

**CITY OF NEW BERN  
BOARD OF ALDERMEN MEETING  
APRIL 23, 2024 – 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.

Consent Agenda

4. Consider Adopting a Resolution to Call for a Public Hearing to Establish Rates for Unmetered Electric Service.
5. Consider Adopting a Resolution Closing Specific Streets for United Worship Center's 12<sup>th</sup> Annual Community Day.
6. Approve Minutes.

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7. Conduct a Public Hearing and Consider Adopting an Ordinance to Rezone 624 Hancock Street and 413 Queen Street from C-4 Commercial to C-5A Commercial.
8. Consider Adopting a Resolution Authorizing the Execution of a Contract with Water Worxs Services, LLC. for the FY24 Water and Sewer Improvements Project.
9. Consider Adopting a Resolution Amending the Bicycle and Pedestrian Advisory Committee.
10. Consider Adopting a Resolution Amending the Municipal Service District Advisory Committee.
11. Consider Adopting a Resolution Amending the Stanley White Recreation Center Advisory Committee.
12. Consider Adopting a Resolution Amending the Rules of Procedure for the Board of Aldermen.
13. Consider Adopting a Resolution Approving the Preliminary Findings for the Financing of 212 Kale Road and Authorizing the Filing of an Application with the Local Government Commission.
14. Appointment(s).

15. Attorney's Report.
16. City Manager's Report.
17. New Business.
18. Closed Session.
19. 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

Aldermen

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

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

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

**Memo to: Mayor and Board of Aldermen**  
**From: Foster Hughes, City Manager**  
**Date: April 18, 2024**  
**Re: April 23, 2024 Agenda Explanations**

- 1. Meeting opened by Mayor Jeffrey T. Odham. Prayer Coordinated by Alderman Brinson. Pledge of Allegiance.**
- 2. Roll Call.**
- 3. Approve Agenda.**

**Consent Agenda**

- 4. Consider Adopting a Resolution to Call for a Public Hearing to Establish Rates for Unmetered Electric Service.**

A revision to the electric rate schedule is proposed to add a rate for small energy-consuming devices of less than 100 watts. This rate is designed to offer service for qualified telecommunication providers and local, state, and federal governments in situations where metered service has not been feasible for the city nor the consumer. A public hearing is required for rate adjustments, and it is requested a hearing be scheduled for May 14, 2024.

- 5. Consider Adopting a Resolution Closing Specific Streets for United Worship Center's 12<sup>th</sup> Annual Community Day.**

(Wards 1, 2 and 5) Carolyn Turner with United Worship Center has requested the 900 block of Main Street and the 800 block of West Street be closed to vehicular traffic on May 18, 2024 from 11 a.m. until 4 p.m. for an annual community day event. A rain date is not sought. A memo from Mrs. Kari Warren, Director of Parks and Recreation, is attached along with the event application, map, and a petition of signatures from residents on West Street.

**6. Approve Minutes.**

Draft minutes from the April 09, 2024 meeting are provided for review and approval.

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**7. Conduct a Public Hearing and Consider Adopting an Ordinance to Rezone 624 Hancock Street and 413 Queen Street from C-4 Commercial to C-5A Commercial.**

(Ward 1) Steven Langenscheidt submitted an application to rezone two parcels totaling 0.37+/- acres at 624 Hancock Street and 413 Queen Street from C-4 Commercial to C-5A Commercial. At its March 21, 2023 meeting, the Planning and Zoning Board considered this matter and by a vote of 5-2 recommended the request be denied. The matter now moves to the Governing Board to conduct a public hearing and then consider the request. A memo from Robert Gough, Assistant Director of Development Services, is attached.

**8. Consider Adopting a Resolution Authorizing the Execution of a Contract with Water Worxs Services, LLC for the FY24 Water and Sewer Improvements Project.**

(Ward 1) The FY24 Water and Sewer Improvements Project will replace aging water and sewer infrastructure along the 1200 block of Walt Bellamy Drive and the 300 block of Bern Street prior to paving work. The project was advertised, and five bids were received. The lowest bid in the amount of \$503,066.10 was submitted by Water Worx Services, LLC. A copy of the certified bid tab is provided. This resolution authorizes the City Manager to execute a contract with Water Worx. A memo from Jordan Hughes, Director of Water Resources, is attached.

**9. Consider Adopting a Resolution Amending the Bicycle and Pedestrian Advisory Committee.**

The Board established a Bicycle and Pedestrian Advisory Committee on May 09, 2023. At the February 27, 2024 meeting, the Board discussed a requirement for advisory committees to provide a public comment period at each regular meeting. This resolution amends the Bicycle and Pedestrian Advisory Committee to make that provision.

**10. Consider Adopting a Resolution Amending the Municipal Service District Advisory Committee.**

(Ward 1) On September 25, 2023, the Board reestablished the Municipal Service District ("MSD") Advisory Committee. At the February 27, 2024 meeting, the Board discussed a requirement for advisory committees to provide a public comment period at each regular meeting. This resolution amends the MSD Advisory Committee to make that provision.

**11. Consider Adopting a Resolution Amending the Stanley White Recreation Center Advisory Committee.**

(Ward 2) The Board established the Stanley White Recreation Center (“SWRC”) Advisory Committee on May 26, 2020. At the February 27, 2024 meeting, the Board discussed a requirement for advisory committees to provide a public comment period at each regular meeting. This resolution amends the SWRC Advisory Committee to make that provision.

**12. Consider Adopting a Resolution Amending the Rules of Procedure for the Board of Aldermen.**

The Board’s rules of procedure were last amended in January of 2018. After reviewing and discussing them, the City Attorney was directed to make certain amendments to the document. Those amendments have been incorporated, and the amended rules are now ready for adoption.

**13. Consider Adopting a Resolution Approving the Preliminary Findings for the Financing of 212 Kale Road and Authorizing the Filing of an Application with the Local Government Commission.**

On February 13, 2024, the Board approved the execution of an agreement for the purchase of real property located at 212 Kale Road. The purchase will be financed in an amount not to exceed \$2,200,000. Financing options include an installment financing agreement or the issuance of a revenue bond, both of which require approval from the NC Local Government Commission (“LGC”). As part of the application to the LGC, the City must adopt a resolution making certain findings regarding the financing, the project, and the City’s debt management policies and procedures. The resolution also authorizes the filing of the application with the LGC. At a future meeting, the Board will review financing proposals and select the best financing option. A memo from Kim Ostrom, Director of Finance, is attached.

**14. Appointment(s).**

a) On September 13, 2022, Bill Stafford was appointed to represent the City on the Craven County Tourism Development Authority Board. His term will expire June 30, 2024, and he is eligible for reappointment. Mr. Stafford is interested in continuing to serve in this capacity. The Board is asked to consider his reappointment or to make a new appointment.

b) Gary Lingman, Gary Clemmons, and Daniel Ensor’s terms on the Friends of the Firemen’s Museum Board will expire April 22, 2024. All three are willing to serve an additional term. The Board is asked to consider the reappointments or, alternatively, make new appointments. The length of the term is three years.

**15. Attorney’s Report.**

**16. City Manager’s Report.**

- 17. New Business.**
- 18. Closed Session.**
- 19. Adjourn.**

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

# AGENDA ITEM COVER SHEET



## Agenda Item Title:

Consider Adopting a Resolution Calling for a Public Hearing to Establish Rates for Unmetered Service

<b>Date of Meeting:</b> 4/23/2024	<b>Ward # if applicable:</b>
<b>Department:</b> Public Utilities	<b>Person Submitting Item:</b> Charles Bauschard
<b>Call for Public Hearing:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Date of Public Hearing:</b> 5/14/2024

<b>Explanation of Item:</b>	Recommendation to offer an unmetered rate as a service to local, state, federal, and qualified telecommunication providers. Where the energy consuming device is less than 100 watts.
<b>Actions Needed by Board:</b>	Call for a public hearing.
<b>Backup Attached:</b>	Memo from Charles Bauschard and a copy of the rate schedule
<b>Is item time sensitive?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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

**Additional Notes:**



# NEW BERN

CITY OF NEW BERN  
DEPARTMENT OF PUBLIC UTILITIES  
210 Kale Road, P.O. Box 1129  
New Bern, NC 28563-1129

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

**FROM:** Charles D. Bauschard, Director of Public Utilities

**COPIES:** Foster Hughes, City Manager; File

**SUBJECT:** Request for a Public Hearing to Consider Revisions to the Electric Rate Schedules to Provide Service for Unmetered Load Consuming Devices

**DATE:** April 12, 2024

In response to an increasing consumer demand to provide electric service to small energy consuming devices, less than 100 watts, staff is requesting a Public Hearing be held on May 14, 2024 at 6:00 p.m. for the purpose of receiving the public's comments on proposed revisions to the electricity rate schedule.

This rate is designed to offer service for local, state, federal governments, and qualified telecommunication providers. Such that the electric utility may provide service where previously the cost for metered service has not been feasible for either the utility or the consumer.

For your reference, I have attached a copy of the proposed Electric Rate Schedule.

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



## RESOLUTION

THAT WHEREAS, the Board of Aldermen of the City of New Bern desires to call for a public hearing to receive public comments on proposed revisions to its electricity rate schedules to incorporate rates, fees, or charges for a new use category for unmetered service.

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

Section 1. That a public hearing will be conducted by the Board of Aldermen of the City of New Bern on May 14, 2024, in the City Hall Courtroom at 6:00 p.m., or as soon thereafter as the matter may be reached, in order that all interested parties may be given an opportunity to be heard on the proposed revisions to its electricity rate schedules to incorporate rates, fees, or charges for a new use category for unmetered service.

Section 2. That a notice of public hearing shall be published twice in the *Sun-Journal* at least once a week for two successive weeks prior to May 14, 2024.

ADOPTED THIS 23<sup>RD</sup> DAY OF APRIL, 2024.

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JEFFREY T. ODHAM, MAYOR

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BRENDA E. BLANCO, CITY CLERK

# DRAFT

SECTION 19: That the following Unmetered Service Schedule UMS is hereby adopted effective TBD 2024.

## CITY OF NEW BERN Unmetered Service Schedule UMS

### AVAILABILITY

This service is available at a single point of delivery when service is rendered on an unmetered basis and the customer's total nameplated electrical requirement is demonstrated to be 100 watts or less. Service is limited to federal, state, and local governments, and communications service providers as defined in Part 3 of Article 9 of Chapter 160D of the North Carolina General Statutes.

### SERVICE

Each point of delivery shall require an application for service and be considered as the contract location.

The customer shall install a current limiting device on the load side of the electric utility's point of delivery and comply with local inspection authorities' requirements. The City reserves the right to inspect the customer's equipment at any time to verify actual load. Service is limited to 120 volts, single phase and locations no further than 100 feet from the 120 volt source.

Customer attachments are prohibited on electric utility structures and/or poles except where the customer has established a pole attachment agreement with the City. The customer's point of service cannot interrupt service to other City electric customers, or connect in between the public electric system and the point of delivery to other customers.

The City reserves the right to provide such unmetered service in its sole discretion. If a customer fails to notify the City of an increase in load, the City reserves the right to terminate such unmetered service, in which case the customer shall either terminate service, or rewire to allow for the City to provide metered service.

This service is not available for short-term, construction, temporary, breakdown, back-up standby or lighting service. Monthly pole rental service is not available with this schedule. Upon request, the City may consider the feasibility of providing the customer a pole. The cost of the pole shall include the electric utilities material, labor and equipment cost. The sale and installation of a pole/s shall require a separately administered agreement.

# DRAFT

## MONTHLY RATES

The monthly rates do not include charges for additional facilities, poles, underground service and/or other services provided.

Customer Charge	\$20.64
<i>Energy Charges</i>	
Wattage rating of 10W or less	\$0.90
Wattage rating of 11W but not greater than 50W	\$1.89
Wattage rating of 51W but not greater than 100W	\$3.78

## SALES TAX

To the above charges will be added any applicable North Carolina sales tax.

## PAYMENTS

Bills are due and payable no later than the due date reflected on the bill, which shall be no earlier than twenty (20) days from the date of the bill. If any bill is not so paid, the City has the right to suspend service in accordance with its service regulations.

## CONTRACT PERIOD

The contract period shall not be less than three years for overhead service and not less than five years for underground service and shall extend from year to year thereafter until terminated by the customer or the City. The customer may terminate the agreement before the expiration of the initial contract period by paying to the City the sum of money equal to 40% of the bills which otherwise would have been rendered for the unexpired months of the initial contract.

The City may require the customer to initially make a termination deposit which will not exceed the termination amount computed in accordance with the above paragraph. Such termination deposit will be refunded in equal amounts at the end of each full year service is rendered. This annual refund will be the termination deposit divided by the number of years in the contract period.

## GENERAL

Service rendered under this schedule is subject to the provisions of the City's service regulations, and any changes therein, substitutions therefore, or additions thereto lawfully made.

## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider Adopting a Resolution to close streets for United Worship Center 12th Annual Community Day.

<b>Date of Meeting:</b> April 23, 2024	<b>Ward # if applicable:</b> Ward 1, 2, & 5
<b>Department:</b> Parks & Recreation	<b>Person Submitting Item:</b> Kari Warren, Director of Parks & Recreation
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b> N/A

<b>Explanation of Item:</b>	United Worship Center has made a request to close the 900 block of Main Street and the 800 block of West Street to vehicular traffic from 11:00 a.m. until 4:00 p.m. on Saturday, May 18, 2024, for United Worship Center 12th Annual Community Day. If this event is cancelled due to inclement weather, it will not be rescheduled per the event organizer.
<b>Actions Needed by Board:</b>	Adopt the Resolution
<b>Backup Attached:</b>	Resolution – Memo – Map - Application
<b>Is item time sensitive?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

<b>Cost of Agenda Item:</b> N/A
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <input type="checkbox"/> Yes <input 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

Date: April 4, 2024

Memo To: Mayor and Board of Aldermen

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

Re: Street Closures for United Worship Center 12<sup>th</sup> Annual Community Day.

**Background Information:**

United Worship Center has made a request to close the 900 block of Main Street and the 800 block of West Street to vehicular traffic from 11:00 a.m. until 4:00 p.m. on Saturday, May 18, 2024, for United Worship Center 12<sup>th</sup> Annual Community Day. If this event is cancelled due to inclement weather, it will not be rescheduled per the event organizer.

**Recommendation:**

The Director of Parks and Recreation recommends approval and requests the Board adopt a Resolution approving the request.

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

**RESOLUTION**

THAT WHEREAS, United Worship Center has scheduled their 12<sup>th</sup> Annual Community Day and has requested the 900 block of Main Street, and the 800 block of West Street be closed to vehicular traffic from 11:00 a.m. until 4:00 p.m. on Saturday, May 18, 2024; and

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

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

That the 900 block of Main Street and the 800 block of West Street be closed to vehicular traffic from 11:00 a.m. until 4:00 p.m. on Saturday, May 18, 2024, for United Worship Center's 12<sup>th</sup> Annual Community Day.

ADOPTED THIS 23<sup>rd</sup> DAY OF APRIL 2024.

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JEFFREY T. ODHAM, MAYOR

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BRENDA E. BLANCO, CITY CLERK

**RECEIVED**  
MAR 27 P.M.  
BY: VEM

May 18<sup>th</sup>  
Street Closing

**CITY OF NEW BERN**

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

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

**Festival** – A concert, fair, festival, exhibit, athletic event, promotion, community event, block party, or similar event.  
**Parade** – A march, ceremony, pageant, procession or other similar activities consisting of persons, animals, vehicles or things, or any combination thereof, that disrupts the normal flow of traffic upon any public street.  
**Public Assembly** – A festival or demonstration which is reasonably anticipated to obstruct the normal flow of traffic upon any public street and that is collected together in one place; or a festival in any city-controlled park.

Name of Event/Activity: 12 Annual Community Day  
Organization Name: United Worship Center  
Responsible Contact: Carolyn Turner  
Address: 901 Main St.  
City: New Bern State: NC Zip code: 28560  
Phone: 252-229-7993 Alternate Phone: 252-259-1348  
Email: unitedmbc7@embargmail.com

Type of Event:  Demonstration  Festival  Parade  
Date of Event: May 18, 2024 Proposed Rain Date: undetermined  
Event Set up time: 11am Event Tear Down Completed Time: 4pm  
Event Start Time: 12pm Event End Time: 4pm

No Rain date  
per  
organize

What is the specific location and/or route of the proposed event? (Attach additional information if needed)  
The Community Day event will run a block on West and a block on Main St.

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

What is the purpose of this event? Please be detailed in your description - (Attach additional information if needed)  
The purpose of this event is for Community Fellowship, resource awareness & to bring unity in the City.

Estimated attendance: 400; Attendance not to exceed: 800.  
\*Note: If more than 1,000 in attendance is expected 1) Proof of Crowd Manager Training Certification is required. Training is available at the following link: [http://www.newbernnc.gov/departments/fire\\_department/crowd\\_manager\\_training.php](http://www.newbernnc.gov/departments/fire_department/crowd_manager_training.php) 2) Public Safety Plan is required. Information must be submitted with application. For additional info, please contact the Fire Marshall at 252-639-2931.

Tents # \_\_\_\_\_ Sizes \_\_\_\_\_ Provide additional info as needed (Note: Tents 700 sq. ft. or bigger must be inspected by Fire Marshall.)  
**How will you handle trash generated from the event?**  
We are requesting # \_\_\_\_\_ trash cans.  
 We will provide our own bags & dispose of any trash generated ourselves.  
 We request that City Staff dispose of all trash generated. We understand additional fees will be charged for this service, including the cost of labor, and materials (bags, etc.) used.

900 block Main St  
800 block West St.

Are you requesting any City of New Bern Street Closures?

Yes\*  No

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

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

West Main

Are you requesting any State Road or Bridge closures?

