CITY OF NEW BERN BOARD OF ALDERMEN MEETING JULY 10, 2018 – 6:00 P.M. CITY HALL COURTROOM 300 POLLOCK STREET

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer Coordinated by Mayor Outlaw. Pledge of Allegiance.
- 2. Roll Call.
- 3. Request and Petition of Citizens.

Consent Agenda

- 4. Consider Adopting a Resolution to Call for a Public Hearing to Amend Article II "Definitions", Section 15-15 "Basic Definitions and Interpretations" and sections of Article XIV "Streets and Sidewalks" of the "Land Use" Ordinance.
- 5. Consider Adopting a Resolution to Call for a Public Hearing to Amend Article II, Section 15-15 "Basic Definitions and Interpretations" of the Code of Ordinances.
- 6. Consider Approving a Proclamation Recognizing Homecoming Family & Friends Day at Ebenezer Presbyterian Church.
- 7. Consider Approving a Proclamation Recognizing Laurie Collier of Reviving Lives Ministries of New Bern, Inc.
- 8. Approve Minutes.

- 9. Consider Adopting a Resolution Approving a Declaration of Intent to Reimburse for FY2018-19 Capital Equipment Purchases.
- Consider Adopting a Resolution Authorizing the City Manager to Execute a Change Order for the 2018 Street Resurfacing Contract.
- 11. Consider Adopting a Resolution Approving a Lease Agreement with Craven County for a Portion of Parcel ID 8-006-384 for use by the George Street Senior Center.
- 12. Consider Adopting a Resolution Approving a Lease Agreement with the Area Day Reporting Center for Youth for Property Located at 500 Fort Totten Drive.
- 13. Consider Adopting an Ordinance to Amend Chapter 30 "Fire Prevention and Protection" of the Code of Ordinances.
- 14. Appointment(s).

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

Aldermen

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



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

Mark A. Stephens City Manager

Memo to: Mayor and Board of Aldermen

From: Kristen Culler, Acting City Manager

Date: July 6, 2018

Re: July 10, 2018 Agenda Explanations

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer Coordinated by Mayor Outlaw. Pledge of Allegiance.
- 2. Roll Call.
- 3. Request and Petition of Citizens.

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

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

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

Consent Agenda

4. Consider Adopting a Resolution to Call for a Public Hearing to Amend Article II "Definitions", Section 15-15 "Basic Definitions and Interpretations" and sections of Article XIV "Streets and Sidewalks" of the "Land Use" Ordinance.

A public hearing is requested for July 24, 2018 to consider amendments to the landuse ordinance. The proposed amendments will delete duplicate residential definitions in Article II, Section 15-15. Additionally, changes are desired for Article II, Section 15-15 and Article XIV, Sections 15-210, 15-214 and 15-215 relative to street classifications, development connectivity, and subdivision requirements for street width, sidewalks and drainage. A memo from Brad Sceviour, Planner II, is attached.

5. Consider Adopting a Resolution to Call for a Public Hearing to Amend Article II, Section 15-15 "Basic Definitions and Interpretations" of the Code of Ordinances.

A public hearing is requested for July 24, 2018 to consider amending Article II, Section 15-15 "Basic Definitions and Interpretations". The definition changes are reflected in the proposed ordinance amendment, a copy of which is provided. A memo from Mr. Sceviour is attached.

6. Consider Approving a Proclamation Recognizing Homecoming – Family & Friends Day at Ebenezer Presbyterian Church.

Pastor Robert Johnson, Jr. has requested a proclamation to recognize a Homecoming – Family & Friends Day celebration at Ebenezer Presbyterian Church.

7. Consider Approving a Proclamation Recognizing Laurie Collier of Reviving Lives Ministries of New Bern, Inc.

Kehli Saucier, Executive Director of Reviving Lives Ministries of New Bern, Inc., has requested a proclamation recognizing Laurie Collier's efforts and devotion to the organization and its recovery program for those suffering from substance abuse and addiction.

8. Approve Minutes.

Draft minutes from the June 26, 2018 regular meeting are provided for review and approval.

9. Consider Adopting a Resolution Approving a Declaration of Intent to Reimburse for FY2018-19 Capital Equipment Purchases.

At the June 12, 2018 meeting, the Board adopted the budget for Fiscal Year 2018-19. The budget included certain expenditures for purchases of vehicles and equipment. As required by IRS regulations, a declaration of intent to reimburse needs to be adopted prior to or within 60 days of payment of expenditures that will be reimbursed through financing. A memo from J.R. Sabatelli, Director of Finance, is attached.

10. Consider Adopting a Resolution Authorizing the City Manager to Execute a Change Order for the 2018 Street Resurfacing Contract.

(Wards 1 and 5) On April 24, 2018, the Board authorized the City Manager to execute a contract with Morton Trucking, Inc. for the 2018 Street Resurfacing project. The Board has since approved the resurfacing of Oaks Road, National Avenue, and George Street. It is recommended a change order be initiated for the contract with Morton Trucking to include an additional \$675,000 for resurfacing the three additional streets. The proposed change order will also extend the length of the contract by 60 days to provide additional time for completing the expanded project. A memo from Matt Montanye, Director of Public Works, is attached.

11. Consider Adopting a Resolution Approving a Lease Agreement with Craven County for a Portion of Parcel ID 8-006-384 for use by the George Street Senior Center.

(Ward 1) The City has previously leased to Craven County a portion of property that is located adjacent to the George Street Senior Center. Kent Flowers of the Department of Social Services has requested the lease be renewed. The initial term of the proposed lease is for a period of 24 months from July 1, 2018 to June 30, 2020 at a rate of \$1.00 per year. Unless either party gives notice of intent not to renew, the lease will automatically renew for three successive one-year terms. A memo from Mr. Montanye is attached.

12. Consider Adopting a Resolution Approving a Lease Agreement with the Area Day Reporting Center for Youth for Property Located at 500 Fort Totten Drive.

(Ward 1) The Area Day Reporting Center for Youth has requested to renew its lease for 500 Fort Totten Drive. The proposed lease is for a period of one year from July 1, 2018 to June 30, 2019 at a rate of \$1.00 per annum. A memo from Mr. Montanye is attached.

13. Consider Adopting an Ordinance to Amend Chapter 30 "Fire Prevention and Protection" of the Code of Ordinances.

(Wards 4 and 5) As part of the relocation projects for Water and Sewer and the City's garage facility, the City Engineer has requested to install above-ground fuel storage tanks. To facilitate this requests, two new districts will need to be identified in Section 30-40 of Article II "Fire Prevention Code" of Chapter of the Code of Ordinances. A memo from Danny Hill, Fire Inspector, is attached.

14. Appointment(s).

Phil Childrey's appointment to the Police Civil Service Board will expire on June 30, 2018. Appointees are not allowed to serve consecutive terms; therefore, a new appointment is needed. Alderman Bengel is asked to make an appointment to fill this upcoming vacancy.

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

AGENDA ITEM COVER SHEET

Agenda	Item	Title:
---------------	-------------	--------

Consider Adopting a Resolution Calling for a Public Hearing to Amend Article II "Definitions" and Article XIV: "Streets and Sidewalks" of Appendix A "Land Use" of the Land Use Ordinance

Date of Meeting July 10, 2018 Ward # if applicable N/A
Department Development Services Person Submitting Item: Bradleigh Sceviour
Call for Public Hearing Yes No Date of Public Hearing 7/24/2018
Explanation of Item:
The Board of Aldermen is requested to adopt a resolution to hold a public hearing on July 24, 2018, to consider amending Article II: Section 15-15 of the City of New Bern Land Use Ordinance; "Basic definitions and interpretations" and Article XIV: Sections 15-210, 15-214 15-216 and 15-217 of the City of New Bern Land Use Ordinance; "Street classifications". "Development connectivity." and "Street width, sidewalk and drainage requirements in subdivisions." "General layout of streets."
Actions Needed by Board:
To adopt a resolution to hold a public hearing on July 24, 2018 for the purpose of considering a land use amendment requested by City of New Bern Development Services.
Is item time sensitive? ☑Yes ☐ No Will there be advocates/opponents at the meeting?☑Yes ☐ No
Backup Attached: Staff memo, resolution, Proposed revisions and Ordinance.
Cost of Agenda Item: 0
If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director : \square Yes \square No
Additional notes:
The Planning & Zoning Board reviewed these requests at its May 1st regular meeting and voted unanimously (7-0) in favor of recommending approval for the proposed amendment.



Development Services 303 1st Street, P.O. Box 1129 New Bern, NC 28563 (252)639-7581

MEMORANDUM

TO: Mayor Outlaw and Board of Aldermen

FROM: Bradleigh Sceviour

Planner II

DATE: June 29th, 2018

SUBJECT: Call for a Public Hearing to consider adoption of the proposed amendments to Sections 15-15 15-210, 15-214 and 15-216 of Appendix A of the City of New Bern Land Use Ordinance; "Basic definitions and interpretations" "Street classifications" "Development connectivity" and "Street width, sidewalk and drainage requirements in subdivisions".

Background

The Board of Aldermen is requested to adopt a resolution for a public hearing to be held on July 24, 2018 at 6:00 p.m., or as soon thereafter as possible, to consider a request by the City of New Bern to consider adoption of proposed amendments to Sections 15-15 15-210, 15-214 and 15-216 of the City of New Bern Land Use Ordinance; "Definitions" "Street classifications" "Development connectivity" and "Street width, sidewalk and drainage requirements in subdivisions".

At their May 1st, 2018 regular meeting the Planning and Zoning Board voted unanimously (7-0) to recommend approval to the Board of Aldermen.

Recommendation

To adopt a resolution for a public hearing to be held on July 24, 2018 at 6:00 p.m., to consider adoption of proposed amendments to Sections 15-15, 15-210, 15-214 and 15-216 of the City of New Bern Land Use Ordinance; "Basic definitions and interpretations" Street classifications" "Development connectivity" and "Street width, sidewalk and drainage requirements in subdivisions".

Please contact me at 639-7582 should you have questions or need additional information.

RESOLUTION BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN

WHEREAS, the City of New Bern desires to call for a public hearing to receive comments on amending Article II "Definitions"; Section 15-15 "Basic definitions and interpretations" and Article XIV "Streets and Sidewalks", Sections 15-210, 15-214 and 15-216 of the City of New Bern Land Use Ordinance; "Street classifications" "Development connectivity" and "Street width, sidewalk and drainage requirements in subdivisions".

