on a plat thereof registered in the office of the Register of Deeds of Craven County.



831 Euhanks St

1-12-2023





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.

3. The structure is currently located in the AE flood zone with base flood elevation (BFE) of 9 foot, the panel number is 3720558000JK.

4. A hearing will be held on the **29th day of December 2021, at 2:00 p.m.** in the office of the City Building Inspector located at 303 First Street, New Bern, North Carolina 28560.

5. 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.

6. You have the right to appear at the above-scheduled hearing, in person or otherwise, and give testimony.

7. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the City Building Inspector.

8. Following the hearing, the undersigned Building Inspector may issue an order to repair, alter, improve, vacate and close, or remove or demolish the structures and clear the debris therefrom, as appears appropriate. Failure to comply with an Order of the Building Inspector will

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

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

This 13th day of December 2021.

Patrick J. Ezel

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

13 Dec 2021

Comp
Hudson
12-29-2021

File #
21M349

Certificate of Service

I hereby certify that on the this 14th day of December 2021, I served a copy of the foregoing Complaint (Residential Building Or Structure) and Notice of Hearing/Notice of Lis Pendens upon the following persons by depositing a true and correct copy thereof in an envelope with proper postage affixed thereto for mailing by certified mail, return receipt requested, and also by placing a true and correct copy thereof in another envelope with proper postage affixed thereto for mailing by regular first class mail, and depositing said envelopes in a regular depository for the United States mail at New Bern, North Carolina, addressed as follows:

Brian J. Hudson *Res*
1207 Mechanic Street *cert - 12-16-2021*
New Bern, NC 28560

Spouse of Brian J. Hudson, if any *Res*
1207 Mechanic Street *cert - 12-16-2021*
New Bern, NC 28560

7021 0350 0001 8412 7931

7021 0350 0001 8412 7948

Craven County c/o Arey W. Grady, III
244-A Craven St *Res*
New Bern, NC 28560 *cert - 12-16-2021*

7021 0350 0001 8412 7955

I further certify that on this 14th day of December 2021, I personally delivered a copy of the foregoing Complaint (Residential Building Or Structure) and Notice of Hearing/Notice of Lis Pendens to the following persons at the addresses indicated:

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

Patrick J. Ezel

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

DATE: 12-29-2021

ADDRESS: 831 Eubanks St 8.007.005

ATTENDEES: Patrick Ezel-CALUB; Brian Hudson NCOL 33326052

OBSERVERS

NOTIFIED BUT NOT PRESENT: FH, AG

VIOLATIONS: See Comp.

OWNERS: INTENTIONS:

NOTES: No Current/Active Permits; Flood AE 3720558000 5 9'

$\$6130.00 \rightarrow 103\% = 6313.9$
 $75\% = 4735.42$
 $50\% = 3156.95$

Trying to sell; should contact Nemo ASAP.

STATUS OF DWELLING: Dilapidated FINDINGS:

ORDER WILL READ: remain vacant; 30 day comp (Jan 29, 2022)
60 days comp (Mar 1, 2022)

FILED

NORTH CAROLINA
COUNTY OF CRAVEN

2021 DEC 30 A 9:10

CRAVEN CO., C.S.C.

BEFORE THE BUILDING INSPECTOR
OF THE CITY OF NEW BERN

BY _____ *SMD*

File# 21 M 349

ORDER OF THE

BUILDING INSPECTOR

OF THE CITY OF NEW BERN

CITY OF NEW BERN,

Plaintiff

v.

BRIAN J. HUDSON AND SPOUSE, if any;

Defendants- Owners

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 29th Day of December 2021; and

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

1. Patrick J Ezel, Building Inspector appeared on behalf of the City of New Bern. Brian J Hudson appeared on behalf of the defendants/owners.
2. The following were properly notified but not present: Spouse of Brian J Hudson, Arey Grady, and Foster Hughes.
3. Brian J Hudson and Spouse if any, own the real property located at 831 Eubanks Street, New Bern, North Carolina, and further identified by Craven County Tax Identification number 8-007-

005.

