

populated areas need this service. Mayor George Bryan of Bridgeton said a water district had now been started and sewer is badly needed and his people are ready to go along with whatever is suggested. Mr. Edward Brinson, a Bridgeton resident and chairman of the First Craven Sanitation District, also emphasized the need for sewer service. At the close of discussion Mayor Morgan noted that representatives of the several political bodies had previously told him they were willing to meet with the New Bern governing body and Olsen people in an effort to come to a decision on the matter. It was agreed to meet at 7:30 p.m. on July 6th at a place to ^{be} determined later.

Mayor Morgan announced that next a public hearing, which had been duly advertised, would be conducted on the question of establishing a municipal service district in the downtown area of New Bern. City Attorney A. D. Ward recalled that about the time the City purchased the Coleman property on Craven Street the local merchants became interested, and the Downtown Revitalization Committee was formed. A planning study was made, and then a landscape architect planned the development of the former Coplon property. The Revitalization Committee had proposed the formation of a special tax district to help revitalize the downtown section to improve its business appeal. The four-block area suggested as the special tax district is bounded by Broad Street, Craven Street, Tryon Palace Drive and Hancock Street. Mr. Charles Hargett, of the Merchants Association, noted that the proposed district includes several residences and said the merchants suggest that only business property should be included. Mrs. Sara Bradbury also spoke against doubling the city taxes on homes in the area. Attorney David Ward advised that the wardens of Christ Episcopal Church endorse the plan. He asked questions as to boundaries of the tax district and the input the property owners would have in the improvements. Mr. George Scott said he favored the plan 100% but had found out that only one of the area property owners was on the Revitalization Committee, and he felt the people paying the double taxes should be in control. Aldermen Cox and Kimbrell responded that a private development corporation was expected to be formed, with the revitalization group to "fade away". Mr. Doug Davis said all affected property owners had been urged to participate and that the committee had acted only as a catalyst to get things started. Mr. Scott then expressed concern that there was no time limit as to how long the double tax would be in effect and indicated he would not like this to be left up to the board of aldermen. City Attorney Ward said the statutes do not provide for a time limit but he felt sure the aldermen would not want to extend it when the merchants wanted to stop. Alderman Kimbrell noted that the aldermen's jurisdiction extended only to public property and that another group must finance and provide the work to be done on private property, where the various businesses were expected to improve their facilities. Mr. Gene R. Buck said he owned property on Broad Street and he questioned the value of the proposed improvements to his site; he also agreed with Mr. Scott that the property owners should be involved more. Mr. Bailey Dixon, Mr. Bob King (for First Baptist Church), and Mr. James Whiteside spoke in favor of the proposed district. Mr. King said he understood that private property must be improved with private funds. There was discussion in which city attorney Ward said a resolution could be drawn defining the tax district, that the residences on Hancock Street could be eliminated if the Board desired, and a suggested time of demise could be included. Alderman Kimbrell felt the district should be terminated at such time as the merchants feel it has served its purpose. Mayor Morgan suggested that the project could be re-evaluated on an annual basis, hearing from the merchants involved. At the close of discussion, there was a motion by Alderman Armstrong, seconded by Alderman Kimbrell and carried, that the city attorney prepare a resolution defining the tax district, excluding the five residences on Hancock Street, and including suggested conditions for demise of the tax district.

Mayor Morgan announced it time for a public hearing, which had been duly advertised, on the question of amending the zoning ordinance so as to delete residential construction from the lists of uses permitted under

AN ORDINANCE TO AMEND SECTION 7.1 OF THE ZONING ORDINANCE OF THE CITY OF NEW BERN.

THAT WHEREAS, the existing provisions of the Zoning Ordinance with reference to remote parking space do not address a problem created by separate ownership of portions of property comprising a shopping center or shopping mall; and

WHEREAS, the Board of Aldermen has conducted a duly advertised public hearing, on June 13, 1978, relative to amending the ordinance so as to make provision for remote parking in such cases; and

WHEREAS, the Board of Aldermen deems it advisable to amend said ordinance.