Yes\*  No

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

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

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

Yes  No (Additional insurance may be required)

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

Yes  No

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

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

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

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

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

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

The following items must be submitted with Application:

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

[Signature]  
Authorized Signature

3/21/2024  
Date

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

Administrative Support Supervisor \_\_\_\_\_ Date \_\_\_\_\_

This application has been approved.

[Signature]  
Director of Parks & Recreation

4-8-2024  
Date

Total Anticipated Charges	
Barricades:	# <u>6</u> \$ <u>30.00</u>
Trash Collection:	\$ _____
City Staff:	# _____ \$ _____
Vendor Fees	# _____ \$ _____
Park/Facility Rental:	\$ _____
<b>Total Due:</b>	<b>\$ <u>30.00</u></b>

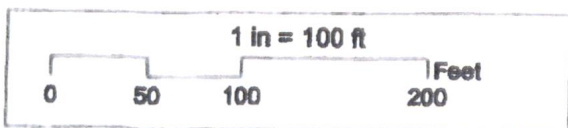
- Have HOA's been notified?  Yes  No Spoke with: \_\_\_\_\_
- Approved by Department Date: 4-8-24 Staff Initials: KW
- Submitted for Board Approval Date: \_\_\_\_\_ Staff Initials: KW
- All Paperwork collected Date: \_\_\_\_\_ Staff Initials: \_\_\_\_\_
- All fees collected \$ \_\_\_\_\_ Date: \_\_\_\_\_ Staff Initials: \_\_\_\_\_

City Sponsored Event  
 Yes  No  
Updated 6-3-2019





 Area to be Temporarily Closed



### Temporary Street Closing

Closed Streets:  
 900 Block - Main Street  
 (Between Lees Ave & West St.)  
 & 800 Block of West Street  
 (Between Cedar & Main Sts.)

UNITED WORSHIP CENTER

907 MAIN ST. NEW BERN NC 28562

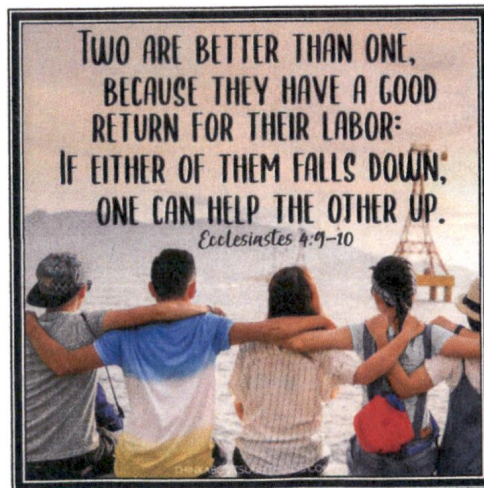
PASTOR-Apostle Linster L. Strayhorn III

# 12<sup>TH</sup> ANNUAL COMMUNITY DAY

## Saturday, May 18<sup>th</sup> 2024

We will be closing a portion of West and Main St for this event.  
Please sign below if you agree with the street closing for this event.

NAME:	ADDRESS
1. Janie Marks	822 west street
2. Willie D White	814 west street
3. Chris Foye	810 West Street
4. Chen Paw	813 west street
5. Jeremy Phynon	819 west Street
6.	
7.	
8.	
9.	
10.	



**Come and Fellowship With US!**

*Our blessed Father God calls us into community.*

FMI: Contact: Carolyn Turner 252-229-7993 or UWC 252-633-6808

## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Conduct a Public Hearing and Consider Adopting an Ordinance to Rezone 624 Hancock Street and 413 Queen Street from C-4 Commercial to C-5A Commercial.

<b>Date of Meeting:</b> 4/23/2024	<b>Ward # if applicable:</b> Ward 1
<b>Department:</b> Development Services	<b>Person Submitting Item:</b> Robert Gough, Assistant Director of Development Services
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b>

<b>Explanation of Item:</b>	Steven Langenscheidt has applied for a zoning map amendment to rezone two parcels totaling 0.37 +/- acres located at 624 Hancock Street and 413 Queen Street from C-4 to C-5A. They are further identified as Tax Parcel IDs 8-003-128 and 8-003-28000. The Planning and Zoning Board recommended denial (5-2) on March 21, 2024.
<b>Actions Needed by Board:</b>	Conduct a Public Hearing and Adopt Ordinance.
<b>Backup Attached:</b>	Memo, Ordinance, Map, Planning & Zoning Board Consistency Statement, Staff Report, and PowerPoint.

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

**Additional Notes:**



## **MEMORANDUM**

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

**FROM:** Robert Gough, Assistant Director of Development Services

**DATE:** April 23, 2024

**SUBJECT:** Conduct a Public Hearing and Consider Adopting an Ordinance to Rezone 624 Hancock Street and 413 Queen Street Identified as Tax Parcel IDs 8-003-128 and 8-003-28000 from C-4 Commercial to C-5A Commercial.

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Steven Langenscheidt has applied for a zoning map amendment to rezone 0.37 +/- acres, known as Tax Parcels 8-003-128 and 8-003-28000 from Commercial 4 (C-4) to Commercial 5A (C-5A). The parcels are located on the southeast side of Queen Street at the intersection of Queen Street and Hancock Street (see map).

The proposed rezoning site is 0.37 +/- acres in size and has road frontage on Queen Street and Hancock Street. There is a mix of residential single-family, multi-family, commercial uses, and vacant land in the vicinity.

The Planning and Zoning Board voted 5-2 to recommend denial of this application at their March 21, 2023, meeting.

Please contact Robert Gough at 252-639-7585, should you have questions or need additional information.

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF NEW BERN SO AS TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY OWNED BY CSR LLC, LLC CONSISTING OF APPROXIMATELY 0.37 +/- ACRES LOCATED AT 624 HANCOCK STREET AND 413 QUEEN STREET, AND IS FURTHER IDENTIFIED AS CRAVEN COUNTY PARCEL ID # 8-003-128 AND 8-003-28000 FROM THE EXISTING C-4 NEIGHBORHOOD BUSINESS DISTRICT TO C-5A OFFICE AND INSTITUTIONAL (HISTORICAL) DISTRICT.**

THAT WHEREAS, CSR LLC, LLC own approximately 0.37 acres, more or less, located at 624 Hancock Street and 413 Queen Street, and being further identified as Craven County Parcel IDs # 8-003-128 and 8-003-28000, in the City of New Bern, and an application has been made to change the zoning classification of the subject property from C-4 Neighborhood Business District to C-5A Office and Institutional (Historical) District consistent with the attached plat entitled “Property Number: REZ-002839-2024, Property Address: 624 Hancock St. & Queen St., Parcel ID(s): 8-003-128 and 8-003-28000” prepared by the Development Services Department of the City of New Bern; and

WHEREAS, the Planning and Zoning Board did not recommend that said request be approved; and

WHEREAS, the Board of Aldermen of the City of New Bern conducted a duly advertised public hearing with respect to the proposed amendment on April 23, 2024, at which time all interested parties were given an opportunity to be heard; and

WHEREAS, the Board of Aldermen of the City of New Bern deems it advisable and in the public interest to effect said change, as the requested, to Zone C-5A Office and Institutional (Historical) District classification is consistent with the City Land Use Plans and nearby land uses.

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

Section 1. That the Board of Aldermen of the City of New Bern hereby finds the assignment of the proposed zoning classification to be reasonable and in the public interest, and consistent with the 2022 City of New Bern Land Use Plan Update and nearby land uses based upon the information presented at the public hearing, the recommendations and detailed information developed by staff contained in the staff report, and the considerations of the Land Use Ordinance of the City of New Bern.

Section 2. That the zoning map of the City of New Bern be and the same is hereby amended by changing the zoning classification of the subject property owned by CSR LLC, LLC

consisting of 0.37 acres, more or less, located at 624 Hancock Street and 413 Queen Street, and being further identified as Craven County Parcel IDs # 8-003-128 and 8-003-28000, in the City of New Bern, from C-4 Neighborhood Business District to C-5A Office and Institutional (Historical) District, all more specifically shown on the plat entitled “Property Number: REZ-002839-2024, Property Address: 624 Hancock St. & Queen St., Parcel ID(s): 8-003-128 and 8-003-28000” prepared by the Development Services Department of the City of New Bern, a copy of which is attached hereto and incorporated herein by reference.

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

ADOPTED THIS 23<sup>RD</sup> DAY OF APRIL, 2024.

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JEFFREY T. ODHAM, MAYOR

---

BRENDA E. BLANCO, CITY CLERK



— Roads

▭ Parcels

▭ City Limits

▨ Parcels 8-003-128 & -28000

▨ ETJ

**Project Number: REZ-002839-2024**

**Property Address: 624 Hancock St & 413 Queen St**

**At/Near Intersection: Hancock St & Queen St**

**Parcel ID(s): 8-003-128 & 8-003-28000**

**Current Zoning District: C-4**

**Proposed Zoning District: C-5A**

Imagery Flown: Early 2021. Print Date: 2/28/2024

This map is intended for reference only. All dimensions are approximate.

As per NCGS 132-10, this map is not to be resold or otherwise used for commercial purposes.



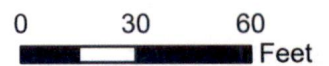
**NEW BERN**

CITY OF NEW BERN

Development Services



1 inch equals 50 feet





## DEVELOPMENT SERVICES

April 23, 2024

1

## Public Hearing

REZ-002839-2024

624 Hancock Street & 413 Queen Street  
Rezoning



2

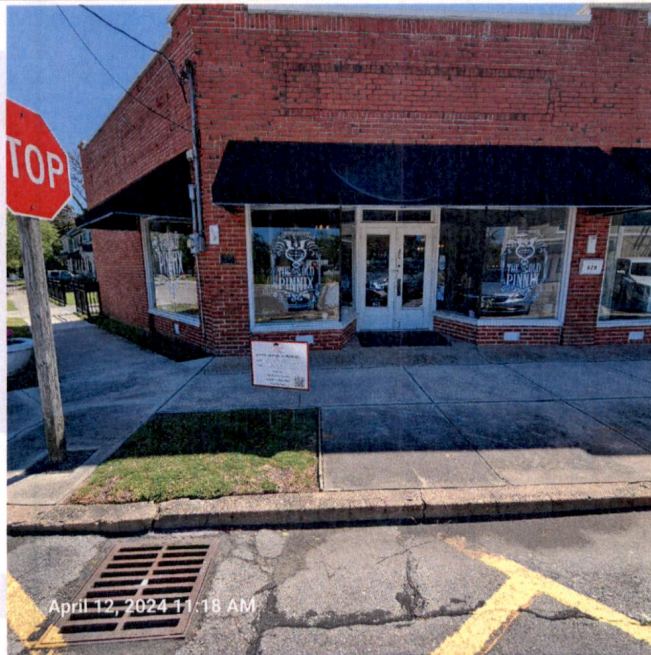


## Request Summary

- Applicant: Steven Langenscheidt
- Owner(s): CSR LLC, LLC
- Location: 624 Hancock Street & 413 Queen Street
- Parcel Identification Numbers: 8-003-128 & 8-003-28000
- Size: 0.37 total +/- acres
- Current Zoning: Commercial 4 (C-4)
- Proposed Zoning: Commercial 5A (C-5A)

NEW BERN  
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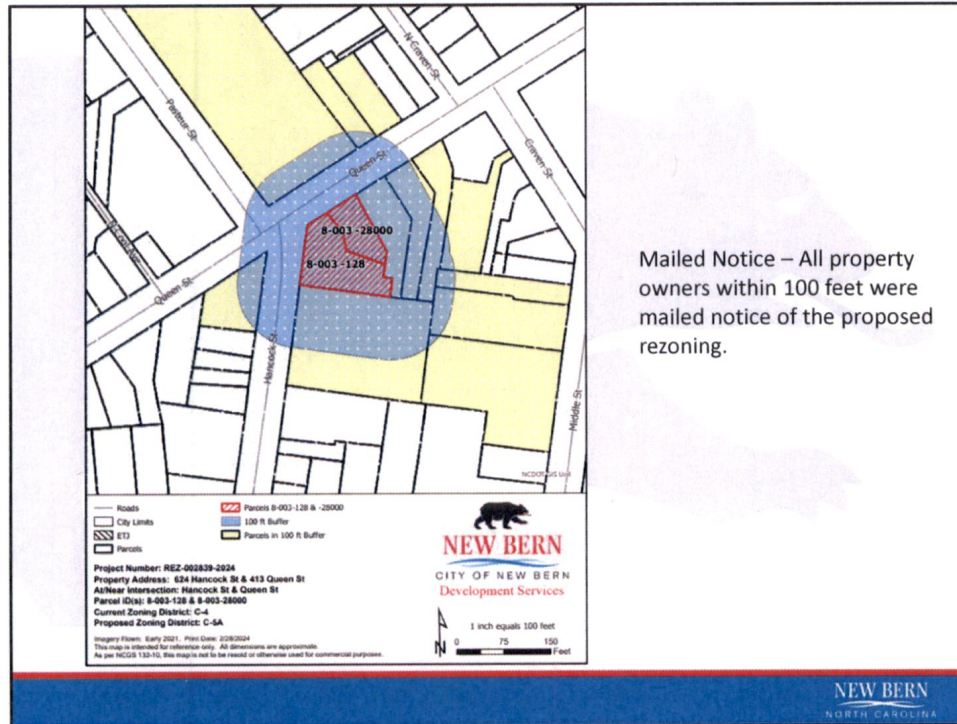


NEW BERN  
NORTH CAROLINA

4



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## C-4 Commercial Zoning District

- The C-4 neighborhood business district is established as a district in which the principal use of land is to provide for the retailing of goods and services to the nearby residential neighborhoods. The regulations of this district are designed to limit the businesses which may be established therein in order to protect the abutting residential areas.

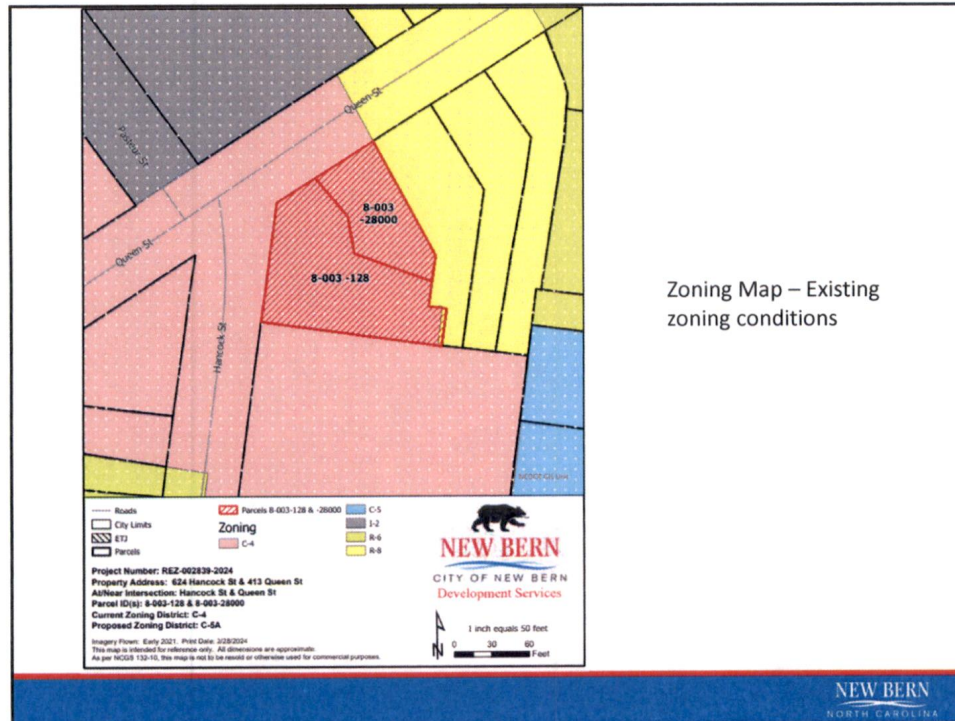
## Commercial 5A (C-5A) Zoning District Analysis

- The C-5A office and institutional (historical) district is established as the district in which the principal use of land is for residences, certain limited businesses and professional offices, and some institutional type uses, such as museums. The C-5A office and institutional district is located solely within the city's locally designated New Bern historic district. Due to the historic residential character of the C-5A district, uses which would be conducive to utilizing existing residential structures are encouraged, including continued residential use.
- In establishing this zoning classification, the specific intent of this district is:
  - (a) To encourage use of the land for residential, office, and institutional purposes;
  - (b) To encourage limited commercial enterprises that provide tourist amenities such as, but not limited to, gift and specialty shops, antique stores, and gourmet shops;
  - (c) To prohibit commercial and industrial uses of land which would generate large volumes of traffic, or would interfere with the use of the land for residential, office, and institutional purposes;
  - (d) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this ordinance;
  - (e) To encourage the development of areas which will serve as a transition zone between more intensive business districts and less intensive residential districts provided for in this ordinance.