4 The dwelling located at 831 Eubanks 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 **March 01, 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 29th Day of December 2021

Patrick J Ezel

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

034
File # 211341
D: larp
exp 1 Mar 2022

Certificate of Service

Re: 831 Eubanks Street (Parcel ID # 8-007-005)

I hereby certify that on the 30th Day of December 2021, I served a copy of the foregoing **Order of the Building Inspector** upon the following persons by depositing a true and correct copy thereof in an envelope with proper postage affixed thereto for mailing by certified mail, return receipt requested, and also by placing a true and correct copy thereof in another envelope with proper postage affixed thereto for mailing by regular first class mail, and depositing said envelopes in a regular depository for the United States mail at New Bern, North Carolina, addressed as follows:

Brian J. Hudson
1207 Mechanic Street
New Bern, NC 28560
7021 0350 0001 8412 8396
Craven County c/o Arey Grady
Grady Quattlebaum, PLLC
244-A Craven Street
New Bern, NC 28560
7021 0350 0001 8412 8419

Reg
Cert-1.3.2022
Reg
Cert-ATS

Spouse of Brian J. Hudson, if any
1207 Mechanic Street
New Bern, NC 28560
7021 0350 0001 8412 8402

Reg
Cert-1.3.2022

I further certify that on this the 30th Day of December 2021, I served a copy of the foregoing **Order of the Building Inspector** to the following persons at the addresses indicated:

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

Patrick J Ezel

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

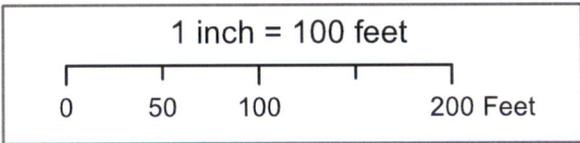


Proposed Demolition Context Map: 821 Eubanks St.



Property Site

Current Owner(s):
 Mt Zion Church Trustees
 Address: 812 Eubanks St
 Acres: 0.354 Ac.
 Parcel ID: 8-007-008



Imagery 2020

AGENDA ITEM COVER SHEET



Agenda Item Title:

Consider Adopting an Ordinance to Amend Section 66-85 for City-Sponsored Events.

Date of Meeting: 2/14/2023	Ward # if applicable:
Department: Administration	Person Submitting Item: Foster Hughes, City Manager
Call for Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Date of Public Hearing:

Explanation of Item:	The list of City-Sponsored Events has not been updated since 2019. Several events listed are either no longer offered or are considered a program under a city department. A request has also been received from Victor Taylor with Vision Forward to have the Black History Parade (February) listed as a City-Sponsored event.
Actions Needed by Board:	Consider approving the request to update the ordinance.
Backup Attached:	City Sponsored Events, Memo, Resolution, Email request from Victor Taylor
Is item time sensitive? <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: February 6, 2023
Subject: Consider Adopting an Ordinance of Amend Section 66-85 for City-Sponsored Events

Background Information:

Prior to 2012, the governing board at the time, allocated funds for specific events that were coordinated by outside groups in the annual budget. City-Sponsored events were created on February 14, 2012, when the governing board adopted an ordinance to support a list of events held in the city providing in-kind services, not cash funds for those events. This list was most recently updated in 2019.

A request has also been received from Victor Taylor with Vision Forward to have the Black History Month Parade (February) listed as a City-Sponsored event. If approved as a City-Sponsored event, the estimated in-kind contribution would be \$560. This includes \$155 for barricades and \$405 for Police.

Recommendation:

Consider approving the request to accept the Black History Month Parade as a new City-Sponsored event and update the ordinance.