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

Section 1. That Section 7.1 of the Zoning Ordinance of the City of New Bern be and the same is hereby amended by rewriting the paragraph entitled "Remote Parking Space" to read as follows:

Remote Parking Space

(a) If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use. Said land shall be used for no other purpose so long as no other adequate provisions of parking space meeting the requirements of this ordinance have been made for the principal use. In such cases, the applicant for a permit for the principal use shall submit with his application for a building permit an instrument duly executed and acknowledged, which subjects said land to parking use in connection with the principal use for which it is made available. Said instrument shall be submitted to the city attorney and shall not be accepted by the building inspector as satisfactory until the city attorney has endorsed his approval on same in writing. The applicant shall deposit the necessary recording fee, and, upon the issuance of a building permit, the building inspector shall cause said instrument to be registered in the office of the register of deeds.

(b) In the case of shopping centers, or enclosed shopping malls, which provide parking through a common parking area, the off-street parking required by this ordinance may be provided, in whole or in part, on lands in said common parking area which are owned by persons other than the owner of the site of the principal use (building site) for which the off-street parking is required. In such case, however, the applicant for a permit for the principal use shall submit with his application for a building permit an instrument, duly executed and acknowledged, in the form of a lease, license, or easement, which subjects said land to parking use, in connection with the principal use for which it is made available, and shall be for a period equal to, or in excess of, the reasonable physical depreciable life of the structure or structures to be erected pursuant to such permit, and to be served by such parking, as determined by the Building Inspector of the City of New Bern. Said instrument shall be submitted to the city attorney and shall not be accepted by the building inspector as satisfactory until the city attorney has endorsed his approval on same in writing. The applicant shall deposit the necessary recording fee, and, upon the issuance of a building permit, the building inspector shall cause said instrument to be registered in the office of the Register of Deeds of Craven County, unless said instrument shall have been recorded.

Section 2. That this ordinance shall be in full force and effect from and after its adoption and publication, as required by law, and its being recorded in the office of the Register of Deeds of Craven County.

ADOPTED, THIS 13TH DAY OF JUNE, 1978.

Alderman Armstrong moved the adoption of this ordinance. The motion was seconded by Alderman Cox and, on roll-call vote, all voted "Yes".

Mr. Ward presented the following:

R E S O L U T I O N

WHEREAS, the Board of Aldermen of the City of New Bern, herein called the "Applicant", has thoroughly considered the problem addressed in the subgrant application entitled "Regional Training - Region P", and has reviewed the project described in the application; and

WHEREAS, under the terms of Public Law 90-351 as amended, the United States of America has authorized the Law Enforcement Assistance Administration, through the North Carolina Law and Order Section to make federal grants to assist local governments in the improvement of the criminal justice system.

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

1. That the project referenced above is in the best interest of the Applicant and the general public.
2. That the Neuse River Council of Governments be authorized to file, in behalf of the Applicant, an application in the form prescribed by the Law and Order Section for a subgrant in the amount of \$9,000.00 (federal dollar request) to be made to the Applicant to assist in defraying the cost of the project described in the application. The Neuse River Council of Governments shall act as the authorized representative of the Applicant in connection with all aspects of the application process.
3. That if the subgrant is made, the Applicant shall provide or make arrangements to provide, a local cash matching contribution in the amount of \$500.00, as required by the most current guidelines.
4. That to the full extent the law allows, the applicant agrees that upon submission of an application for this subgrant, the applicant intends to continue the program at its own expense and to appropriate funds therefore subject only to budgetary limitations should the program be useful, effective and pertinent.
5. That applicant understands that approval of the subgrant application in no way implies or commits the United States of America, the Law Enforcement Administration, or the Law and Order Section, to approve any application for continuation funding, or to provide any continuation funding whatsoever; rather, applicant understands that continuation funding will probably not be available and applications therefore will only be considered, if at all, only under unusual circumstances.
6. That the Project Director designated in the application form shall furnish or make arrangements for other appropriate persons for furnishing such information, data, documents and reports pertaining to the project, if approved, as may be required by the Law and Order Section.
7. That certified copies of this resolution be included as part of the application referenced above.
8. This resolution having been read aloud in its entirety shall be effective upon its adoption, and shall be recorded in its entirety in the minutes of the City of New Bern.

