

**CITY OF NEW BERN  
BOARD OF ALDERMEN MEETING  
APRIL 13, 2021 – 6:00 P.M.  
CRAVEN COMMUNITY COLLEGE – ORRINGER AUDITORIUM  
800 COLLEGE COURT**

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

Consent Agenda

4. Consider Accepting a Petition to Annex Property Identified as Tax Parcel IDs 8-206-132 and 8-206-133 and Adopting a Resolution to Call for a Public Hearing on the Annexation.
5. Consider Accepting a Petition to Annex 3412 Old Airport Road and Adopting a Resolution to Call for a Public Hearing on the Annexation.
6. Presentation of Appearance Commission Annual Report and Consider Adopting a Resolution Approving an Updated Mission Statement.
7. Approve Minutes.

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8. Presentation on Volt Center.
9. Presentation on American Rescue Plan Funding.
10. Consider Adopting a Resolution Requesting the NC Department of Transportation Repave Simmons Street.
11. Consider Adopting a Sewer Use Agreement for 3412 Old Airport Road.
12. Consider Adopting a Resolution to Initiate the Upset Bid Process for 125 Hillmont Road.
13. Consider Adopting a Resolution Approving Additional Streetlight on Kensington Park Drive.
14. Consider Adopting a Resolution Approving Additional Streetlight on College Street.
15. Appointment(s).

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

INDIVIDUALS WITH DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL  
639-7501 NO LATER THAN 3 P.M. THE DATE OF THE MEETING

**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  
Brenda E. Blanco  
City Clerk  
Mary M. Hogan  
Director of Finance

**Memo to: Mayor and Board of Aldermen**  
**From: Mark A. Stephens, City Manager**  
**Date: April 08, 2021**  
**Re: April 13, 2021 Agenda Explanations**

A handwritten signature in black ink, which appears to be "Mark A. Stephens", is written over the printed name. Below the signature, the date "4/8/21" is handwritten.

1. **Meeting opened by Mayor Dana E. Outlaw. Prayer Coordinated by Alderman Best. 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 Accepting a Petition to Annex Property Identified as Tax Parcel IDs 8-206-132 and 8-206-133 and Adopting a Resolution to Call for a Public Hearing on the Annexation.**

Goshen Medical Center has requested to annexation of property known as Tax Parcel IDs 8-206-132 and 8-206-133. The property is located on Dr. MLK Jr. Boulevard near Ben D. Quinn Elementary School. A copy of the petition for annexation is attached. It is requested a public hearing be set for April 27, 2021 to receive comments on this request. A memo from Brenda Blanco, City Clerk, is attached.

5. **Consider Accepting a Petition to Annex 3412 Old Airport Road and Adopting a Resolution to Call for a Public Hearing on the Annexation.**

Barbara Fulcher has requested to annex her property at 3412 Old Airport Road. A copy of the petition for annexation is attached. It is requested a public hearing be set for April 27, 2021 to receive comments on this request. A memo from Mrs. Blanco is attached.

6. **Presentation of Appearance Commission Annual Report and Consider Adopting a Resolution Approving an Updated Mission Statement.**

As required by Section 15-38(d) of the City's Land Use Ordinance and NC General Statute 160A-454, the Appearance Commission must submit to the Board of Aldermen no later than April 15<sup>th</sup> of each year a written report of its activities. That information report is attached and requires no action. Also attached is a resolution to update the Commission's mission statement. A memo from Foster Hughes, Director of Parks and Recreation, is provided with brief details.

7. **Approve Minutes.**

Draft minutes from the March 23, 2021 regular meeting and April 05, 2021 special meeting are provided for review and approval.

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8. **Presentation on Volt Center.**

Dr. Ray Staats has been invited to present an update on the Volt Center.

9. **Presentation on American Rescue Plan Funding.**

Mary Hogan, Director of Finance, will share a PowerPoint presentation to summarize the American Rescue Plan.

**10. Consider Adopting a Resolution Requesting the NC Department of Transportation Repave Simmons Street.**

(Wards 2 and 3) The condition of Simmons Street, particularly between Dr. MLK Jr. Boulevard and Neuse Boulevard, is poor and in need of resurfacing. The area between Trent Boulevard and Dr. MLK Jr. Boulevard is also in need of attention, though its condition is not as poorly deteriorated. This street is owned and maintained by the NC Department of Transportation ("NCDOT"), and the proposed resolution requests NCDOT to mill and repave it. Of note, the portion of Simmons Street that connects Neuse Boulevard to Oaks Road was repaved by NCDOT a couple of years ago. A memo from Mrs. Blanco is attached.

**11. Consider Adopting a Sewer Use Agreement for 3412 Old Airport Road.**

Barbara Fulcher, owner of 3412 Old Airport Road, has requested to connect to the City's sewer system. The property is an existing single-family residence currently outside of the city limits. The residence will have a calculated average daily sewer demand of 360 gallons per day, which would require a standard sewer service connection. Section 74-74 of the City's ordinances provides that a written sewer use agreement be entered into to outline the roles and responsibilities of both parties in establishing service. A memo from Jordan Hughes, City Engineer, is attached.

**12. Consider Adopting a Resolution to Initiate the Upset Bid Process for 125 Hillmont Road.**

(Ward 5) Derek and Natalie Jenette have submitted an offer of \$7,500 to purchase the vacant, nearly ½-acre lot at 125 Hillmont Road. The tax value of the property is \$15,000, and the offer represents 50% of the value. The property was acquired by the City and County in May 2019 through tax foreclosure. The unpaid taxes at that time were \$6,349.65. If the property is sold for the initial bid, the City is projected to receive \$3,244.62 and the County is projected to receive \$4,255.28 from the proceeds. Mr. and Mrs. Jenette live near the subject property and simply seek to enlarge their outdoor space. A memo from Mrs. Blanco is attached along with the tax card and pictures of the property.

**13. Consider Adopting a Resolution Approving Additional Streetlight on Kensington Park Drive.**

(Ward 5) Mrs. O'Neil of 3682 Neuse Boulevard has requested additional streetlighting in the area of Kensington Park Drive. Staff evaluated the request and determined the area does not meet the City's light standard and recommended the addition of two streetlights. The installation of the lights will cost \$1,169.31, and the monthly utility charge for service will be \$16.88. A memo from Charlie Bauschard, Director of Public Utilities, is attached along with other supporting documentation.

**14. Consider Adopting a Resolution Approving Additional Streetlight on College Street.**

(Ward 2) Jermaine Smith of 2005 College Street has requested an additional streetlight on College Street. Staff evaluated the request and determined the area does not meet the City's light standard and recommended the addition of one streetlight. The installation of the light will cost \$671.34, and the monthly utility charge for service will be \$8.44. A memo from Mr. Bauschard is attached along with other supporting documentation.

**15. Appointment(s).**

- a) On June 11, 2019, Mayor Outlaw appointed Martha "Molly" Ingram to the Appearance Commission. Ms. Ingram resigned from her seat, as she relocated to another state in November. Mayor Outlaw is asked to make a new appointment to serve the remainder of Ms. Ingram's term.
- b) Gary Lingman, Bill Frederick, and David Pickens' terms on the Friends of New Bern Firemen's Museum Board of Directors will expire on April 22, 2021. All three individuals would like to be reappointed, and the Chair of the Board is in favor of their reappointment. These are rotating appointments, and Mayor Outlaw, Alderman Aster, and Alderwoman Harris are each asked to make one of the reappointments.

**16. Attorney's Report.**

**17. City Manager's Report.**

**18. New Business.**

**19. Closed Session.**

**20. Adjourn.**



## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider Accepting a Petition to Annex Property Identified as Tax Parcel ID 8-206-132 and 8-206-133 and Adopt a Resolution to call for a Public Hearing on the Annexation.

<b>Date of Meeting:</b> 04/13/21	<b>Ward # if applicable:</b>
<b>Department:</b> Administration	<b>Person Submitting Item:</b> Brenda Blanco, City Clerk
<b>Call for Public Hearing:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Date of Public Hearing:</b> 4/27/2021

<b>Explanation of Item:</b>	Goshen Medical Center has requested their property known as Tax Parcel ID 8-206-132 and 8-206-133 be annexed. On March 9th, the Board approved a Water and Sewer Use Agreement with the property owner, which provides that the owner subsequently seek annexation.
<b>Actions Needed by Board:</b>	Adopt a Resolution
<b>Backup Attached:</b>	Memo, Resolution, Certificate of Sufficiency, Signed Petition, Annexation Map

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

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

**Additional Notes:**

**Aldermen**

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



300 Pollock Street, P.O. Box 1129  
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**Dana E. Outlaw**

Mayor

**Mark A. Stephens**

City Manager

**Brenda E. Blanco**

City Clerk

**Mary M. Hogan**

Director of Finance

**TO:** Mayor and Board of Aldermen

**FROM:** Brenda E. Blanco, City Clerk

**DATE:** April 2, 2021

**SUBJECT:** Consider Accepting a Petition to Annex Property Identified as Tax Parcel ID 8-206-132 and 8-206-133 and Adopt a Resolution to Call for a Public Hearing on the Annexation.

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**Background**

The Board of Alderman is requested to call for a public hearing to be held on April 27, 2021 at 6:00 p.m., or as soon thereafter as possible, to consider a request by Goshen Medical Center, Inc. to annex Tax Parcel IDs 8-206-132 and 8-206-133 on South US Highway 17 / MLK Jr. Boulevard. As a reminder, the Board approved a Water and Sewer Use Agreement for this property at its March 9<sup>th</sup> meeting. That agreement provides for the property owner to petition the City for annexation.

**Recommendation**

Consider accepting a petition to annex the aforesaid property and adopt a resolution to call for a public hearing on the annexation.