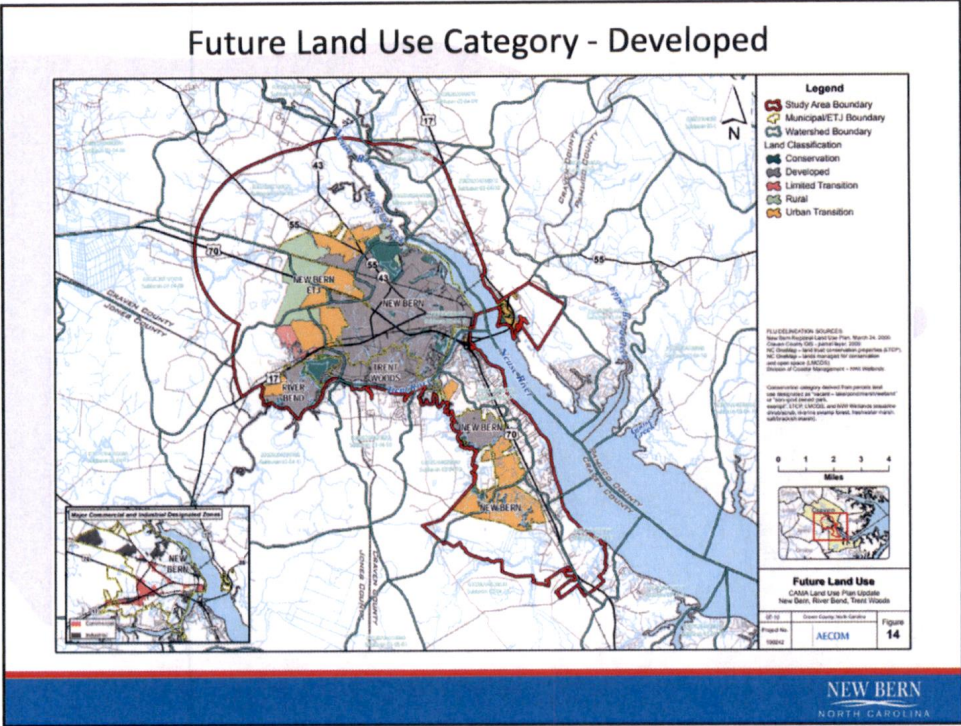
# Uses Comparison

Commercial 4 (C-4)	Commercial 5A (C-5A)
10,000 sf lot size minimum	5,000 sf lot size minimum (Residential Structures)
<p><b>PERMITTED USES</b></p> <p>"S" = Special Use Permit, "Z" = Permitted by right</p> <p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>Single-Family detached (Z)</li> <li>Short-term rental, partial house (Z)</li> <li>Short-term rental, whole house (Z)</li> </ul> <p><b>Non-Residential Uses</b></p> <ul style="list-style-type: none"> <li>Government office buildings and supporting services contained within a fully enclosed building (Z)</li> <li>No substantial carry-out service, no drive-in service; service or consumption outside fully enclosed structure allowed (S)</li> <li>Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary schools or secondary school buildings) (S)</li> <li>Marinas (S)</li> <li>Nursery Schools, day care centers (Z)</li> </ul>	<p><b>PERMITTED USES</b></p> <p>"S" = Special Use Permit, "Z" = Permitted by right</p> <p><b>Residential Uses</b></p> <ul style="list-style-type: none"> <li>Single-Family detached (Z)</li> <li>Single-Family attached (Z)</li> <li>Duplex (Z)</li> </ul> <p><b>Non-Residential Uses</b></p> <ul style="list-style-type: none"> <li>Sales and rental of goods, merchandise and equipment – Low-volume traffic generation (NCDOT standard) (Z)</li> <li>Government office buildings and supporting services contained within a fully enclosed building (Z)</li> <li>No substantial carry-out service, no drive-in service; service or consumption outside fully enclosed structure allowed (Z)</li> <li>Offices, or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area. (Z)</li> <li>Marinas (S)</li> <li>Veterinarian, all activities totally within enclosed building (S)</li> </ul>

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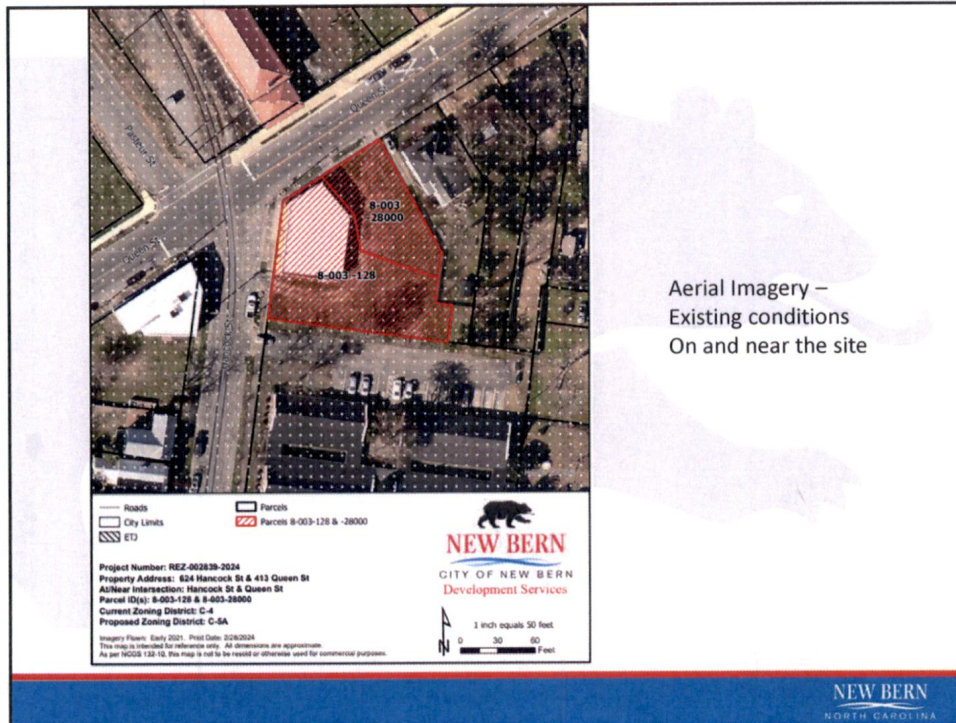
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### Future Land Use Category - Developed

This classification provides for continued intensive development and redevelopment of the municipalities in the region. Mixed land uses are included in the Developed areas. Residential densities range from a maximum of one to five dwelling units per acre. Higher densities, up to a maximum of 12 units per acre are permitted within multi-family residential and planning developments and within some overlay zoning districts within commercial areas of New Bern. The intensity permitted varies depending on the zoning district and overlay standards specified in various zoning districts...Generally the character of the area is urban, and higher intensity uses require urban municipal or public services. There may be some minimal undeveloped parcels in the Developed areas that are targeted for infill development. Incompatible uses within this land class are industrial and agricultural land uses.

NEW BERN  
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## Considerations

- At its meeting, held on March 21, 2024, the Planning and Zoning Board recommended denial of the proposed rezoning.
- P&Z based this recommendation on the request being inconsistent with existing adjacent land uses.
- The property is adjacent to existing C-4 zoned properties. It is also adjacent to property zoned I-2 and R-8.

NEW BERN  
 NORTH CAROLINA

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**NEW BERN**  
NORTH CAROLINA



# STAFF REPORT

DEVELOPMENT SERVICES



**NEW BERN**

CITY OF NEW BERN

REZ-002839-2024, 624 Hancock Street & 413 Queen Street Rezoning



**Address/Location(s)**

624 Hancock Street & 413 Queen Street, New Bern, NC

**Map Number(s)**

8-003-128 & 8-003-28000

**Parcel Size**

0.37 Total Acres

**Current Use**

Vacant

**Current Zoning**

Commercial 4 (C-4)

**Proposed Zoning**

Commercial 5A (C-5A)

## Summary of Proposal

Steven Langenscheidt, with owner approval, has submitted an application for a zoning map amendment to rezone 0.37 total acres from Commercial 4 (C-4) to Commercial 5A (C-5A). These parcels are located at 624 Hancock Street and 413 Queen Street, New Bern, NC.



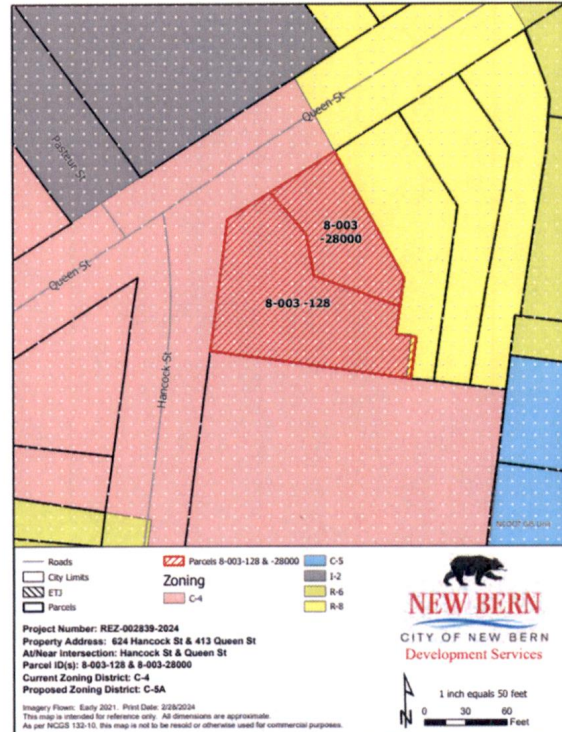
## Synopsis of Site and Surrounding Area

The parcels total 0.37 acres and are located at 624 Hancock Street & 413 Queen Street, New Bern, NC.

Within a half mile of the sites, there are businesses, single-family and multi-family homes, and vacant lots.

## Zoning District Summary

The C-4 neighborhood business district is established as a district in which the principal use of land is to provide for the retailing of goods and services to the nearby residential neighborhoods. The regulations of this district are designed to limit the businesses which may be established therein in order to protect the abutting residential areas.



The C-5A office and institutional (historical) district is established as the district in which the principal use of land is for residences, certain limited businesses and professional offices, and some institutional type uses, such as museums. The C-5A office and institutional district is located solely within the City's locally designated New Bern historic district. Due to the historic residential character of the C-5A district, uses which would be conducive to utilizing existing residential structures are encouraged, including continued residential use.

In establishing this zoning classification, the specific intent of this district is:

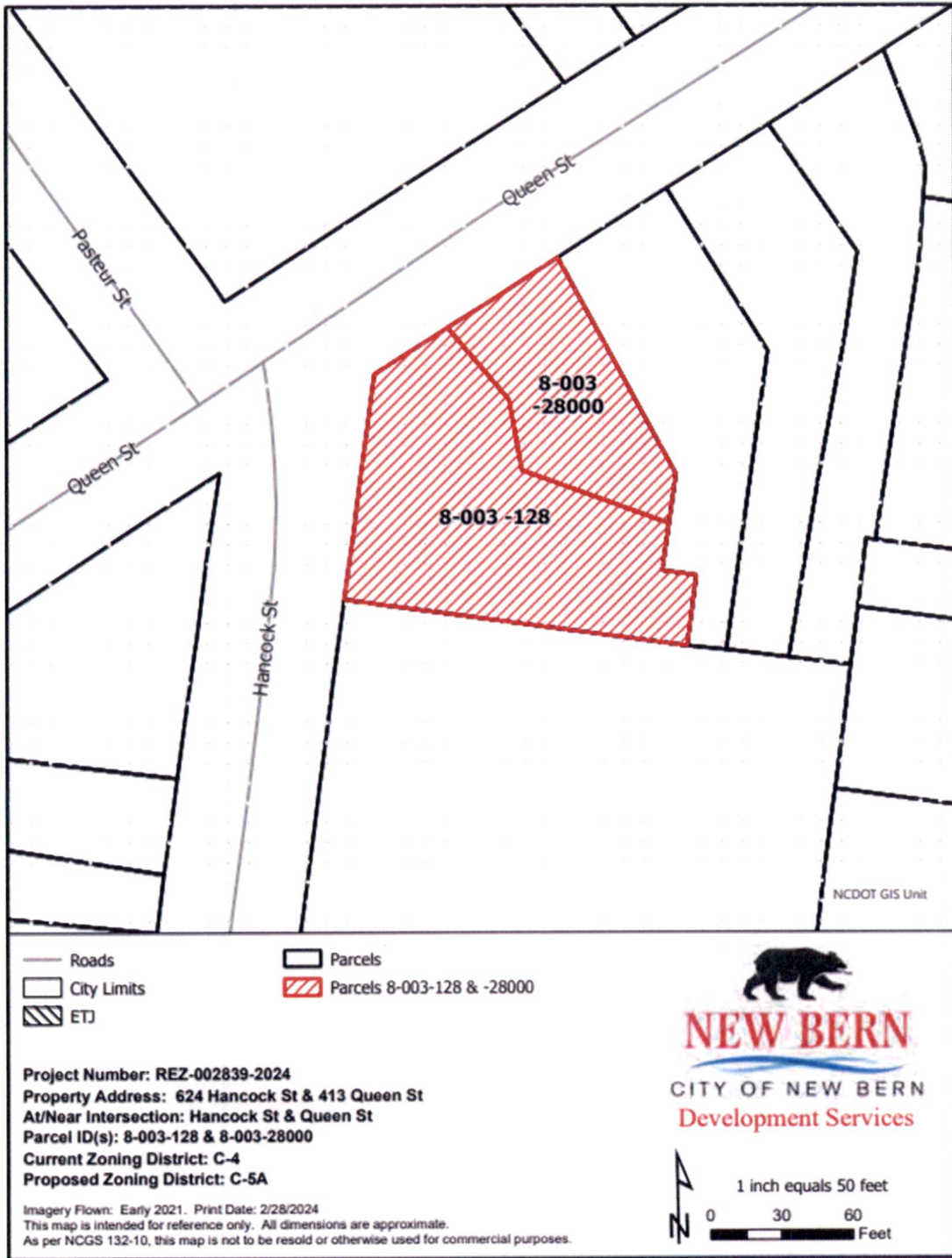
- To encourage use of the land for residential, office, and institutional purposes;
- To encourage limited commercial enterprises that provide tourist amenities such as, but not limited to, gift and specialty shops, antique stores, and gourmet shops;
- To prohibit commercial and industrial uses of land which would generate large volumes of traffic, or would interfere with the use of the land for residential, office, and institutional purposes;
- To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this ordinance;
- To encourage the development of areas which will serve as a transition zone between more intensive business districts and less intensive residential districts provided for in this ordinance.

## Staff Evaluation

The proposed rezoning is abutting Commercial 4 (C-4) and Residential 8 (R-8) and adjacent to Commercial 5 (C-5) zoned properties. The subject parcels are surrounded by both residential and commercial uses. This could be considered reasonable due to its proximity to existing commercially zoned properties.

On March 21, 2024, the City of New Bern Planning and Zoning Board voted (2-5) to recommend denial of the proposed request. During public comment, three people from the public spoke against the request.

Attachment Two





# NEW BERN

CITY OF NEW BERN

303 First Street, P.O. Box 1129  
New Bern, NC 28563-1129  
(252) 639-7582

## PLANNING & ZONING BOARD CONSISTENCY STATEMENT REZ-002839-2024

Whereas, the City of New Bern Planning and Zoning Board has reviewed a petition to consider the rezoning and finds the proposed zoning map amendment to be inconsistent with the 2022 Land Use Plan Update and 2010 Land Use Plan;

NOW, THEREFORE BE IT RESOLVED, by the City of New Bern Planning and Zoning Board that the proposed amendment to the City of New Bern's Official Zoning Map and presented documentation are found to be inconsistent with the City's 2022 Land Use Plan Update and 2010 Land Use Plan; and are determined to not be reasonable and not in the public interest.

Adopted this the 21st day of March, 2024

Brad Jefferson, Chairman

Kendrick Stanton, Secretary to the Board

# AGENDA ITEM COVER SHEET



## Agenda Item Title:

Adopt resolution authorizing the City Manager to Execute a Contract for the FY-24 Water & Sewer Improvements Project

<b>Date of Meeting:</b> 4/23/2024	<b>Ward # if applicable:</b> 1
<b>Department:</b> Water Resources	<b>Person Submitting Item:</b> Jordan Hughes
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b> N/A

<b>Explanation of Item:</b>	Award construction contract to Water Worx Services, LLC for the FY-24 Water & Sewer Improvements project.
<b>Actions Needed by Board:</b>	Adopt resolution authorizing the City Manager to execute the construction contract with Water Worx Services, LLC
<b>Backup Attached:</b>	Memo from Jordan Hughes, Certified Bid-Tab, and draft resolution for authorizing the City Manager to execute the construction contract
<b>Is item time sensitive?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

**Cost of Agenda Item:** \$503,066.10

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

**Additional Notes:**



# NEW BERN

CITY OF NEW BERN

Department of Water Resources  
527 NC Highway 55 West, P.O. Box 1129  
New Bern, NC 28563-1129  
(252) 639-7526

## MEMORANDUM

**TO:** Mayor and Board of Aldermen  
**FROM:** Jordan B. Hughes P.E., Director of Water Resources  
**DATE:** April 10, 2024  
**SUBJECT:** Recommendation to Award the FY24 Water & Sewer Improvements Project

### **Background Information:**

The purpose of the FY-24 Water & Sewer Improvements project is to replace aging water and sewer infrastructure in advance of the FY-24 paving project. The proposed improvements will eliminate deteriorated mains and service lines, increase the reliability of the domestic water supply, and reduce the potential for sewer backups within the project area. The areas that will be involved in this project include the 1200-block of Walt Bellamy Drive and the 300-block of Bern Street.

Bids for the FY-24 Water & Sewer Improvements project were opened at 11:00 am on March 7, 2024. After reviewing the submitted bids, the lowest bidder is Water Worx Services, LLC of Clayton, NC, with a bid of \$503,066.10.

### **Recommendation:**

The Department of Water Resources is recommending the FY-24 Water & Sewer Improvements project be awarded to Water Worx Services, LLC. for the amount of \$503,066.10

Attached please find a copy of the certified Bid Tab and a draft resolution for awarding the contract.

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

**RESOLUTION**

WHEREAS, the following bids were received and opened on March 7, 2024, for the FY-24 Water & Sewer Improvements Project:

<u>VENDOR</u>	<u>TOTAL BID AMOUNT</u>
Water Worx Services, LLC Clayton, NC	\$503,066.10
Avolis Landworks, LLC New Bern, NC	\$539,891.25
Herring-Rivenbark, Inc. Kinston, NC	\$637,780.00
STEP Construction, Inc. LaGrange, NC	\$840,964.10
JYMCO Construction Co. Smithfield, NC	\$1,003,885.00

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

THAT the City Manager is hereby authorized to execute on behalf of the City of New Bern a contract with Water Worx Services, LLC in the amount of \$503,066.10 and any change orders for FY-24 Water and Sewer Improvements Project.