ADOPTED, THIS 13TH DAY OF JUNE, 1978.

WITNESSETH:

THAT WHEREAS, the Local Public Agency and the United States of America (hereinafter called the "Government") entered into a Loan and Grant Contract for Project No. N. C. R-71, dated the 30th day of October, 1970, as amended and

WHEREAS, the parties hereto desire to close out Project No. N. C. R-71 subject to the terms and conditions herein set forth:

NOW, THEREFORE, in consideration of the mutual covenants, promises and representatives contained herein and in the Loan and Grant Contract, the parties hereto do agree as follows:

Section 1. Purpose of Contract. The purpose of this contract is to provide for the completion and financial settlement of Project No. N. C. R-71.

Section 2. Unsold Property. The City shall, after financial settlement, treat the net proceeds from the sale or lease of all remaining undisposed real property acquired with Project N. C. R-71 funds as program income under the provisions of 24 CFR Part 570.506. Upon close-out, the Local Public Agency shall convey all remaining undisposed real property to the City, subject to the provisions of 24 CFR Part 570.801 (c) (1) (i), (ii), (iii) and (iv). City specifically agrees to be bound by the covenants therein contained.

Such unsold property is more specifically identified as follows:

Parcel No. (as shown on Property

<u>Disposal May)</u>	<u>Area in Sq. Ft.</u>	<u>Designated Reuse</u>
8	28,875	Commercial
9	36,300	Commercial
10	23,925	Commercial
12 (Partial)	6,600	Commercial
14	81,900	Commercial
15	15,050	Commercial

Section 3. Audits and Inspections. The City will, at any time during normal business hours, and as often as the Government or the Comptroller General of the United States may deem necessary, permit the Government and the Comptroller General to have full and free access to all its books and records with respect to sale of properties enumerated in Section 2 of this Agreement, and with respect to the Loan and Grant Contract No. N.C. R-71 (L&G) and will permit the Government to audit, examine, and make excerpts or transcripts from such books and records, and to review, inspect, and make audits of all Program work, contracts, invoices, materials, payrolls, records of personnel, conditions of employment, books of accounts, and other documentary data pertaining to such matters.

Section 4. Additional Funding. Any costs or obligations incurred in connection with Project N.C. R-71 with respect to claims which are disputed, contingent, unliquidated or unidentified, and for the payment of which insufficient funds have been reserved under financial settlement, shall be borne by the City. Such additional costs may be paid from funds made available under Title I of the Housing and Community Development Act of 1974.

Section 5. Non-Expendable Personal Property. The City agrees that all non-expendable personal property acquired with Project No. NC R-71 funds will become a part of, and used solely in connection with, the Community Development Block Grant Program, or will be disposed of according to OMB A-102 and the proceeds be treated as Program INcome under the CDBG Program. Title to such property will be conveyed to the City by the Local Public Agency upon close-out.

Section 6. Program Management Requirements. Obligations under this Project Completion Agreement are made specifically subject to the Program Management Requirements of 24 CFR Part 570.900 -913.

Section 7. Loan Repayment Provision. Three days before the date to be specified by the Government for financial settlement, the City shall deposit in the Project Temporary Loan Repayment Fund such funds as are required to assist in the payment of the principal amount and accrued interest on any outstanding temporary loan made in connection with Project N. C. R-71. The close-out amount, computed for August 1, 1978, is estimated to be \$106,400.00, less proceeds from sales prior to that date, if any.

Section 8. Effect of Provisions Being Held Invalid. If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of Title I of the Housing Act of 1949, Title I of the Housing and Community Development Act of 1974, other applicable laws, and of applicable Federal Regulations.

IN WITNESS WHEREOF, the City of New Bern and the Redevelopment Commission of the City of New Bern, each has caused this agreement to be duly executed on its behalf and its seal to be hereunto affixed and attested, the City of New Bern on the 13th day of June, 1978, and the Redevelopment Commission of the City of New Bern on the day of June, 1978.