## **RESOLUTION**

THAT WHEREAS, the Board of Aldermen of the City of New Bern has received a petition from Goshen Medical Center, Inc., bearing date March 25, 2021, seeking annexation to the City of New Bern of parcels of land consisting of 2.66 acres, more or less, which said parcels are located on South US Highway 17 in Number Eight (8) Township, Craven County, more particularly identified on Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the Board of Aldermen has caused the City Clerk to investigate the sufficiency of said petition and to certify the results of her investigation; and

WHEREAS, the Board of Aldermen has received the certification of the City Clerk attesting to the sufficiency of the petition; and

WHEREAS, the Board of Aldermen desires to conduct a public hearing on April 27, 2021, in Craven Community College's Orringer Auditorium at 6:00 p.m. on the question of annexing to the City of New Bern the above-described parcels of land owned by Goshen Medical Center, Incorporated.

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

Section 1. That a public hearing will be conducted by the Board of Aldermen of the City of New Bern on April 27, 2021, in Craven Community College's Orringer Auditorium at 6:00 p.m., or as soon thereafter as the matter may be reached, on the question of annexing to the City of New Bern the parcels of land owned by Goshen Medical Center, Inc., which said parcels are located on South US Highway 17 in Number Eight (8) Township, Craven County, North Carolina, the boundaries of which are shown on Exhibit B attached hereto and incorporated herein by reference.

Section 2. That a notice of public hearing shall be published once in the *Sun-Journal* at least ten (10) days prior to April 27, 2021.

ADOPTED THIS THE 13<sup>th</sup> DAY OF APRIL, 2021.

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DANA E. OUTLAW, MAYOR

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BRENDA E. BLANCO, CITY CLERK

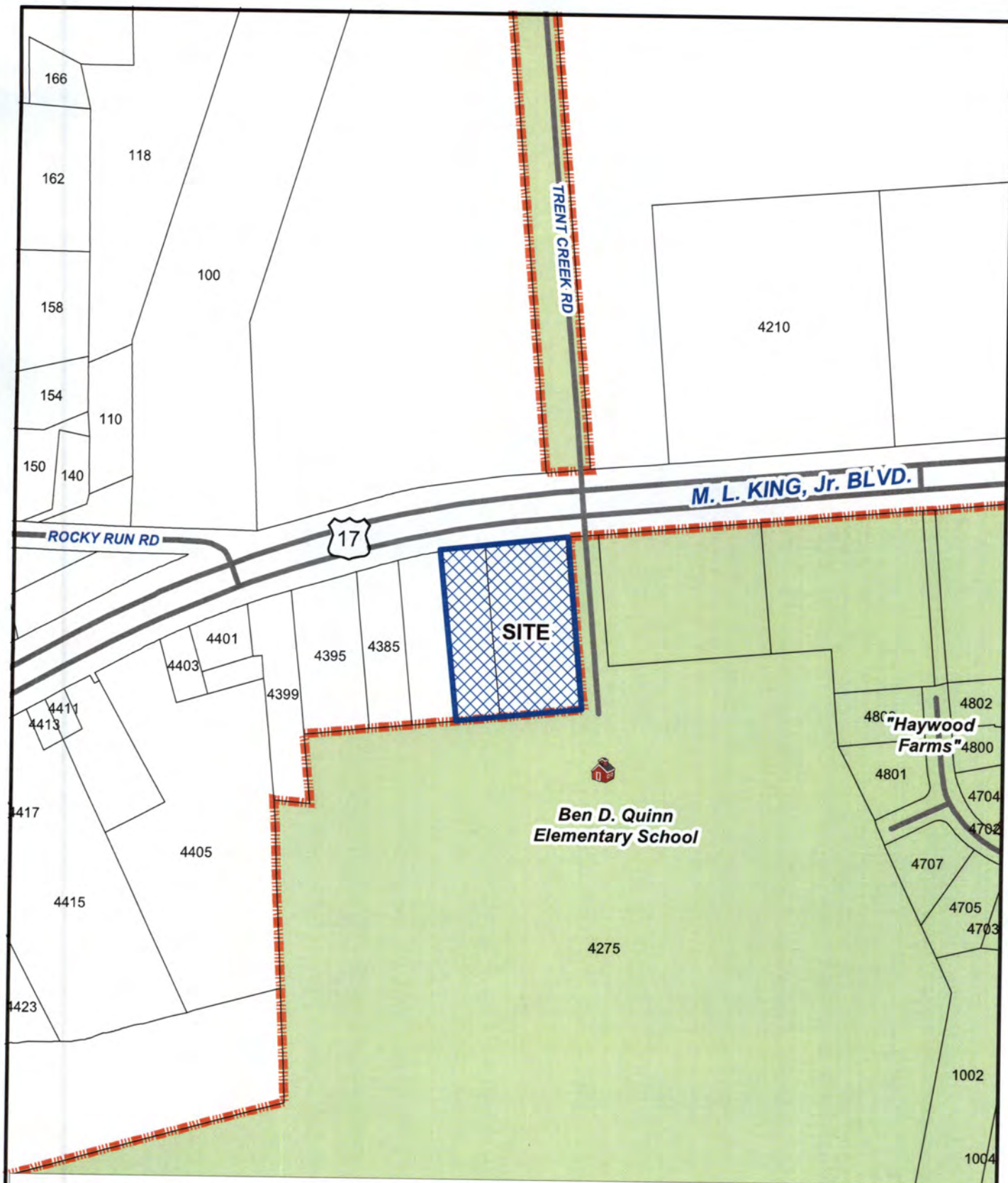
EXHIBIT A

Tract 1:        Tax Parcel ID: 8-206-132

Being all of that parcel being parcel identification number 8-206-132, known as 3 White Tract West, containing 0.910 acres, more or less, as shown and recorded on that survey in Plat Cabinet D, Slide 650, of the Craven County Registry.

Tract 2:        Tax Parcel ID: 8-206-133

Being all of that parcel bearing parcel identification number 8-206-133, known as 4 White Tract West, containing 1.75 acres, more or less as shown and recorded on that survey in Plat Cabinet D, Slide 650, of the Craven County Registry.



**Proposed Annexation: Goshen Medica Center Property - 2.66 Acres. Tax ID: 8-206-132, 133**



Existing New Bern Limits

Proposed Annexation Area

N



Scale: 1 = 300 ft



**EXHIBIT B**

**CERTIFICATE OF SUFFICIENCY**

I, BRENDA E. BLANCO, City Clerk of the City of New Bern, North Carolina, do hereby certify that I have investigated the sufficiency of the Petition of Goshen Medical Center, Inc. requesting annexation by the City of New Bern of two parcels of land identified as Tax Parcel IDs 8-206-132 and 8-206-133 on South US Highway 17 in Number Eight (8) Township, Craven County, which said Petition is dated March 25, 2021, and I do hereby certify that said Petition is in order in all respects.

THIS 13<sup>th</sup> DAY OF APRIL, 2021.

\_\_\_\_\_  
BRENDA E. BLANCO, CITY CLERK

PETITION TO ANNEX

TO: BOARD OF ALDERMEN OF THE CITY OF NEW BERN

1. Goshen Medical Center, Inc., the undersigned owner of real property, respectfully requests that the area described in Paragraph 2 below be annexed to the City of New Bern.

2. The area to be annexed is contiguous to the City of New Bern, and the boundaries of such territory are more particularly described on Exhibit A attached hereto and incorporated herein by reference.

OWNER:

Goshen Medical Center, Inc.

By: Erich Koch  
Erich Koch, Director of Finance

Date: 3-25-2021

Mailing Address: P. O. Box 187, Faison, NC 28341

EXHIBIT A

Tract 1:        Tax Parcel ID: 8-206-132

Being all of that parcel being parcel identification number 8-206-132, known as 3 White Tract West, containing 0.910 acres, more or less, as shown and recorded on that survey in Plat Cabinet D, Slide 650, of the Craven County Registry.

Tract 2:        Tax Parcel ID: 8-206-133

Being all of that parcel bearing parcel identification number 8-206-133, known as 4 White Tract West, containing 1.75 acres, more or less as shown and recorded on that survey in Plat Cabinet D, Slide 650, of the Craven County Registry.



## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider Accepting a Petition to Annex Property at 3412 Old Airport Road and Adopt a Resolution to call for a Public Hearing on the Annexation.

<b>Date of Meeting:</b> 04/13/21	<b>Ward # if applicable:</b>
<b>Department:</b> Administration	<b>Person Submitting Item:</b> Brenda Blanco, City Clerk
<b>Call for Public Hearing:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Date of Public Hearing:</b> 4/27/2021

<b>Explanation of Item:</b>	Barbara Fulcher has requested her property at 3412 Old Airport Road be annexed by the City.
<b>Actions Needed by Board:</b>	Adopt a Resolution
<b>Backup Attached:</b>	Memo, Resolution, Certificate of Sufficiency, Signed Petition, Annexation Map

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

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

**Additional Notes:**

**Aldermen**

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



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Dana E. Outlaw  
Mayor

Mark A. Stephens  
City Manager

Brenda E. Blanco  
City Clerk

Mary M. Hogan  
Director of Finance

**TO:** Mayor and Board of Aldermen

**FROM:** Brenda E. Blanco, City Clerk

**DATE:** April 2, 2021

**SUBJECT:** Consider Accepting a Petition to Annex Property at 3412 Old Airport Road and Adopt a Resolution to Call for a Public Hearing on the Annexation.

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**Background**

The Board of Alderman is requested to call for a public hearing to be held on April 27, 2021 at 6:00 p.m., or as soon thereafter as possible, to consider a request by Barbara Fulcher to annex 3412 Old Airport Road in Township 7. The request is made as part of a desire to enter into a Sewer Use Agreement for the property.