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

That a public hearing will be conducted by the Board of Aldermen of the City of New Bern on July 24, 2018 in the City Hall Courtroom at 6 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 amending Article II "Definitions"; Section 15-15 "Basic definitions and interpretations" and Article XIV "Streets and Sidewalks", Sections 15-210, 15-214 and 15-216 of the City of New Bern Land Use Ordinance; "Street classifications" "Development connectivity" and "Street width, sidewalk and drainage requirements in subdivisions".

ADOPTED THIS 10TH DAY OF JULY, 2018.

	DANA E. OUTLAW, MAYOR
BRENDA E. BLANCO, CITY CLERK	

RED-LINED VERSION OF PROPOSED CHANGES AN ORDINANCE TO AMEND APPENDIX A "LAND USE" OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN

THAT WHEREAS, the Planning and Zoning Board of the City of New Bern ______ recommends that certain amendments be made to Appendix A "Land Use" of the Code of Ordinances of the City of New Bern; and

WHEREAS, the City's development services staff further recommends approval of said proposed amendments; and

WHEREAS, the Board of Alderman of the City of New Bern deems it advisable and in the public interest to effect said revisions to Appendix A "Land Use" of the Code of Ordinances of the City of New Bern.

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

SECTION 1. That Section 15-210. "Street classification." of Article XIV. "Streets and Sidewalks" of Appendix A "Land Use" of the Code of Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 15-210 in its entirety and inserting in its stead the following:

"Section 15-210. - Street classification.

- (a) In-all new subdivisions, streets that are dedicated to public use shall be classified as provided in subsection (b).
- _____(2) ___ The number of dwelling units to be served by the street may be used as an indicator of the number of trips but is not conclusive;
- (3) Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.
 - (b) The classification of streets shall be as follows:
- (1)(a) Minor. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle up to 75100 trips per day with-a minimum street width of 2527 feet back of curb to back of curb.

- (2)(b) Local. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten10 but not more than 2599 dwelling units and is expected to or does handle between 75 and 200 up to 1,000 trips per day with a minimum street width of 31 feet back of curb to back of curb. However, in the case where the subdivision meets or exceeds the requirements of an R-20 residential zoning district, a minimum street width of 27 feet back of curb to back of curb may be allowed.
- (3)(c) Cul-de-sac. A street that terminates in a vehicular turnaround with a minimum street width of thirty one (31) feet back of curb to back of curb and not over one thousand two hundred (1,200) 750 feet in total length. All such cul-de-sacs extensions shall have a minimum width of thirty one (31) feet back of curb to back of curb, and a turnaround of cul-desac terminus diameter of 88 feet unless a smaller diameter is authorized pursuant to subsection (1) below connection no less than every eight hundred (800) feet. Longer cul-de-sac lengths may be authorized provided the director of planning and inspections development services, city engineer, director of electric utilities, and the director of public works, or their respective designees determines that there is no practical option for providing street connectivity due to existing documented environmental features such as wetlands, natural water bodies, topographical features, environmental conditions or physical conditions such as property shape, property accessibility, or land use relationships. If the subdivision meets or exceeds the requirements of an A-5, R-20, R-15, or R-10 residential zone and the cul-de-sac has a total length not in excess of eight hundred (800) feet 150 feet, cul-de-sacs may have a minimum street width of twenty-five (25) 27 feet back of curb to back of curb, and a terminus diameter of 63 feet may be allowed.
- (1) Cul-de-sac terminus diameter may be reduced to no less than 802 provided: feet in the discretion of a developer when:
- (i) No Parking is prohibited within the cul-de-sac area as evidenced by the prohibition being . Such restricted area shall be identified and noted on the final recorded plat:
- (ii) All lots deriving access from a the cul-de-sac shall-provide a vehicile accommodation area consisting of 4 spaces which conform to the dimensional requirements found in section 15-344(a). Garages, parking pads and driveways may be used to satisfy this requirement. Said-parking Vehicle accommodation areas shall be identified on the final recorded plat.
- (4)(d) Subcollector. A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets, including residences indirectly served through connecting streets. It serves or is designed to serve at least 26100 but not more than 100499 dwelling units and is expected to or does handle between 2001,000 and 8005,000 trips per day with a minimum street width of 31 feet back of curb to back of curb.
- (5)(e) Collector. A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100500 or more dwelling units and is designed to be used or is used to carry more than 800 5,000 trips per day with a minimum street width of 35 feet back of curb to back of curb. If a collector street has

curb-cuts or driveway cuts, the street shall have two lanes divided or three lanes with a center lane.

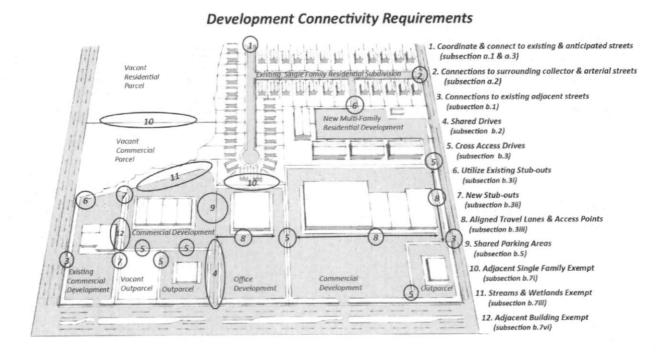
- (6)(f) Arterial. A major street in the city street system that serves as an avenue for the circulation of traffic into, out [of], or around the city, and carries high volumes of traffic, and generally serves to connect multiple connector streets. All state-maintained streets within the city and their extensions into the extraterritorial area are arterial streets with a minimum street width of 44 feet back of curb to back of curb.
- (7)(g) Marginal access (service) street. A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties with a minimum street width of 25 27 feet back of curb to back of curb.
- (8) Limited access street. A street developed to provide for the free and safe movement of traffic through a subdivision, which at the time of development is platted showing all driveway or street connections, whether improved or reserved for future improvement. In the case of residential subdivisions, no direct driveway access shall be provided on said street from any residential property. In the case of nonresidential subdivisions, direct driveway access shall be limited to one driveway every 800 feet. The intent of the limited access street in a nonresidential application is to encourage the clustering two or more developments around a single driveway to reduce the number of curb cuts on the said street. In no case shall any additional access be granted to limited access streets without the submission of plans for a change in the subdivision plat. All such changes are subject to the subdivision review process set forth in article IV. All limited access streets shall have a minimum pavement width of 20 feet with minimum shoulder widths of six feet.
- (h) The number of dwelling units to be served by the street may be used as an indicator of the number of trips but is not conclusive.
- (i) Whenever a subdivision street within a subdivision continues an existing street that formerly terminated outside the subdivision, or it is expected that a subdivision street within a subdivision will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.
- (j) If a A developer so chooses they may provide a traffic impact assessment conducted by a licensed professional engineer in order to reclassify roads on the basis of lower trip generation. The trips per day generation may also be determined by consulting the projections set out in the Institute of Traffic Engineer's Trip Generation Manual (9th ed.) as amended from time to time. In either case, such determination shall be conclusive."
- SECTION 2. That Section 15-214. "Development connectivity." of Article XIV. "Streets and Sidewalks" of Appendix A "Land Use" of the Code of Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 15-214 in its entirety and inserting in its stead the following:

"Section 15-214. - Development connectivity.

(a) Residential connectivity standards

- (1) The street system of a subdivision shall be coordinated with existing, proposed, and to the extent possible, anticipated streets outside the subdivision or outside the portion of a single tract that is being divided into lots (hereinafter, "surrounding street") as provided in this section.
- (2) Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.
- (3) Subcollector local, and minor residential streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.
- (4) Wherever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the department of public works may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or to accommodate emergency vehicles. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of 1,000-750 feet may be created unless no other practical alternative is available as determined by the director of development services or their designee.
- (5) All residential developments requiring a departmental review by city staff and containing 150 lots or more shall provide a second point of street access from such development onto a surfaced public street. Said The second point of street access shall be a minimum of 1000ft 1,000 feet from the first point of access as measured along the project boundary line.
- (b) Non-residential connectivity standards: In order to prevent added congestion along major roads from trips starting and ending in close proximity to each other, and in order to increase commerce and the ease of access to amenities for customers and residents alike, new development shall provide a high degree of connectivity to adjacent properties and streets. All development requiring departmental review shall be designed to allow for cross-access to adjacent compatible development in accordance with the following standards:
- (1) Connectivity to Adjacent Streets and Drives. All new development on parcels adjacent to two or more existing streets or drives shall provide for access to each to the greatest extent possible with existing City and State traffic requirements.

- (2) Shared Drives. Shared driveway access between new developments or through agreement with existing development is encouraged to reduce the need for curb cuts and changes to medians and traffic signalization on major roads. When such drives are provided no additional cross access points shall be necessary between subject properties.
- (3) Cross Access Drives. Cross access points shall be provided between all new developments and adjacent properties in order to provide traffic circulation parallel to adjacent arterial and collector roads. The following shall apply in development of cross access points:



Development Connectivity Requirements

- i. New development shall utilize, whenever possible, all existing stub outs or internal drives abutting property lines on adjacent properties to create cross access between parcels.
- ii. At least one (1) cross access point shall be required on each side of the new development, except those found to be applicable to subsection 8 below. When there are no existing cross access points on adjacent properties, whether developed or undeveloped, new drives and/or stub outs shall be created abutting the property lines of those adjacent properties.
- iii. To the greatest extent possible, cross access points on opposite sides of a development shall be aligned with each other, parking lot travel lanes, internal drives and other cross access points on non-adjacent parcels on the same block so as to provide for a consistent lane of travel between parcels on a block.
- (4) Design and Dimensional Requirements. All stub outs, shared drives and other cross access features shall be developed according to all applicable parking standards with

the exception of sections abutting undeveloped property lines, which do not require curbing. All cross access features shall be constructed with a minimum width of twenty four (24) feet, curb-to-curb, or two separate twelve (12)-foot lanes to accommodate two (2) lanes of traffic.