ADOPTED THIS 23<sup>RD</sup> DAY OF APRIL, 2024.

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JEFFREY T. ODHAM, MAYOR

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BRENDA E. BLANCO, CITY CLERK

**City of New Bern  
Certified Bid Tab**

**FY24 Water and Sewer Improvements Project**

Item	Qty	Unit	Description	Water Worx Services, LLC Clayton, NC		Avolis Landworks, LLC New Bern, NC		Herring-Rivenbark, Inc. Kinston, NC		STEP Construction, Inc. LaGrange, NC		JYMCO Conatruction Co. Smithfield, NC	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	1	LS	Moblization and Bonding (3% Max)	\$15,300.00	\$15,300.00	\$16,300.00	\$16,300.00	\$15,000.00	\$15,000.00	\$24,494.10	\$24,494.10	\$28,000.00	\$28,000.00
2	530	LF	2" PVC Water Main (SDR-21)	\$82.77	\$43,868.10	\$130.00	\$68,900.00	\$151.00	\$80,030.00	\$24.00	\$12,720.00	\$107.00	\$56,710.00
3	2	EA	2" Connection with Gate Valve	\$1,950.00	\$3,900.00	\$12,500.00	\$25,000.00	\$4,000.00	\$8,000.00	\$3,000.00	\$6,000.00	\$5,935.00	\$11,870.00
4	2	EA	Reconnection of Existing 2" Water Main	\$665.00	\$1,330.00	\$7,500.00	\$15,000.00	\$5,350.00	\$10,700.00	\$4,500.00	\$9,000.00	\$12,700.00	\$25,400.00
5	18	EA	Water Service Reconnection	\$3,180.00	\$57,240.00	\$1,000.00	\$18,000.00	\$1,350.00	\$24,300.00	\$2,100.00	\$37,800.00	\$5,220.00	\$93,960.00
6	720	LF	1" Water Service Tubing	\$2.15	\$1,548.00	\$60.00	\$43,200.00	\$10.25	\$7,380.00	\$20.00	\$14,400.00	\$34.00	\$24,480.00
7	405	LF	8" PVC Sanitary Sewer Main (SDR-35)	\$204.00	\$82,620.00	\$160.00	\$64,800.00	\$222.00	\$89,910.00	\$175.00	\$70,875.00	\$159.00	\$64,395.00
8	435	LF	Remove/Replace Existing Sewer Main w/ 8" PVC	\$222.00	\$96,570.00	\$178.75	\$77,756.25	\$247.00	\$107,445.00	\$225.00	\$97,875.00	\$190.00	\$82,650.00
9	2	EA	Sanitary Sewer Manhole	\$5,135.00	\$10,270.00	\$6,000.00	\$12,000.00	\$9,400.00	\$18,800.00	\$14,000.00	\$28,000.00	\$7,200.00	\$14,400.00
10	2	EA	Connect to Existing Sewer Manhole	\$302.50	\$605.00	\$4,500.00	\$9,000.00	\$7,650.00	\$15,300.00	\$5,000.00	\$10,000.00	\$7,870.00	\$15,740.00
11	1	LS	Abandon Existing Sewer	\$5,290.00	\$5,290.00	\$4,100.00	\$4,100.00	\$6,500.00	\$6,500.00	\$20,000.00	\$20,000.00	\$110,000.00	\$110,000.00
12	18	EA	Sewer Service Reconnection	\$300.00	\$5,400.00	\$1,000.00	\$18,000.00	\$2,800.00	\$50,400.00	\$10,000.00	\$180,000.00	\$5,275.00	\$94,950.00
13	720	LF	4" PVC Sewer Service Piping	\$8.00	\$5,760.00	\$88.00	\$63,360.00	\$67.00	\$48,240.00	\$90.00	\$64,800.00	\$65.00	\$46,800.00
14	4	EA	Conflict Box	\$8,725.00	\$34,900.00	\$1,100.00	\$4,400.00	\$12,200.00	\$48,800.00	\$25,000.00	\$100,000.00	\$11,000.00	\$44,000.00
15	20	LF	Remove/Replace Storm 15" RCP Storm Drain	\$117.00	\$2,340.00	\$35.00	\$700.00	\$240.00	\$4,800.00	\$160.00	\$3,200.00	\$264.00	\$5,280.00
16	1250	SY	Pavement Removal and Disposal	\$29.45	\$36,812.50	\$16.50	\$20,625.00	\$15.00	\$18,750.00	\$60.00	\$75,000.00	\$18.00	\$22,500.00
17	400	SY	2" S9.5-B Surface Course	\$50.00	\$20,000.00	\$35.50	\$14,200.00	\$52.00	\$20,800.00	\$42.00	\$16,800.00	\$145.00	\$58,000.00
18	1250	SY	ABC Stone (Compacted Sub-base), 8" Depth	\$43.45	\$54,312.50	\$40.00	\$50,000.00	\$30.50	\$38,125.00	\$22.00	\$27,500.00	\$47.00	\$58,750.00
19	50	SY	Remove/Replace Conc. Sidewalk/Driveway	\$32.00	\$1,600.00	\$15.00	\$750.00	\$165.00	\$8,250.00	\$200.00	\$10,000.00	\$180.00	\$9,000.00
20	100	LF	Remove/Replace Conc. Curb & Gutter	\$82.00	\$8,200.00	\$23.00	\$2,300.00	\$110.00	\$11,000.00	\$175.00	\$17,500.00	\$100.00	\$10,000.00
21	1	LS	Seeding & Mulching	\$3,000.00	\$3,000.00	\$6,000.00	\$6,000.00	\$2,750.00	\$2,750.00	\$10,000.00	\$10,000.00	\$124,000.00	\$124,000.00
22	1	LS	Testing Allowance	\$12,200.00	\$12,200.00	\$5,500.00	\$5,500.00	\$2,500.00	\$2,500.00	\$5,000.00	\$5,000.00	\$3,000.00	\$3,000.00
<b>Total Bid</b>					\$503,066.10		\$539,891.25		\$637,780.00		\$840,964.10		\$1,003,885.00

I certify that this is a record of all received bids for the FY24 Water & Sewer Improvements project.

\*Numbers in RED indicate a corrected figure

 3/10/24  
Jordan B. Hughes, P.E. - Director of Water Resources





## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider Adopting a Resolution Amending the Bicycle and Pedestrian Advisory Committee

<b>Date of Meeting:</b> 4/23/2024	<b>Ward # if applicable:</b>
<b>Department:</b> City Clerk	<b>Person Submitting Item:</b> Brenda Blanco
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b>

<b>Explanation of Item:</b>	The proposed resolution adds a provision for the Bicycle and Pedestrian Advisory Committee to provide a public comment period at each regular meeting.
<b>Actions Needed by Board:</b>	Consider adopting the resolution
<b>Backup Attached:</b>	Memo, resolution
<b>Is item time sensitive?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

<b>Cost of Agenda Item:</b>
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <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.



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:** April 12, 2024

**SUBJECT:** Amendment to the Bicycle and Pedestrian Advisory Committee to Require Public Comment Period

At the February 27, 2024 meeting, the Board discussed implementing a requirement for advisory committees to provide a public comment period at each regular meeting. This resolution amends the Bicycle and Pedestrian Advisory Committee to make that provision.

**RESOLUTION TO AMEND**  
**THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE**

THAT WHEREAS, the Board of Aldermen of the City of New Bern adopted the 2022 New Bern Bicycle and Pedestrian Plan on October 11, 2022; and

WHEREAS, the Bicycle and Pedestrian Plan calls for an advisory committee to guide the City's implementation of said plan; and

WHEREAS, the Board of Aldermen established a Bicycle and Pedestrian Advisory Committee on May 9, 2023, to provide support and assistance to the Board of Aldermen as more specifically provided herein; and

WHEREAS, the Board of Aldermen further deems it advisable and in the public interest to add additional requirements to advance and achieve the purposes of the Bicycle and Pedestrian Advisory Committee as amended and restated herein.

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

**Section 1.** There is hereby established the Bicycle and Pedestrian Advisory Committee.

**Section 2.** The Bicycle and Pedestrian Advisory Committee shall serve the Board of Aldermen in an advisory capacity, and is charged with the following responsibilities:

- Evaluate progress of the City's New Bern Bicycle and Pedestrian Plan.
- Offer input to the Board of Aldermen regarding pedestrian, bicycle, and trail-related issues.
- Assist City of New Bern staff in applying for grants and organizing pedestrian and bicycle related events and educational activities.
- Build upon current levels of local support for pedestrian and bicycle issues.
- Advocate for local project funding.

**Section 3.** The Bicycle and Pedestrian Advisory Committee shall meet as a public body no less than quarterly at regularly scheduled meetings. Special meetings may be called by the Chairman at any time. A majority of the voting members of the Advisory Committee shall constitute a quorum at a regular or special meeting. All meetings shall comply with the North Carolina open meetings laws.

**Section 4.** The Bicycle and Pedestrian Advisory Committee shall be comprised of five (5) voting members. Each voting member shall be appointed by the Board of Aldermen of the City of New Bern.

**Section 5.** Voting members of the Bicycle and Pedestrian Advisory Committee shall serve staggered terms with each term being three years. For the initial Bicycle and Pedestrian Advisory Committee, two (2) members shall have an initial term of three years, two (2) members shall have an initial term of two years, and one (1) member shall have an initial term of one year. A member shall hold office until his successor has been appointed and qualified.

**Section 6.** The Bicycle and Pedestrian Advisory Committee shall be comprised of five (5) non-voting members who are hereby appointed as follows:

**Ex Officio Members**

- (1) New Bern Area Metropolitan Planning Organization Administrator
- (2) Director of Development Services
- (3) Director of Public Works, or his designee
- (4) Director of Parks and Recreation, or her designee

**Board of Aldermen Appointee**

The Board of Aldermen shall appoint one (1) member from among themselves by majority vote.

Vacancies shall be filled by the Board of Aldermen.

**Section 7.** The Board of Aldermen hereby appoints the Director of Development Services to serve as the Chairman of the Bicycle and Pedestrian Advisory Committee.

**Section 8.** The Bicycle and Pedestrian Advisory Committee shall provide at least one period for public comment at each regular meeting. The Bicycle and Pedestrian Advisory Committee may adopt reasonable rules governing the conduct of the public comment period.

**Section 9.** This resolution shall be effective upon adoption.

ADOPTED THIS 23<sup>RD</sup> DAY OF APRIL, 2024.

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JEFFREY T. ODHAM, MAYOR

---

BRENDA E. BLANCO, CITY CLERK

**RESOLUTION TO AMEND  
THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE**

THAT WHEREAS, the Board of Aldermen of the City of New Bern adopted the 2022 New Bern Bicycle and Pedestrian Plan on October 11, 2022; and

WHEREAS, the Bicycle and Pedestrian Plan calls for an advisory committee to guide the City's implementation of said plan; and

WHEREAS, the Board of Aldermen established a Bicycle and Pedestrian Advisory Committee on May 9, 2023, to provide support and assistance to the Board of Aldermen as more specifically provided herein; and

WHEREAS, the Board of Aldermen further deems it advisable and in the public interest to add additional requirements to advance and achieve the purposes of the Bicycle and Pedestrian Advisory Committee as amended and restated herein.

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

**Section 1.** There is hereby established the Bicycle and Pedestrian Advisory Committee.

**Section 2.** The Bicycle and Pedestrian Advisory Committee shall serve the Board of Aldermen in an advisory capacity, and is charged with the following responsibilities:

- Evaluate progress of the City's New Bern Bicycle and Pedestrian Plan.
- Offer input to the Board of Aldermen regarding pedestrian, bicycle, and trail-related issues.
- Assist City of New Bern staff in applying for grants and organizing pedestrian and bicycle related events and educational activities.
- Build upon current levels of local support for pedestrian and bicycle issues.
- Advocate for local project funding.

**Section 3.** The Bicycle and Pedestrian Advisory Committee shall meet as a public body no less than quarterly at regularly scheduled meetings. Special meetings may be called by the Chairman at any time. A majority of the voting members of the Advisory Committee shall constitute a quorum at a regular or special meeting. All meetings shall comply with the North Carolina open meetings laws.

**Section 4.** The Bicycle and Pedestrian Advisory Committee shall be comprised of five (5) voting members. Each voting member shall be appointed by the Board of Aldermen of the City of New Bern.

**Section 5.** Voting members of the Bicycle and Pedestrian Advisory Committee shall serve staggered terms with each term being three years. For the initial Bicycle and Pedestrian Advisory Committee, two (2) members shall have an initial term of three years, two (2) members shall have an initial term of two years, and one (1) member shall have an initial term of one year. A member shall hold office until his successor has been appointed and qualified.

**Section 6.** The Bicycle and Pedestrian Advisory Committee shall be comprised of five (5) non-voting members who are hereby appointed as follows:

**Ex Officio Members**

- (1) New Bern Area Metropolitan Planning Organization Administrator
- (2) Director of Development Services
- (3) Director of Public Works, or his designee
- (4) Director of Parks and Recreation, or her designee

**Board of Aldermen Appointee**

The Board of Aldermen shall appoint one (1) member from among themselves by majority vote.

Vacancies shall be filled by the Board of Aldermen.

**Section 7.** The Board of Aldermen hereby appoints the Director of Development Services to serve as the Chairman of the Bicycle and Pedestrian Advisory Committee.

**Section 8.** The Bicycle and Pedestrian Advisory Committee shall provide at least one period for public comment at each regular meeting. The Bicycle and Pedestrian Advisory Committee may adopt reasonable rules governing the conduct of the public comment period.

**Section 9.** This resolution shall be effective upon adoption.

ADOPTED THIS 23<sup>RD</sup> DAY OF APRIL, 2024.

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JEFFREY T. ODHAM, MAYOR

---

BRENDA E. BLANCO, CITY CLERK

# AGENDA ITEM COVER SHEET



## Agenda Item Title:

Consider Adopting a Resolution Amending the Municipal Service District Advisory Committee

<b>Date of Meeting:</b> 4/23/2024	<b>Ward # if applicable:</b> 1
<b>Department:</b> City Clerk	<b>Person Submitting Item:</b> Brenda Blanco
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b>

<b>Explanation of Item:</b>	The proposed resolution adds a provision for the MSD Advisory Committee to provide a public comment period at each regular meeting.
<b>Actions Needed by Board:</b>	Consider adopting the resolution
<b>Backup Attached:</b>	Memo, resolution
<b>Is item time sensitive?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

<b>Cost of Agenda Item:</b>
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <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

**MEMO TO:** Mayor and Board of Aldermen

**FROM:** Brenda Blanco, City Clerk

**DATE:** April 12, 2024

**SUBJECT:** Amendment to the Municipal Service District Advisory Committee to Require Public Comment Period

At the February 27, 2024 meeting, the Board discussed implementing a requirement for advisory committees to provide a public comment period at each regular meeting. This resolution amends the MSD Advisory Committee to make that provision.



**RESOLUTION TO AMEND THE MUNICIPAL SERVICE DISTRICT ADVISORY  
COMMITTEE**

THAT WHEREAS, the Board of Aldermen of the City of New Bern (“Board of Aldermen”) adopted a resolution on June 27, 1978 by which a municipal service district was established (“Municipal Service District”); and

WHEREAS, by subsequent resolutions adopted pursuant to and consistent with the Municipal Service District Act of 1973 (“Act”), the original Municipal Service District was further enlarged; and

WHEREAS, on June 11, 1985, the Board of Aldermen appointed certain property owners within the Municipal Service District to serve as a Municipal Service District Advisory Committee for the specific purpose of making recommendations to the City of New Bern with respect to further revitalization of the central business district; and

WHEREAS, on September 26, 2023, the Board of Aldermen re-established a Municipal Service District Advisory Committee to provide advisory recommendations to the Board of Aldermen as more specifically provided herein; and

WHEREAS, the Board of Aldermen deems it advisable and in the public interest to add additional requirements to advance and achieve the purposes of the Municipal Service District Advisory Committee as amended and restated herein.

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

- Section 1.** There is hereby established the Municipal Service District Advisory Committee.
- Section 2.** The Municipal Service District Advisory Committee shall serve the Board of Aldermen in an advisory capacity, and shall no less than annually recommend to the Board of Aldermen how the property taxes generated within the Municipal Service District may be spent consistent with Act.
- Section 3.** The Municipal Service District Advisory Committee shall meet as a public body on no less than a quarterly basis at regularly scheduled meetings. Special meetings may be called by the Chairman at any time. All meetings shall comply with North Carolina open meetings laws.
- Section 4.** The Municipal Service District Advisory Committee shall be comprised of ten (10) voting members representing the following interests within the Municipal Service District:

## **Six (6) Commercial Members\***

### **Seat #**

- (1) Large commercial representative (Real property tax value of \$2 million or more)
- (2) Hospitality representative (Hotel/bed and breakfast)
- (3) Restaurant representative
- (4) Retail establishment representative
- (5) Entertainment/nightlife representative
- (6) Professional services representative (Legal, banking, insurance, dental, etc.)

\*Commercial members may be individual property owners, or a representative of an owner if a commercial property is owned by a legal entity.

## **Four (4) Residential Members**

Each of the four (4) residential representatives (Seat #7 – #10) must maintain their primary residence in a residential dwelling located within the Municipal Service District.