**Recommendation**

Consider accepting a petition to annex the aforesaid property and adopt a resolution to call for a public hearing on the annexation.

## **RESOLUTION**

THAT WHEREAS, the Board of Aldermen of the City of New Bern has received a petition from Barbara Fulcher, bearing date March 29, 2021, seeking annexation to the City of New Bern of a parcel of land consisting of 1.29 acres, more or less, which said parcel is located at 3412 Old Airport Road in Number Seven (7) Township, Craven County, more particularly identified on Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, the Board of Aldermen has caused the City Clerk to investigate the sufficiency of said petition and to certify the results of her investigation; and

WHEREAS, the Board of Aldermen has received the certification of the City Clerk attesting to the sufficiency of the petition; and

WHEREAS, the Board of Aldermen desires to conduct a public hearing on April 27, 2021, in Craven Community College's Orringer Auditorium at 6:00 p.m. on the question of annexing to the City of New Bern the above-described parcel of land owned by Barbara Fulcher.

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

Section 1. That a public hearing will be conducted by the Board of Aldermen of the City of New Bern on April 27, 2021, in Craven Community College's Orringer Auditorium at 6:00 p.m., or as soon thereafter as the matter may be reached, on the question of annexing to the City of New Bern the parcel of land owned by Barbara Fulcher, which said parcel is located at 3412 Old Airport Road in Number Seven (7) Township, Craven County, North Carolina, the boundaries of which are shown on Exhibit B attached hereto and incorporated herein by reference.

Section 2. That a notice of public hearing shall be published once in the *Sun-Journal* at least ten (10) days prior to April 27, 2021.

ADOPTED THIS THE 13<sup>th</sup> DAY OF APRIL, 2021.

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DANA E. OUTLAW, MAYOR

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BRENDA E. BLANCO, CITY CLERK

## EXHIBIT A

All that certain tract or parcel of land lying and being in Number Seven Township, Craven County, North Carolina, and being described as follows:

Being all of Lot No. 1, as the same is shown upon a map of the subdivision of Lee's Branch Estates, Part 2, as drawn by Robert H. Davis, R.L.S., dated the 25<sup>th</sup> day of January, 1988, and recorded in Plat Cabinet E, Slide 115, of the Craven County Registry, reference to which should be made for a more particular description of said lot. Said property is conveyed subject to the setback requirements as set forth on said map.

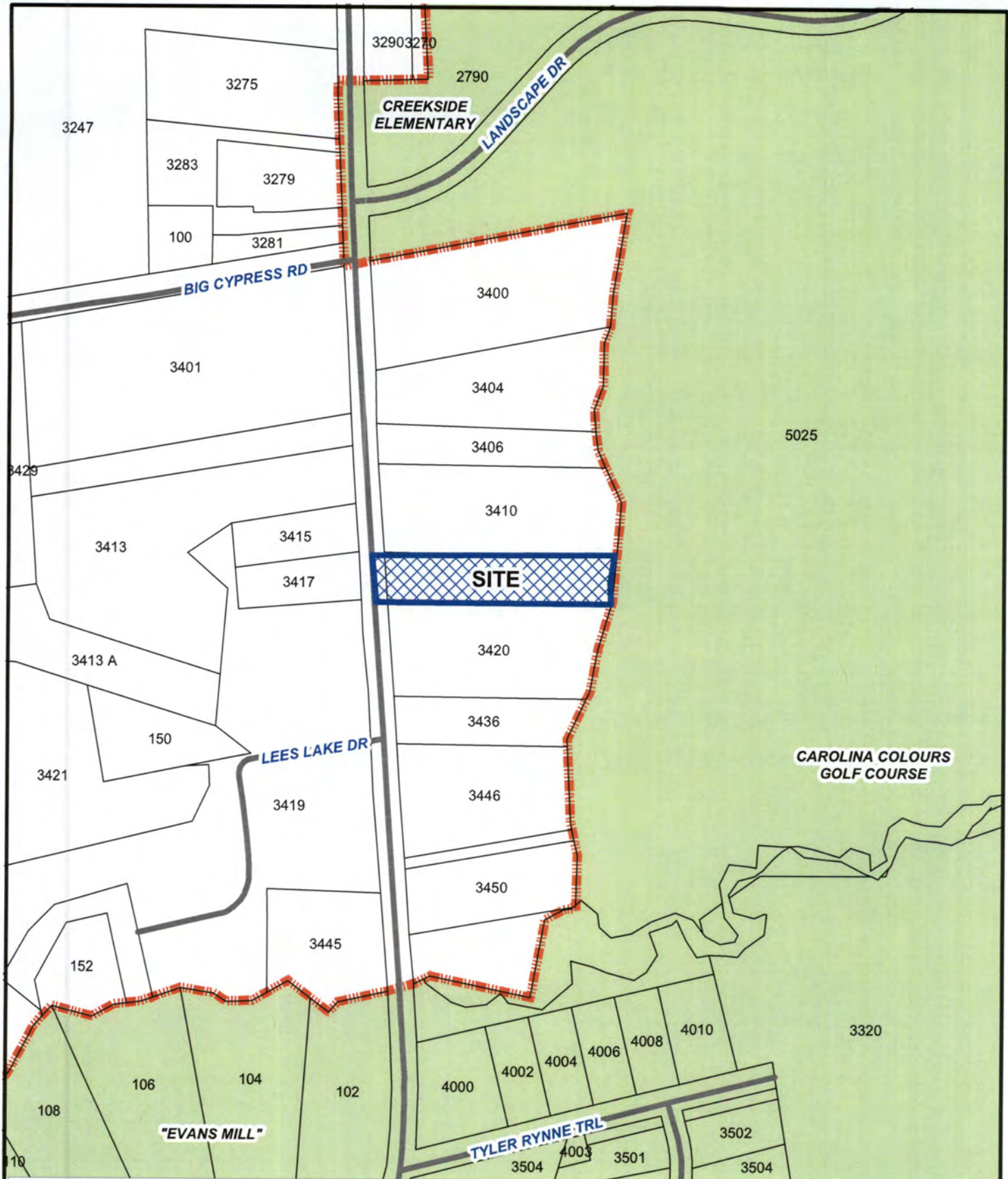
Said lot is also conveyed subject to a 10 foot drainage and utility easement along each lot line and a 25 foot drainage and utility easement along the rear lot line.

This property is also conveyed SUBJECT to the reservation of mineral rights contained in that deed from Weyerhaeuser Company to Louey M. Hearne and wife, Laura Hearne, dated March 10, 1987, and recorded in Book 1150 Page 239 of the Craven County Registry, which deed reservations are incorporated herein by reference.

This property is also conveyed SUBJECT to the following restrictions which shall forever run with and be a part of this property:

- (1) No structure shall be erected, altered, placed or permitted to remain on the above described parcel other than for use as a single family residential dwelling with a private garage and such outbuildings as are incidental to the residential use of said lot.
- (2) All dwelling and outbuildings erected upon said property shall be constructed of material of good grade, quality and appearance and all construction shall be performed in a good workmanship. The exterior construction of the dwelling shall not be of asbestos shingles or imitation brick roll or siding or imitation stone roll siding.
- (3) No noxious or offensive trade or activity shall be carried on upon a lot nor shall anything be done thereon which may be a nuisance or an annoyance to the neighborhood.
- (4) Notwithstanding the provisions set forth in paragraph (1) hereinabove, a mobile home shall be permitted on said lot provided that said mobile home is used for the sole purpose of housing an immediate member of the family who owns said parcel of land. The immediate family shall include, mother, father, brother, sister, mother-in-law, and father-in-law, however, no more than one mobile home shall be permitted on said parcel for such purpose.





**Proposed Annexation: 3412 Old Airport Rd - 1.289 Acres. Tax ID: 7-105-017**

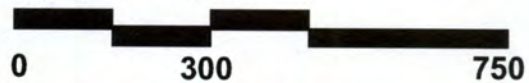


Existing New Bern Limits

Proposed Annexation Area



Scale: 1 = 300 ft



**EXHIBIT B**

**CERTIFICATE OF SUFFICIENCY**

I, BRENDA E. BLANCO, City Clerk of the City of New Bern, North Carolina, do hereby certify that I have investigated the sufficiency of the Petition of Barbara Fulcher, requesting annexation by the City of New Bern of 3412 Old Airport Road in Number Seven (7) Township, Craven County, which said Petition is dated March 25, 2021, and I do hereby certify that said Petition is in order in all respects.

THIS 13<sup>th</sup> DAY OF APRIL, 2021.

\_\_\_\_\_  
BRENDA E. BLANCO, CITY CLERK



**PETITION TO ANNEX**

TO: BOARD OF ALDERMEN OF THE CITY OF NEW BERN

1. Barbara Fulcher, the undersigned owner of real property, respectfully requests that the area described in Paragraph 2 below be annexed to the City of New Bern.

2. The area to be annexed is contiguous to the City of New Bern, and the boundaries of such territory are more particularly described on Exhibit A attached hereto and incorporated herein by reference.

OWNER:

  
\_\_\_\_\_  
Barbara Fulcher

Date: March 25, 2021

Mailing Address: 3412 Old Airport Road, New Bern, North Carolina 28560

## EXHIBIT A

All that certain tract or parcel of land lying and being in Number Seven Township, Craven County, North Carolina, and being described as follows:

Being all of Lot No. 1, as the same is shown upon a map of the subdivision of Lee's Branch Estates, Part 2, as drawn by Robert H. Davis, R.L.S., dated the 25<sup>th</sup> day of January, 1988, and recorded in Plat Cabinet E, Slide 115, of the Craven County Registry, reference to which should be made for a more particular description of said lot. Said property is conveyed subject to the setback requirements as set forth on said map.