- drive, stub-out or connected cross-access drive shall equate to a reduction three of (3) required parking spaces each. All, undivided, shared parking areas designated and reserved on plans shall equate to a reduction of eight (8) parking spaces, which may be applied in any fashion over the subject parcels. The total reduction in required parking spaces per this section shall not equal more than twenty five (25) percent of the required spaces per parcel. Nothing in this section shall prohibit additional parking exceeding the requirements of this ordinance.
- (6) Landscape Buffer Relief. All paved areas within cross access points and shared drives shall be exempt from landscape buffer requirements.
- (7) Alterations and Exemptions. When environmental and development constraints exist on or adjacent to one or more areas of a new development site preventing the reasonable application of this section the director of development services, or his or her designated representative, at their discretion, may allow the relocation of one or more required cross access points. In extreme circumstances they may also allow the reduction in the required number of cross access points. The following circumstances may represent the need for an alteration to the required design or location of or exemption of one or more cross access points:
 - (c) Adjacent properties in zoning districts which prohibit multi-family or non-residential development or existing adjacent single family residential development.
- ii. Existing heavy industrial or other development that poses a safety or security issue.
- iii. Significant natural features such as streams and wetlands, which would be harmful to disturb or pose an unreasonable economic hardship.
- iv. Existing topographic features with slopes of greater than fifteen (15) percent.
- v. Existing utility or other infrastructure obstructions which make future access unreasonable.
- vi. Where adjacent multi-family or non-residential structures are located closer to property lines than would allow for adequate two-way traffic circulation around such structures.
- vii. Other existing features determined by the Development Services Director to make connectivity requirements unreasonable.

- (8) Maintaining Connectivity. Unconnected stub outs may be used for parking or other permissible uses prior to cross access with new adjacent development. All open cross access points shall be kept clear to permit unimpeded two way traffic for the duration of the use of the development.
- (9) Recorded Easements. All developments with shared drives and cross access points shall document all recorded shared access easements on final plats prior to final approval."

SECTION 3. That Section 15-216. "Street width, sidewalk, and drainage requirements in subdivisions." of Article XIV. "Streets and Sidewalks" of Appendix A "Land Use" of the Code of Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 15-216 in its entirety and inserting in its stead the following:

"Section 15-216. – Street width, sidewalk, and drainage requirements in subdivisions.

- (a) Street rights-of-way are designed and developed to serve several functions: (i) to carry motor vehicle traffic and, in some cases, allow on-street parking, (ii) to provide a safe and convenient passageway for pedestrian traffic; and (iii) to serve as an important link in the city's drainage system. The board of aldermen of the city finds that arterial streets and other major streets with no driveway access from abutting properties may be constructed without curb and gutter. Where curbs and gutters are not provided, the paving widths shall not be less than the following:
 - 1. Arterial streets: 33 feet.
 - 2. Collector streets: 2427 feet.

Such streets as defined in this subsection shall have a minimum shoulder of six6 feet on either side with drainage swales on either side, constructed in accordance with the specifications referenced in section 15-219.

(b) Streets platted before March 5, 1968 may be constructed without curbs and gutters if they would be in keeping with streets previously constructed in that subdivision and, in the opinion of the director of public works and the city engineer, such streets can be constructed without causing significant safety, maintenance, or drainage problems. Streets in subdivisions platted after March 5, 1968 may be constructed without curbs and gutters if said streets are located in residential developments that have lot sizes that exceed the city's standards for the R-20 rural residential zoning district. Said lots shall provide off street parking pads that provide space for a minimum of three motor vehicles. (In determining said parking requirements, the driveway shall be counted as one parking space.) Limited access streets, as defined in section 15-210 of this same article, may also be constructed without curbs and gutters. In no case shall the pavement widths on limited access or non-curbed and guttered streets be less than 20 feet with minimum shoulder widths of six feet. All cross sections of streets and drainage shall be shown on plats. All streets which are constructed without curb and gutter shall meet the city's standards for

curbed and guttered streets as contained in appendix C the City of New Bern Street Design Standards of this ordinance. Notwithstanding any other provision of this ordinance, all driveways and driveway culverts must be installed to city standards by the developer or owner of the lot at his/her expense.

(c) Collector streets and other s Streets not constructed according to the requirements of subsections (a) and (b) shall conform to the requirements of this subsection the City of New Bern Streets Design Standards. Only standard 30 inch, vertical face curb may be constructed, and street pavement width shall be measured from back of curb to back of curb (b/c to b/c). Street rights of way (ROW) shall provide for the placement of utilities in designated areas along both sides of newly dedicated streets at the back of the curb. The area on each side of the street pavement shall be a minimum width of ten feet for rights of way that do not include sidewalks and 15 feet for rights of way that include sidewalks. Sidewalks, when installed, shall be at least four 5 feet in width and be separated a minimum of two feet from the back of the curb. Typical street sections illustrating streets with utility installation and with and without sidewalks are contained in appendix C the City of New Bern Street Design Standards.

Street Type	Minimum Pavement Width B/C to B/C (feet)*	Minimum ROW Width w/Sidewalk (feet)*	Minimum ROW Width w/out Sidewalk (feet)*
Minor	25 27	55 57	4 <u>547</u>
Local	31/27	61/ 57	51/47
Subcollector	31	61	51
Collector	35	65	55
Arterial	44	74	64
Marginal Access	25 27	55 <u>57</u>	50 <u>52</u>
Limited Access	20	50	50

*In cases of planned unit developments, street pavement and right of way widths less than those shown above may be allowed if the director of public works, director of electric utilities, and the city engineer determine that the narrowing of the right of way would not create a conflict in the installation and maintenance of street signs and public utilities.

(d) Sidewalks are required along all arterial, collector, subcollector, local, and other through traffic streets in all residential subdivisions platted after the effective date of this ordinance. Said sidewalks In all residential subdivisions, Sidewalks are to be installed in all residential subdivisions, at a minimum, on one side of the street at a minimum, and shall be constructed according to the specifications in the City of New Bern Street Design Standards,

except that the director of public works may permit the installation of walkways constructed with other suitable materials when he concludes that:

- (1) Such walkways would serve the residents of the development as adequately as concrete sidewalks; and
- (2) Such walkways would be more environmentally desirable or more in keeping with the overall design of the development.
- (e) All developments requiring a departmental review by city staff shall be required to provide for the construction of sidewalks and other pedestrian amenities internally as well as along all adjacent portions of roadway designated for such improvements in accordance with adopted city plans and city standards when such amenities do not exist to the standard set forth in the plan. Such improvements shall adjoin any immediately adjacent pedestrian features and be installed so as to be easily adjoined to in the future. In the event that greenways or bike and pedestrian trails are required in accordance with adopted plans, the developer may provide to the City a recorded easement of no less than 15 feet in width and in keeping with the general intent of adopted plans for the future construction of said features by the city.
- (f) In the absence of an adopted city plan that addresses the construction and location of sidewalks and other pedestrian amenities as identified in subsection 15-216(e), all developments, commercial and residential, requiring a departmental review by city staff shall be required to construct sidewalks and other pedestrian amenities along adjacent portions of roadway or internal drives and open spaces on-site when there are found to be pre-existing sidewalks and pedestrian amenities on adjoining properties or along road rights-of-way within 500 feet, except that the director of development services may waive this requirement when severe environmental constraints or other such conditions exist so as to make future connection unlikely or unreasonable. Such improvements shall be constructed consistent to the standard of adjacent pedestrian amenities or city standards, whichever are deemed to be greater, and with the intent that future pedestrian access between developments and along adjacent streets be achieved.
- (g) Whenever the board of aldermen finds that a means of pedestrian access is necessary from the subdivision to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer may be required to reserve an unobstructed easement of at least ten feet in width to provide such access."
- SECTION 4. That Section 15-217. "General layout of streets." of Article XIV. "Streets and Sidewalks" of Appendix A "Land Use" of the Code of Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 15-217 in its entirety and inserting in its stead the following:

"Section 15-217. — General layout of streets.

(a) To the extent practicable, driveway access to collector streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.

- (b) All permanent dead-end streets (as opposed to temporary dead-end streets, see subsection 15-214(a)(4)) shall be developed as culs-de-sac in accordance with the standards set forth in subsection (d) of this section. Except where no other practicable alternative is available, such streets may not extend more than 700 feet (measured to the center of the turnaround).
- (c) The right of way of a cul-de sac over 150 feet shall have a roadway diameter of 80 feet back of curb to back of curb in cases where a planting island is placed in the center and 63 feet back of curb to back of curb in cases where an island is not provided. The right-of-way of a cul-de-sac 150 feet or less shall have a roadway diameter of 63 feet back of curb to back of curb. Said culs de-sac shall have a property line diameter (right-of-way) of 100 feet and shall be constructed in accordance with appendix C the City of New Bern Street Design Standards. (Moved to 15-210(a)(3)).
- (dc) A divided street (i.e., a street constructed with a planted island strip in the center) shall be permitted provided said street creates or comprises a street that meets the right-of-way and pavement width requirements of this article.
- (ed) Streets shall be laid out so that residential blocks do not exceed 1,000 feet, unless no other practicable alternative is available.
- (fe) When a continuous street centerline deflects at any point by more than three degrees, a circular curve shall be introduced, having a radius of curvature on said centerline of not less than the following:
 - (1) Arterial: 300 feet.
 - (2) Limited access: 300-feet.
 - (<u>32</u>) Collector: 250 feet.
 - (4) Subcollector: 200 feet.
 - (3) Marginal access: 200 feet.
 - (4) Local: 150 feet.
 - (<u>5</u>) Minor: 100 feet."

<u>SECTION 5</u>. That Section 15-15. "Basic definitions and interpretations." of Article II. "Definitions" of Appendix A "Land Use" of the Code of Ordinance of the City of New Bern be and the same is hereby amended by deleting the following subsections in their entirety:

- (114) Street, arterial
- (115) Street, collector
- (116) Street, cul-de-sac

(118)	Street, local
(119)	Street, limited access
(120)	Street, marginal access (service)
(121)	Street, minor
(122)	Street, subcollector
SECT	ION 6. This ordinance shall be effective from and after the date of its adoption.
	PTED THIS DAY OF JULY 2018.
	DANA E. OUTLAW, MAYOR
BRENDA E. 1	BLANCO, CITY CLERK

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution Calling for a Public Hearing to Amend Article II: Section 15-15 of the Land Use Ordinance; "Basic definitions and interpretations"

Date of Meeting July 10, 2018 Ward # if applicable N/A
Department Development Services Person Submitting Item: Bradleigh Sceviour
Call for Public Hearing Ves No Date of Public Hearing 7/24/2018
Explanation of Item:
The Board of Aldermen is requested to adopt a resolution to hold a public hearing on July 24, 2018, to consider amending Article II: Section 15-15 of the City of New Bern Land Use Ordinance; "Basic definitions and interpretations".
Actions Needed by Board:
To adopt a resolution to hold a public hearing on July 24, 2018 for the purpose of considering land use amendment requested by City of New Bern Development Services.
Is item time sensitive? Ves No
Will there be advocates/opponents at the meeting? ✓ Yes ☐ No
Backup Attached:
Staff memo, resolution, Proposed revisions and Ordinance,
Cost of Agenda Item: ⁰
If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director : \square Yes \square No
Additional notes:
The Planning & Zoning Board reviewed these requests at its June 5th regular meeting and voted unanimously (8-0) in favor of recommending approval for the proposed amendment.