The following resolution was presented: RESOLUTION

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

That the Project Completion Agreement between the City of New Bern and the Redevelopment Commission of the City of New Bern, a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to executed same for and on behalf of the City.

ADOPTED, THIS 13TH DAY OF JUNE, 1978.

Alderman Kimbrell moved the adoption of this resolution. The motion was seconded by Alderman Armstrong and, on roll-call vote, all voted "Yes".

There was a motion by Alderman Armstrong, seconded by Alderman Kimbrell and carried, to recess the meeting until 7:30 p.m. on Wednesday, June 14th, 1978.

Handwritten signature of the Mayor, with the word MAYOR printed below it.

A recessed meeting of the Board of Aldermen of the City of New Bern, N. C., was held on Wednesday, June 14, 1978, at 7:30 p. m. in the City Hall with Mayor Leander R. Morgan presiding and the following members present.

Alderman Paul M. Cox
 " Charles H. Kimbrell
 " Tom I. Davis
 " Ed Armstrong

City Attorney A. D. Ward

Absent: Alderman James Ross

City Attorney Ward presented, on second reading, an ordinance entitled, "AN ORDINANCE GRANTING A FRANCHISE TO WASTE INDUSTRIES, INC. TO PROVIDE, AND SERVICE, STATIONARY COMPACTORS OF SOLID WASTE WITHIN THE CITY OF NEW BERN." Alderman Armstrong moved the adoption of the ordinance, on second reading. The motion was seconded by Alderman Davis and, on roll-call vote, aldermen Cox, Davis and Armstrong voted "Yes", and Alderman Kimbrell voted "No".

Mr. Ward presented the following:

R E S O L U T I O N

THAT WHEREAS, Section 5, Meetings of the Board of Aldermen, of the Charter of the City of New Bern provides in part: "All meetings of the Board of Aldermen and of committees thereof shall be open to the public, and the rules of the Board of Aldermen shall provide that citizens of the City shall have a reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat."; and

WHEREAS, the written policy of the Board with respect to conduct of its meetings does not specifically address the requirement that citizens be given a reasonable opportunity to be heard, although such policy has been followed; and

WHEREAS, it is deemed advisable that written policy be adopted with respect thereto.

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

Section 1. That citizens of the City of New Bern shall have a reasonable opportunity to be heard at any meeting of the Board of Aldermen, or committees thereof, with respect to any matter being considered by the Board, or by its committees, unless such meeting shall be closed to the general public as permitted by law; Provided, however, nothing herein contained shall be construed to authorize or require that citizens of the City of New Bern, or other members of the audience, be permitted to address the Board or its committees after a motion has been made that some action be taken on the matter under consideration, and they shall not be permitted to do so.

ADOPTED, THIS 14TH DAY OF JUNE, 1978.

Alderman Armstrong moved the adoption of this resolution. The motion was seconded by Alderman Cox and, on roll-call vote, all voted "Yes".

The city attorney presented the following:

O R D I N A N C E

AN ORDINANCE TO AMEND S14-156, "LOADING ZONES", OF THE CITY CODE OF THE CITY OF NEW BERN BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

Section 1. That S14-156, Loading Zones, of the City Code of the City of New Bern, be, and the same is hereby amended by adding to the list of loading zones therein established, in its proper alphabetical order, the following:

George Street on the east side, beginning at a point 296 feet north of the northerly right-of-way of Guion Street, extending 30 feet northwardly along George Street.

Section 2. That this ordinance shall be in full force and effect from and after its adoption and publication, as required by law.

ADOPTED, THIS 14TH DAY OF JUNE, 1978.

Alderman Kimbrell moved the adoption of the ordinance. The motion was seconded by Alderman Armstrong and, on roll-call vote, all voted "Yes".