**Section 5.** The Municipal Service District Advisory Committee shall also include the following five (5) ex officio, non-voting members:

### **Ex Officio Members**

- (1) Ward 1 Aldermen
- (2) At-Large Appointment from the Board of Aldermen
- (3) City Manager
- (4) Finance Director
- (5) Swiss Bear Executive Director

**Section 6.** Municipal Service District Advisory Committee members shall be appointed for a three-year staggered terms by the Board of Aldermen. Any vacancies shall be filled by the Board of Aldermen. Members may continue to serve until their successors have been appointed. Initially, Seat Numbers 3, 6, and 9 shall be appointed for one-year terms, Seat Numbers 2, 5, and 8 shall be appointed for two-year terms, and Seat Numbers 1, 4, 7, and 10 shall be appointed for three-year terms. Upon the expiration of the initial terms, all members shall serve three-year terms. Members may not serve more that two (2) successive terms as a Commercial Member representing the same commercial interest, or as a Residential Member. The Board of Aldermen, in its discretion, may replace any voting member who fails to attend three (3) of the four (4) quarterly meetings within any twelve (12) month period, or who no longer owns real property or resides within the Municipal Service District. Vacancies may be filled for unexpired terms only.

**Section 7.** The Municipal Service District Advisory Committee shall elect one of its members to serve as chair who shall preside over the committee's meetings. The person so elected shall serve a term of one year or until their term expires, whichever comes first. The chair may succeed himself or herself. The chair may take part in all deliberations and vote on all issues.

**Section 8.** The Municipal Service District Advisory Committee shall provide at least one period for public comment at each regular meeting. The Municipal Service District Advisory Committee may adopt reasonable rules governing the conduct of the public comment period.

**Section 9.** This resolution shall be effective on adoption.

ADOPTED THIS 23<sup>RD</sup> DAY OF APRIL, 2024.

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JEFFREY T. ODHAM, MAYOR

---

BRENDA E. BLANCO, CITY CLERK

**RESOLUTION TO ESTABLISH THE MUNICIPAL SERVICE DISTRICT ADVISORY COMMITTEE**

THAT WHEREAS, the Board of Aldermen of the City of New Bern (“Board of Aldermen”) adopted a resolution on June 27, 1978 by which a municipal service district was established (“Municipal Service District”); and

WHEREAS, by subsequent resolutions adopted pursuant to and consistent with the Municipal Service District Act of 1973 (“Act”), the original Municipal Service District was further enlarged; and

WHEREAS, on June 11, 1985, the Board of Aldermen appointed certain property owners within the Municipal Service District to serve as a Municipal Service District Advisory Committee for the specific purpose of making recommendations to the City of New Bern with respect to further revitalization of the central business district; and

WHEREAS, on September 26, 2023, the Board of Aldermen re-established a Municipal Service District Advisory Committee to provide advisory recommendations to the Board of Aldermen as more specifically provided herein; and

WHEREAS, the Board of Aldermen deems it advisable and in the public interest to add additional requirements to advance and achieve the purposes of the Municipal Service District Advisory Committee as amended and restated herein.

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

- Section 1.** There is hereby established the Municipal Service District Advisory Committee.
- Section 2.** The Municipal Service District Advisory Committee shall serve the Board of Aldermen in an advisory capacity, and shall no less than annually recommend to the Board of Aldermen how the property taxes generated within the Municipal Service District may be spent consistent with Act.
- Section 3.** The Municipal Service District Advisory Committee shall meet as a public body on no less than a quarterly basis at regularly scheduled meetings. Special meetings may be called by the Chairman at any time. All meetings shall comply with North Carolina open meetings laws.
- Section 4.** The Municipal Service District Advisory Committee shall be comprised of ten (10) voting members representing the following interests within the Municipal Service District:

**Six (6) Commercial Members\***

**Seat #**

- (1) Large commercial representative (Real property tax value of \$2 million or more)
- (2) Hospitality representative (Hotel/bed and breakfast)
- (3) Restaurant representative
- (4) Retail establishment representative
- (5) Entertainment/nightlife representative
- (6) Professional services representative (Legal, banking, insurance, dental, etc.)

\*Commercial members may be individual property owners, or a representative of an owner if a commercial property is owned by a legal entity.

**Four (4) Residential Members**

Each of the four (4) residential representatives (Seat #7 – #10) must maintain their primary residence in a residential dwelling located within the Municipal Service District.

**Section 5.** The Municipal Service District Advisory Committee shall also include the following five (5) ex officio, non-voting members:

**Ex Officio Members**

- (1) Ward 1 Aldermen
- (2) At-Large Appointment from the Board of Aldermen
- (3) City Manager
- (4) Finance Director
- (5) Swiss Bear Executive Director

**Section 6.** Municipal Service District Advisory Committee members shall be appointed for a three-year staggered terms by the Board of Aldermen. Any vacancies shall be filled by the Board of Aldermen. Members may continue to serve until their successors have been appointed. Initially, Seat Numbers 3, 6, and 9 shall be appointed for one-year terms, Seat Numbers 2, 5, and 8 shall be appointed for two-year terms, and Seat Numbers 1, 4, 7, and 10 shall be appointed for three-year terms. Upon the expiration of the initial terms, all members shall serve three-year terms. Members may not serve more that two (2) successive terms as a Commercial Member representing the same commercial interest, or as a Residential Member. The Board of Aldermen, in its discretion, may replace any voting member who fails to attend three (3) of the four (4) quarterly meetings within any twelve (12) month period, or who no longer owns real property or resides within the Municipal Service District. Vacancies may be filled for unexpired terms only.

**Section 7.** The Municipal Service District Advisory Committee shall elect one of its members to serve as chair who shall preside over the committee's meetings. The person so elected shall serve a term of one year or until their term expires, whichever comes first. The chair may succeed himself or herself. The chair may take part in all deliberations and vote on all issues.

**Section 8.** The Municipal Service District Advisory Committee shall provide at least one period for public comment at each regular meeting. The Municipal Service District Advisory Committee may adopt reasonable rules governing the conduct of the public comment period.

**Section 9.** This resolution shall be effective on adoption.

ADOPTED THIS 23<sup>RD</sup> DAY OF APRIL, 2024.

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JEFFREY T. ODHAM, MAYOR

---

BRENDA E. BLANCO, CITY CLERK

# AGENDA ITEM COVER SHEET



## Agenda Item Title:

Consider Adopting a Resolution Amending the Stanley White Recreation Center Advisory Committee

<b>Date of Meeting:</b> 4/23/2024	<b>Ward # if applicable:</b> 2
<b>Department:</b> City Clerk	<b>Person Submitting Item:</b> Brenda Blanco
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b>

<b>Explanation of Item:</b>	The proposed resolution adds a provision for the SWRC Advisory Committee to provide a public comment period at each regular meeting.
<b>Actions Needed by Board:</b>	Consider adopting the resolution
<b>Backup Attached:</b>	Memo, resolution
<b>Is item time sensitive?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

<b>Cost of Agenda Item:</b>
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <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.



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:** April 12, 2024

**SUBJECT:** Amendment to the Stanley White Recreation Center Advisory Committee to Require Public Comment Period

At the February 27, 2024 meeting, the Board discussed implementing a requirement for advisory committees to provide a public comment period at each regular meeting. This resolution amends the SWRC Advisory Committee to make that provision.



**RESOLUTION TO AMEND THE STANLEY WHITE RECREATION CENTER  
ADVISORY COMMITTEE**

THAT WHEREAS, the Board of Aldermen of the City of New Bern established a Stanley White Recreation Center Advisory Committee on May 26, 2020, to provide support and assistance to the Board of Aldermen as more specifically provided herein; and

WHEREAS, the Board of Aldermen deems it advisable and in the public interest to add additional requirements to advance and achieve the purposes of the Stanley White Recreation Center Advisory Committee as amended and restated herein.

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

**Section 1.** There is hereby established the Stanley White Recreation Center Advisory Committee.

**Section 2.** The Stanley White Recreation Center Advisory Committee shall serve the Board of Aldermen in an advisory capacity, and is charged with the following responsibilities:

- Facilitate community engagement in the design and development of the new Stanley White Recreation Center and its integration with D.E. Henderson Park
- Recommend recreation center services and programming for the new Stanley White Recreation Center and D.E. Henderson Park
- Serve as a liason between the city and the citizens of the community regarding the design and development of the new Stanley White Recreation Center and its integration with D.E. Henderson Park
- Recommend and promote alternative funding sources for enhancements to the Stanley White Recreation Center campus and D.E. Henderson Park

**Section 3.** The Stanley White Recreation Center Advisory Committee shall meet as a public body on no less than a monthly basis at regularly scheduled meetings. Special meetings may be called by the Chairman at any time. All meetings shall comply with North Carolina open meetings laws.

**Section 4.** The Stanley White Recreation Center Advisory Committee shall be comprised of ten (10) voting members who are hereby appointed as follows:

**Members**

- (1) Leander Morgan, Jr.
- (2) Talina Massey

- (3) Kandi Midgette-Ward
- (4) James Wood
- (5) Bernard White
- (6) Reginald Pender
- (7) Elijah Brown
- (8) Barbara Lee

**Ex Officio Members**

- (9) Second Ward Alderman/Alderwoman
- (10) Director of Parks and Recreation

Vacancies shall be filled by the Board of Aldermen.

**Section 5.** The Stanley White Recreation Center Advisory Committee shall be dissolved on the day that the newly constructed Stanley White Recreation Center is open to the public.

**Section 6.** The Board of Aldermen hereby appoints the Director of Parks and Recreation to serve as the Chairman of the Stanley White Recreation Center Advisory Committee.

**Section 7.** The Stanley White Recreation Center Advisory Committee shall provide at least one period for public comment at each regular meeting. The Stanley White Recreation Center Advisory Committee may adopt reasonable rules governing the conduct of the public comment period.

**Section 8.** This resolution shall be effective on adoption.

ADOPTED THIS 23<sup>RD</sup> DAY OF APRIL, 2024.

---

JEFFREY T. ODHAM, MAYOR

---

BRENDA E. BLANCO, CITY CLERK

**RESOLUTION TO AMEND THE STANLEY WHITE RECREATION CENTER  
ADVISORY COMMITTEE**

THAT WHEREAS, the Board of Aldermen of the City of New Bern established a Stanley White Recreation Center Advisory Committee on May 26, 2020, to provide support and assistance to the Board of Aldermen as more specifically provided herein; and

WHEREAS, the Board of Aldermen deems it advisable and in the public interest to add additional requirements to advance and achieve the purposes of the Stanley White Recreation Center Advisory Committee as amended and restated herein.

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

**Section 1.** There is hereby established the Stanley White Recreation Center Advisory Committee.

**Section 2.** The Stanley White Recreation Center Advisory Committee shall serve the Board of Aldermen in an advisory capacity, and is charged with the following responsibilities:

- Facilitate community engagement in the design and development of the new Stanley White Recreation Center and its integration with D.E. Henderson Park
- Recommend recreation center services and programming for the new Stanley White Recreation Center and D.E. Henderson Park
- Serve as a liason between the city and the citizens of the community regarding the design and development of the new Stanley White Recreation Center and its integration with D.E. Henderson Park
- Recommend and promote alternative funding sources for enhancements to the Stanley White Recreation Center campus and D.E. Henderson Park

**Section 3.** The Stanley White Recreation Center Advisory Committee shall meet as a public body on no less than a monthly basis at regularly scheduled meetings. Special meetings may be called by the Chairman at any time. All meetings shall comply with North Carolina open meetings laws.

**Section 4.** The Stanley White Recreation Center Advisory Committee shall be comprised of ten (10) voting members who are hereby appointed as follows:

**Members**

- (1) Leander Morgan, Jr.
- (2) Talina Massey

- (3) Kandi Midgette-Ward
- (4) James Wood
- (5) Bernard White
- (6) Reginald Pender
- (7) Elijah Brown
- (8) Barbara Lee

**Ex Officio Members**

- (9) Second Ward Alderman/Alderwoman
- (10) Director of Parks and Recreation

Vacancies shall be filled by the Board of Aldermen.

**Section 5.** The Stanley White Recreation Center Advisory Committee shall be dissolved on the day that the newly constructed Stanley White Recreation Center is open to the public.

**Section 6.** The Board of Aldermen hereby appoints the Director of Parks and Recreation to serve as the Chairman of the Stanley White Recreation Center Advisory Committee.

**Section 7.** The Stanley White Recreation Center Advisory Committee shall provide at least one period for public comment at each regular meeting. The Stanley White Recreation Center Advisory Committee may adopt reasonable rules governing the conduct of the public comment period.

**Section 8.** This resolution shall be effective on adoption.

ADOPTED THIS 23<sup>RD</sup> DAY OF APRIL, 2024.

---

JEFFREY T. ODHAM, MAYOR

---

BRENDA E. BLANCO, CITY CLERK

## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider Adopting a Resolution Approving the Amended Rules of Procedure of the Board of Aldermen

<b>Date of Meeting:</b> 4/23/2024	<b>Ward # if applicable:</b> N/A
<b>Department:</b> City Clerk	<b>Person Submitting Item:</b> Brenda Blanco
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b>

<b>Explanation of Item:</b>	After reviewing and discussing the Board's rules of procedure, the City Attorney was provided direction with respect to desired changes.
<b>Actions Needed by Board:</b>	Consider adopting the resolution
<b>Backup Attached:</b>	Memo, resolution, rules of procedure
<b>Is item time sensitive?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

<b>Cost of Agenda Item:</b> \$0
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <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

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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:** April 12, 2024

**SUBJECT:** Board's Rules of Procedure

The Board's rules of procedure were last amended in January of 2018. At its January 09, 2024 meeting, the Board voted to discuss possible changes to the rules. Subsequently, the City Attorney provided a draft revision for consideration and received feedback and direction from the Board. The desired changes have been incorporated, and the document is ready for adoption.

**RESOLUTION**

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

That the amended Rules of Procedure of the Board of Aldermen of the City of New Bern, a copy of which is 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 the same for and on behalf of the City.

ADOPTED THIS 23<sup>rd</sup> DAY OF APRIL, 2024.

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JEFFREY T. ODHAM, MAYOR

---

BRENDA E. BLANCO, CITY CLERK

**Board of Aldermen**

**of the**

**City of New Bern**

**Rules of Procedure**

**I. Applicability**

These rules apply to all meetings of the Board of Aldermen of the City of New Bern at which the board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

**II. Regular, Special and Emergency Meetings**

**Rule 1. Regular Meetings**

The board of aldermen shall adopt a schedule of its regular monthly meetings prior to the commencement of each calendar year. Regular meetings of the board of aldermen shall be held at city hall, located at 300 Pollock Street, New Bern, North Carolina, and shall begin at 6:00 p.m. A current copy of the board's regular meeting schedule shall be filed with the city clerk, and available on the city's official website. The board of aldermen may amend its regular meeting schedule to add or delete meetings or to change the date, time, or location of one or more meetings on the schedule. The amended schedule shall be filed with the city clerk and posted on the city's website at least seven (7) calendar days before the day of the first meeting held pursuant to the revised schedule.

**Rule 2. Special, Emergency, Recessed, and Electronic Meetings in a Declared State of Emergency**

**(a) Special Meetings.** The mayor, or two members of the board of aldermen may at any time call a special meeting of the board. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) given to each board member; (2) posted on the board's principal bulletin board or, if none, at the door of the board's usual meeting room; and (3) mailed, emailed, or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the city clerk. The notice shall also be posted on the city's website prior to the start time of the special meeting, preferably forty-eight hours in advance.

A special meeting may also be called or scheduled by vote of the board in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the



board's principal bulletin board or, if none, at the door of the board's usual meeting room and (2) mailed, emailed, or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the city clerk. The notice shall also be posted on the city's website prior to the start time of the special meeting, preferably forty-eight hours in advance. Only those items of business specified in the notice may be discussed or transacted at a special meeting, unless (1) all members are present; and (2) the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

**(b) Emergency Meetings.** The mayor, or two members of the board of aldermen may at any time call an emergency meeting of the board by signing a written notice stating the time and place of the meeting and the subjects to be considered. Notice of the meeting shall be given either by email or telephone to each board member and to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request with the city clerk, and whose request includes the newspaper's, wire service's, or station's telephone number. Notice to the news media shall be given at the expense of the party notified, and shall be given immediately after the board members are notified.

Emergency meetings may be called only because of generally unexpected circumstances that require immediate consideration by the board. Only business connected with the emergency may be considered at an emergency meeting.

**(c) Recessed Meetings.** A properly called regular, special, or emergency meeting may be recessed to a time and place certain by a procedural motion made and adopted as provided in Rule 16(b), Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed session of a properly called regular, special, or emergency meeting, except that notice of the recessed meeting must be posted on the city's website prior to the start time of the recessed meeting, preferably forty-eight hours in advance.

**(d) Electronic Meetings.** When a state of emergency has been declared in accordance with G.S. §166A-19.20 (state of emergency declared by the Governor or General Assembly) that is applicable within the city limits, the board of aldermen, and any city board, committee, or commission may hold a regular, special or emergency meeting as a remote, electronic meeting using a virtual or teleconferencing platform. Any electronic meeting held under this rule must comply with the requirements of G.S. §166A-19.24. Under such circumstances, an electronic meeting shall be treated as though it were a meeting at which all of the board members who are simultaneously communicating are physically present.

The city clerk shall act as the electronic host of the meeting and shall be responsible for monitoring which members are connected (present) during the meeting. A member of the public body participating by simultaneous communication under this section shall be counted as present for quorum purposes only during the period while simultaneous communication is maintained for that member. Votes of each member made during a remote meeting under this section shall be counted as if the member were "physically present" only during the period while simultaneous

communication is maintained for that member. Any member participating remotely may make a motion to adjourn the electronic meeting if one or more members become unintentionally disconnected from the electronic meeting and reconnection cannot be re-established within a reasonable time.

When stating a motion or second, a board member shall identify themselves for the record before stating such motion or second. Vote shall be by roll-call vote.