а



Development Services 303 1st Street, P.O. Box 1129 New Bern, NC 28563 (252)639-7581

MEMORANDUM

TO: Mayor Outlaw and Board of Aldermen

FROM: Bradleigh Sceviour

Planner II

DATE: June 29th, 2018

SUBJECT: Call for a Public Hearing to consider adoption of the proposed amendments to Section 15-15 of the City of New Bern Land Use Ordinance; "Basic definitions and interpretations".

Background

The Board of Aldermen is requested to adopt a resolution for a public hearing to be held on July 24, 2018 at 6:00 p.m., or as soon thereafter as possible, to consider a request by the City of New Bern to consider adoption of proposed amendments to Section 15-15 of the City of New Bern Land Use Ordinance; "Basic definitions and interpretations".

At their June 5th, 2018 regular meeting the Planning and Zoning Board voted unanimously (8-0) to recommend approval to the Board of Aldermen.

Recommendation

To adopt a resolution for a public hearing to be held on July 24, 2018 at 6:00 p.m., to consider adoption of proposed amendments to Section 15-15 of the City of New Bern Land Use Ordinance; "Basic definitions and interpretations".

Please contact me at 639-7582 should you have questions or need additional information.

RESOLUTION BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN

WHEREAS, the City of New Bern desires to call for a public hearing to receive comments on amending Article II: "DEFINITIONS", Section 15-15 "Basic definitions and interpretations" of the Code of Ordinances of the City of New Bern.

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

That a public hearing will be conducted by the Board of Aldermen of the City of New Bern on July 24, 2018 in the City Hall Courtroom at 6 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 amending Articles II: "DEFINITIONS", Section 15-15 "Basic definitions and interpretations" of the Code of Ordinances of the City of New Bern.

ADOPTED THIS 10^{TH} DAY OF JULY, 2018.

	DANA E. OUTLAW, MAYOR	
BRENDA E. BLANCO, CITY CLERK		

PROPOSED CHANGES

AN ORDINANCE TO AMEND APPENDIX A "LAND USE" OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN

THAT WHEREAS, the Planning and Zoning Board of the City of New Bern ______ recommends that certain amendments be made to Appendix A "Land Use" of the Code of Ordinances of the City of New Bern; and

WHEREAS, the City's development services staff further recommends approval of said proposed amendments; and

WHEREAS, the Board of Alderman of the City of New Bern deems it advisable and in the public interest to effect said revisions to Appendix A "Land Use" of the Code of Ordinances of the City of New Bern.

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

- SECTION 1. That Section 15-15. "Basic definitions and interpretations." of Article II. "DEFINITIONS" of Appendix A "Land Use" of the Code of Ordinance of the City of New Bernbe and the same is hereby amended by deleting Section 15-15(87) in its entirety, and renumbering subsequent subsections of 15-15 accordingly.
- SECTION 2. That Section 15-15. "Basic definitions and interpretations." of Article II. "DEFINITIONS" of Appendix A "Land Use" of the Code of Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 15-15(88) in its entirety, and renumbering subsequent subsections of 15-15 accordingly.
- SECTION 3. That Section 15-15. "Basic definitions and interpretations." of Article II. "DEFINITIONS" of Appendix A "Land Use" of the Code of Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 15-15(90) in its entirety, and renumbering subsequent subsections of 15-15 accordingly.
- SECTION 4. That Section 15-15. "Basic definitions and interpretations." of Article II. "DEFINITIONS" of Appendix A "Land Use" of the Code of Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 15-15(91) in its entirety, and renumbering subsequent subsections of 15-15 accordingly.

ADOPTED T	HIS DAY OF JULY 20	018.
. :		
•		
	DAN	A E. OUTLAW, MAYOR
	*. * <u>.</u>	
DENINA E DI ANG	CO, CITY CLERK	

City of New Bern Mayor's Office



- **WHEREAS**, Ebenezer Presbyterian Church, a historic African-American Church, has adorned the City of New Bern since it was built in 1924; and
- whereas, the former pastor of Ebenenzer Church, Rev. C.H.C. White, realized that members at home and out of town needed the fellowship of one another; he called this fellowship homecoming; and
- whereas, in the early 1960's, Rev. White presented his vision for homecoming to the session and congregation, who wholeheartedly accepted it; the format for the homecoming celebration included two services and a fellowship meal; and
- **WHEREAS**, thanks to Rev. White, Ebenezer is the first church to celebrate homecoming in New Bern's African American community; and
- whereas, in 1983, the present pastor of the church, Pastor Robert Johnson, Jr., asked the session and congregation to extend an invitation to family and friends to attend the annual homecoming, which they wholeheartedly accepted; and
- the first observance of Homecoming Family & Friends Day was held on Sunday, July 1, 1983 with approximately 75 to 100 people attending the worship service from near and far; and Ebenezer Presbyterian Church has been celebrating homecoming for 74 years in Historic New Bern and commits to continue the celebration until called to their Heavenly Home by the Heavenly Father.
- NOW THEREFORE, I, Dana E. Outlaw, Mayor of the City of New Bern, on behalf of the New Bern Board of Aldermen, do hereby proclaim

EBENEZER PRESBYTERIAN CHURCH'S HOMECOMING - FAMILY & FRIENDS DAY

as a day of joyous reunion among the congregation and its family, friends and community.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of New Bern this 10th day of July in the Year of Our Lord Two Thousand and Eighteen.



DANA E. OUTLAW, MAYOR

City of New Bern Mayor's Office



WHEREAS,

After witnessing unacceptable conditions and a lack of support, structure, and leadership at a local recovery program, Laurie Collier stepped up to the plate to initiate a program and environment that would address a need in this community; and

WHEREAS.

under her ambition and willingness to see change, Reviving Lives Ministries of New Bern, Inc. was established five years ago for the purpose of assisting men and women who are dealing with the shattering consequences of substance abuse and addiction; and

WHEREAS,

Laurie Collier has put forth great effort and devotion to the organization, which has lead to significant changes in the landscape of recovery options available in New Bern; and

WHEREAS,

since its inception five years ago, Reviving Lives Ministries has served over 300 individuals suffering with substance abuse and addiction; Mrs. Collier has planted seeds and developed relationships with local support agencies that will continue to grow and sustain the future of Reviving Lives, thus safeguarding the future of the program; and

WHEREAS,

Mrs. Collier's commitment to the program has run deep; she has poured her heart not only into the program, but into the lives of so many people during their greast time of need.

NOW THEREFORE, I, Dana E. Outlaw, Mayor of the City of New Bern, on behalf of the New Bern Board of Aldermen, do hereby proclaim July 15, 2018 as a day to acknowledge and honor

LAURIE COLLIER

for her selfless giving and commitment to those who have sought recovery for substance abuse and addiction.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of New Bern this 10th day of July in the Year of Our Lord Two Thousand and Eighteen.

Of New Belli tills

DANA E. OUTLAW, MAYOR

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting Resolution A Purchases	pproving Declaration of Intent to Reimburse for FY2018-19 Capital
Date of Meeting 7/10/2018	Ward # if applicable <u>N/A</u> If multiple, list:
Department <u>Finance</u>	Person Submitting Item: JR Sabatelli, Director of Fina
Call for Public Hearing Selec	Ct Date of Public Hearing
Explanation of Item:	
The adoption of the Declaration	of Official Intent to reimburse certain expenditures will provide the capital purchases paid for prior to obtaining finances.
Actions Needed by Board: Adopt the resolution for Declara	ation of Official Intent to Reimburse
	onents at the meeting? <u>Select</u>
Backup Attached:	
Memo List of items to be financed Resolution	
Declaration of Official Intent to	Reimburse
Cost of Agenda Item:	
If this item requires an expecertified by the Finance Direct	nditure, has it been budgeted and are funds available and ctor : <u>Select</u>
Additional notes.	



Office of Director of Finance

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

FROM: JR Sabatelli, CPA - Director of Finance /

DATE: June 27, 2018

RE: Declaration of Official Intent to Reimburse for FY 2018-19 Capital Purchases

Background

On June 12, 2018 the Board of Aldermen adopted the Fiscal Year 2018-19 operating budget. In this budget the City anticipates incurring certain expenditures designated as being financed in an amount not exceeding \$1,149,075. According to IRS regulations, the Declaration needs to be adopted prior to or within sixty (60) days of payment of the expenditures to be reimbursed for items paid prior to obtaining financing agreements. Attached is a departmental breakdown of the items in each fund originally identified in the detailed budget.

Requested Action

It is recommended that the Board adopt the Resolution and Declaration of Official Intent to Reimburse at its July 10, 2018 meeting.

RESOLUTION

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

Section 1. That the document entitled "Declaration of Official Intent to Reimburse", a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the Mayor is hereby authorized and directed to execute said Declaration for and on behalf of the City of New Bern.

ADOPTED THIS 10TH DAY OF JULY, 2018.

	Dana E. Outlaw, Mayor	
Brenda E. Blanco, City Clerk		

DECLARATION OF OFFICIAL INTENT TO REIMBURSE

THIS DECLARATION ("Declaration") is made pursuant to the requirements of United States Treasury Regulations §1.103-18 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations section.

THE UNDERSIGNED, DANA E. OUTLAW, Mayor of the City of New Bern, North Carolina, is authorized to declare the official intent of the City of New Bern ("Issuer") with respect to the matters contained herein.