Said lot is also conveyed subject to a 10 foot drainage and utility easement along each lot line and a 25 foot drainage and utility easement along the rear lot line.

This property is also conveyed SUBJECT to the reservation of mineral rights contained in that deed from Weyerhaeuser Company to Louey M. Hearne and wife, Laura Hearne, dated March 10, 1987, and recorded in Book 1150 Page 239 of the Craven County Registry, which deed reservations are incorporated herein by reference.

This property is also conveyed SUBJECT to the following restrictions which shall forever run with and be a part of this property:

- (1) No structure shall be erected, altered, placed or permitted to remain on the above described parcel other than for use as a single family residential dwelling with a private garage and such outbuildings as are incidental to the residential use of said lot.
- (2) All dwelling and outbuildings erected upon said property shall be constructed of material of good grade, quality and appearance and all construction shall be performed in a good workmanship. The exterior construction of the dwelling shall not be of asbestos shingles or imitation brick roll or siding or imitation stone roll siding.
- (3) No noxious or offensive trade or activity shall be carried on upon a lot nor shall anything be done thereon which may be a nuisance or an annoyance to the neighborhood.
- (4) Notwithstanding the provisions set forth in paragraph (1) hereinabove, a mobile home shall be permitted on said lot provided that said mobile home is used for the sole purpose of housing an immediate member of the family who owns said parcel of land. The immediate family shall include, mother, father, brother, sister, mother-in-law, and father-in-law, however, no more than one mobile home shall be permitted on said parcel for such purpose.

## **AGENDA ITEM COVER SHEET**

### **Agenda Item Title:**

Appearance Commission Annual Report and Adoption of new Mission Statement

<b>Date of Meeting:</b> 4/13/2021	<b>Ward # if applicable:</b>
<b>Department:</b> Parks & Recreation	<b>Person Submitting Item:</b> Foster Hughes
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b>

<b>Explanation of Item:</b>	The New Bern Appearance Commission Annual Report is attached for review. This report covers the period of April 1, 2020 to March 31, 2021. The Appearance Commission requests approval of their Mission Statement
<b>Actions Needed by Board:</b>	Consider adopting the resolution and annual report.
<b>Backup Attached:</b>	Memo, Mission Statement, Resolution and Annual Report.

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

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

**Additional Notes:**



**Aldermen**


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

Foster Hughes, CPRE  
Director of Parks & Recreation



Dana E. Outlaw  
Mayor

Mark A. Stephens  
City Manager

Memo To: Mayor and Board of Aldermen  
From: Foster Hughes, CPRE   
Director Parks and Recreation  
Re: New Bern Appearance Commission Annual Report of Activities for April 1, 2020 through March 31, 2021 and request to approve new Mission Statement

**Background Information:**

The New Bern Appearance Commission serves the Board of Aldermen in an advisory capacity, and recommends appropriate programs to the board, to enhance and improve the visual quality and aesthetic characteristics of the city. The commission also make recommendations to the board, which will facilitate the planning, growth, and protection of trees on public property and street rights-of-way within the city. The Appearance Commission annual report is attached for your review.

As required by ordinance, this is the New Bern Appearance Commission Annual Report to the New Bern Board of Aldermen. This report covers the period of April 1, 2020 to March 31, 2021.

The Appearance Commission is also requesting approval of their proposed new Mission Statement.

**Recommendation:**

Consider accepting and approving the New Bern Appearance Commission Annual Report for April 1, 2020 through March 31, 2021 and the new Mission Statement.

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

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

## **RESOLUTION**

WHEREAS, the Appearance Commission requests to update its mission statement to reflect current efforts; and

WHEREAS, the proposed mission statement is as follows: the New Bern Appearance Commission is committed to enhancing the City of New Bern's unique character by informing and educating citizens in the importance and immense value of our current and future trees, plantings and community beautification efforts in order to benefit New Bern's quality of life, culture, environment, and aesthetics.

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

That the mission statement, as stated above, is hereby approved for the New Bern Appearance Commission.

ADOPTED THIS 13<sup>th</sup> DAY OF APRIL, 2021.

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DANA E. OUTLAW, MAYOR

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BRENDA E. BLANCO, CITY CLERK



## New Bern Appearance Commission

### MISSION STATEMENT

"The New Bern Appearance Commission is committed to enhancing the City of New Bern's unique character by informing and educating citizens in the importance and immense value of our current and future trees, plantings and community beautification efforts in order to benefit New Bern's quality of life, culture, environment, and aesthetics"



**New Bern Appearance Commission**  
**Annual Report of Activities**  
**April 1, 2020 – March 31, 2021**

## I. Accomplishments:

- The City received its 25<sup>th</sup> Tree City USA Award – Arbor Day Celebration was postponed due to the Coronavirus.
- Updated the Mission for the Appearance Commission

## II. Year in Review:

### **April – May 2020:**

Did not meet due to COVID-19.

### **June – July 2020:**

Did not meet due to COVID-19.

Kate Rosenstrauch resigned from the Appearance Commission.

### **August – October 2020:**

Did not meet in August due to not meeting a quorum.

Molly Ingram resigned from the Appearance Commission.

Paula Jessup was sworn into the Appearance Commission in September.

During the September meeting, it was noted to present to the Board of Aldermen in October to increase the Parks and Recreation maintenance budget to increase tree preservation and beautification.

During the October meeting a request from Peggy Broadway to speak to the Appearance Commission was made. Mike Duffy made a motion to welcome and hear from Peggy Broadway. Second by Suzannah Cockerille Talton and Paula Jessup. Approved.

Peggy Broadway asked for the Appearance Commission to consider allowing the Historic Downtown Residents Association to adopt a tree. Meaning, the residents that live near the tree, or even in the area, and take care of the tree by watering, removing grass around the base of the tree, mulching, etc. Also wanted to see about being able to name the tree that we take care of.

Foster informed everyone that we would pull some recommendations for Adopt a Tree program and present at the next meeting.

Suzannah Cockerille Talton proposed for the meeting minutes to be more explicit. Suzannah Cockerille Talton made the motion to embellish the monthly minutes. Seconded by Mike Duffy, and he added if time allows. Approved.

A motion was made by Jim Dugan to nominate Suzannah Cockerille Talton to be the vice-chair. Seconded by Mike Duffy. Approved.

**November - December 2020:**

During the November meeting the Appearance Commission was informed that New Bern Parks and Recreation will soon launch an Adopt a Tree Program for City right-of-way trees in early December. When made available, anyone can sign up online or in person to adopt/care for a tree. More information and details will be available in early December.

Suzannah Cockerille Talton made a motion that each person needs to send tweaks to the mission statement by the following Tuesday of the meeting to Jennifer. Seconded by John Phaup. Mike Duffy disagreed. Paula removed herself from the vote. John, Suzannah, and Jim were all in favor. Motion carries, Approved.

During the December meeting Jeff Ruggieri, Director of Development Services, made a presentation regarding the City's Ordinance for City right-of-way trees and preservation.

**January – February 2021:**

Mike Duffy Resigned.

During the January meeting Foster informed the Appearance Commission that they would have to make a recommendation to the Board of Aldermen for the revised mission statement. A motion was made for the Appearance Commission to draft a mission statement and send it to Foster and Jennifer the following week, so everyone can review before the next meeting. Once approved it will be presented to the Board of Aldermen for approval.

It was also addressed that 3 spots need to be filled on the Appearance Commission. Foster informed everyone that some applications have come in and have been forwarded to the Board of Aldermen.

**March 2021:**

During the March meeting a motion was made by Suzannah Cockerille Talton to shorten the minutes from a full transcription. It was 2<sup>nd</sup> by John Phaup and approved by all. A motion was also made by Suzannah Cockerille Talton to approve the Annual Report with corrections. 2<sup>nd</sup> by Paula Jessup and approved by all. It was also decided during the meeting that the Appearance Commission did not want to pursue the Beautification Awards for 2021 and start back up in 2022 with the New Bern Garden Club's assistance.

**III. 2021-2022 Goals:**

- Partnership with New Bern Garden Club for Neighborhood Beautification Awards
- Advocate for tree preservation and provide recommendations for protecting trees.

- Work on educational/informational workshops and schedule speakers for public regarding the importance of trees, pruning, general care and other topics associated with trees and plantings.
- Utilize social media more to advertise events and share educational information.
- Take a trip to Wilmington, NC to meet with their Appearance Commission to get ideas and broaden perspective.
- Mark some of the trees downtown with a plaque letting the community know what species of trees they are.

**Appearance Commission Members:**

Jim Dugan, Chairman

John Phaup

Suzannah Talton

Paula Jessup

**Staff:**

Foster Hughes, Director of Parks & Recreation

Jennifer Games, Special Project Coordinator

Michael Horton, Parks Superintendent/Arborist

## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Presentation on The American Rescue Plan

<b>Date of Meeting:</b> 4/13/2021	<b>Ward # if applicable:</b>
<b>Department:</b> Finance	<b>Person Submitting Item:</b> Mary Hogan, MPA, CPA
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b>

<b>Explanation of Item:</b>	The Director of Finance will present a summary of the American Rescue Plan.
<b>Actions Needed by Board:</b>	
<b>Backup Attached:</b>	Memo - Presentation

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

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

**Additional Notes:**

**Aldermen**

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

**Brenda E. Blanco**  
City Clerk

**Mary M. Hogan**  
Director of Finance

**Memo To:** Mayor and Board of Aldermen

**From:** Mary Hogan, MPA, CPA  
Director of Finance

**Re:** American Rescue Plan

**Date:** April 2, 2021

**Background Information:**

The Finance Director will present an overall view and summary of the American Rescue Plan ("ARP").