Mr. Ward presented the following:

R E S O L U T I O N

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

Section 1. That the Board of Aldermen of the City of New Bern does hereby recommend to the North Carolina Department of Transportation:

- a. That the new Trent River Twin Bridges be named "Freedom Memorial Bridges".
- b. That the older Trent River bridge be named "The Alfred A. Cunningham Bridge"; and
- c. That the Neuse River Bridge be named "The John Lawson Bridge".

Section 2. That a certified copy of this Resolution be forwarded to the Board of County Commissioners of Craven County, with the request that they concur in same.

ADOPTED, THIS 14th DAY OF JUNE, 1978.

Alderman Cox moved the adoption of this resolution. The motion was seconded by Alderman Armstrong and, on roll-call vote, all voted "Yes".

Funds might be expended for that purpose, the New Bern Academy renovation being a part of the 1977-1978 Community Development Plan; and

WHEREAS, the Department of Housing and Urban Development has approved the expenditure of Community Development funds from the 1977-1978 Community Development Plan for the restoration of the New Bern Academy; and

WHEREAS, the 1977-1978 Budget Ordinance for the City of New Bern included an appropriation from the Community Development Block Grant Funds for historic preservation in the sum of \$131,155.00, of which the sum of \$76,000.00 is available in the current budget for the restoration of the New Bern Academy; and

WHEREAS, the Board of Aldermen of the City of New Bern deems it advisable to approve the proposed expenditure by the Commission as set forth on the subject estimate, copy of which is attached hereto and incorporated herein by reference, together with transmitting resolution.

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

Section 1. That the proposed expenditures by the New Bern Academy Historical Commission for the restoration, preservation and renovation of the New Bern Academy be, and they are hereby approved.

Section 2. That there is hereby appropriated to the New Bern Academy Historical Commission the sum of \$76,000.00 from the Community Development Block Grant Funds- Historic Preservation Funds appropriated by the 1977 1978 Budget Ordinance for the City of New Bern, to be used by said Commission to begin the implementation of the proposed restoration, preservation and renovation of the New Bern Academy, as specifically set forth on proposal of John N. Peterson, A.I.A., bearing date March 18, 1977.

Section 3. That said funds be released to the New Bern Academy Historical Commission by the City Treasurer from time to time as the work progresses, upon submission by the Commission to the City of appropriate documentation.

Section 4. That the New Bern Academy Historical Commission be, and it is hereby required to account for the appropriation at the close of the fiscal year.

ADOPTED, THIS 14TH DAY OF JUNE, 1978.

Alderman Kimbrell moved the adoption of this ordinance. The motion was seconded by Alderman Cox and, on roll-call vote, all voted "yes".

Reference was made to a memo as follows:

M E M O

June 6, 1978

MEMORANDUM

TO: Mr. H. E. Russell, Secretary
Police Civil Service Board

FROM: Chief of Police

SUBJ: Police Applicants - REGISTER

This is to advise you that Ed. W. Todd was who to be discharged from USMC on 6/1/78 has re-enlisted in the Corps, and is no longer available for employment.

Willie Ellsion, Jr., Vanceboro, N. C., who was hired by the Board of Aldermen at their last meeting pending the passing of a physical and psychiatric examination has advised his present employer, the National Spinning Mill, is paying for his college education, therefore, he is no longer interested in employment..

We still have one vacancy in the Police Department and it is requested that the Board of Aldermen fill this vacancy at their next meeting. The following are the remaining applicants on the Police register:

- Teresa F. Lathon, Rt. 2, Box 141-K, New Bern, N. C. 28560
- Phyllis R. Styron, 02-312 Craven Terrace, New Bern, N. C. 28560
- William A. Moore, Rt. 1, Box 513, Maysville, N. C. 28555

Sincerely,

/s/ John W. Worsham
Chief of Police

There was a motion by Alderman Kimbrell, seconded by Alderman Cox and carried, that Teresa F. Lathon be appointed as a police officer, subject to passing the required physical and psychiatric examinations.