In addition to complying with the normal meeting notice requirements of the North Carolina open meetings law, the city shall give as much advanced notice to the board members, the media and the public of the fact that a regular, special or emergency meeting will be an electronic meeting as is reasonable under the circumstances. Any electronic meeting must allow the ability to listen to the meeting's live audio, and video, if any, by all members of the board, the media, and the public, subject to reasonable limitations in the technology used to hold the electronic meeting as to the number of people that can listen to the electronic meeting. The notice stating the electronic aspect of a meeting shall include the means by which the public can access the electronic meeting and shall state a location for the public to view or hear the meeting.

All references above to "board" shall be deemed to refer to city boards, committees, or commissions and their members, and references to the "city clerk" shall be deemed to refer to the secretary of the advisory board or committee, for purposes of establishing rules to govern their electronic meetings in a declared state of emergency.

**(e) Cancellations.** Any regular, special, or recessed meeting of the board of aldermen shall be considered cancelled upon a declaration of a state of emergency by the Mayor of the City of New Bern pursuant to City Code Section 22-26, as a quorum of the board of aldermen will not be present at such meeting. In the event of such a cancellation, the city shall notify the local media of the cancellation, and to the extent possible, cause a notice of the cancellation to be posted at the door of the board's usual meeting room.

### **III. Organization of the Board**

#### **Rule 3. Organizational Meeting**

The board shall hold an organizational meeting at its regular meeting place on the date and at the time of the first regular meeting of the board of aldermen in December following a regular municipal election, and quadrennially thereafter. Initially, the previous board shall convene, at which time it shall approve any prior minutes and may consider any unfinished business it desires to complete. It shall then adjourn *sine die*. Immediately following, the newly elected board shall convene and take and subscribe the oath of office as the first order of business. As the second order of business, the board shall elect a mayor pro tem, using one of the nomination and voting procedures set out in Rule 25. The mayor pro tem shall act as mayor whenever the mayor shall be absent from the city or be prevented by sickness or other cause from attending to the duties of his office, and he shall possess all the rights and powers of the mayor during the continuance of such vacancy, absence or

disability. The mayor shall preside at meetings of the board of aldermen and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by the City Charter, and the ordinances of the city. The mayor shall have the right to vote on any question before the board of aldermen.

#### IV. Agenda

##### Rule 4. Agenda

**(a) Agenda.** The city manager shall cause to be prepared an agenda and agenda package for each meeting. A request to have an item of business placed on the agenda may be raised by any board member as 'new business' on the agenda, and upon receiving a majority vote, shall be placed on a future agenda as directed. An agenda package shall include, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce, and shall contain a copy of all proposed resolutions and ordinances as may appear on the agenda. Each board member shall receive a copy of the proposed agenda and agenda package no later than three (3) days prior to each regular meeting in either digital or hard copy form, as requested by each board member. The proposed agenda and agenda package shall also be available for public inspection and appear on the city's official website no later than three (3) days prior to each regular meeting, or as soon as possible if three (3) days is not practical. Nothing in this section shall preclude the city manager from modifying the proposed agenda and agenda package at any time prior to a board meeting as the city's business dictates.

**(b) Consent Agenda.** The board may designate a part of the agenda as the "consent agenda." Approval of minutes and other items that are judged to be non-controversial and routine shall be placed on the consent agenda by those preparing the proposed agenda. The city manager shall have the authority to place any item on the consent agenda as part of the proposed agenda. Any member may remove an item from the consent agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote on each item.

**(c) Adoption of the Agenda.** As its first order of business at each meeting, the board shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. The board may by majority vote add items to or subtract items from the proposed agenda, except that the board may not add items to the agenda of a special meeting unless (a) all members are present and (b) the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately. If items are proposed to be added to the agenda, the board may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all board members.

The board may designate certain agenda items "for discussion and possible action." Such designation means that the board intends to discuss the general subject area of that agenda item before making any motion concerning that item.

**(d) Open Meetings Requirements.** The board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the board to understand what is being deliberated, voted, or acted on. However, the board may deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda—sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on—are available for public inspection at the meeting.

#### **Rule 5. Petition of Citizens.**

The board shall provide at least one period for public comment per month at its first regular monthly meeting of the board. In compliance with N.C.G.S. §160A-81.1, the board establishes the following policy for monthly public comments at the first regular meeting of the board of aldermen each month. The clerk shall provide sign-up forms consistent with the model form attached hereto and incorporated herein by reference as Exhibit A at the entry to the city hall meeting room prior to each meeting for persons who desire to address the board. Forms shall be available until the commencement of the board meeting. The purpose of the time for informal public comments is to allow for public input to the board on issues germane to the city. It is not intended to compel board members or staff to answer questions in an impromptu manner.

Each speaker will speak from the podium, and begin their remarks by giving their name, stating whether or not they are residents of the city, and stating the topic about which they intend to speak. Comments will be directed to the full board, not to an individual board member, staff members, or the audience. 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. Speakers may not yield any of his or her time to another speaker.

Speakers must be courteous in their language and presentation. Personal attacks will not be tolerated. Speakers may leave written comments and/or supporting documents, if any, with the clerk to the board.

If at the beginning of the public comment period, the mayor determines that the time required to hear all speakers on the sign-up sheet would unduly disrupt the conduct of city business or cause undue inconvenience to citizens in attendance for other items on the agenda, the mayor may require the designation of spokesman, or the selection of delegates, for groups of persons supporting or opposing the same positions, whose time shall be limited to a maximum of 4 minutes. The mayor may also move the period for public comment to some time later in the meeting.

Notwithstanding the mayor's prerogatives under this Rule 5, any decision of the mayor may be appealed and overruled by a majority of the Board.

## **Rule 6. Order of Business**

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

1. Discussion and revision of the proposed agenda; adoption of an agenda
2. Public hearings
3. Administrative reports
4. Approval of minutes
5. Appointments
6. Attorney's report
7. City manager's report
8. New Business
9. Closed session, if any

By general consent of the board, items may be considered out of order.

## **V. Conduct of Debate**

### **Rule 7. Presiding Officer**

The mayor shall preside at board meetings if he or she is present, unless he or she becomes actively engaged in debate on a particular matter. In order to address the board, a member must be recognized by the mayor.

If the mayor is absent, the mayor pro tem shall preside. If both the mayor and mayor pro tem are absent, another member designated by majority vote of the board shall preside. The mayor pro tem, or another member who is temporarily presiding retains all of his or her rights as a member, including the right to make motions and the right to vote.

If the presiding officer becomes actively involved in debate on a particular matter, he or she may designate another board member to preside over the debate. The presiding officer shall resume presiding as soon as action on the matter is concluded.

The presiding officer shall have the following powers:

To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;

To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;

To entertain and answer questions of parliamentary law or procedure;

To call a brief recess at any time;

To adjourn in an emergency.

A decision by the presiding officer under any of the first three powers listed may be appealed to the board upon motion of any member, pursuant to Rule 16, Motion 1. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

### **Rule 8. Action by the Board**

The board shall proceed by motion, except as otherwise provided for in Rules 3, 4, and 25. Any member, including the mayor, may make a motion.

### **Rule 9. Second Required**

A motion requires a second before the board may proceed with discussion or action on the motion.

### **Rule 10. One Motion at a Time**

A member may make only one motion at a time.

### **Rule 11. Substantive Motions**

A substantive motion is out of order while another substantive motion is pending.

### **Rule 12. Adoption by Majority Vote**

(a) A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 22 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

(b) A roll call vote shall be required for the following actions:

1. Adoption of an ordinance;
2. Adoption of a written resolution; and
3. Upon the request of the mayor, or at least two (2) other members of the board.

### **Rule 13. Voting by Written Ballot**

The board may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the board shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the city clerk immediately following

the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

#### **Rule 14. Debate**

The mayor shall state the motion and then open the floor to debate. The mayor shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first;
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the debate shall alternate between proponents and opponents of the measure.

#### **Rule 15. Ratification of Actions**

To the extent permitted by law, the board may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

#### **Rule 16. Procedural Motions**

**(a) Certain Motions Allowed.** In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

**(b) Order of Priority of Motions.** In order of priority (if applicable), the procedural motions are:

**Motion 1. To Appeal a Procedural Ruling of the Presiding Officer.** A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the board, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

**Motion 2. To Adjourn.** This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess to a time and place certain shall also comply with the requirements of Rule 2(c).

**Motion 3. To Take a Brief Recess.** This motion allows the board to pause briefly in its proceedings rather than to recess to a time and place certain.

**Motion 4. Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity or it is waived.

**Motion 5. To Suspend the Rules.** The board may not suspend provisions of the rules that state requirements imposed by law on the board. For adoption, the motion requires an affirmative vote equal to a majority of the entire membership of the board rather than of a quorum present.

**Motion 6. To Go into Closed Session.** The board may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a):

(1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes;

(2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award;

(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded;

(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session;

(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract;



(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting;

(7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct;

(8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team; or

(9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

(10) To view a recording released pursuant to G.S. 132-1.4A.

The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the board expects to receive advice during the closed session, if in fact such advice is to be received.

**Motion 7. To Leave Closed Session.** This motion is made to return from a closed session to an open meeting.

**Motion 8. To Divide a Complex Motion and Consider It by Paragraph.** The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

**Motion 9. To Defer Consideration (also, To Table).** The board may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires one hundred (100) days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 16(b), Motion 14], or else move to suspend the rules [Rule 16(b),

Motion 5].

**Motion 10. Motion for the Previous Question.** The motion is not in order until there have been at least twenty (20) minutes of debate and every member has had an opportunity to speak once.

**Motion 11. To Postpone to a Certain Time or Day.** If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules [Rule 16(b), Motion 5].

**Motion 12. To Refer a Motion to a Committee.** The board may vote to refer a substantive motion to a committee for its study and recommendations. Sixty (60) days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire board, whether or not the committee has reported the matter to the board.

**Motion 13. To Amend.**

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed ordinance or resolution shall be reduced to writing before the vote on the amendment.

**Motion 14. To Revive Consideration.** The board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 16(b). The motion is in order at any time within one hundred (100) days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires one hundred (100) days after the deferral unless a motion to revive consideration is adopted.

**Motion 15. To Reconsider.** The board may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the “nos” prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through recess to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

**Motion 16. To Rescind or Repeal.** The board may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal

of an action is forbidden by law.

**Motion 17. To Prevent Reintroduction for Six Months.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to a majority of the entire membership of the board, rather than of a quorum. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the board, whichever occurs first.

#### **Rule 17. Renewal of Motion**

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

#### **Rule 18. Withdrawal of Motion**

A motion may be withdrawn by the introducer at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

#### **Rule 19. Duty to Vote**

- (a) Every member must vote unless excused from voting, as provided by this rule.
- (b) A member may be excused from voting on a matter involving the member's own financial interest or official conduct. A member may also be excused from voting when prohibited from voting under G.S. §14-234 (contract providing direct benefit to member or immediate family member), or G.S. §160D-109(a) (legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member).
- (c) A member who wishes to be excused from voting based on grounds set forth in subsection (b) shall so inform the presiding official, who shall take a vote of the remaining members. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.
- (d) Even when a member has not asked to be excused from voting on a matter, a majority of the remaining members present may by motion and vote excuse the member from voting if grounds for doing so exists under subsection (b).
- (e) A failure to vote by a member who is physically present in the board chamber, or who has withdrawn from the chamber without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote. A member's unexcused failure to vote shall not be recorded as an affirmative vote if the motion concerns a proposal to amend, supplement, or repeal a zoning ordinance. Instead, the member's unexcused failure to vote shall be recorded as an abstention.

## **Rule 20. Conflicts of Interest**

**(a)** Implicit in the operations and conduct of city government is the constant expectation that the board recognize that in all their transactions and at all times they are subject to the duty of undivided loyalty to the city. The nature of their obligations is such that it demands positive action on their part to affirmatively protect and promote the interest of the city committed to their care, and at all times to avoid situations where their self-interests, actual or apparent, may be of such nature or extent as to conflict with performance of that primary responsibility.

**(b)** The scope of human activity is so broad that it is unadvisable to attempt to enumerate here all possible areas in which a conflict of interest might arise. Consequently, the following is an illustrative list only, and is not intended to proscribe all aspects of the conduct of the board in their capacity as city elected officials:

1. No member of the board should use their positions or the knowledge gained therein in such manner that a conflict between the city's interests and their personal interests arise. Both the fact and the appearance of the conflicting interests are to be avoided.

2. Members of the board should refrain from transmitting any knowledge of city considerations or decisions or any other information which might be prejudicial to the interest of the city to any person other than in connection with the discharge of their responsibility.

3. If any applicable statutes or laws exist, strict compliance with the provisions of such statutes or laws is expected, whether local, state or federal.

4. Whenever a board member has a personal interest, whether individually or through another party that has or may have business dealings with the city, he or she shall disclose that interest to the city manager for proper consideration and action.

5. Whenever a board member has an opportunity to engage in a transaction in which the city would otherwise wish to engage in, he or she shall disclose that interest to the city manager chair for proper consideration and action.

6. If a board member is in a position where access to the city's confidential information may materially influence his or her decisions in another party engaged in business with the city, he or she shall decline that information.

7. If a board member is in a position where access to the city's confidential information may materially influence his or her personal financial or investment decisions, he or she shall decline that information.

8. Board members shall at all times fully comply with the board's code of ethics.

(c) Members of the board shall comply with all laws and requirements governing conflicts of interest, self-benefiting, gifts and favors, and misuse of confidential information, as required by N.C.G.S. §§14-234, 14-234.1, and 133-32.

(d) If at any time an elected official finds that they are in doubt as to the proper application of the city's policy on conflicts of interest with respect to any particular situation, or they find that they might have a financial interest or outside relationship which might involve a conflict of interest, they should immediately make all the facts known to the city manager for proper consideration and action.

### **Rule 21. Closed Sessions**

The board may hold closed sessions as provided by law. The board shall commence a closed session only after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The board shall terminate the closed session by a majority vote, using Motion 7 of Rule 16(b).

Only those actions authorized by statute may be taken in closed session. A motion to adjourn shall not be in order during a closed session.

### **Rule 22. Quorum**

A majority of the actual membership of the board, excluding vacant seats shall constitute a quorum. A majority is more than half. The mayor shall be considered a member of the board in determining the number on which a majority is based and in counting the number of members actually present. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

### **Rule 23. Public Hearings**

Public hearings required by law or deemed advisable by the board shall be organized by a resolution that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The resolution shall be adopted by a majority vote. Its specifications may include, but are not limited to, rules fixing the maximum time allotted to each speaker; providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to board meetings shall also

apply to public hearings at which a majority of the board is present; such a hearing is considered to be part of a regular or special meeting of the board. These requirements also apply to hearings conducted by appointed or elected committees of board members, if a majority of the committee is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the board, or of a board committee, as applicable, is present.

At the time appointed for the hearing, the presiding official or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer shall entertain a motion to end the hearing.

#### **Rule 24. Minutes**

Full and accurate minutes of the board proceedings, including closed sessions, shall be kept. The board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the board, the entire board shall be polled by name on any vote.

Members' and other persons' comments may be included in the minutes if the board approves.

General accounts of closed sessions are sealed upon approval by the board. Such sealed general accounts shall be withheld from public inspection until the city attorney makes a determination that public inspection of such general accounts would frustrate the purpose of the closed session, at which point they shall be unsealed by the city clerk.

#### **Rule 25. Appointments**

(a) The board may consider and make appointments to other bodies, including its own committees, if any, only in open session. The board may not consider or fill a vacancy among its own membership except in open session. Appointments will be made according to the North Carolina General Statutes, when applicable.

(b) The board shall at all times comply with the North Carolina Constitutional and statutory prohibitions on dual-office holding.

(c) If an appointee has unexcused absences which constitute more than 25% of the Board meetings in any calendar year which he or she is required to attend pursuant to his or her appointment, he or she may be asked to resign by majority vote of the board, commission or committee. Excused absences are defined as absences caused by events beyond one's control. If the individual refuses to

resign when asked he or she may be dismissed by action of the Board of Aldermen subject to state or local law. A calendar year is to be defined as a 12-month period beginning on the date of appointment.

**(d)** Appointees must uphold city policies pertaining to the board, commission, or committee on which he or she serves.

**(e)** The city shall cause the following appointment information to be published on the city's official website for each board, commission or committee where the city has an official appointment:

1. The name.
2. A brief summary of its function.
3. The total number of members and terms of office.
4. The requirements for office and duties of each appointed position.
5. The current members, including names and terms served.
6. The regular meeting day, time, and location, if available.
7. The method by which each appointment is made.

**(f)** The board shall use the following procedure to make appointments to various other boards and committees:

1. Notification of available appointments. A list of available positions stating terms of office, requirement for office, and duties of positions shall be available for public inspection in the office of the city clerk, and published on the city's official website at the beginning of each calendar year.

2. Selection Process.

(i) Individuals interested in applying for appointment shall submit a written application on a form provided by the city to the city clerk and available on the city's official website.

(ii) The city clerk shall provide the board with written notification that vacancies exist on the various boards, commissions and committees appointed by the board or its members. This notification along with applications of interested citizens shall be provided to the board at a regular meeting.

(iii) Nominations for vacancies may be made at the same meeting at which the vacancy is considered; provided, however, that upon a motion and second, nominations may be delayed until a subsequent meeting upon a simple majority vote. Once the floor is opened for

nominations, the member or members shall put forth nominations with no second required, and debate such nominations where necessary. When the debate has ended, and if only one nomination is made, the appointment shall be approved by a voice vote of a majority of the board. If more than one nomination is made, the city clerk shall call the roll of the members and each member shall cast a vote. The nominee who receives the highest votes shall be the nominee appointed.

3. Applications. All applications for appointments shall remain active and on file with the city clerk for a period of one (1) year.

#### **Rule 26. Committees and Boards**

**(a) Establishment and Appointment.** The board may establish and appoint members for such temporary and standing committees and boards as are required by law or needed to help carry on the board's work. Any specific provisions of law relating to particular committees and boards shall be followed.