**Recommendation:**

Informational only.





## Summary of the American Rescue Plan

The bill provides for a total of \$1.88 trillion in federal investments.

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### Title I - Committee on Agriculture, Nutrition, and Forestry

- Nutrition
- Extension of EBT program
- Food supply chain
- Farmers of color
- Rural health care
- International food aid

2

## Title II - Committee on Health, Education, Labor, and Pensions

- COVID-19 testing and vaccinations
- Health workforce, community health centers, health disparities, and mental health
- K-12 schools and higher education
- Child care and Head Start
- Family violence and child abuse prevention and treatment
- LIHEAP and water utility bill assistance
- National Endowment for the Arts

NEW BERN  
NORTH CAROLINA

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## Title III - Committee on Banking, Housing, and Urban Affairs

- Emergency and rural rental assistance
- Housing counseling
- Assistance for people experiencing homelessness
- Emergency housing vouchers
- Mortgage and utility assistance
- Fair housing
- Public transportation
- Small business capital

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## Title IV - Committee on Homeland Security and Governmental Affairs

- Disaster relief fund & funeral assistance
- FEMA grant programs
- Oversight of COVID relief funding
- Federal workforce protections
- Information technology and cyber security.

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## Title V - Committee on Small Business and Entrepreneurship

- Targeted EIDL grants
- Restaurants
- Shuttered venue operators grant program
- Expanded PPP eligibility
- Community navigator technical assistance and administrative funding

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## Title VI - Committee on Environment and Public Works

- Economic development administration funding provides flexible investment for rebuilding local economies and hard-hit industries.
- Air quality monitoring and pollution clean-up
- U.S. fish and wildlife service funding

## Title VII - Committee on Commerce, Science, and Transportation

- Broadband for remote learning
- Corporation for public broadcasting.
- Airports, airline jobs, and Amtrak
- Aviation manufacturing workforce
- Manufacturing
- Consumer product safety.
- Prevention of COVID-19 scams.
- Department of Commerce Inspector General



## Title VIII - Committee on Veterans' Affairs

- Copay waivers for veterans
- COVID-19 response and care funding

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## Title IX - Committee on Finance

- Direct payments
- Unemployment insurance extension and taxation
- State and Local Fiscal Aid
- Health care support
- Paid sick leave credit
- Employee retention tax credit
- Tax treatment of certain SBA programs
- Extension of excess business loss limitation

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## Title X - Committee on Foreign Relations

- Provides funding to the State Department and USAID for various global health-related activities
- Provides life-saving assistance for millions of refugees.
- Provides operational expenses for the State Department and USAID to combat the disease.

## Title XI - Committee on Indian Affairs

- The federal government holds trust and treaty obligations to provide essential safety-net programs that serve Native communities.
- Health care
- Public safety, child welfare, assistance to tribal governments, and essential infrastructure
- Education
- Housing
- Native languages

## Title IX – National League of Cities: State and Local Fiscal Aid

Provides \$350 billion to States, territories, Tribes, and local governments to be used for responding to the COVID-19 public health emergency, to offset revenue losses, bolster economic recovery and to provide premium pay for essential workers. We also provide a new \$10 billion Critical Infrastructure Projects program to help States, territories, and Tribal governments carry out critical capital projects.

State and local fiscal relief funds can be used for local economic recovery purposes, including assistance to households, small businesses and nonprofits, assistance to hard-hit industries like tourism, travel, and hospitality, and infrastructure investment.

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## Title IX – National League of Cities: USE OF FUNDS

- Respond to the COVID-19 emergency and address its economic effects, including through aid to households, small businesses, nonprofits, and industries such as tourism and hospitality.
- Provide premium pay to essential employees or grants to their employers. Premium pay couldn't exceed \$13 per hour or \$25,000 per worker.
- Provide government services affected by a revenue reduction resulting from COVID-19.
- Make investments in water, sewer and broadband infrastructure.

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NORTH CAROLINA

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## Title IX – National League of Cities: RESTRICTION OF FUNDS

State and local governments cannot use the funds towards pensions or to offset revenue resulting from a tax cut enacted since March 3, 2021.

Additionally

State and local governments could transfer funds to private nonprofit groups, public benefit corporations involved in passenger cargo transportation, and special-purpose units of state or local governments, but only as allowed under state law.

## AGENDA ITEM COVER SHEET

### **Agenda Item Title:**

Consider Adopting a Resolution Requesting the NC Department of Transportation Repave Simmons Street.

<b>Date of Meeting:</b> 04/13/21	<b>Ward # if applicable:</b> Ward 2 & 3
<b>Department:</b> Administration	<b>Person Submitting Item:</b> Brenda Blanco, City Clerk
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b> 4/27/2021

<b>Explanation of Item:</b>	The condition of Simmons Street, particularly between Dr. MLK Jr. Boulevard and Neuse Boulevard, is in need of resurfacing. The area between Trent Boulevard and Dr. MLK Jr. Boulevard is also in need of attention, though not as direly as the portion that leads to Neuse Boulevard.
<b>Actions Needed by Board:</b>	Adopt a Resolution
<b>Backup Attached:</b>	Memo and Resolution

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

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

**Additional Notes:**

**Aldermen**

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



300 Pollock Street, P.O. Box 1129  
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Dana E. Outlaw  
Mayor

Mark A. Stephens  
City Manager

Brenda E. Blanco  
City Clerk

Mary M. Hogan  
Director of Finance

**TO:** Mayor and Board of Aldermen

**FROM:** Brenda E. Blanco, City Clerk

**DATE:** April 2, 2021

**SUBJECT:** Consider Adopting a Resolution Requesting NCDOT Repave Simmons Street

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**Background**

This item is presented at the request of Mayor Outlaw and Alderman Best. The area of Simmons Street between Dr. MLK Jr. Boulevard and Neuse Boulevard has numerous potholes and is full of patches and dips where old patches previously existed. There are uneven water and possibly gas valves below the asphalt surface, as confirmed by George Chiles, Public Works' Staff Engineer. The area from Trent Road to Dr. MLK Jr. Boulevard, while not as deteriorated, also needs to be considered for repaving. The NC Department of Transportation repaved the area from Neuse Boulevard to Oaks Road a couple of years ago, and the proposed resolution asks that consideration be given to repaving the remainder of the street.

**Recommendation**

Consider adopting the resolution seeking NCDOT to repave Simmons Street in the specified areas.

**RESOLUTION REQUESTING THE  
REPAVING OF SIMMONS STREET IN NEW BERN**

WHEREAS, Simmons Street in New Bern is owned and maintained by the North Carolina Department of Transportation ("NCDOT"); it is a heavily-traveled street that connects two major thoroughfares, Dr. MLK Jr. Boulevard and Neuse Boulevard; and

WHEREAS, due to the significant volume of daily traffic, the condition of the pavement on Simmons Street, particularly between Dr. MLK Jr. Boulevard and Neuse Boulevard, is in disrepair; specifically, the street has potholes and is full of patches and numerous dips where old patches existed, and there are uneven water and possibly gas valves below the asphalt surface; and

WHEREAS, the portion of Simmons Street between Neuse Boulevard and Oaks Road was resurfaced just a couple of years ago, but the area of Simmons Street between Trent Road and Neuse Boulevard is in need of a full mill and repaving; and

WHEREAS, citizens and visitors regularly voice complaints and concerns about the condition of Simmons Street and how horrible it is to drive and ride on the street; and

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

That the City hereby expresses its concern about the condition of Simmons Street and respectfully requests that the NC Department of Transportation consider milling and repaving the surface of Simmons Street.

ADOPTED THIS 13<sup>TH</sup> DAY OF APRIL, 2021.

\_\_\_\_\_  
DANA E. OUTLAW, MAYOR

\_\_\_\_\_  
BRENDA E. BLANCO, CITY CLERK

## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Adopt Resolution Approving Sewer Use Agreement with the Owners of 3412 Old Airport Road.

<b>Date of Meeting:</b> 4/13/2021	<b>Ward # if applicable:</b> N/A
<b>Department:</b> Public Utilities – Water Resources	<b>Person Submitting Item:</b> Jordan Hughes
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b> N/A

<b>Explanation of Item:</b>	Standard sewer use agreement that is required when sewer service is requested for a property that is currently located outside of the New Bern municipal limits.
<b>Actions Needed by Board:</b>	Adopt Resolution Approving Sewer Use Agreement with the owners of 3412 Old Airport Road.
<b>Backup Attached:</b>	Memo from Jordan Hughes, copy of Sewer Use Agreement and draft resolution for approving the Agreement.

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

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

**Additional Notes:**



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

**MEMORANDUM**

**TO:** Mayor and Board of Aldermen  
**FROM:** Jordan B. Hughes P.E., City Engineer *JBH*  
**DATE:** April 5, 2021  
**SUBJECT:** Recommendation to Approve Sewer Use Agreement  
For 3412 Old Airport Road

**Background Information:**

The owners of 3412 Old Airport Road have an existing single family, residential home on the subject property, which is currently outside of the New Bern municipal limits. The owners of the property have indicated that they desire to connect their home to the City's sewer collection system along Old Airport Road. This existing home has a calculated average daily sewer demand of 360 gallons per day (GPD). To facilitate the proposed connection to the City's sewer collection system, a standard sewer service connection can be provided to the property without the need for a main extension.

Per Section 74-74 of the City of New Bern Code of Ordinances, any proposed connection for service located outside of the New Bern municipal limits requesting water and sewer capacity shall be required to enter into a written sewer use agreement with the City. The purpose of this agreement is to formally outline the roles and responsibilities of both, the City and the owners in establishing service for the proposed project.