AN ORDINANCE TO AMEND SECTION 66-85 “DEFINITIONS” OF CHAPTER 66 “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES” OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN

THAT WHEREAS, the Director of Parks and Recreation of the City of New Bern recommends that certain amendments be made to Chapter 66 “Streets, Sidewalks and Other Public Places” of the Code of Ordinances of the City of New Bern; and

WHEREAS, the Board of Aldermen of the City of New Bern deems it advisable and in the public interest to effect said revisions to Chapter 66 “Streets, Sidewalks and Other Public Places” of the Code of Ordinances of the City of New Bern.

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

Section 1. That Section 66-85. “Definitions” of Chapter 66 “Streets, Sidewalks and Other Public Places” of the Code of Ordinances of the City of New Bern be and the same is hereby amended by deleting the definition of *City-sponsored* event and inserting in its stead the following:

“*City-sponsored* event means the following events:

<u>Name of Event</u>	<u>Month of Event</u>
Beary Merry Christmas	November-December
Christmas Parade	December
Black History Month Parade	February
Shiners Parade	January
Neuse River Senior Games	April
Duffest	June
Antique Car Show	May
Twin Rivers YMCA 5K & 10K	May
MS Bike Tour	September
Crop Walk	October
MumFest	October
Bridge Run	March
Ghost Walk	October
Library Book Sale (2 times per year)	March/October

Section 2. That Section 66-86. “Public assembly and parade permits.” of Chapter 66 “Streets, Sidewalks and Other Public Places” of the Code of Ordinances of the City of New Bern be and the same is hereby amended by deleting subsection (d) in its entirety and inserting in its stead the following:

“Sec. 66-86. Public assembly and parade permits.

...

(d) *Costs and fees.* For public assemblies and parades other than city-sponsored events, the applicant shall be responsible for all direct costs incurred by the city associated with the public assembly or parade, including but not limited to hiring and paying off-duty law enforcement officers, reimbursing the city for the costs of providing on-duty law enforcement officers to appropriately police street closures or to provide internal festival security, paying necessary emergency medical technicians, and providing street and sidewalk cleaning, trash receptacle placement, trash removal, and trash disposal. All such costs and fees shall be determined consistent with the city's fee ordinance and the permit or event application. City-sponsored events receive in-kind services from the city as provided in the permit or event application. All other costs and any vendor fees shall be paid by the city-sponsored event organizer to the city as provided in the city's fee ordinance.

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 14th DAY OF FEBRUARY, 2023.

JEFFREY T. ODHAM, MAYOR

BRENDA E. BLANCO, CITY CLERK

Sec. 66-85. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means any beverage containing at least one-half of one percent alcohol by volume including, but not limited to, malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.

Appeals official means the city manager, or his designee.

City-sponsored event means the following events:

Name of Event	Month of Event
Beary Merry Christmas	November-December
Christmas Parade	December
City's New Year's Eve Celebration	December
Martin Luther King, Jr. Parade	January
Black History Month	February
Shriners Parade	January
Neuse River Senior Games	April
Duffest	June
Antique Car Show	May
Twin Rivers YMCA 5K & 10K	May
Neuse River Days	June
Vision Forward	August
MS Bike Tour	September
Crop Walk	October
MumFest	October
Bridge Run	March
Ghost Walk	October
Library Book Sale (2 times per year)	March/October
National Night Out	August
Relay for Life	April
George Washington's Southern Tour	April

Demonstration means a public display of sentiment for or against a person or cause, including protesting.

Event application means the application requesting to conduct a non-First Amendment protected public assembly or parade.

Event committee means the committee responsible for issuing or denying permits for non-First Amendment protected public assemblies, and shall be comprised of a representative from each city department, a representative of the county convention center, and a representative from the county tourism development authority. The city's director of parks and recreation shall serve as the chair of the event committee.

Festival means a concert, fair, festival, exhibit, athletic event, promotion, community event, block party, or similar event.