1. EXPENDITURES TO BE INCURRED. The Issuer anticipates incurring expenditures ("Expenditures") for fiscal year 2018-19 to purchase capital equipment and improvements for its general governmental and enterprise operations ("Program"). The Program includes the following:

Police Vehicles & Accessories Asphalt Truck Nine (9) Service Vehicles Two (2) Generators Chlorine Generator

- 2. PLAN OF FINANCE. The Issuer intends to finance the cost of the Program described above with the proceeds of debt to be issued by the Issuer ("Obligations").
- 3. MAXIMUM PRINCIPAL AMOUNT OF DEBT TO BE ISSUED. The maximum principal of Obligations to be issued by the Issuer to finance the Programs is \$ 1,149,075.
- 4. DECLARATION OF OFFICIAL INTENT TO REIMBURSE. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Obligations for any of the eligible Expenditures incurred by it prior to the issuance of the Obligations.

THIS 10^{TH} DAY OF JULY, 2018.

THE CITY OF NEW BERN

By:		
	Dana E. Outlaw, Mayor	-

City of New Bern Listing of Vehicles and Equipment to be Financed

	_	FY 19
General Fund		
Police Department		
Police Vehicles and Accessories	\$	471,575
Parks & Recreation		
2 Vehicle Replacements	\$	72,500
Chlorine Generator	\$	25,000
Fire		
2 Replacement Vehicles	\$	77,000
2 Generators	\$	125,000
Development Services		
Inspections Vehicle	\$	25,000
Public Works		
Asphalt Truck	\$	200,000
1 Replacement Vehicle	\$	48,000
Solid Waste Fund		
1 Replacement Vehicle	\$	35,000
Stormwater Fund		
2 Replacement Vehicles	\$	70,000

Grand Total \$ 1,149,075

AGENDA ITEM COVER SHEET

Agenda Item Title:

the 2018 Street Resurfacing Contrac	orizing the City Manager to execute a change order to et acing of Oaks Road, National Avenue & George Street.
Date of Meeting 7/10/2018	Ward # if applicable Multiple Wards If multiple, list: 185
Department Public Works	Person Submitting Item: Matt Montanye
Call for Public Hearing No	Date of Public Hearing
lof Oaks Road, National Avenue and	George Street. This change order will add these rently underway with Morton Trucking LLC.
Actions Needed by Board: Adopt Resolution Is item time sensitive? No Will there be advocates/opponents	at the meeting? No
Backup Attached:	
Memo Resolution Change Order	
Cost of Agenda Item: \$675,000 If this item requires an expenditure certified by the Finance Director:	e, has it been budgeted and are funds available and Select
Additional notes:	
	·



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

June 29, 2018

Memo to: Mayor and Board of Aldermen

From: Matt Montanye, Director of Public Works 1 129/18

Re: Consider adopting a resolution authorizing the City Manager to execute on behalf of the

City of New Bern a change order to the 2018 Street Resurfacing Contract (Contract No.

18-003) for the resurfacing of Oaks Road, National Avenue and George Street.

Background Information:

The 2018 Street Resurfacing Contract was a publicly advertised bid and on April 24, 2018 the Board of Aldermen authorized the City Manager to execute a contract with Morton Trucking Inc. In addition, as part of the FY-19 Budget the Board of Aldermen approved funds for the resurfacing of Oaks Road, National Avenue and George Street. In an effort to expedite the paving of these streets and taking into consideration the bids that were received for the FY18 paving project, it is being recommended that a change order for \$675,000 be issued to Morton Trucking for the resurfacing of Oaks Road, National Avenue and George Street. In addition, it is also being recommended that the contract time be extended by 60 days for the completion of this work.

This change order will include full depth patching and resurfacing along Oaks Road, National Avenue and George Street, as well as some curb and gutter repairs and pavement striping using thermoplastic from North Glenburnie Road to Broad Street. The estimated substantial completion date for the this project would be November 24, 2018 with readiness for final payment being January 24, 2019.

Recommendation:

The Public Works Department recommends and request the Board adopt a Resolution authorizing the City Manager to execute on behalf of the City of New Bern a change order to the 2018 Street Resurfacing Contract (Contract No. 18-003) for the resurfacing of Oaks Road, National Avenue and George Street.

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

Enclosures

Cc: Andrew Schneider, Streets Superintendent

RESOLUTION

THAT WHEREAS, after advertising and receiving bids for the 2018 Street Resurfacing Contract, the Governing Board adopted a resolution on April 24, 2018 authorizing the City Manager to execute contract documents with Morton Trucking Inc. and any change orders within the budgeted amount.

WHEREAS, Board of Aldermen has since approved and allocated funds for the resurfacing of Oaks Road, National Avenue and George Street.

WHEREAS, the Director of Public Works of the City of New Bern recommends the City Manager be authorized to execute a change order to the 2018 street resurfacing contract with Morton Trucking Inc., in the amount of \$675,000 to include Oaks Road, National Avenue and George Street.

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

That the City Manager is hereby authorized to execute on behalf of the City of New Bern a change order to the contract with Morton Trucking Inc. in the amount of \$675,000 for the 2018 Street Resurfacing Contract to include the resurfacing of Oaks Road, National Avenue and George Street.

ADOPTED THIS 10TH DAY OF JULY, 2018.

	DANA E. OUTLAW, MAYOR	_
BRENDA E. BLANCO, CITY CLERK		

Change Order

No. <u>001</u>

Date of Issuance: June 25, 2018		Effecti	ve Date:	
Project: FY 2018 Paving Project	Owner:	CITY OF NEW BERN	Owner's Contract No.:	
Contract: Morton Trucking,	Inc.		Date of Contract: May 5, 2018	
Contractor: Morton Trucking,			Engineer's Project No.:	
121 Garnet Lane		NC 28546	1.0	
The Contract Documents are modified	d as follows up	oon execution of this Change	Order:	
This change order adds all of Oaks R	oad, National F	Road, and George Street to thi	s	
Paving Project.				
Attachments:		 -		
CHANGE IN CONTRACT PRICE:		CHANGE	CHANGE IN CONTRACT TIMES:	
Original Contract Price:		Original Contract Times: X Working days Calendar days Substantial completion (days or date): 120 days .		
\$ 976,130.00	Ready for final payment		ays or date): 180 days	
Increase/Decrease from previously approved Change Orders No. <u>N/A</u> to No. <u>N/A</u> :		Increase/Decrease from previously approved Change Orders No. N/A to No. N/A : Substantial completion (days): N/A		
\$N/A		Ready for final payment (da		
Contract Price prior to this Change Order:		Contract Times prior to this Change Order: Substantial completion (days or date): 120 days .		
\$\$ 976,130.00		Ready for final payment (da	ays or date): 180 days .	
Increase of this Change Order.		Increase of this Change Order: Substantial completion (days or date): 60 days .		
\$ \$ 675,000.00		Ready for final payment (da	ays or date): 60 days .	
Contract Price incorporating this Change Order: Contract Times with all approximately Contract Times with al		oved Change Orders: ys or date): 180 days		
\$ <u>\$1,651,130.00</u>		Ready for final payment (da	ays or date): 240 days	
RECOMMENDED:	NDED: ACCEPTED:		ACCEPTED:	
Ву:	Ву:		Ву:	
Engineer (Authorized Signature)	Ov	vner (Authorized Signature)	Contractor (Authorized Signature)	
Date:	Date:		Date:	
Approved by Funding Agency (if applicable):			Date	
EJCDC No. C-941 (2002)				
Da CD C 110, C-241 (4004)			•	

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider adopting a resolution approving property adjacent to 811 George Street (g a lease agreement with Craven County George Street Senior Center for 807 George Street).
Date of Meeting 7/10/2018	Ward # if applicable <u>Ward 1</u> If multiple, list:
Department Public Works	Person Submitting Item: Matt Montanye
Call for Public Hearing No	Date of Public Hearing
Explanation of Item:	
	isting lease agreement between the City of New Bern and Craven County erty located at 807 George Street be renewed.
Actions Needed by Board:	
Adopt a Resolution approving a lease ag George Street and owned by the City of	reement with George Street Senior Center for property located at 807 New Bern.
Is item time sensitive? Yes Will there be advocates/oppone Backup Attached:	nts at the meeting? No
Memo from Craven County Memo from Public Works Copy of lease Resolution	
Cost of Agenda Item:	
If this item requires an expendit certified by the Finance Director	ture, has it been budgeted and are funds available and : <u>Select</u>
Additional notes:	



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

June 29, 2018

Memo to:

Mayor and Board of Aldermen

From:

Re:

Matt Montanye, Director of Public Works Mulgall8

Consider Adam. Consider Adopting Resolution approving a lease agreement with Craven County

George Street Senior Center for the property adjacent to 811 George Street (807

George Street) and owned by the City of New Bern.

Background Information:

Kent Flowers Jr., with Craven County Department of Social Services, has requested that the existing lease agreement between the City of New Bern and Craven County George Street Senior Center for the property adjacent to 811 George Street (807 George Street) be renewed. The proposed lease agreement would be effective July 1, 2018, for a period of 24 months with three (3) successive one-year terms at a of \$1.00 per year.

Recommendation:

It is recommended that the Board of Aldermen consider approving the attached lease agreement. If you have any questions concerning this matter, please feel free to contact me directly.

Enclosures

Cc: Scott Davis, City Attorney

Sherri Baldree

From:

Kent Flowers, Jr. <kent.flowers@cravencountync.gov>

Sent:

Thursday, June 21, 2018 3:26 PM

To:

Sherri Baldree

Subject:

FW: Senior Center

Attachments:

Senior Center Deed.pdf; Senior Center Lease.pdf; Picture of lot.jpg

The Lease is the second document.

From: Kent Flowers, Jr. [mailto:kent.flowers@cravencountync.gov]

Sent: Tuesday, December 12, 2017 4:27 PM **To:** Mark Stephens (<u>stephensm@newbern-NC.org</u>)

Subject: Senior Center

I have attached a copy of the deed for the Senior Center building property executed by the City and County. I have also attached a copy of the lease between the City and the County for use of a 55' x 100' lot.

I have also included a picture of the lot. We have put in a short concrete walkway for the Seniors to get some exercise. We also have a gazebo where the seniors can rest as they walk, can be used for doing outside activities and where they can work with plantings, etc. It provides a great safe location for the seniors to have outside activities and just enjoy the out of doors. Some of our elderly have mobility issues and that is why the walkway is concrete to provide a smooth even surface to walk on. The fencing provides a more secure area but also helps keep some of the elderly that may have issues with walking away to not get on the busy road. The area provides a great addition and alternatives for the inside programs and activities we provide for the elderly.