**Recommendation:**

The sewer use agreement for this project has been prepared by City Attorney and executed by the owners. In order to allow the home owners to proceed with the proposed connection, City Staff is recommending the Board of Aldermen approve the enclosed sewer use agreement.

Attached please find a copy of the sewer use agreement and a draft resolution for approving the agreement.

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

*Everything comes together here.*



**RESOLUTION**

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

That the Agreement dated March 29, 2021 by and between the City of New Bern and Barbara Fulcher, a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the Mayor and the City Clerk are hereby authorized and directed to execute the same, in duplicate originals, for and on behalf of the City.

ADOPTED THIS 13<sup>th</sup> DAY OF APRIL 2021.

\_\_\_\_\_  
DANA E. OUTLAW, MAYOR

\_\_\_\_\_  
BRENDA E. BLANCO, CITY CLERK

## **NORTH CAROLINA**

### **CRAVEN COUNTY**

### **AGREEMENT**

THIS AGREEMENT ("Agreement") is made and entered into this 29 day of March 2021, by and between the CITY OF NEW BERN, a North Carolina municipal corporation ("City"), and BARBARA FULCHER ("Owner").

#### **WITNESSETH:**

THAT WHEREAS, Owner owns a tract or parcel of land located within Craven County, North Carolina, and more specifically described in Exhibit A attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, Owner intends to use or develop the Property as a single-family residence requiring permitted sewerage treatment capacity of 360 gallons per day; and

WHEREAS, Owner desires to annex the Property into the City, and to connect to the City Sewer System so that the City might provide such services to the Property, subject to certain terms and conditions contained herein; and

WHEREAS, the City and Owner have reached an agreement with respect to said provision of such utility services to the Property and wish to reduce said agreement to writing.

NOW, THEREFORE, IT IS MUTUALLY AGREED by and between the City and Owner as follows:

#### **1. Definitions**

1.1. Certain terms having specific definitions are used in this Agreement, and these terms and definitions, unless the context clearly indicates to the contrary, are as set forth in this Section 1. The defined terms appearing in this Section are set forth in the Agreement in the exact capitalized form as they appear between the quotation marks. When the same term is used in this Agreement with the meaning as assigned herein, it shall appear in the identical capitalized form. Otherwise, the meaning shall be as used in the context of the sentence in which it appears and not necessarily that as defined herein.

1.1.1. "Agreement" – means this Agreement between Developer and the City.

1.1.2. "Owner" – means Barbara Fulcher, citizen of Craven County, North Carolina.

1.1.3. "Force Majeure" – means any delay or default in performing hereunder if

such delay or default is caused by conditions beyond such party's control without its fault or negligence, including, but not limited to acts of god, government restrictions (including the denial or cancellation of any license or permit), wars, insurrections and/or any other cause beyond the reasonable control of the party whose performance is affected, provided that, as a condition to the claim of non-liability, the party experiencing the difficulty shall give the other prompt written notice, with full details following the occurrence of the cause relied upon. Dates by which performance obligations are scheduled to be met will be extended for a period of time equal to the time lost due to any delay so caused.

1.1.4. "City" – means the City of New Bern, a municipal corporation duly established and existing pursuant to the laws of the State of North Carolina.

1.1.5. "Property" – means the real property owned by Owner located in Craven County, North Carolina, more specifically described on Exhibit A attached hereto and incorporated herein by reference.

1.1.6. "Property Sewer System" – means the unified system of pipes, conduits, lift stations, force mains, and appurtenances for collecting and transmitting sewage and other wastewater from residences, commercial establishments or any other buildings within the Property. It shall also include the rights-of-way, easements, and land parcels dedicated for the construction, operation, and maintenance of such system.

1.1.7. "City Sewer System" – means the unified system of pipes, conduits, lift stations, force mains, and appurtenances for collecting and transmitting sewage that are owned and maintained by the City of New Bern.

1.1.8. "Connection Location" – means the specific location and configuration as identified by the City, where the Owner shall cause for the Property Systems to be connected to the City Systems.

1.1.9. "NCDENR" – means the North Carolina Department of Environment and Natural Resources.

## **2. City Obligations**

2.1. The City shall provide sewer service to the Property in an amount not to exceed 360 gallons per day (average monthly flow) of permitted sewer flow.

2.2. The City's obligation herein to provide sewer service to the Property is solely based upon permitted sewer flow, and not actual sewer flow. Additionally, the City's obligation

to provide sewer service to the Property does not constitute a transfer or sale of the City's sewer treatment capacity to Owner. Owner shall have no ownership interest in the City's sewer treatment capacity, other than Owner's contract rights established herein.

2.3. The City shall allow for the connection of the Property Sewer System to the City Sewer System at the Connection Location as identified below:

2.3.1 The Connection Location for sewer shall be a standard service connection provided by the City along Old Airport Road.

2.4. The City shall have no obligation to pay for, fund, or finance any portion of the construction of the Property Sewer System.

2.5. The City represents and warrants that it shall reserve and guarantee sufficient sewer collection and treatment capacity to fulfill its obligations established herein pursuant to the terms and conditions contained herein, SUBJECT ALWAYS to a force majeure, and the rights of the State of North Carolina, or any agency or department thereof, to restrict or preclude the City's ability to comply with its obligations hereunder. In the event of a force majeure, or any limitation or moratorium imposed on the City by the State of North Carolina or any agency or department thereof that limits or precludes the City's ability to comply with its obligations hereunder, the City shall use reasonable efforts and proceed in good faith to cure its inability to comply with the terms of this Agreement as promptly as reasonably possible.

2.6. It is specifically understood and agreed between the Parties that every obligation assumed herein by the City is subject to the limitation "to the extent that it may legally do so."

### **3. Owner Obligations**

3.1 Prior to performing any land disturbing activities on the Property, the Owner shall petition the Board of Alderman of the City of New for annexation of the Property. This action shall be performed by the Owner prior to obtaining a City of New Bern building permit and/or a City of New Bern sewer availability letter.

3.2. Owner understands and agrees that all sewer users within the Property will pay user rates, user system development fees, user connection fees, and any other applicable fees and charges established in the City Code as are established and fixed from time to time by the Board of Aldermen. Owner further understands and agrees that all sewer users within the Property will become City sewer customers subject to all of the rules and regulations applicable to City sewer

customers as the same are established and fixed from time to time by the Board of Alderman of the City.

**4. Miscellaneous**

4.1. If any of the provisions of this Agreement shall be held by a court of competent jurisdiction to be unconstitutional or unenforceable, the decision of such court shall not affect or impair any of the remaining provisions of this Agreement, and the parties shall, to the extent they deem to be appropriate, take such actions as are necessary to correct any such unconstitutional or unenforceable provision. It is hereby declared to be the intent of the parties to this Agreement that this Agreement would have been approved and executed had such an unconstitutional or unenforceable provision been excluded therefrom.

4.2. This Agreement shall be enforceable by each party hereto by all remedies available at law or in equity, including but not limited to specific performance. Failure or delay to exercise any right, remedy or privilege hereunder shall not operate as a waiver of such right, remedy or privilege nor prevent subsequent enforcement thereof.

4.3. This Agreement shall be executed by the Parties hereto in duplicate originals, each of which, when executed, shall constitute one and the same Agreement and one of which shall be retained by each party.

4.4. This Agreement shall be governed in accordance with the laws of the State of North Carolina.

4.5. Each party agrees that from and after the date of execution hereof, each will, upon the request of the other, execute and deliver such other documents and instruments and take such other actions as may be reasonably required to carry out the purpose and intent of this Agreement.

4.6. This Agreement may not be modified or amended except by subsequent written agreement authorized and executed by each party.

4.7. This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

4.8. Owner may not assign this Agreement without the express written consent of the City.

IN TESTIMONY WHEREOF, the City has caused this instrument to be executed as its act and deed by the Mayor, and its corporate seal to be hereunto affixed, and attested by its City

Clerk, all by the authority of its Board of Aldermen; and Owner has executed or caused this document to be executed by them, all as of the day and year first above written.

**CITY OF NEW BERN**

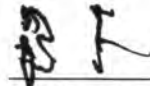
By: \_\_\_\_\_  
Dana Outlaw, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Blanco, City Clerk

(CORPORATE SEAL)

**OWNER**



\_\_\_\_\_  
Barbara Fulcher



NORTH CAROLINA  
CRAVEN COUNTY

I, \_\_\_\_\_, a notary public in and for said county and state, do hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 2021, before me personally appeared DANA E. OUTLAW with whom I am personally acquainted, who, being by me duly sworn, says that he is the Mayor and that BRENDA BLANCO is the City Clerk of the City of New Bern, the municipal corporation described in and which executed the foregoing instrument; that he knows the common seal of said municipal corporation; that the seal affixed to the foregoing instrument is said common seal; that the name of the municipal corporation was subscribed thereto by the said Mayor; that the said common seal was affixed, all by order of the Board of Aldermen of said municipal corporation; and that the said instrument is the act and deed of said municipal corporation.

WITNESS my hand and notarial seal, this the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_

NORTH CAROLINA  
Craven COUNTY

This is to certify that on the 29 day of March, 2021, before me personally appeared BARBARA FULCHER with whom I am personally acquainted, who, being by me duly sworn, says:

WITNESS my hand and notarial seal, this 29 day of March, 2021.

*Sheryl P. Harris*  
NOTARY PUBLIC

My commission expires:

10/8/2024



EXHIBIT A

3412 OLD AIRPORT ROAD  
CRAVEN COUNTY PARCEL ID: 7-105-017

All that certain tract or parcel of land lying and being in Number Seven Township, Craven County, North Carolina, and being described as follows:

Being all of Lot No. 1, as the same is shown upon a map of the subdivision of Lee's Branch Estates, Part 2, as drawn by Robert H. Davis, R.L.S., dated the 25<sup>th</sup> day of January, 1988, and recorded in Plat Cabinet E, Slide 115, of the Craven County Registry, reference to which should be made for a more particular description of said lot. Said property is conveyed subject to the setback requirements as set forth on said map.