Parade means a march, ceremony, pageant, procession or other similar activity consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public street. A funeral procession is not a parade.

Permit application means the application requesting to conduct a First Amendment protected public assembly or parade.

Permit official means the city's director of parks and recreation who is responsible for issuing or denying permits for First Amendment protected public assemblies.

Public assembly means:

- (1) 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
- (2) A festival in any city-controlled park.

Public assembly alcohol permit means a public assembly permit issued for an event pursuant to section 66-86(g).

(Ord. No. 2008-18, § 2, 4-10-08; Ord. No. 2012-136, § 1, 2-14-12; Ord. No. 2012-143, § 1, 2-28-12; Ord. No. 2014-281, § 1, 11-25-2014 ; Ord. No. 15-008, § 1, 4-14-15 ; Ord. No. 17-041, § 1, 11-4-17 ; Ord. No. 18-029, § 1, 5-8-18 ; Ord. No. 19-012 , § 1, 5-14-19)

Sec. 66-86. Public assembly and parade permits.

- (a) *Permit required.* No public assembly or parade is permitted unless a permit allowing such activity has been obtained pursuant to this division. No permit shall be required for city events.
- (b) *Permit and event applications.* A permit application shall be made in writing on a form prescribed by the permit official at least 30 days before the commencement of the event. Notwithstanding the preceding sentence, the permit official shall consider an application that is filed less than 30 days before the commencement of the proposed event where the purpose of such event is a spontaneous response to a current event, or where other good and compelling causes are shown. An event application shall be made in writing on a form prescribed by the event committee at least 60 days before the commencement of the event. Each application must contain the following:
 - (1) The name, address, and telephone number for the person in charge of the proposed event and the name of the organization with which that person is affiliated or on whose behalf the person is applying (collectively "applicant");
 - (2) The name, address, and telephone number for an individual who shall be designated as the responsible planner and on-site manager for the event;
 - (3) The date, time, place, and route of the proposed event, including the location and time that the event will begin to assemble and disband, and any requested street closings;
 - (4) The anticipated number of persons and vehicles, and the basis on which this estimate is made;
 - (5) A list of the number and type of animals that will be at the event and all necessary health certificates for such animals; and
 - (6) Such other information, attachments, and submissions that are requested on the application form.
- (c) *Permitting criteria.* A permit application may be denied for any of the following reasons:
 - (1) The application is not fully completed and executed;

-
- (2) The applicant has not tendered any required indemnification agreements, insurance certificates, or security deposits within times prescribed;
 - (3) The application contains a material falsehood or misrepresentation;
 - (4) The applicant is legally incompetent to contract or to sue and be sued;
 - (5) The applicant has on prior occasions made material misrepresentations regarding the nature or scope of an event;
 - (6) The applicant has previously permitted a violation or has violated the terms of a public assembly or parade permit issued to or on behalf of the applicant;
 - (7) The applicant has on prior occasions damaged city property and has not paid in full for such damage;
 - (8) A fully executed prior application for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple simultaneous events;
 - (9) The proposed event would conflict with previously planned programs organized, conducted, or sponsored by the city and previously scheduled at or near the same time and place;
 - (10) The proposed event would present an unreasonable danger to the public health or safety;
 - (11) The proposed event would substantially or unnecessarily interfere with traffic;
 - (12) The event would likely interfere with the movement of emergency equipment and police protection in areas contiguous or in the vicinity of the event.
 - (13) There would not, at the time of the event, be sufficient law enforcement and traffic control officers to adequately protect participants and non-participants from traffic related hazards in light of the other demands for police protection at the time of the proposed event;
 - (14) The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations concerning the sale or offering for sale of any goods or services;
 - (15) The use or activity intended by the applicant is prohibited by law;
 - (16) For non-First Amendment protected public assemblies or parades, the following criteria shall also apply:
 - a. The cultural and/or educational significance of the event;
 - b. The extent to which the event contributes to the economic revitalization and business development of the city;
 - c. The impact and/or cost of the event to city support services;
 - d. The impact of the event to the public health, safety and welfare;
 - e. The impact of the event on business and resident populations within or adjacent to the proposed event site;
 - f. The evaluation of any previous event produced by the event organizer with regard to planning, quality, public safety, and payment of invoices;
 - g. The frequency and timing of the event or similar events.