**(b) Open Meetings Law.** The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, committees, or other bodies of a local governmental unit that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among the city's professional staff.

#### **Rule 27. Amendment of the Rules**

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, unless a statute or a rule of the board provides otherwise. Adoption of an amendment shall require an affirmative vote equal to a quorum.

#### **Rule 28. Reference to *Robert's Rules of Order***

The board shall refer to the current edition of *Robert's Rules of Order Newly Revised* to answer procedural questions not resolved in these rules so long as *RONR* does not conflict with North Carolina law or with the spirit of these rules.

*Revised* January 09, 2018

*Revised* April 23, 2024



## REQUEST & PETITION OF CITIZENS SIGN-IN SHEET

**Hand completed sign-in sheet to the City Clerk before the meeting begins.  
Direct questions about Requests & Petition of Citizens to the City Clerk.  
(She is seated at the table to the left in front of the Mayor and Board.)**

Meeting Date: \_\_\_\_\_

Name:	
-------	--

Address:			
	(Street)	(City)	(Zip)
Do you <b>reside</b> in the city limits of New Bern? <input type="radio"/> Yes <input type="radio"/> No			

Telephone:	(    )	Type:	<input type="radio"/> Home	<input type="radio"/> Business	<input type="radio"/> Cell
Email:					

Issue/Concern:	

How would you like to see the issue resolved/handled?	

**PLEASE READ:** *This is an opportunity for public comment, and we thank you for coming to the Board of Alderman 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 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 1 person to present the group's comment, which shall be limited to a maximum of 4 minutes.*

**Board of Aldermen**  
**of the**  
**City of New Bern**  
**Rules of Procedure**

**I. Applicability**

These rules apply to all meetings of the Board of Aldermen of the City of New Bern at which the board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

**II. Regular, Special and Emergency Meetings**

**Rule 1. Regular Meetings**

The board of aldermen shall adopt a schedule of its regular monthly meetings prior to the commencement of each calendar year. Regular meetings of the board of aldermen shall be held at city hall, located at 300 Pollock Street, New Bern, North Carolina, and shall begin at 6:00 p.m. A current copy of the board's regular meeting schedule shall be filed with the city clerk, and available on the city's official website. The board of aldermen may amend its regular meeting schedule to add or delete meetings or to change the date, time, or location of one or more meetings on the schedule. The amended schedule shall be filed with the city clerk and posted on the city's website at least seven (7) calendar days before the day of the first meeting held pursuant to the revised schedule.

**Rule 2. Special, Emergency, Recessed, and Electronic Meetings in a Declared State of Emergency**

(a) **Special Meetings.** The mayor, or two members of the board of aldermen may at any time call a special meeting of the board. At least forty-eight hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) given to each board member; (2) posted on the board's principal bulletin board or, if none, at the door of the board's usual meeting room; and (3) mailed, emailed, or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the city clerk. The notice shall also be posted on the city's website prior to the start time of the special meeting, preferably forty-eight hours in advance.

A special meeting may also be called or scheduled by vote of the board in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the

board's principal bulletin board or, if none, at the door of the board's usual meeting room and (2) mailed, emailed, or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the city clerk. The notice shall also be posted on the city's website prior to the start time of the special meeting, preferably forty-eight hours in advance. Only those items of business specified in the notice may be discussed or transacted at a special meeting, unless (1) all members are present; and (2) the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

**(b) Emergency Meetings.** The mayor, or two members of the board of aldermen may at any time call an emergency meeting of the board by signing a written notice stating the time and place of the meeting and the subjects to be considered. ~~Written or oral~~ Notice of the meeting shall be given either by email or telephone to each board member and to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request with the city clerk, and whose request includes the newspaper's, wire service's, or station's telephone number. Notice to the news media shall be given at the expense of the party notified, and shall be given immediately after the board members are notified.

Emergency meetings may be called only because of generally unexpected circumstances that require immediate consideration by the board. Only business connected with the emergency may be considered at an emergency meeting.

**(c) Recessed Meetings.** A properly called regular, special, or emergency meeting may be recessed to a time and place certain by a procedural motion made and adopted as provided in Rule 16(b), Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed session of a properly called regular, special, or emergency meeting, except that notice of the recessed meeting must be posted on the city's website prior to the start time of the recessed meeting, preferably forty-eight hours in advance.

**(d) Electronic Meetings.** When a state of emergency has been declared in accordance with G.S. §166A-19.20 (state of emergency declared by the Governor or General Assembly) that is applicable within the city limits, the board of aldermen, and any city board, committee, or commission may hold a regular, special or emergency meeting as a remote, electronic meeting using a virtual or teleconferencing platform. Any electronic meeting held under this rule must comply with the requirements of G.S. §166A-19.24. Under such circumstances, an electronic meeting shall be treated as though it were a meeting at which all of the board members who are simultaneously communicating are physically present.

The city clerk shall act as the electronic host of the meeting and shall be responsible for monitoring which members are connected (present) during the meeting. A member of the public body participating by simultaneous communication under this section shall be counted as present for quorum purposes only during the period while simultaneous communication is maintained for that member. Votes of each member made during a remote meeting under this section shall be counted as if the member were "physically present" only during the period while simultaneous

communication is maintained for that member. Any member participating remotely may make a motion to adjourn the electronic meeting if one or more members become unintentionally disconnected from the electronic meeting and reconnection cannot be re-established within a reasonable time.

When stating a motion or second, a board member shall identify themselves for the record before stating such motion or second. Vote shall be by roll-call vote.

In addition to complying with the normal meeting notice requirements of the North Carolina open meetings law, the city shall give as much advanced notice to the board members, the media and the public of the fact that a regular, special or emergency meeting will be an electronic meeting as is reasonable under the circumstances. Any electronic meeting must allow the ability to listen to the meeting's live audio, and video, if any, by all members of the board, the media, and the public, subject to reasonable limitations in the technology used to hold the electronic meeting as to the number of people that can listen to the electronic meeting. The notice stating the electronic aspect of a meeting shall include the means by which the public can access the electronic meeting and shall state a location for the public to view or hear the meeting.

All references above to "board" shall be deemed to refer to city boards, committees, or commissions and their members, and references to the "city clerk" shall be deemed to refer to the secretary of the advisory board or committee, for purposes of establishing rules to govern their electronic meetings in a declared state of emergency.

(This rule is not to be confused with Rule 22. The electronic meetings permitted by this rule are only applicable during a declared State of Emergency. Rule 22 is applicable in all other circumstances).

**(e) Cancellations.** Any regular, special, or recessed meeting of the board of aldermen shall be considered cancelled upon a declaration of a state of emergency by the Mayor of the City of New Bern pursuant to City Code Section 22-26, as a quorum of the board of aldermen will not be present at such meeting. ~~the Craven County Department of Emergency Services.~~ In the event of such a cancellation, the city shall notify the local media of the cancellation, and to the extent possible, cause a notice of the cancellation to be posted at the door of the board's usual meeting room.

### **III. Organization of the Board**

#### **Rule 3. Organizational Meeting**

The board shall hold an organizational meeting at its regular meeting place at 7:00-6:00 p.m. on the ~~second Tuesday in December~~ date and time of the first regular meeting of the board of aldermen in December following a regular municipal election, and quadrennially thereafter. Initially, the previous board shall convene, at which time it shall approve any prior minutes and may consider any unfinished business it desires to complete. It shall then adjourn *sine die*. Immediately following, the newly

elected board shall convene and take and subscribe the oath of office as the first order of business. As the second order of business, the board shall elect a mayor pro tem, using one of the nomination and voting procedures set out in Rule 25. The mayor pro tem shall act as mayor whenever the mayor shall be absent from the city or be prevented by sickness or other cause from attending to the duties of his office, and he shall possess all the rights and powers of the mayor during the continuance of such vacancy, absence or disability. The mayor shall preside at meetings of the board of aldermen and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by the City Charter, and the ordinances of the city. The mayor shall have the right to vote on any question before the board of aldermen.

#### IV. Agenda

##### Rule 4. Agenda

(a) **Agenda.** The city manager shall cause to be prepared an agenda and agenda package for each meeting. A request to have an item of business placed on the agenda may be raised by any board member as ‘new business’ on the agenda, and upon receiving a majority vote, shall be placed on a future agenda as directed. An agenda package shall include, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce, and shall contain a copy of all proposed resolutions and ordinances as may appear on the agenda. Each board member shall receive a copy of the proposed agenda and agenda package no later than three (3) days prior to each regular meeting in either digital or hard copy form, as requested by each board member. The proposed agenda and agenda package shall also be available for public inspection and appear on the city’s official website no later than three (3) days prior to each regular meeting, or as soon as possible if three (3) days is not practical. Nothing in this section shall preclude the city manager from modifying the proposed agenda and agenda package at any time prior to a board meeting as the city’s business dictates.

**(b) Consent Agenda.** The board may designate a part of the agenda as the “consent agenda.” Approval of minutes and other items that are judged to be non-controversial and routine shall be placed on the consent agenda by those preparing the proposed agenda. The city manager shall have the authority to place any item on the consent agenda as part of the proposed agenda. Any member may remove an item from the consent agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote on each item.

(c) **Adoption of the Agenda.** As its first order of business at each meeting, the board shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. The board may by majority vote add items to or subtract items from the proposed agenda, except that the board may not add items to the agenda of a special meeting unless (a) all members are present and (b) the board determines in good faith at the meeting that it is essential to discuss or act on the item immediately. If items are proposed to be added to the agenda, the board may, by

majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all board members.

The board may designate certain agenda items “for discussion and possible action.” Such designation means that the board intends to discuss the general subject area of that agenda item before making any motion concerning that item.

**(d) Open Meetings Requirements.** The board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the board to understand what is being deliberated, voted, or acted on. However, the board may deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda—sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on—are available for public inspection at the meeting.

#### **Rule 5. Petition of Citizens.**

The board shall provide at least one period for public comment per month at its first regular monthly meeting of the board. In compliance with N.C.G.S. §160A-81.1, the board establishes the following policy for monthly public comments at the first regular meeting of the board of aldermen each month. The clerk shall provide sign-up forms consistent with the model form attached hereto and incorporated herein by reference as Exhibit A at the entry to the city hall meeting room prior to each meeting for persons who desire to address the board. Forms shall be available until the commencement of the board meeting. The purpose of the time for informal public comments is to allow for public input to the board on issues germane to the city. It is not intended to compel board members or staff to answer questions in an impromptu manner.

Each speaker will speak from the podium, and begin their remarks by giving their name, stating whether or not they are residents of the city, and stating the topic about which they intend to speak. Comments will be directed to the full board, not to an individual board member, staff members, or the audience. 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. Speakers may not yield any of his or her time to another speaker.

Speakers must be courteous in their language and presentation. Personal attacks will not be tolerated. Speakers may leave written comments and/or supporting documents, if any, with the clerk to the board.

If at the beginning of the public comment period, the mayor determines that the time required to hear all speakers on the sign-up sheet would unduly disrupt the conduct of city business or cause undue inconvenience to citizens in attendance for other items on the agenda, the mayor may require the designation of spokesman, or the selection of delegates, for groups of persons supporting or opposing the same positions, whose time shall be limited to a maximum of 4 minutes. The mayor may also move the period for public comment to some time later in the meeting.

Notwithstanding the mayor's prerogatives under this Rule 5, any decision of the mayor may be appealed and overruled by a majority of the Board.

### **Rule 6. Order of Business**

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

1. Discussion and revision of the proposed agenda; adoption of an agenda
2. Public hearings
3. Administrative reports
4. Approval of minutes
5. Appointments
6. Attorney's report
7. City manager's report
8. New Business
9. Closed session, if any

By general consent of the board, items may be considered out of order.

## **V. Conduct of Debate**

### **Rule 7. Presiding Officer**

The mayor shall preside at board meetings if he or she is present, unless he or she becomes actively engaged in debate on a particular matter. In order to address the board, a member must be recognized by the mayor.

If the mayor is absent, the mayor pro tem shall preside. If both the mayor and mayor pro tem are absent, another member designated by majority vote of the board shall preside. The mayor pro tem, or another member who is temporarily presiding retains all of his or her rights as a member, including the right to make motions and the right to vote.

If the presiding officer becomes actively involved in debate on a particular matter, he or she may designate another board member to preside over the debate. The presiding officer shall resume presiding as soon as action on the matter is concluded.

The presiding officer shall have the following powers:

To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;

To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks

and to entertain and rule on objections from other members on this ground;

To entertain and answer questions of parliamentary law or procedure;

To call a brief recess at any time;

To adjourn in an emergency.

A decision by the presiding officer under any of the first three powers listed may be appealed to the board upon motion of any member, pursuant to Rule 16, Motion 1. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

### **Rule 8. Action by the Board**

The board shall proceed by motion, except as otherwise provided for in Rules 3, 4, and 25. Any member, including the mayor, may make a motion.

**(b) — Attendance via Simultaneous and/or Electronic Communication.** In order to participate in a meeting via simultaneous and/or electronic communication, the following criteria must be met:

1. — The official meeting was properly noticed under G.S. 143-318.12 and under any other requirement for notice applicable to the board.

2. — The member or members participating from a remote location by simultaneous communication can fully participate in the deliberations.

3. — The member or members of the board participating from a remote location by simultaneous communication can be heard by the other members of the board and any other individual in attendance at the official meeting.

4. — The vote of the member or members of the board participating from a remote location by simultaneous communication is not by electronic mail or facsimile.

5. — If the Mayor is participating from a remote location by simultaneous communication, the mayor pro temp or some other member of the board who is physically present shall preside at the official meeting. The Mayor or presiding officer of the board participating from a remote location by simultaneous communication shall retain the same voting rights he or she has when presiding.

6. — The official meeting, or part of an official meeting with a member or members of the board participating from a remote location by simultaneous communication is not allowed in



~~any quasi-judicial proceeding.~~

~~7. No written ballots may be taken at the official meeting with a member or members of the board participating from a remote location by simultaneous communication.~~

~~8. If the official meeting involves a member of the board participating from a remote location by simultaneous communication by which the member or members cannot be physically seen by the public body, that member must comply with all of the following:~~

~~(i) The participation of the member or members must be announced when the meeting is commenced or at the beginning of participation.~~

~~(ii) The member identifies himself or herself prior to participating in the deliberations during the official meeting.~~

~~(iii) The member identifies himself or herself prior to voting.~~

~~9. The member or members participating from a remote location by simultaneous communication shall have been provided with any documents to be considered during the official meeting.~~

### **Rule 9. Second Required**

A motion requires a second before the board may proceed with discussion or action on the motion.

### **Rule 10. One Motion at a Time**

A member may make only one motion at a time.

### **Rule 11. Substantive Motions**

A substantive motion is out of order while another substantive motion is pending.

### **Rule 12. Adoption by Majority Vote**

(a) A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 22 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

(b) A roll call vote shall be required for the following actions:

1. Adoption of an ordinance;
2. Adoption of a written resolution; and
3. Upon the request of the mayor, or at least two (2) other members of the board.

**Rule 13. Voting by Written Ballot**

The board may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the board shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the city clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

**Rule 14. Debate**

The mayor shall state the motion and then open the floor to debate. The mayor shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first;
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the debate shall alternate between proponents and opponents of the measure.

**Rule 15. Ratification of Actions**

To the extent permitted by law, the board may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

**Rule 16. Procedural Motions**

**(a) Certain Motions Allowed.** In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

**(b) Order of Priority of Motions.** In order of priority (if applicable), the procedural motions are:

**Motion 1. To Appeal a Procedural Ruling of the Presiding Officer.** A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the board, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made,

may not be ruled out of order.

**Motion 2. To Adjourn.** This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess to a time and place certain shall also comply with the requirements of Rule 2(c).

**Motion 3. To Take a Brief Recess.** This motion allows the board to pause briefly in its proceedings rather than to recess to a time and place certain.

**Motion 4. Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity or it is waived.

**Motion 5. To Suspend the Rules.** The board may not suspend provisions of the rules that state requirements imposed by law on the board. For adoption, the motion requires an affirmative vote equal to a majority of the entire membership of the board rather than of a quorum present.

**Motion 6. To Go into Closed Session.** The board may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a):

(1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes;

(2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award;

(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded;

(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session;

(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract;

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting;

(7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct;

(8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team; or

(9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

(10) To view a recording released pursuant to G.S. 132-1.4A.

The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the board expects to receive advice during the closed session, if in fact such advice is to be received.

**Motion 7. To Leave Closed Session.** This motion is made to return from a closed session to an open meeting.

**Motion 8. To Divide a Complex Motion and Consider It by Paragraph.** The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

**Motion 9. To Defer Consideration (also, To Table).** The board may defer a substantive motion

for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires one hundred (100) days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 16(b), Motion 14], or else move to suspend the rules [Rule 16(b), Motion 5].

**Motion 10. Motion for the Previous Question.** The motion is not in order until there have been at least twenty (20) minutes of debate and every member has had an opportunity to speak once.

**Motion 11. To Postpone to a Certain Time or Day.** If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules [Rule 16(b), Motion 5].

**Motion 12. To Refer a Motion to a Committee.** The board may vote to refer a substantive motion to a committee for its study and recommendations. Sixty (60) days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire board, whether or not the committee has reported the matter to the board.

**Motion 13. To Amend.**

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed ordinance or resolution shall be reduced to writing before the vote on the amendment.

**Motion 14. To Revive Consideration.** The board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 16(b). The motion is in order at any time within one hundred (100) days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires one hundred (100) days after the deferral unless a motion to revive consideration is adopted.

**Motion 15. To Reconsider.** The board may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the “nos” prevail) and only at the meeting during which the original

vote was taken, including any continuation of that meeting through recess to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

**Motion 16. To Rescind or Repeal.** The board may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

**Motion 17. To Prevent Reintroduction for Six Months.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to a majority of the entire membership of the board, rather than of a quorum. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the board, whichever occurs first.

