

**City of New Bern
Board of Aldermen Meeting
May 8, 2018 – 6:00 P.M.
City Hall Courtroom
300 Pollock Street**

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer by Alderman Best. Pledge of Allegiance.**

- 2. Roll Call.**

Present: Mayor Dana Outlaw, Alderman Sabrina Bengel, Alderwoman Jameesha Harris, Alderman Robert Aster, Alderman Johnnie Ray Kinsey, and Alderman Barbara Best. Absent: Alderman Jeffrey Odham. A quorum was present.

Also Present: Mark Stephens, City Manager; Kristen Culler, Assistant City Manager; Michael Scott Davis, City Attorney; and Brenda Blanco, City Clerk.

- 3. Request and Petition of Citizens.**

On behalf of the New Bern Preservation Foundation, Emily Henson of 518 New Street announced the New Bern River Homes Tour. The tour will be held next weekend on May 18th and 19th from 10 a.m. to 4 p.m. and will include 11 riverfront homes.

Kathy Guzzo of 212 Middle Street read a statement about the lack of a curfew in the City's noise ordinance. She described instances where noise near her residence has continued throughout the night since March of this year. She reported these instances to the Police, although the Police informed her they could not enforce the noise ordinance since it does not specify a time by which noise must cease. Mrs. Guzzo suggested the ordinance be amended to include a noise curfew of 11 p.m. for outside events.

Consent Agenda

- 4. Consider Approving a Proclamation in Support of House Bill 551 for Marsy's Law.**

Kayla Saunders, Field & Digital Director for Marsy's Law for North Carolina, requested a proclamation in support of Marsy's Law.

- 5. Consider Adopting a Resolution to Call for a Public Hearing on the 2018-2019 CDBG Annual Action Plan.**

The 2018-2019 CDBG Annual Action Plan provides a summary of actions, activities, and specific federal and non-federal resources to be used to address the needs and goals in the Strategic Plan section of the coming year's Consolidated Plan. It also serves as the City's application for funding under the Entitlement Cities

program. New Bern's expected resources are identified on page 13 of the plan, and page 15 lists a summary of the goals with a breakdown of funding. The proposed plan has been available for public review and comment since April 20, 2018 and will remain available through May 21, 2018. The public hearing is proposed for May 22, 2018 to provide a final opportunity for citizens to comment on the draft plan.

6. Consider Adopting a Resolution to Call for a Public Hearing on Financing the Drainage Improvements and Garage Relocation Projects.

Capital project funds have been established for the Drainage Improvements Project and the Garage Relocation Project. A request for proposal was issued on April 26, 2018 seeking financing proposals for a sum not to exceed \$2,320,000. Because these projects involve real property, the borrowing must be approved by the Local Government Commission ("LGC") and a public hearing is required pursuant to NCGS §160A-20. The hearing is proposed for May 22, 2018.

7. Consider Adopting a Resolution to Close the 500 Block of Roundtree Street on July 13, 2018 from 11 a.m. to 7 p.m. for the Colorfest Community Art Event.

Derrick Bryant, President and CEO of Colorfest, Inc., has requested the 500 block of Roundtree Street be closed to vehicular traffic on Friday, July 13, 2018 from 11 a.m. to 7 p.m. for a community art event.

8. Consider Adopting a Resolution to Close the 500-600 Blocks of Roundtree Street on August 7, 2018 from 3:00 p.m. to 9:00 p.m. for the Craven Terrace Residents' National Night Out Celebration.

Latisha Bell, Resident Services Coordinator for Craven Terrace, has requested the 500-600 blocks of Roundtree Street be closed to vehicular traffic on Tuesday, August 7, 2018 from 3 p.m. to 9 p.m. for a National Night Out celebration.

9. Approve Minutes.

Minutes from the April 11, 2018 special meeting and April 24, 2018 regular meeting were provided for review and approval.

Alderman Aster made a motion to approve items 4-9 of the Consent Agenda, seconded by Alderwoman Harris. The motion carried unanimously 6-0.

10. Presentation on 2018 Veterans Standdown.

Lovay Wallace-Singleton, Executive Director of the Veterans Employment Base Camp and Organic Garden ("VEBCOG"), provided a PowerPoint presentation on this year's upcoming Veterans Standdown, which is scheduled for September 14, 2018 from 9 a.m. to 1 p.m. at Stanley White Recreation Center. She asked for the City to add gravel to the garden's driveway, as well as permission to use the full site of the grounds. Alderman Bengel asked if the VEBCOG works in collaboration

with the County's full-time veterans' coordinator, and Mrs. Wallace-Singleton confirmed it does and stated Craven County's Veterans Services Officer will be present at the Standdown.