Said lot is also conveyed subject to a 10 foot drainage and utility easement along each lot line and a 25 foot drainage and utility easement along the rear lot line.

This property is also conveyed SUBJECT to the reservation of mineral rights contained in that deed from Weyerhaeuser Company to Louey M. Hearne and wife, Laura Hearne, dated March 10, 1987, and recorded in Book 1150 Page 239 of the Craven County Registry, which deed reservations are incorporated herein by reference.

This property is also conveyed SUBJECT to the following restrictions which shall forever run with and be a part of this property:

- (1) No structure shall be erected, altered, placed or permitted to remain on the above described parcel other than for use as a single family residential dwelling with a private garage and such outbuildings as are incidental to the residential use of said lot.
- (2) All dwelling and outbuildings erected upon said property shall be constructed of material of good grade, quality and appearance and all construction shall be performed in a good workmanship. The exterior construction of the dwelling shall not be of asbestos shingles or imitation brick roll or siding or imitation stone roll siding.
- (3) No noxious or offensive trade or activity shall be carried on upon a lot nor shall anything be done thereon which may be a nuisance or an annoyance to the neighborhood.
- (4) Notwithstanding the provisions set forth in paragraph (1) hereinabove, a mobile home shall be permitted on said lot provided that said mobile home is used for the sole purpose of housing an immediate member of the family who owns said parcel of land. The immediate family shall include, mother, father, brother, sister, mother-in-law, and father-in-law, however, no more than one mobile home shall be permitted on said parcel for such purpose.

## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider Adopting a Resolution to Initiate the Upset Bid Process for 125 Hillmont Road

<b>Date of Meeting:</b> 4/13/2021	<b>Ward # if applicable:</b> 5
<b>Department:</b> City Clerk	<b>Person Submitting Item:</b> Brenda Blanco
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b> N/A

<b>Explanation of Item:</b>	An offer of \$7,500 has been received for the purchase of 125 Hillmont Road. This represents 50% of the tax value.
<b>Actions Needed by Board:</b>	Consider adopting resolution
<b>Backup Attached:</b>	Memo, resolution, offer to purchase, maps and pictures of the property, tax property card, and estimate of proceeds

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

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

**Additional Notes:**

**Aldermen**

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



Dana E. Outlaw  
Mayor  
Mark A. Stephens  
City Manager  
Brenda E. Blanco  
City Clerk  
Mary M. Hogan  
Director of Finance

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

**FROM:** Brenda Blanco, City Clerk

**DATE:** February 28, 2021

**SUBJECT:** Offer to Purchase 125 Hillmont Road

Derek and Natalie Jennett made an offer to purchase 125 Hillmont Road for \$7,500.00. The tax value of the vacant, nearly ½-acre lot is \$15,000, and the offer represents 50% of the value. The property was acquired jointly by the City and County in May 2019 through tax foreclosure. The unpaid taxes at that time was \$6,349.65. If the property is sold for the initial bid, the City is projected to receive \$3,244.62 and the County is projected to receive \$4,255.38 from the proceeds.

The bidder lives near the subject property is simply seeking to enlarge their outdoor space. There is no intent at this time to develop or build upon the property.

/beb

## **RESOLUTION**

THAT WHEREAS, the City of New Bern owns certain real property identified as 125 Hillmont Road, Craven County parcel identification number 8-219-007; and

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

WHEREAS, the City has received an offer to purchase the above-described property in the amount of \$7,500.00, submitted by Derek Jenette and Natalie Jenette; and

WHEREAS, Derek Jenette and Natalie Jenette have paid the required five percent (5%) deposit on the offer.

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

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

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

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

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

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

Section 6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check or certified check. The City will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset bid if a qualifying higher bid is received. If the City accepts the final high bid, the deposit of the final high bidder will be applied to the purchase price at closing.

Section 7. The terms of the final sale are:

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

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

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

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

ADOPTED THIS 13<sup>TH</sup> DAY OF APRIL, 2021.

---

DANA E. OUTLAW, MAYOR

---

BRENDA E. BLANCO, CITY CLERK



NORTH CAROLINA

OFFER TO PURCHASE AND CONTRACT

CRAVEN COUNTY

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

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

Street Address: 125 Hillmont Road

Subdivision Name: \_\_\_\_\_

Tax Parcel ID No.: 8-219-007

Plat Reference: \_\_\_\_\_

Being all of that property more particularly described in Deed Book 3569, Page 0533 in the Craven County Registry.

2. **PURCHASE PRICE:** The purchase price is \$ 7,500 and shall be paid as follows:

(a) \$ 375.00, EARNEST MONEY DEPOSIT with this offer by ☒ cash ☐ bank check ☐ certified check to be held by Seller until the sale is closed, at which time it will be credited to Buyer, or until this contract is otherwise properly terminated. In the event this offer is not accepted, then all earnest monies shall be refunded to Buyer. In the event of breach of this contract by Seller, all earnest monies shall be refunded to Buyer upon Buyer's request. In the event of breach of this contract by Buyer, then all earnest monies shall be forfeited to Seller upon Seller's request, but such forfeiture shall not affect any other remedies available to Seller for such breach.

(b) \$ 7,125.00, BALANCE of the purchase price in cash or readily available funds at Closing.

3. **CONDITIONS:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Buyer Initials DJ NAT Seller Initials \_\_\_\_\_

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

BUYER:

(If an individual)

Derek Jennett  
Natalie Jennett (SEAL)  
Name: Derek and Natalie Jennett  
Date: 3/19/2021  
Address: 155 Hillmont Rd  
NB, NC 28562  
Phone: 252-675-9191

SELLER

CRAVEN COUNTY

By: \_\_\_\_\_ (SEAL)  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

(If a business entity)

By: \_\_\_\_\_ (SEAL)  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

CITY OF NEW BERN

By: \_\_\_\_\_ (SEAL)  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

Buyer Initials DS NAT Seller Initials \_\_\_\_\_

## Craven County Geographic Information System

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

This report was created by Craven County GIS reporting services on 3/11/2021 3:30:09 PM

**Parcel ID :** 8-219 -007  
**Owner :** CRAVEN COUNTY & NEW BERN-CITY OF  
**Mailing Address :** PO BOX 1128 NEW BERN NC 28563  
**Property Address :** 125 HILLMONT RD  
**Description :** 4 JOHN GARDNER SUB  
**Lot Description :**



**Subdivision :**

---

**Assessed Acreage :** 0.452      **Calculated Acreage :** 0.450  
**Deed Reference :** 3569-0533      **Recorded Date :** 5 3 2019  
**Recorded Survey :**  
**Estate Number :**  
**Land Value :** \$15,000      **Tax Exempt :** Yes  
**Improvement Value :** \$0      **# of Improvements :** 0  
**Total Value :** \$15,000  
**City Name :** NEW BERN      **Fire tax District :**  
**Drainage District :**      **Special District :**  
**Land use :** VACANT-RESIDENTIAL TRACT

### Recent Sales Information

SALE DATE	Sellers Name	Buyers Name	Sale Type	Sale Price
5/3/2019	GARDNER, JOHNNIE R & LAURA PADILLA	CRAVEN COUNTY & NEW BERN-CITY OF	MULTI-PARCEL-SALE*	\$19,500

### List of Improvements to Site

No improvements listed for this parcel





125 Hillmont Road



125 Hillmont Road





## 115, 125, 135 Hillmont Road

**Ownership:** City of New Bern & Ctaven Co.  
**Size:** 0.54, 0.45, 0.38 Acres  
**Zoning:** R-20  
**Land Use:** Residential Lot  
**Flood Hazard:** X (out)  
**Tax Values**  
**Land:** \$15,000 each  
**Building:** \$0  
**Total:** \$15,000 each  
**Tax ID:** 8-219-006,007,008

1 inch = 200 feet

0 25 50 100 150 200 Feet





ESTIMATE OF DIVISION OF PROCEEDS

Property: 125 Hillmont Road (Parcel No. 8-219-007)

Offer Amount		\$	7,500.00
Less: Reimb to City for publication of notice of offer (approx)		\$	205.00
Balance		\$	7,295.00
County cost reimbursement		\$	1,274.94
City cost reimbursement		\$	553.42
		\$	1,828.36
Remaining Balance		\$	5,466.64
County Taxes at Foreclosure		\$	2,476.84
City Taxes/Priority Liens at Foreclosure		\$	2,066.11
Total Taxes		\$	4,542.95
County Total		\$	4,255.38
City Total		\$	3,244.62

## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider Adopting a Resolution for Street Lighting Request for Kensington Park Dr.

<b>Date of Meeting:</b> April 13, 2021	<b>Ward # if applicable:</b> 5
<b>Department:</b> Public Utilities	<b>Person Submitting Item:</b> Charles Bauschard
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b> N/A

<b>Explanation of Item:</b>	Customer has requested a streetlight on Kensington Park Drive
<b>Actions Needed by Board:</b>	Approval of Request
<b>Backup Attached:</b>	Memo, Resolution, Street Lighting Request Form, Cost Analysis and location map

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

<b>Cost of Agenda Item:</b> Electric \$1169.31 Public Works \$16.88/mo
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**Additional Notes:** N/A



**NEW BERN**  
CITY OF NEW BERN

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

**Aldermen**

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

Dana E. Outlaw  
Mayor  
Mark A. Stephens  
City Manager  
Brenda E. Blanco  
City Clerk  
Mary Hogan  
Director of Finance

TO: Mark Stephens, City Manager  
FROM: Charles Bauschard, Director of Public Utilities  
DATE: March 25, 2021  
SUBJECT: Request for Additional Street Lighting from Resident

Background Information:

In August of 2010, the Board of Aldermen adopted a procedure for addressing requests for additional street lighting from residents. This procedure requires Electric Utilities to evaluate the area of the request. The existing lighting must also comply with or be brought up to the American National Standard Practice for Roadway Lighting.