Unless subject to subsection (c)(16), nothing in this section shall authorize the permit official to deny a permit based upon political, social, or religious grounds or reasons, or based upon the content of the views expressed. The permit official or the event committee may attach reasonable conditions to any permit approval.

-
- (d) *Costs and fees.* For public assemblies and parades other than city-sponsored events, the applicant shall be responsible for all direct costs incurred by the city associated with the public assembly or parade, including but not limited to hiring and paying off-duty law enforcement officers, reimbursing the city for the costs of providing on-duty law enforcement officers to appropriately police street closures or to provide internal festival security, paying necessary emergency medical technicians, and providing street and sidewalk cleaning, trash receptacle placement, trash removal, and trash disposal. All such costs and fees shall be determined consistent with the city's fee ordinance and the permit or event application. City-sponsored events receive in-kind services from the city as provided in the permit or event application. All other costs and any vendor fees shall be paid by the city-sponsored event organizer to the city as provided in the city's fee ordinance. ~~Costs and fees for city-sponsored events shall be paid to the city for those services for which costs and expenses were paid during calendar year 2011 for each respective city-sponsored event, plus vendor fees as provided in the city's fee ordinance.~~

The permit official or event committee, in consultation with relevant city department heads, shall determine the costs that will be incurred by the city associated with the public assembly or parade taking into consideration all relevant information including the following:

- (1) The proposed location of the special event or route of the parade;
- (2) The time of day that the public assembly or parade is to take place;
- (3) The date and day of the week proposed;
- (4) The general traffic conditions in the area requested, both vehicular and pedestrian. Special attention is given to the rerouting of the vehicles or pedestrians normally using the requested area;
- (5) The number of marked and unmarked intersections along the route requested, together with the traffic control devices present;
- (6) If traffic must be completely rerouted from the area, then the number of marked and unmarked intersections and the traffic control devices are to be taken into consideration;
- (7) The estimated number of participants;
- (8) The estimated number of viewers;
- (9) The nature, composition, format and configuration of the special event or parade;
- (10) The anticipated weather conditions;
- (11) The estimated time for the special event or parade;
- (12) For festivals, whether alcohol will be served, live music offered, or retail sales stations provided, and the number and location of alcohol service stands, music stages, and retail stands.

Prior to the issuance of the permit, the permit official or event committee shall provide the applicant with a summary of the city's costs associated with the event or parade, which the applicant shall pay to the city upon issuance of the permit.

- (e) *Time and notice of decision.* The permit official shall approve or deny a permit application within 20 days of receipt. The event committee shall approve or deny an event application within ten days of receipt. A notice of denial shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal for measures by which the applicant may cure any defects in the application or otherwise procure a permit. Where an application is denied because the proposed event would conflict with another event that has or will be approved, the permit official or event committee shall propose an alternative place, if available for the same time, or an alternative time, if available for the same place.
- (f) *Appeals.*