Thank you for considering our request for continued use of this lot. If you need any further information please let me know. Our Senior Center Director, Kim Grissom, who is far more knowledgeable about the Senior Center is also available to speak with you or provide additional information.

Thanks, Kent

Kent G. Flowers, Jr., Director Craven County Department of Social Services PO Box 12039 New Bern, NC 28561 Direct Line (252) 636-4942

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

RESOLUTION

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

That the Lease Agreement dated July 10, 2018 by and between the City of New Bern and Craven County, a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute the same for and on behalf of the City.

ADOPTED THIS 10th DAY OF JULY, 2018.

	DANA E. OUTLAW, MAYOR
BRENDA E. BLANCO, CITY CLERK	

THIS LEASE AGREEMENT is made and entered into as of the 10th day of July, 2018, effective as of July 1, 2018, by and between the CITY OF NEW BERN ("Lessor"), a North Carolina municipal corporation, and CRAVEN COUNTY ("Lessee"), a body politic of the State of North Carolina, collectively referred to as the "Parties."

WITNESSETH:

THAT WHEREAS, the Lessor owns real property adjacent to the George Street Senior Center identified as Craven County parcel number 8-006-384; and

WHEREAS, the Lessor has agreed that the Lessee may lease a portion of Lessor's real property, as described and shown on Exhibits A and B attached hereto (the "Premises") for the erection of an outdoor shelter to be used in conjunction with the George Street Senior Center and for additional landscaping; and

WHEREAS, the Lessor has determined that the Premises will not be needed by the Lessor for the term of the Lease; and

WHEREAS, the Parties have agreed upon the terms of a Lease and wish to reduce their agreement to writing.

NOW, THEREFORE, subject to the terms and conditions hereinafter set forth, said Lessor does hereby let and lease unto said Lessee, and said Lessee does hereby accept as tenant of said Lessor, the Premises.

TO HAVE AND TO HOLD said Premises, together with all privileges and appurtenances thereunto belonging to it, the said Lessee, its successors and assigns, for the term and upon the conditions hereinafter set forth:

1. The initial term of this Lease shall be for a period of twenty-four (24) months commencing at 12:01 a.m. on July 1, 2018, and terminating at midnight on June 30, 2020 ("Initial Term"). The term of this Lease shall automatically renew for three (3) successive one-year terms (each a "Renewal Term") unless either party gives notice of its intent not to renew the Lease at least ninety (90) days prior to the expiration of the Initial Term or a Renewal Term. Upon renewal, all of the terms of this Lease shall be effective. Lessor may terminate this Lease upon twelve (12) months prior written notice to Lessee.

- 2. During the term of this Lease, the Lessee shall be responsible for maintaining and repairing the outdoor shelter to be erected so that the Lessor will have no obligation whatsoever with respect to the maintenance or repair of the same during the term of this Lease.
- 3. The Lessor shall maintain hazard insurance on the improvements located on the Premises in such amount as Lessor may determine in its sole discretion. Lessor shall also maintain general liability insurance in such amount as it deems necessary to protect the City of New Bern. The Lessee shall pay to the Lessor, on or before the 1st day of October, 2018, the actual expenses incurred by the Lessor to provide said coverage, both hazard and liability, but no more than the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00). In lieu of payment of Lessor's expense in providing general liability insurance in connection with the use of the Premises, Lessee may, if it elects to do so, carry its own liability insurance in an amount no less than FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), so long as the City of New Bern is a named insured therein. In such event, the Lessee shall provide the Lessor with a Certificate of Insurance.
- 4. Should the Premises be damaged or destroyed by fire, the Lessor shall be under no obligation to repair or replace the improvements located on said Premises, and, should it elect not to repair or replace, this Lease shall thereupon terminate, unless the Lessee shall advise the Lessor, in writing, within thirty (30) days of the date of damage or destruction, that it proposes, at its own expense, to repair or replace the improvements located on said Premises and proceeds to do so within ninety (90) days of the loss.
- 5. As rental for the said Premises, the Lessee agrees to maintain the Premises, as hereinabove set forth, and to pay the sum of ONE DOLLAR (\$1.00) per annum during the term of this Lease, with the first payment to be made contemporaneously with the execution of this Lease.
- 6. The Lessee agrees to utilize the Premises for an outdoor shelter to be used in conjunction with the George Street Senior Center, and for additional landscaping.
- 7. It is expressly agreed that all alterations and additions that are made by Lessee to the Premises during the term of this Lease shall be and become a permanent part of the real estate and, as such, the property of the Lessor. It is agreed, however, that all personal property placed in and about the Premises by the Lessee shall be and remain the property of the Lessee and may be removed by it upon the termination of this Lease. All other improvements shall be considered a part of the real estate.

- 8. Lessee shall not assign this Lease nor sublet any part of the demised property without written consent of the Lessor.
- 9. It is expressly agreed that, if the Lessee shall neglect to make any payment of rent when due or neglect to do and perform any matter or thing herein agreed to be done and performed by it and shall remain in default thereof for a period of thirty (30) days after written notice from the Lessor calling attention to such default, the Lessor may declare this Lease terminated and cancelled and take possession of said Premises without prejudice to any other legal remedy it may have on account of such default. Said notice may be given to the person at such time in charge of said Premises or sent by certified mail to the Lessee at the following address:

Craven County
Attn: Jack Veit, County Manager
406 Craven Street
New Bern, NC 28560

IN TESTIMONY WHEREOF, Lessor has caused this instrument to be executed in its corporate name by its Mayor and its corporate seal to be affixed and attested by its City Clerk, and Lessee has caused this instrument to be executed in its corporate name by its Chairman and attested by its County Clerk, all as of the day and year first above written, this Agreement being executed in duplicate originals, one of which is retained by each of the parties.

[SIGNATURES APPEAR ON PAGE 4]

CITY OF NEW BERN	
Ву:	
Dana E. Outlaw, Mayor	
ATTEST:	
Brenda E. Blanco, City Clerk	

CRAVEN COUNTY

By:		
•	Chairman	
ATTEST:		
_	- C	
	County Clerk	

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

I,	is e 's is d
WITNESS my hand and notarial seal, this day of July, 2018.	
Notary Public	
ly commission expires:	

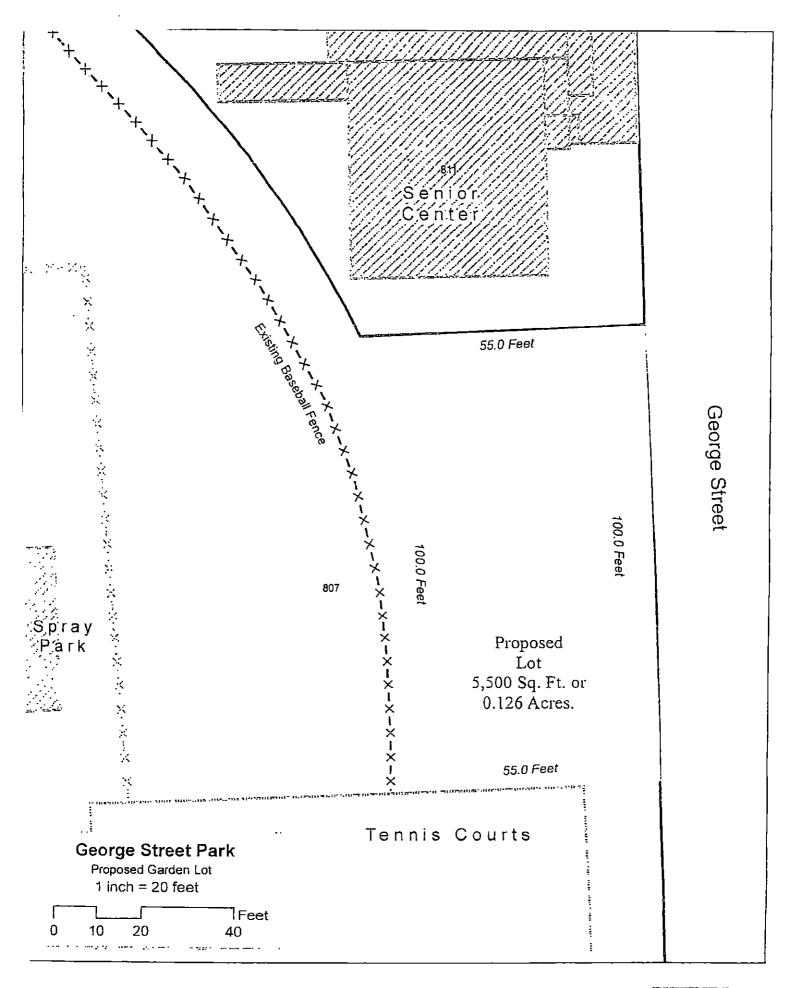
STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

I,do hereby certify that on the day of _ THOMAS F. MARK, with whom I am persor that he is the Chairman and that NAN HOLT politic described in and which executed the fo of said body politic; that the seal affixed to the name of the body politic was subscribed there was affixed, all by order of the Board of Co- instrument is the act and deed of said body po	nally acquainted ON is the Court oregoing instruct oregoing instruct of the said of the sa	ed, who, being by onty Clerk of Crament; that he known that he known that the known that Chairman; that	y me duly sworn, says even County, the body nows the common seal common seal; that the the said common seal
WITNESS my hand and notarial seal,	this day	y of	, 2018.
		Notary Public	
		Trotally a money	
My commission expires:			

EXHIBIT A

Beginning at the southeasternmost corner of property of Craven County (Deed Book 2231, Page 91); thence in a westerly direction along and with the southernmost line of the property of Craven County 55 feet; thence in a southerly direction and parallel with George Street 100.0 feet; thence in an easterly direction and parallel with the southernmost line of the property of Craven County 55 feet to the western right-of-way line of George Street; thence in a northerly direction along and with the western right-of-way line of George Street 100.0 feet to the point of beginning, all as shown on the drawing attached hereto as Exhibit B.



AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider adopti located at 500 F	ng a resolution approving ort Totten Drive.	ng a lease agreement with Area Day Reporting Center for Youth for property
Date of Meet	ing 7/10/2018	Ward # if applicable Ward 1 If multiple, list:
Department	<u>Public Works</u>	Person Submitting Item: Matt Montanye
Call for Public	c Hearing <u>No</u>	Date of Public Hearing
Explanation of	of Item:	
Area Day Repor Bern and Area	ting Center for Youth ha Day Reporting Center fo	as requested that the existing lease agreement between the City of New or Youth for the property located at 500 Fort Totten Drive be renewed.
Actions Need	ed by Board:	
	tion approving a lease ag Drive and owned by the	greement with Area Day Reporting Center for Youth for property located at city of New Bern.
		ents at the meeting? $\underline{\text{No}}$
Memo from Ar Memo from Pu Copy of lease Resolution	ea Day Reporting Cer Iblic Works	nter for Youth
Cost of Agend		
	equires an expendit he Finance Director	ture, has it been budgeted and are funds available and r : <u>Select</u>
Additional no	tes:	



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

June 29, 2018

Memo to: Mayor and Board of Aldermen

From: Matt Montanye, Director of Public Works M. 1918

Re: Consider Adopting Resolution approving a lease agreement with Area Day

Reporting Center for Youth for the property located at 500 Fort Totten Drive

and owned by the City of New Bern.

Background Information:

Area Day Reporting Center for Youth has requested that the existing lease agreement between the City of New Bern and Area Day Reporting Center for Youth for the property located at 500 Fort Totten Drive be renewed. The proposed lease agreement would be effective July 1, 2018, for a period of 12 months (1 year) at a rate of \$1.00 per year.

Recommendation:

It is recommended that the Board of Aldermen consider approving the attached lease agreement. If you have any questions concerning this matter, please feel free to contact me directly.

Enclosures

Cc: Scott Davis, City Attorney

Sherri Baldree

From: ayouth@suddenlinkmail.com Sent: Friday, June 29, 2018 9:26 AM To: Sherri Baldree Subject: Re: Area Day Reporting Center - City of New Bern Lease Renewal 2018 Good Morning Sherri Yes, we would like to confirm to continue renting this facility. Barbara H. Lee Area Day Reporting Center 21st Century After School Program Director 500 Ft Totten Dr. New Bern, NC 28562 252-638-6542 --- Sherri Baldree <BaldreeS@newbern-nc.org> wrote: > Good morning! > As we discussed on the phone this morning, please confirm today if you would like to renew your lease agreement with the City of New Bern. > Attached is the written request you submitted last year if needed. > Thank you! > [cid:image014.jpg@01CEFA7D.BBFA92A0] > > Sherri K. Baldree, Administrative Assistant City of New Bern • Public > Works Department Mailing Address: P.O. Box 1129, New Bern, N.C. 28563 > Shipping Address: 1004 S. Glenburnie Road (rear building), New Bern, > N.C. 28562 Contact Info: baldrees@newbern-nc.org<mailto:baldrees@newbern-nc.org> > 252-639-7501 office / 252-636-1848 fax > > www.newbernnc.govhttp://www.newbernnc.gov > [Description: Description: Description: > FBLogo] [Description: Description: De > Description: Description: TwitterLogo] > <https://twitter.com/CityofNewBern> >

RESOLUTION

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

That the Lease Agreement dated July 10, 2018 by and between the City of New Bern and Area Day Reporting Program for Youth, a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute the same in duplicate for and on behalf of the City.

ADOPTED THIS 10th DAY OF JULY, 2018.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

THIS LEASE AGREEMENT is made and entered into as of the 12th day of July, 2018, effective as of July 1, 2018, by and between the CITY OF NEW BERN ("Lessor"), a North Carolina municipal corporation, and AREA DAY REPORTING PROGRAM FOR YOUTH ("Lessee"), a North Carolina non-profit corporation, collectively referred to as the "Parties."

WITNESSETH:

THAT WHEREAS, the Lessor owns the facility located at 500 Fort Totten Drive in the City of New Bern (the "Premises"), said facility being located on real property acquired by the Lessor by deed appearing of record in the office of the Register of Deeds of Craven County in Book 478, at Page 357; and

WHEREAS, the Lessor has agreed that the Lessee may lease the Premises for the purpose of operating a youth program; and

WHEREAS, the Lessor's Board of Aldermen has determined that the Premises will not be needed by the Lessor for the term of the Lease; and

WHEREAS, the Parties have agreed upon the terms of a Lease and wish to reduce their agreement to writing.

NOW, THEREFORE, subject to the terms and conditions hereinafter set forth, said Lessor does hereby let and lease unto said Lessee, and said Lessee does hereby accept as tenant of said Lessor, the Premises.

TO HAVE AND TO HOLD said Premises, together with all privileges and appurtenances thereunto belonging to it, the said Lessee, its successors and assigns, for the term and upon the conditions hereinafter set forth:

- 1. This term of this Lease shall be for a period of twelve (12) months commencing at 12:01 a.m. on July 1, 2018, and terminating at midnight on June 30, 2019.
- 2. During the term of this Lease, the Lessee shall be responsible for maintaining and repairing both the interior and exterior of the Premises so that the Lessor will have no obligation whatsoever with respect to the maintenance or repair of the leased Premises during the term of this Lease.
- 3. The Lessor shall maintain hazard insurance on the improvements located on the Premises, including contents owned by Lessor, in such amount as Lessor may determine in its

sole discretion. Lessor shall also maintain general liability insurance in such amount as it deems necessary to protect the City of New Bern. The Lessee shall pay to the Lessor on or before the October 1, 2018, the actual expenses incurred by the Lessor to provide said coverage, both hazard and liability, but no more than the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00). In lieu of payment of Lessor's expense in providing general liability insurance in connection with the use of the Subject Property, Lessee may, if it elects to do so, carry its own liability insurance in an amount no less than FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), so long as the City of New Bern is a named insured therein. In such event, the Lessee shall provide the Lessor with a Certificate of Insurance.

- 4. Should the Premises be damaged or destroyed by fire, the Lessor shall be under no obligation to repair or replace the improvements located on said Premises, and, should it elect not to repair or replace, this Lease shall thereupon terminate, (unless the Lessee shall advise the Lessor, in writing, within thirty (30) days of the date of damage or destruction, that it proposes, at its own expense, to repair or replace the improvements located on said Premises and proceeds to do so within ninety (90) days of the loss.
- 5. As rental for the said Premises, the Lessee agrees to maintain the Premises, as hereinabove set forth, and to pay the sum of ONE DOLLAR (\$1.00) per annum during the term of this Lease, with payment to be made contemporaneously with the execution of this Lease.
- 6. The Lessee agrees to utilize the subject facility to foster the purposes of operating a youth program in the City of New Bern.
- 7. The Lessee shall make no substantial modification of the improvements located on said Premises without the prior written consent of the Lessor.
- 8. It is expressly agreed that all alterations and additions that are made by Lessee to the Premises during the term of this Lease shall be and become a permanent part of the real estate and, as such, the property of the Lessor. It is agreed, however, that all personal property placed in and about the Premises by the Lessee shall be and remain the property of the Lessee and may be removed by it upon the termination of this Lease. All other improvements shall be considered a part of the real estate.
- 9. Lessee shall make timely payment of all utility bills presented to Lessee by the City of New Bern.

- 10. Lessee shall not assign this Lease nor sublet any part of the demised property without written consent of the Lessor.
- 11. It is expressly agreed that, if the Lessee shall neglect to make any payment of rent when due or neglect to do and perform any matter or thing herein agreed to be done and performed by it and shall remain in default thereof for a period of thirty (30) days after written notice from the Lessor calling attention to such default, the Lessor may declare this Lease terminated and cancelled and take possession of said Premises without prejudice to any other legal remedy it may have on account of such default. Said notice may be given to the person at such time in charge of said Premises or sent by certified mail to the Lessee at the following address:

Area Day Reporting Program for Youth 500 Fort Totten Drive New Bern, NC 28560

IN TESTIMONY WHEREOF, Lessor has caused this instrument to be executed in its corporate name by its Mayor and its corporate seal to be affixed and attested by its City Clerk, and Lessee has caused this instrument to be executed in its corporate name by its President, all as of the day and year first above written; this Agreement being executed in duplicate originals, one of which is retained by each of the parties.

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

I,	, a notary public in and for said county and state,
do hereby certify that on the day of J	, a notary public in and for said county and state, July, 2018, before me personally appeared DANA E.
OUTLAW, with whom I am personally acqu	nainted, who, being by me duly sworn, says that he is
	O is the City Clerk of the City of New Bern, the
municipal corporation described in and whi	ch executed the foregoing instrument; that he knows
the common seal of said municipal corporati	on; that the seal affixed to the foregoing instrument is
	nicipal corporation was subscribed thereto by the said
Mayor; that the said common seal was affi	ixed, all by order of the Board of Aldermen of said
	instrument is the act and deed of said municipal
corporation.	
TYTTE TO CO. 1 1 1 4 1 1 4 1 1 1 1	1.4.: 1
WITNESS my hand and notarial sea	i, this day of July, 2018.
	Notary Public
	·
My commission expires:	
•	

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

	pers A DAY F at (s)he, a	onally appeare REPORTING P s President, be	ing duly authorized to do so,
WITNESS my hand and notarial seal,	this	_day of	, 2018.
		Notary P	ublic
My commission expires:			

AGENDA ITEM COVER SHEET

Agenda Item Title:Amendment to Chapter 30 Fire Protection Ordinances

Date of Meeting 7/10/18	Ward # if applicable Multiple Wards	4 and 5		
Department Fire	Person Submitting Item: D. Hill			
Call for Public Hearing ☐ Yes ✓ No	Date of Public Hearing			
Explanation of Item:				
New Bern Fire-Rescue Department has received a request from the City of New Bern Engineer, to install above-ground fuel storage tanks as part of the relocation project of the water and sewer construction division. According to Section 30-40 of Article II "Fire Prevention Code" of Chapter 30 "Fire Prevention and Protection" of the Code of Ordinances of the City of New Bern, we must amend the ordinance at this address as an approved district for above-ground storage.				
Actions Needed by Board:				
It is the recommendation of New Bern Fire-Rescue Department that the Board of Aldermen approve to amend Section 30-40 of Article II "Fire Prevention Code" of Chapter 30 "Fire Prevention and Protection" of the Code of Ordinances of the City of New Bern to add the property located at 527 NC Highway 55 west and 2825 Neuse Blvd, as two new district.				
Is item time sensitive? Ves N	0			
Will there be advocates/opponents	at the meeting?□Yes ☑No			
Backup Attached:	ı			
Copy of Resolution				
Cost of Agenda Item: 0				
If this item requires an expenditure certified by the Finance Director :	, has it been budgeted and are fur Yes No	nds available and		
Additional notes:				

MEMO

TO:

Mayor and Board of Aldermen

FROM:

Daniel T. Hill, Jr., Fire Marshal

SUBJECT:

Approve Ordinance Amending Chapter 30 "Fire Prevention and

Protection" of the Code of Ordinances of the City of New Bern for Above

Ground Storage Tank located at 527 NC Highway 55 West

DATE:

June 28, 2018

Background Information:

New Bern Fire-Rescue Department has received a request from the City of New Bern Engineer, to install above-ground fuel storage tanks as part of the relocation project of the water and sewer construction division. According to Section 30-40 of Article II "Fire Prevention Code" of Chapter 30 "Fire Prevention and Protection" of the Code of Ordinances of the City of New Bern, we must amend the ordinance at this address as an approved district for above-ground storage.