The city attorney presented the following:

ORDINANCE

AN ORDINANCE TO AMEND THE ORDINANCE ADOPTED ON SEPTEMBER 20 1977 ENTITLED "AN ORDINANCE ESTABLISHING RULES RELATIVE TO TERMINATION OF UTILITY SERVICES"

THAT WHEREAS, the Board of Aldermen of the City of New Bern adopted an Ordinance entitled "An Ordinance Establishing Rules Relative to Termination of Utility Services" on September 20, 1977, which required that certain information be included verbatim on all statements rendered by the City, for utility services; and

WHEREAS, certain problems have arisen with reference thereto to the end that the Board of Aldermen deems it advisable that said Ordinance be modified in part.

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

Section 1. That Section 1 of the Ordinance entitled "An Ordinance Establishing Rules Relative to Termination of Utility Services" be, and the same is hereby amended to read as follows:

"Section 1. That it is the policy of the City of New Bern to discontinue service to utility customers, by reason on non payment of accounts, only after notice and a meaningful opportunity to be heard on disputed bills.

No. DUNN CO. 31018

billing will be considered. Should the bill not be paid and customer not resort to the hearing procedure herein set forth, service will be discontinued at the specified time.

That statements rendered by the City may contain the substance of subparagraphs a,b,c, and d as dictated by the space available."

ADOPTED, THIS 14TH DAY OF JUNE, 1978.

Alderman Cox moved the adoption of this ordinance. The motion was seconded by Alderman Armstrong. After some discussion there was a roll-call vote, with all voting "Yes". Alderman Davis suggested civil action be taken against utility customers who fail to pay.

After a favorable report from the Police Department, there was a motion by Alderman Davis, seconded by Alderman Armstrong and carried, to approve applications for renewal of beer and wine permits as follows:

BEER & WINE OFF PREMISES

- Gardner's Grocery - 1101 H & K St.
- Piggly Wiggly # 56 - Triangle Plaza Shopping Center
- Parker's Town-N-Country -1912 Trent Blvd.
- Henrickson's Pharmach - Neuse Village Shopping Center
- Eckerd's Drug Store -2007 Neuse Blvd.
- Frog Pond Service Station 730 Queen St.
- Colonial Mini Mart # 1-602 Broad St.
- Colonial Mini Mart # 2-229 East Front St.
- Hayes Food Center - 1222-24 Broad St.
- Quick Stop Grocery -814 Main St.
- Winn Dixie Store # 811-Berne Square Shopping Center
- Super Pac # 2-1207 Simmons St.
- Stop N Co.#765-Glenburnie Drive & Brunswick Ave.
- Nobles Grocery-1706 Garden St.

BEER ON PREMISES

- Pizza Hut of New Bern-2503 Neuse Blvd.
- Grenadire Club - 1036 Queen St.
- William Restaurant - 335 Middle St.
- Viscount Social Club - 509 Kilmonack St.

BEER ON AND WINE OFF PREMISES

- Robbie Rib House- 1020 Broad St.

BEER ON & OFF PREMISES

- Charlies Billiards - 2106 Trent Blvd.
- Brinkley's Pool Room - 402 Tryon Palace Drive

Mr. Outlaw advised bids had been received June 8th as follows:

B I D S

BID RECEIVED ON THE FOLLOWING: Cast Iron Water Pipe
Date of Opening of Bids: June 8, 1978 Time: 2:15 P.M.

BIDDER	BID DEP.	TOTAL BID	TERMS	ALTERNATE	DELIVERY DATE
Grannell Corp	No Bid Rec.				
Southern Meter & Supp.	No Bid				
In Line, Inc.	No Bid Received				
Lynchburg Foundry Co.	5% B. B.	Dis. 24,266.06 24,388.00	Net 30 days 1/2% 10 days	1. Alt. 24,466.00 2. Alt. 22,464.00 1. Dis. 24,343.67 2. Dis. 22,351.68	immediately
Glamorgan Pipe & Foun.	Ck. 1250.00	No Bid	Net 30 days	24,882.00	1 week ARO
Pyco Supply Co.	No Bid				
Pump & Lighting Co.	5% B.B.	No Bid	1% 30 days	Dis. 25,070.76 25,324.00	2 weeks

Recommendation: We recommend that the second alternate in the amount of \$22,351.68 submitted by Lynchburg Foundry Company be accepted.