-
- (1) An applicant may appeal the denial of a permit application in writing within ten days after notice of the denial has been received. Within five business days, or such longer period of time agreed to by the applicant, the appeals official shall hold a quasi-judicial hearing on whether to issue the permit or uphold the denial. The applicant shall have the right to present evidence at said hearing. The decision to issue or uphold the denial shall be based solely on the approval criteria set forth in this section. The appeals official shall render a decision on the appeal within five business days after the date of the hearing. In the event that the purpose of the proposed event is a spontaneous response to a current event, or where other good and compelling causes are shown, the appeals official shall reasonably attempt to conduct the hearing and render a decision on the appeal as expeditiously as is practicable.
 - (2) The decision of the appeals official is subject to review in the county superior court by proceedings in the nature of certiorari. Any petition for writ of certiorari for review shall be filed with the clerk of superior court within 30 days after the applicant has received notice of the decision. Unless good cause exists to contest a petition for writ of certiorari, the city shall stipulate to certiorari no later than five business days after the petitioner requests such a stipulation. The city shall transmit the record to the court no later than five business days after receiving the order allowing certiorari. Notwithstanding the provisions of any local rule of the reviewing court that allows for a longer time period, the city shall file its brief within 15 days after it is served with the petitioner's brief. If the petitioner serves his or her brief by mail, the city shall add three days to this time limit, in accordance with G.S. 1A-1, Rule 5. If the local rule is subsequently amended to provide for a shorter time period for the filing of any brief, then the shorter time period shall control. The North Carolina Rules of Appellate Procedure shall govern an appeal by an applicant from the county superior court.
- (g) *Possession, consumption, sale or distribution of alcoholic beverages at festivals held partially or wholly at city-owned or city-controlled property or facilities, and/or on public sidewalks, parks, alleys, streets, and rights-of-way.*
- (1) Alcoholic beverages can be possessed, consumed, sold, or distributed at festivals upon the issuance of a public assembly alcohol permit (hereinafter permit) as set forth in this section. Said permit shall be issued in conjunction with a public assembly permit for a festival as the term is defined in section 66-85 of the city code, and only after the applicant has provided the city with all other state and local permits allowing the possession, consumption, sale and distribution of alcohol.
 - (2) A public assembly alcohol permit may be issued for a festival to a non-profit corporation duly incorporated in the state and having received its status as a tax-exempt organization under section 501(c) of the Internal Revenue Code, or any unit of local government whose property is tax exempt, each of which to be considered an event organizer under this section.
 - (3) An event organizer obtaining a permit as set out herein may allow vendors to sell or distribute alcoholic beverages without such vendors obtaining a separate permit provided that such event organizer shall be responsible for such vendor having all state or local permits necessary to sell or distribute such alcoholic beverages and the required insurance in place for the event.
 - (4) A permit must be approved at least ten days in advance by the city manager or his designee. The city manager or his designee is authorized to request such information from the event organizer that will allow him or his designee to make such determination in issuance of the permit.
 - (5) A fee shall be levied for each permit issued pursuant to this section in accordance with the city's adopted fee schedule.
 - (6) Alcoholic beverages as provided in this section can only be possessed, consumed, sold, or distributed in such area as approved by the city manager or his designee, which area to be conspicuously marked by the event organizer. Upon approval of the city manager or his designee, instead of marking such area, the event organizer can be authorized to give such notice by written or oral notice to the attendees.