Recommendation:

It is the recommendation of New Bern Fire-Rescue Department that the Board of Aldermen approve to amend Section 30-40 of Article II "Fire Prevention Code" of Chapter 30 "Fire Prevention and Protection" of the Code of Ordinances of the City of New Bern to add the property located at 527 NC Highway 55 west and 2825 Neuse Blvd, as two new district.

AN ORDINANCE TO AMEND CHAPTER 30 "FIRE PREVENTION AND PROTECTION" OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN

THAT WHEREAS, the Fire Department of the City of New Bern has proposed certain amendments to Article II of Chapter 30 entitled "Fire Prevention and Protection" of the Code of Ordinances of the City of New Bern; and

WHEREAS, the Board of Aldermen of the City of New Bern deems it advisable and in the public interest to effect said revisions to Chapter 30 of the Code of Ordinances of the City of New Bern.

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

SECTION 1. That Section 30-40, "Districts in which flammable, combustible liquids and liquefied petroleum gases may be stored" of Article II "Fire Prevention Code" of Chapter 30 "Fire Prevention and Protection" of the Code of Ordinances of the City of New Bern be and the same is hereby amended as follows:

"SECTION 30-40. Districts in which flammable, combustible liquids and liquefied petroleum gases may be stored.

There are eighteen (18) districts in which storage of flammable and combustible liquids and liquefied petroleum gases in outside aboveground tanks is permitted. The districts are particularly described as follows:

. . . .

- (17) District 17. Commencing at an existing PK nail in the centerline intersection of NC 55 and Pleasant Hill Drive, and running South 62° 46' 24" East 37.63 feet to a magnetic nail set in the centerline of NC 55; thence South 25° 40' 55" West 2,364.52 feet to an existing iron pipe; thence North 86° 31' 31" East 794.24 feet to an axle spring, being the POINT OF BEGINNING. Thence from said point of beginning South 68° 35' 25" East 310.21 feet to an existing iron pipe; thence South 63° 42' 03" East 130.98 feet to a point; thence North 27° 20' 59" East 11.22 feet to a point; thence South 68° 35' 22" East 199.03 feet to an existing iron pipe; thence South 27° 28' 14" West 398.73 feet to an axle spring; thence North 62° 37' 13" West 701.97 feet to an existing iron pipe at the head of a ditch; thence North 38° 29' 01" East 338.41 feet to the point of beginning, containing 5.5 acres, more or less. This district is property owned by the City of New Bern and is the location of the City of New Bern Water Resources site.
- (18) District 18. Being all of that parcel identified by Craven County parcel identification number 8-240-031 and owned by the City of New Bern consisting of approximately 4.77 acres, which is bounded on the northwest by Glenburnie Road and by properties of Carteret Pride Carwash, LLC (Parcel No. 8-240-092, Deed Book 1448, Page 88) and McDonalds Real Estate Company (Parcel Nos. 8-240-200 and 8-240-035-B, Deed Book 3033, Page 563, Craven

County Registry); on the northeast by U.S. Highway 55 (Neuse Boulevard); on the southeast by properties of Riverbanks Properties, LLC (Parcel No. 8-240-050, Deed Book 3264, Page 354) and FCV, LLC (Parcel No. 8-212-022, Deed Book 3482, Page 899); and on the southwest by property of Edward R. Griffiths, Jr. (Parcel No. 8-240-205, Deed Book 2587, Page 54). This district is the water plant property owned by the City of New Bern and is located at 2825 Neuse Blvd."

SECTION 2. That Subsection (a) of Section 30-42. "Storage of flammable and combustible liquids and liquefied petroleum gases" of Article II "Fire Prevention Code" of Chapter 30 "Fire Prevention and Protection" of the Code of Ordinances of the City of New Bern be and the same is hereby amended as follows:

"(a) Flammable and combustible liquids and liquefied petroleum gases may be stored in each of the 18 districts described in section 30-40, but not at any other place within the city. Any other provision of the fire prevention codes adopted in this article notwithstanding, storage of the several flammable or combustible liquids set forth in this section may be continued within the described districts. Provided, however, nothing herein contained shall prohibit the location of above-ground tanks, not exceeding a 5,000-gallon capacity, to provide diesel fuel to power generation equipment being provided by the city to various electrical customers of the city under City of New Bern Customer Generation Agreements."

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

ADOPTED THIS 10th DAY OF JULY, 2018.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

RED-LINE VERSION

AN ORDINANCE TO AMEND CHAPTER 30 "FIRE PREVENTION AND PROTECTION" OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN

THAT WHEREAS, the Fire Department of the City of New Bern has proposed certain amendments to Article II of Chapter 30 entitled "Fire Prevention and Protection" of the Code of Ordinances of the City of New Bern; and

WHEREAS, the Board of Aldermen of the City of New Bern deems it advisable and in the public interest to effect said revisions to Chapter 30 of the Code of Ordinances of the City of New Bern.

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

SECTION 1. That Section 30-40, "Districts in which flammable, combustible liquids and liquefied petroleum gases may be stored" of Article II "Fire Prevention Code" of Chapter 30 "Fire Prevention and Protection" of the Code of Ordinances of the City of New Bern be and the same is hereby amended as follows:

"SECTION 30-40. Districts in which flammable, combustible liquids and liquefied petroleum gases may be stored.

There are 16 eighteen (18) districts in which storage of flammable and combustible liquids and liquefied petroleum gases in outside aboveground tanks is permitted. The districts are particularly described as follows:

- (17) District 17. Commencing at an existing PK nail in the centerline intersection of NC 55 and Pleasant Hill Drive, and running South 62° 46' 24" East 37.63 feet to a magnetic nail set in the centerline of NC 55; thence South 25° 40' 55" West 2,364.52 feet to an existing iron pipe; thence North 86° 31' 31" East 794.24 feet to an axle spring, being the POINT OF BEGINNING. Thence from said point of beginning South 68° 35' 25" East 310.21 feet to an existing iron pipe; thence South 63° 42' 03" East 130.98 feet to a point; thence North 27° 20' 59" East 11.22 feet to a point; thence South 68° 35' 22" East 199.03 feet to an existing iron pipe; thence South 27° 28' 14" West 398.73 feet to an axle spring; thence North 62° 37' 13" West 701.97 feet to an existing iron pipe at the head of a ditch; thence North 38° 29' 01" East 338.41 feet to the point of beginning, containing 5.5 acres, more or less. This district is property owned by the City of New Bern and is the location of the City of New Bern Water Resources site.
- (18) District 18. Being all of that parcel identified by Craven County parcel identification number 8-240-031 and owned by the City of New Bern consisting of approximately 4.77 acres, which is bounded on the northwest by Glenburnie Road and by properties of Carteret Pride Carwash, LLC (Parcel No. 8-240-092, Deed Book 1448, Page 88) and McDonalds Real

Estate Company (Parcel Nos. 8-240-200 and 8-240-035-B, Deed Book 3033, Page 563, Craven County Registry); on the northeast by U.S. Highway 55 (Neuse Boulevard); on the southeast by properties of Riverbanks Properties, LLC (Parcel No. 8-240-050, Deed Book 3264, Page 354) and FCV, LLC (Parcel No. 8-212-022, Deed Book 3482, Page 899); and on the southwest by property of Edward R. Griffiths, Jr. (Parcel No. 8-240-205, Deed Book 2587, Page 54). This district is the water plant property owned by the City of New Bern and is located at 2825 Neuse Blvd."

SECTION 2. That Subsection (a) of Section 30-42. "Storage of flammable and combustible liquids and liquefied petroleum gases" of Article II "Fire Prevention Code" of Chapter 30 "Fire Prevention and Protection" of the Code of Ordinances of the City of New Bern be and the same is hereby amended as follows:

"(a) Flammable and combustible liquids and liquefied petroleum gases may be stored in each of the 16 18 districts described in section 30-40, but not at any other place within the city. Any other provision of the fire prevention codes adopted in this article notwithstanding, storage of the several flammable or combustible liquids set forth in this section may be continued within the described districts. Provided, however, nothing herein contained shall prohibit the location of above-ground tanks, not exceeding a 5,000-gallon capacity, to provide diesel fuel to power generation equipment being provided by the city to various electrical customers of the city under City of New Bern Customer Generation Agreements."

SECTION 2. This ordinance shall be effective from and after the date of its adoption. ADOPTED THIS 10th DAY OF JULY, 2018.

DANA	E.	OUTLAW	, MAYOR
DITINI	┲.	OCTES.	,

BRENDA E. BLANCO, CITY CLERK

Aldermen

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



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

Dana E. Outlaw Mayor

Mark A. Stephens City Manager

Memorandum

TO:

Alderman Sabrina Bengel

FROM:

Brenda Blanco, City Clerk

DATE:

June 15, 2018

SUBJECT: Appointment to the Police Civil Service Board

Phil Childrey's appointment to the Police Civil Service Board will expire on June 30, 2018. Pursuant to Article V, Section 5.2 of the City Ordinance, appointees are not allowed to serve consecutive terms. Therefore, a new appointment is needed to fill this two-year seat.

When considering an appointee, please bear in mind the Civil Service Board does not have regularly-scheduled meetings as do most other City Boards and Commissions. Instead, meetings are on an as-needed basis and are almost always held during normal working hours of 8 a.m. to 5 p.m. For this reason, it is prudent for an appointee to have a flexible schedule that would permit attending meetings that are not only conducted during daytime hours, but are also scheduled on relatively short notice.

/beb