**Rule 17. Renewal of Motion**

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

**Rule 18. Withdrawal of Motion**

A motion may be withdrawn by the introducer at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

**Rule 19. Duty to Vote**

(a) Every member must vote unless excused from voting, as provided by this rule. by the remaining members of the board.

(b) A member may be excused from voting on a matter involving the member's own financial interest or official conduct. A member may also be excused from voting when prohibited from voting under G.S. §14-234 (contract providing direct benefit to member or immediate family member), or G.S. §160D-109(a) (legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member).

(c) A member who wishes to be excused from voting based on grounds set forth in subsection (b) shall so inform the presiding official, who shall take a vote of the remaining members. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.

(d) Even when a member has not asked to be excused from voting on a matter, a majority of the remaining members present may by motion and vote excuse the member from voting if grounds for doing so exists under subsection (b).

(e) A failure to vote by a member who is physically present in the board chamber, or who has withdrawn from the chamber without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote. A member's unexcused failure to vote shall not be recorded as an affirmative vote if the motion concerns a proposal to amend, supplement, or repeal a zoning ordinance. Instead, the member's unexcused failure to vote shall be recorded as an abstention.

~~No member shall be excused from voting except in cases involving conflicts of interest, as defined by the board or by law, or the member's official conduct, as defined by the board. In all other cases, a failure to vote by a member who is physically present in the board chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.~~

### **Rule 20. Conflicts of Interest**

(a) Implicit in the operations and conduct of city government is the constant expectation that the board recognize that in all their transactions and at all times they are subject to the duty of undivided loyalty to the city. The nature of their obligations is such that it demands positive action on their part to affirmatively protect and promote the interest of the city committed to their care, and at all times to avoid situations where their self-interests, actual or apparent, may be of such nature or extent as to conflict with performance of that primary responsibility.

(b) The scope of human activity is so broad that it is unadvisable to attempt to enumerate here all possible areas in which a conflict of interest might arise. Consequently, the following is an illustrative list only, and is not intended to proscribe all aspects of the conduct of the board in their capacity as city elected officials:

1. No member of the board should use their positions or the knowledge gained therein in such manner that a conflict between the city's interests and their personal interests arise. Both the fact and the appearance of the conflicting interests are to be avoided.

2. Members of the board should refrain from transmitting any knowledge of city considerations or decisions or any other information which might be prejudicial to the interest of the city to any person other than in connection with the discharge of their responsibility.

3. If any applicable statutes or laws exist, strict compliance with the provisions of such statutes or laws is expected, whether local, state or federal.

4. Whenever a board member has a personal interest, whether individually or through another party that has or may have business dealings with the city, he or she shall disclose that interest to the city manager for proper consideration and action.

5. Whenever a board member has an opportunity to engage in a transaction in which the city would otherwise wish to engage in, he or she shall disclose that interest to the city manager chair for proper consideration and action.

6. If a board member is in a position where access to the city's confidential information may materially influence his or her decisions in another party engaged in business with the city, he or she shall decline that information.

7. If a board member is in a position where access to the city's confidential information may materially influence his or her personal financial or investment decisions, he or she shall decline that information.

8. Board members shall at all times fully comply with the board's code of ethics.

(c) Members of the board shall comply with all laws and requirements governing conflicts of interest, self-benefiting, gifts and favors, and misuse of confidential information, as required by N.C.G.S. §§14-234, 14-234.1, and 133-32.

(d) If at any time an elected official finds that they are in doubt as to the proper application of the city's policy on conflicts of interest with respect to any particular situation, or they find that they might have a financial interest or outside relationship which might involve a conflict of interest, they should immediately make all the facts known to the city manager for proper consideration and action.

### **Rule 21. Closed Sessions**

The board may hold closed sessions as provided by law. The board shall commence a closed session only after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The board shall terminate the closed session by a majority vote, using Motion 7 of Rule 16(b).

Only those actions authorized by statute may be taken in closed session. A motion to adjourn shall not be in order during a closed session.

### **Rule 22. Quorum**

(a) A majority of the actual membership of the board, excluding vacant seats shall constitute a quorum. A majority is more than half. The mayor shall be considered a member of the board in determining the number on which a majority is based and in counting the number of members actually present. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

(b) ~~A member or members of the board participating from a remote location by simultaneous~~



~~communication shall be counted as present for quorum purposes, and all votes of members of the board made during an official meeting with simultaneous communication shall be counted as if the member were physically present in the place of the official meeting, provided all of criteria outlined in this Rule 22, and Rule 20 above, are met.~~

### **Rule 23. Public Hearings**

Public hearings required by law or deemed advisable by the board shall be organized by a resolution that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker, and other pertinent matters. The resolution shall be adopted by a majority vote. Its specifications may include, but are not limited to, rules fixing the maximum time allotted to each speaker; providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to board meetings shall also apply to public hearings at which a majority of the board is present; such a hearing is considered to be part of a regular or special meeting of the board. These requirements also apply to hearings conducted by appointed or elected committees of board members, if a majority of the committee is present. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the board, or of a board committee, as applicable, is present.

At the time appointed for the hearing, the presiding official or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer shall entertain a motion to end the hearing.

### **Rule 24. Minutes**

Full and accurate minutes of the board proceedings, including closed sessions, shall be kept. The board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to inspection of the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the board, the entire board shall be polled by name on any vote.

Members' and other persons' comments may be included in the minutes if the board approves.

General accounts of closed sessions are sealed upon approval by the board. Such sealed general accounts shall be withheld from public inspection until the city attorney makes a determination that public inspection of such general accounts would frustrate the purpose of the closed session, at which point they shall be unsealed by the city clerk.

### **Rule 25. Appointments**

(a) The board may consider and make appointments to other bodies, including its own committees, if any, only in open session. The board may not consider or fill a vacancy among its own membership except in open session. Appointments will be made according to the North Carolina General Statutes, when applicable.

(b) The board shall at all times comply with the North Carolina Constitutional and statutory prohibitions on dual-office holding.

(c) If an appointee has unexcused absences which constitute more than 25% of the Board meetings in any calendar year which he or she is required to attend pursuant to his or her appointment, he or she may be asked to resign by majority vote of the board, commission or committee. Excused absences are defined as absences caused by events beyond one's control. If the individual refuses to resign when asked he or she may be dismissed by action of the Board of Aldermen subject to state or local law. A calendar year is to be defined as a 12-month period beginning on the date of appointment.

(d) Appointees must uphold city policies pertaining to the board, commission, or committee on which he or she serves.

(e) The city shall cause the following appointment information to be published on the city's official website for each board, commission or committee where the city has an official appointment:

1. The name.
2. A brief summary of its function.
3. The total number of members and terms of office.
4. The requirements for office and duties of each appointed position.
5. The current members, including names and terms served.
6. The regular meeting day, time, and location, if available.
7. The method by which each appointment is made.

(f) The board shall use the following procedure to make appointments to various other boards and committees:

1. Notification of available appointments. A list of available positions stating terms of office, requirement for office, and duties of positions shall be available for public inspection in the office of the city clerk, and published on the city's official website at the beginning of each calendar year.

2. Selection Process.

(i) Individuals interested in applying for appointment shall submit a written application on a form provided by the city to the city clerk and available on the city's official website.

(ii) The city clerk shall provide the board with written notification that vacancies exist on the various boards, commissions and committees appointed by the board or its members. This notification along with applications of interested citizens shall be provided to the board at a regular meeting.

(iii) Nominations for vacancies may be made at the same meeting at which the vacancy is considered; provided, however, that upon a motion and second, nominations may be delayed until a subsequent meeting upon a simple majority vote. Once the floor is opened for nominations, the member or members shall put forth nominations with no second required, and debate such nominations where necessary. When the debate has ended, and if only one nomination is made, the appointment shall be approved by a voice vote of a majority of the board. If more than one nomination is made, the city clerk shall call the roll of the members and each member shall cast a vote. The nominee who receives the highest votes shall be the nominee appointed.

3. Applications. All applications for appointments shall remain active and on file with the city clerk for a period of one (1) year.

## **Rule 26. Committees and Boards**

**(a) Establishment and Appointment.** The board may establish and appoint members for such temporary and standing committees and boards as are required by law or needed to help carry on the board's work. Any specific provisions of law relating to particular committees and boards shall be followed.

**(b) Open Meetings Law.** The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, committees, or other bodies of a local governmental unit that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among the city's professional staff.

## **Rule 27. Amendment of the Rules**

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, unless a statute or a rule of the board provides otherwise. Adoption of an amendment shall require an affirmative vote equal to a quorum.

**Rule 28. Reference to *Robert's Rules of Order***

The board shall refer to the current edition of *Robert's Rules of Order Newly Revised* to answer procedural questions not resolved in these rules so long as *RONR* does not conflict with North Carolina law or with the spirit of these rules.

# AGENDA ITEM COVER SHEET



## Agenda Item Title:

Resolution Making Certain Findings and Determinations and Requesting the Local Government Commission to Approve the Financing Arrangement

<b>Date of Meeting:</b> 4/23/2024	<b>Ward # if applicable:</b>
<b>Department:</b> Finance	<b>Person Submitting Item:</b> Kim Ostrom, Director of Finance
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b>

<b>Explanation of Item:</b>	Resolution Making Certain Findings and Determinations and Requesting the Local Government Commission to Approve the Financing Arrangement
<b>Actions Needed by Board:</b>	Adopt Resolution
<b>Backup Attached:</b>	Memo, Resolution
<b>Is item time sensitive?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

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

**Additional Notes:**



**NEW BERN**  
CITY OF NEW BERN

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

**Aldermen**

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

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

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

**FROM:** Kimberly Ostrom - Director of Finance

**DATE:** April 15, 2024

**RE:** Resolution Making Certain Findings and Determinations Regarding the Financing of the Acquisition of an Existing Building for Use as the Electric Operations Building and Improvements; additionally, Requesting the Local Government Commission to Approve the Financing Agreement

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**Current**

The City is pursuing financing not to exceed \$2,200,000 related to the acquisition of an existing building for use as the Electric operations building and improvements. The City is considering whether to enter into an installment financing agreement or to issue a revenue bond for this project, both of which require the approval of the North Carolina Local Government Commission (the "LGC"). As part of the application, the LGC requires the governing body to adopt a resolution making certain findings regarding the proposed financing, the projects to be financed, and the City's debt management policies and procedures. The attached resolution makes the required LGC findings and authorizes and ratifies the filing of an application with the LGC by City staff. At a subsequent meeting of the Board, the Board will review the results of the various financial proposals and select the winning proposal and approve the forms of the various financing documents related to either the installment financing agreement or the revenue bond.

**Requested Action**

It is recommended that the Board adopt the attached resolution making the preliminary findings required by the LGC and approving and ratifying the filing of an application with the LGC related to the financing of the acquisition of an existing building for use as the Electric operations building and improvements at its meeting on April 23, 2024.

**RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND  
REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE  
FINANCING ARRANGEMENT**

BE IT RESOLVED BY THE BOARD OF ALDERMEN (THE "BOARD") OF THE CITY OF NEW BERN, NORTH CAROLINA (THE "CITY"):

Section 1. The Board does hereby find and determine as follows:

(a) There exists in the City a need to finance the acquisition, constructing, renovation and equipping of an existing building for use by the City as the Electric Operations Building to provide administrative, office, operational and warehouse space for the City's Electric Utility (the "Project").

(b) The Project is necessary to secure adequate and reliable electric service and to promote the present and future welfare of the residents of the City and its environs.

(c) The City is considering whether to enter into an installment financing agreement (the "Installment Financing Agreement"), pursuant to Section 160A-20 of the General Statutes of North Carolina or to issue a revenue bond (the "Revenue Bond") pursuant to The State and Local Government Revenue Bond Act of North Carolina, Article 5 of Chapter 159 of the North Carolina General Statutes, as amended. The City has solicited proposals from various financial institutions to provide the financing for the Project and, upon receipt and review of such proposals, will determine if it will proceed with financing the Project (the "Financing") as the Installment Financing Agreement or the Revenue Bond.

(d) After due consideration, the City has determined to enter into the Financing in an aggregate principal amount not to exceed \$2,200,000 to provide funds, together with any other available funds, to (i) pay the costs of the Project and (ii) pay certain financing costs in connection therewith.

(e) The City will enter into the Installment Financing Agreement with, or issue the Revenue Bond to, a financial institution (the "Financial Institution") to be selected by the City pursuant to a request for proposals, pursuant to which the Financial Institution will advance to the City amounts sufficient to pay the costs of the Project and pay the related financing costs, and the City will repay the advancement with interest.

(f) If the City determines to enter into the Installment Financing Agreement with the Financial Institution to provide for the Financing, it will secure its obligations under the Installment Financing Agreement by executing and delivering a Deed of Trust (the "Deed of Trust"), for the benefit of the Financial Institution, granting a lien on all or a portion of the Project, together with any improvements and fixtures located or to be located thereon.

(g) If the City determines to issue the Revenue Bond for purchase by the Financial Institution at a private negotiated sale to provide for the Financing, its obligations will be secured by the net receipts of the City's combined enterprise system pursuant to a Trust Agreement, dated as of June 1, 2013 (as supplemented and amended, the "Trust Agreement"), between the City and Branch Banking and Trust Company (succeeded by Truist Bank), as trustee (the "Trustee").

(h) It is in the best interest of the City to enter into the Installment Financing Agreement and the Deed of Trust or to issue the Revenue Bond in that such transaction will result in the financing of the Project in an efficient and cost-effective manner.

(i) Entering into the Installment Financing Agreement or issuing the Revenue Bond is preferable to a general obligation bond in that (i) the City does not have the constitutional authority to issue non-voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution because the City has not retired a sufficient amount of debt in the preceding fiscal year to issue a sufficient amount of general obligation bonds for the financing of the Project without an election; (ii) the costs of the Project exceeds the amount to be prudently provided from currently available appropriations and unappropriated fund balances; (iii) the circumstances existing require that funds be available to commence acquisition, construction and equipping of the Project as soon as practicable and the time required for holding an election for the issuance of voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution and the Local Government Bond Act will delay the commencement of acquisition and construction of the Project by several months; and (iv) there can be no assurances that the Project would be approved by the voters and the necessity of the Project dictates that the Project be financed by a method that assures that the Project will be acquired, constructed and equipped in an expedient manner.

(j) The amount of the proposed Financing will be sufficient, but not excessive, for the purpose of paying the costs associated with the Project.

(k) The proposed Project is feasible.

(l) The annual audits of the City show the City to be in strict compliance with debt management policies, and the budgetary and fiscal management policies of the City are in compliance with law. The debt management policies of the City have been carried out in strict compliance with law, and the City is not in default under any obligation for repayment of borrowed money.

(m) If the Financing is structured as such, the proposed Revenue Bond can be marketed at a reasonable interest cost to the City.

(n) The projected rate increases, if any, for water, sanitary sewer and electric service in connection with the Financing will be reasonable. Any increase in taxes necessary to meet the sums to fall due with respect to the Financing will not be excessive.



(o) Counsel to the City will render an opinion to the effect that the proposed Installment Financing Agreement or Revenue Bond is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina.

Section 2. The Board hereby authorizes, ratifies and approves the filing of an application with the Local Government Commission for approval of the Financing (either as an Installment Financing Agreement or as a Revenue Bond as determined by the City Manager or the Finance Director upon review of the financing proposals) and requests the Local Government Commission to approve the Financing in connection therewith. The City Manager or the Finance Director of the City are each hereby authorized to solicit proposals from various financial institutions for the Installment Financing Agreement or the Revenue Bond. Upon review of the proposals, if the City Manager or the Finance Director of the City determine that it is in the best interests of the City to structure the Financing as the Installment Financing Agreement, the Board shall conduct a public hearing with respect to the Project and the Installment Financing Agreement at 6:00 p.m. on May 14, 2024, in the City Hall Courtroom located at 300 Pollock Street in New Bern, North Carolina. Notice of such public hearing would be published once in the *New Bern Sun Journal* not later than the 10th day before said date.

Section 3. All actions heretofore taken by the City or its officers or employees in regard to the Installment Financing Agreement or the Revenue Bond are hereby authorized, ratified and approved.

Section 4. This resolution shall take effect immediately upon its adoption.

ADOPTED THIS 23<sup>RD</sup> DAY OF APRIL 2024.

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JEFFREY T. ODHAM, MAYOR

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BRENDA E. BLANCO, CITY CLERK



April 8, 2024

Mayor Jeffrey Odham  
City of New Bern  
P.O. Box 1129  
New Bern, NC 28563

Dear Mayor Odham,

Bill Stafford currently represents the City of New Bern on the Craven County Tourism Development Authority Board. His appointment will expire on June 30, 2024, and Mr. Stafford is eligible for reappointment.

At your earliest convenience, please notify me of the City of New Bern's new appointment to the Craven County Tourism Development Authority Board for the upcoming term of July 1, 2024– June 30, 2027.

Thank you for supporting the Tourism Development Authority and travel and tourism in Craven County!

Sincerely,

Melissa Riggle  
Executive Director  
Craven County TDA

**New Bern Visitor Center**

316 S. Front Street, New Bern, NC 28560 (252) 637-9400

**[www.VisitNewBern.com](http://www.VisitNewBern.com)**

**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  
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(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:** April 12, 2024  
**SUBJECT:** Appointments to Firemen's Museum Board

Daniel Ensor, Gary Lingman, and Gary Clemmons' terms on the Firemen's Museum Board will expire April 22, 2024. At the first of the month, I reached out to the Chair to inquire as to whether these individuals were interested in reappointment. I have recently been advised that all three would like to continue to serve. You are asked to consider their reappointment or, in the alternative, to make new appointments.