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- (7) The event organizer must provide colored wrist bands or other identification devices, approved by the chief of police or his designee, to be used by the wearer or bearer to purchase alcoholic beverages. New colored wrist bands or different identification devices shall be used on succeeding days of multi-day events. Before issuing a wrist band or identification device, the event organizer is responsible for determining if the person to be issued a wrist band or identification device is of the legal age to possess alcoholic beverages.
 - (8) It is unlawful for a person authorized to purchase an alcoholic beverage as set out herein to pass on an alcoholic beverage to any other person not wearing an authorized wristband.
 - (9) No person shall possess or consume an alcoholic beverage except as set out herein and only upon wearing the appropriately colored wristband issued, or possessing the particular identification device designated, for the day of the event.
 - (10) Alcoholic beverages not obtained or acquired as set out in this section are not permitted and the possession, consumption, sell, or delivery of such alcoholic beverages is considered a violation of this article.
 - (11) A wristband or other identification device issued as set out herein is not transferable and can only be worn by the person to whom such wristband is issued by the event organizer.
 - (12) The city manager is authorized to require any applications and proofs as he may deem necessary to make a determination on the ability of an event organizer to sell or distribute alcoholic beverages as provided herein.
 - (13) The city manager may require the event organizer to hire an off-duty police officer or officers to oversee alcohol sales at the event, and may place any other reasonable conditions on a permit issued pursuant to this section.
 - (14) Issuance of the permit will be conditional upon the applicant obtaining an insurance policy in the amount of \$1,000,000.00 showing general liability, liquor liability, and workers compensation, and which names the city as additional insured for the general liability and liquor liability. Said policy shall remain in effect for the entire time period of the special event.
 - (15) Permits issued in accordance with this article are effective for the time period and event specified.
 - (16) Permits issued pursuant to this section shall not be transferrable or assignable.
- (h) *Denial or revocation of public assembly alcohol permit for possession, consumption, sale or distribution of alcoholic beverages at festivals held partially or wholly at city-owned or city-controlled property or facilities, and/or on public sidewalks, parks, alleys, streets, and rights-of-way.*
- (1) The city manager or his designee may deny or revoke a public assembly alcohol permit pursuant to this section if he finds that the granting or continuation of the permit would not be in the public's interest or if he finds that the event organizer or a vendor has:
 - a. Made a deliberate misrepresentation or provided false information in the application;
 - b. Operated such public facility, park, sidewalk, alley, street, or right-of-way in such a manner as to create a public nuisance or constitute a hazard to the public health, safety, or welfare;
 - c. Failed to keep the sidewalk, park, street, or right-of-way clean and free of refuse;
 - d. Failed to maintain any health, business or other permit or license required by law;
 - e. Violated any of the terms of this section;
 - f. Failed to obtain or maintain the amount and type of insurance required herein; or
 - g. Failed to uphold the terms of the permit.

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- (2) The applicant may appeal the denial of the permit to the board of aldermen within 15 working days after the date of the written denial and the board of aldermen may take such corrective action as it shall find necessary. The findings and determination of the board of aldermen shall be final.
 - (3) Before the revocation of a permit, the city manager shall notify the permit holder of his intent to revoke the permit and the reasons therefor and shall afford the permit holder a reasonable opportunity to appear and be heard on the question of such revocation. After the hearing, the city manager shall notify the permit holder in writing of this decision and the reasons therefor. A decision of the city manager to revoke a permit may be appealed to the city council in accordance with the provisions of subsection (2).
- (i) It shall be unlawful for any person to violate any provision of this section or to violate any term or condition of a permit issued pursuant to this section.

(Ord. No. 2008-18, § 2, 4-10-08; Ord. No. 2011-107, § 1, 5-24-11; Ord. No. 2012-136, § 2, 2-14-12; Ord. No. 2012-143, § 2, 2-28-12)

Brenda Blanco

From: Victor Taylor <vjtaylor12@yahoo.com>
Sent: Thursday, January 19, 2023 9:33 AM
To: Brenda Blanco; hughesf@newbern.gov
Subject: Fw: parade sponsorship

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Tuesday, January 17, 2023, 11:46 AM, Victor Taylor <vjtaylor12@yahoo.com> wrote:

Good Afternoon Mr Hughes

First , Thank you for allowing me to share with you what Vision Forward has and have been offering New Bern and the surrounding Areas for last 15 years. We would like to have our Black History Month Parade to be Classified as a City Sponsored Event. We have hosted this parade for 7 years and have been very successful in sharing with New Bern and surrounding Areas what we have to offer in way of Black History. If we are classified as a city sponsored Parade, we are asking for Full Sponsorship, Which consist of in-kind assistance with Police(Traffic) Park/Rec (Barricades) Civilian Police(Man Barricades) and Bleachers(VIP Viewing) and any other services offered with city sponsorship. If approved we are asking this to be a annual sponsorship. Thank you very much to the Mayor, Aldermen and yourself.

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