The Department of Public Utilities has received a request from a resident for additional street lighting infrastructures in the area of Kensington Park Drive. This area was evaluated, and it was determined that it does not meet the City's light standard. The recommendation and cost estimate is included.

Recommendation:

Upon completion of the staff's evaluation, I recommend the Board of Aldermen approve the resolution for the addition of a streetlight on Kensington Park Drive.

## **RESOLUTION**

**THAT WHEREAS**, the City of New Bern has adopted the American National Standard Practice for Roadway Lighting as the design standard for new street lighting installations within the City of New Bern; and

**WHEREAS**, the standard outlines the level of lighting necessary for the safe interaction of pedestrians and vehicles along municipal roadways; and

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

That the Mayor and the City Clerk be and they are hereby authorized and directed to accept the installation and costs to the Department of Public Utilities and Public Works for additional street lighting infrastructure in the area of Kensington Park Drive.

ADOPTED THIS 13<sup>th</sup> DAY OF APRIL 2021.

---

DANA E. OUTLAW, MAYOR

---

BRENDA E. BLANCO, CITY CLERK

## Street Lighting Request Form

REQ # 115

Customer Name: Mrs. O'neil

Customer Address: 3682 Neuse Blvd Dr

Phone Number of Requestor: 252-670-4248

Area of Request:

Kensington Park Dr

(Street address, intersection, general description, etc)

Pole # (if known):

Sent to Police Department Date:

Police Recommendations:

All items below this must be filled out by an Electric Department Engineer

Electric Department Engineer: Dustin Cayton

Evaluations Results/Recommendation:

This street does not meet the City of New Bern's street lighting standard. I recommend installing a 70W LED Cobra fixture on an 8' arm on pole #2452 and pole #2303.

Estimated Cost to Electric Department: \$1169.31

Estimated Cost to Public Works: \$16.88/month



NCCGIA, NC911 Board | State of North Carolina DOT, Esri, HERE, Garmin, SafeGraph, METINASA, USGS, EPA, NPS, USDA | State of North Carolina DOT |



# NEW BERN ELECTRIC

DATE:3-12-21

REQ 115

CUSTOMER:Mrs. O'Neil

LOCATION:Kensington Park Dr

LABOR	QUANTITY	REG. HRS	OT HRS	RATE*	TOTALS
Crew Leader	1	3	0	\$ 52.49	\$ 157.47
2nd Class	1	3	0	\$ 41.13	\$ 123.39
TOTAL					\$ 280.86

EQUIPMENT	QUANTITY	HOURS	RATE*	TOTALS
Bucket Truck/Service Truck 55'	1	3	\$ 74.72	\$ 224.16
TOTAL				\$ 224.16

MATERIAL	QUANTITY	PRICE	TOTAL
70W Led Fixture	2	\$166.43	\$ 332.86
8' ARM	2	\$119.32	\$ 238.64
Photo Cell	2	\$14.20	\$ 28.40
#6 ACSR TPX	10	\$0.40	\$ 4.00
TOTAL			\$ 603.90

SUB TOTAL	\$ 1,108.92
10%TAX	\$ 60.39
TOTAL JOB	\$ 1,169.31

\*Labor Rates are based on hourly rates + benefits.

\*Equipment rates are based on FEMA's 2019 Schedule of Equipment Rates

## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider Adopting a Resolution for Street Lighting Request for College Street

<b>Date of Meeting:</b> April 13, 2021	<b>Ward # if applicable:</b> 2
<b>Department:</b> Public Utilities	<b>Person Submitting Item:</b> Charles Bauschard
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b> N/A

<b>Explanation of Item:</b>	Customer has requested a streetlight in the area of 2005 College Street
<b>Actions Needed by Board:</b>	Approval of Request
<b>Backup Attached:</b>	Memo, Resolution, Street Lighting Request Form, Cost Analysis and location map

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

<b>Cost of Agenda Item:</b> Electric \$671.64 Public Works \$8.44/mo
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**Additional Notes:** N/A

**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

**Brenda E. Blanco**  
City Clerk

**Mary Hogan**  
Director of Finance

TO: Mark Stephens, City Manager  
FROM: Charles Bauschard, Director of Public Utilities  
DATE: March 26, 2021  
SUBJECT: Request for Additional Street Lighting from Resident

Background Information:

In August of 2010, the Board of Aldermen adopted a procedure for addressing requests for additional street lighting from residents. This procedure requires Electric Utilities to evaluate the area of the request. The existing lighting must also comply with or be brought up to the American National Standard Practice for Roadway Lighting.

The Department of Public Utilities has received a request from a resident for an additional street lighting infrastructure in the area of 2005 College Street. This area was evaluated, and it was determined that it does not meet the City's light standard. The recommendation and cost estimate is included.

Recommendation:

Upon completion of the staff's evaluation, I recommend the Board of Aldermen approve the resolution for the addition of a streetlight on College Street.

## **RESOLUTION**

**THAT WHEREAS**, the City of New Bern has adopted the American National Standard Practice for Roadway Lighting as the design standard for new street lighting installations within the City of New Bern; and

**WHEREAS**, the standard outlines the level of lighting necessary for the safe interaction of pedestrians and vehicles along municipal roadways; and

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

That the Mayor and the City Clerk be and they are hereby authorized and directed to accept the installation and costs to the Department of Public Utilities and Public Works for additional street lighting infrastructure in the area of 2005 College St.

ADOPTED THIS 13<sup>th</sup> DAY OF APRIL 2021.

---

DANA E. OUTLAW, MAYOR

---

BRENDA E. BLANCO, CITY CLERK

## Street Lighting Request Form

REQ #

Customer Name:

Customer Address:

Phone Number of Requestor:

Area of Request:

(Street address, intersection, general description, etc)

Pole # (if known):

Sent to Police Department Date:

Police Recommendations:

All items below this must be filled out by an Electric Department Engineer

Electric Department Engineer:

Evaluations Results/Recommendation:

Estimated Cost to Electric Department:

Estimated Cost to Public Works:

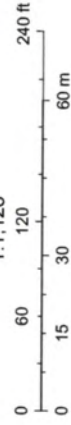


# REQ 116 2005 College St



3/26/2021, 1:16:41 PM

1:1,128



© OpenStreetMap (and) contributors, CC-BY-SA



DATE:3/26/21

REQ 116

CUSTOMER: Jermaine Smith

LOCATION: 2005 College St

LABOR	QUANTITY	REG. HRS	OT HRS	RATE*	OT RATE*	TOTALS
-------	----------	----------	--------	-------	----------	--------

9608

Electric Line Crew Leader	1	2	0	\$ 53.28	\$ 60.08	\$ 106.56
Electric Line Worker 2nd Class	1	2	0	\$ 41.75	\$ 47.08	\$ 83.49

LABOR TOTAL: \$ 190.06

EQUIPMENT	QUANTITY	HOURS	RATE*	TOTALS
-----------	----------	-------	-------	--------

Bucket Truck/Service Truck 55'	1	2	\$ 74.72	\$ 149.44
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EQUIPMENT TOTAL: \$ 149.44

MATERIAL	QUANTITY	PRICE	TOTAL
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70W LED Fixture	1	\$166.43	\$ 166.43
8' ARM	1	\$119.32	\$ 119.32
#6 ACSR TPX	5	\$ 0.40	\$ 2.00
Photocell	1	\$14.20	\$ 14.20

MATERIALS TOTAL: \$ 301.95

SUB TOTAL	\$ 641.45
10%TAX	\$ 30.20

TOTAL DUE: \$ 671.64

\*Labor Rates are based on hourly rates + benefits.

\*Equipment Rates are based on FEMA's 2019 Schedule of Equipment Rates.

**Aldermen**

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



Dana E. Outlaw  
Mayor  
Mark A. Stephens  
City Manager  
Brenda E. Blanco  
City Clerk  
Mary M. Hogan  
Director of Finance

**Memorandum**

TO: Mayor Dana Outlaw  
FROM: Brenda Blanco, City Clerk *BEB*  
DATE: October 22, 2020  
SUBJECT: Appointment to Appearance Commission

On June 11, 2019, you appointed Martha "Molly" Ingram to the Appearance Commission. Ms. Ingram recently resigned from her seat, as she will be relocating to another state in November. You are asked to make a new appointment to serve the remainder of Ms. Ingram's term.

When possible, appointees to this Commission should have special training or experience in a design field, such as architecture, landscape design, horticulture, city planning, or a closely-related field.

/beb

**Aldermen**

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



Dana E. Outlaw  
Mayor  
Mark A. Stephens  
City Manager  
Brenda E. Blanco  
City Clerk  
Mary M. Hogan  
Director of Finance

**Memorandum**

**TO:** Mayor Dana Outlaw, Alderman Bobby Aster, and Alderwoman Jameesha Harris

**FROM:** Brenda Blanco, City Clerk

**DATE:** April 02, 2021

**SUBJECT:** Appointments to Friends of New Bern Firemen's Museum

Gary Lingman, Bill Frederick, and David Pickens' terms on the Friends of New Bern Firemen's Museum Board of Directors will expire April 22, 2021. All three individuals would like to be reappointed, and the Chair of the Board is in favor of their reappointment.

These are rotating appointments, and it is your turn to make the next appointments.

/beb