Alderman Kimbrell moved to accept the recommendation of the city manager and to award the bid to Lynchburg Foundry Co. in the amount of \$22,351.68. The motion was seconded by Alderman Davis and, on roll-call vote, all voted "Yes".

Mr. Outlaw advised bids had been received June 12th as follows:

B I D S

BID RECEIVED ON THE FOLLOWING: Paving on Glenwood Avenue from Longview Drive to Cherry Lane

DATE OF OPENING OF BIDS: June 12, 1978 TIME: 2:00 P.M.

BIDDER	BID DEP.	TOTAL BID	DELIVERY DATE
James Chance Const. Co.	No Bid Received		
Barrus Const. Co.	5% Bid Bond	4,397.25	10/1/78
Clement & Johnson, Inc.	No Bid Received		
Propost Const. Co., Inc.	No Bid Deposit		

Alderman Kimbrell moved to award the bid to Barrus Construction Co., in the amount of \$4,397.25. The motion was seconded by Alderman Armstrong and, on roll-call vote, all voted "Yes".

Mr. Outlaw referred to action taken by the Planning Board at its June 6th meeting on five rezoning requests as follows: To rezone a lot at 402 Simmons Street from RA-6 to O and I; to rezone two lots, one at 201 Beech Street, and one at 109 Beech Street, from RA-6 to I-1; to rezone a tract of land consisting of 1.68 acres at

CITY OF NEW BERN. N. C.

RECORD OF MINUTES OF BOARD OF ALDERMEN MEETING

June 14

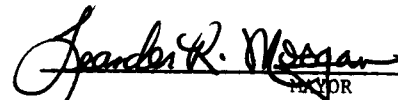
19 78

OWNERS: BURNING CO. 11018

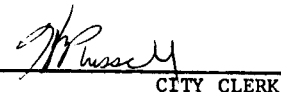
of a list of vouchers numbering 7431 through 7682 totaling \$1,943,852.24, of which \$900,000.00 was transfer of funds.

Alderman Kimbrell referred to the employee retirement options as mentioned in Mr. Outlaw's memo to him dated May 8th (see minutes of May 9th). The matter of retirement credit for military service was discussed at some length. There was also interest in credit for the probationary or waiting periods which in the past had applied to new employees. At the close of discussion there was a motion by Alderman Kimbrell, seconded by Alderman Armstrong and carried, that a resolution be drawn making the military credit option available to our employees in compliance with retirement system provisions, and permitting retirement credit for those employees now on the City payroll who have served a one-year waiting period during which they were not members of a retirement system.

Mrs. Vicki Jeffries asked if the authority to determine if someone is out of order rests with the Mayor, a parliamentarian, any member of the Board or someone else? Mayor Morgan replied that the Board operates under Robert's Rules of Order, that he has the gavel and felt he had the authority, but he noted that the Board tonight had adopted a resolution regarding its hearing of citizens. Alderman Kimbrell commented that the Mayor cannot be questioned as to handling decorum or indecorum but that beyond that any decision a presiding officer makes can be over-ruled by the body. Mrs. Jeffries then observed that this evening motions had been made, seconded and carried without citizens in the audience having an opportunity to be heard. City Attorney Ward said the Charter requires that citizens shall be given a reasonable opportunity to be heard, but he did not feel the audience should participate in the deliberations of the governing body. Mayor Morgan stated the body wants to hear from citizens up until the time a motion is made. He said he could read out each agenda item and recognize members of the audience who raise their hands so that they could be heard before the Board takes action. Mrs. Jeffries continued to speak on the subject. Alderman Kimbrell rose to a point of order and asked Mrs. Jeffries if she was a resident of the City. She ignored him and continued speaking. Alderman Kimbrell moved that the meeting adjourn to June 27, 1978, at 8:00 p.m. The motion was seconded by Alderman Davis and was carried.



 MAYOR



 CITY CLERK