Mr. Stephens stated he would look into the status of the organization's application to use the grounds, which was submitted in February according to Mrs. Wallace-Singleton.

11. Presentation on Emergency Fire Dispatch.

The first implementation phase of the Emergency Fire Dispatch ("EFD") system was begun on April 10, 2018 by the Police Department's Communication Center. This system was purchased utilizing funds from the NC 911 Board. Police Captain Bobby Jones and Fire Chief Bobby Boyd shared information and a video detailing the system. Chief Boyd stated the County has Emergency Medical Dispatch ("EMD"), but does not have EFD and does not dispatch for fire. Captain Jones described the difference between a telecommunicator and a 911 dispatcher.

12. Presentation on GIS Annual Update.

Alice Wilson, GIS Coordinator, shared a PowerPoint presentation on the progress made since the GIS Strategic Plan was approved in March 2015. The presentation described ongoing and future projects, and satisfied the plan's provision for an annual report to the Board of Aldermen.

13. Conduct a Public Hearing on the Proposed Budget for Fiscal Year 2018-19.

The recommended budget for FY2018-19 was distributed to the Board on April 24, 2018, at which time the highlights were reviewed by the City Manager. The budget has been made available for public inspection in the City Clerk's office, at the New Bern-Craven County Public Library, and on the City's website. Budget workshops were conducted on May 1st and 2nd and an additional workshop is slated for May 14th, all of which are open to the public. The items the Board asked staff to work on or look into will be presented at the May 14th meeting. Alderman Bengel pointed out the proposed budget is not the final budget.

Mayor Outlaw opened the public hearing, and the following individuals spoke:

- Edwin Vargas of 230 Attmore Drive shared a PowerPoint presentation of his review and comparison of Fiscal Year 2018-19's proposed budget to the current budget. He made recommendations for future budgets.
- Bart Rovins, President of the Taberna Homeowners Association and resident of 119 Lugano Road, spoke in favor of adding staff to the Thurman Road Fire Station. He expressed concern about the Fire Department's current ability to respond and the anticipated impact on response time due to growth in the area as well as construction in 2019 associated with the Highway 70 improvements. Mr. Rovins also spoke about concerns of traffic impediment and a necessity to pre-plan for infrastructure needs that will

come as a result of continued growth in that corridor. Mr. Rovins was joined by Tim Tabak, a resident of the Evans Mill subdivision.

- Mary Ellen Dorsey of 4502 Celadon Lane in Carolina Colours also spoke about the importance of fire safety, preparedness and life-saving efforts. She voiced support for adding firefighters to the Thurman Road Fire Station.
- Paul Dale of 3502 Cashmere Lane in Carolina Colours also expressed his support for additional fire staff at the Thurman Road station.

Alderman Aster pointed out the two-in, two-out rule does not prohibit firemen from making rescues. In cases where it is *known* a rescue is needed but only one fireman is on scene, that fireman can attempt rescue. The two-in, two-out rule applies to interior fire suppression.

Alderman Bengel made a motion to continue the public hearing until May 14, 2018, seconded by Alderwoman Harris. The motion carried unanimously 6-0.

**14. Conduct a Public Hearing on the Rezoning of 900 Broad Street and:
a) Consider Adopting a Statement of Zoning Consistency; and
b) Consider Adopting an Ordinance Rezoning 900 Broad Street.**

On behalf of One World Company, LLC, Danny Batten requested the property at 900 Broad Street be rezoned from a C-4 Neighborhood Business District to a C-3 Commercial District. The property is an approximately .44-acre parcel near the intersection of Queen and Broad Streets further identified as tax parcel ID 8-008-151. Morgan Jethro-Potts, City Planner, stated Mr. Batten proposes to utilize the parcel for the sale of retail goods and clothing, screen printing, and embroidery. The difference in current zoning and the requested zoning was explained by Mrs. Jethro-Potts. A C-4 Neighborhood Business District has a principle use of providing for the retail of goods and services, which has impact on traffic counts. Whereas, a C-3 Commercial District allows for offices, professional services, and the retailing of durable and convenience goods on major radial roads.

Mayor Outlaw opened the public hearing, but no one came forward to speak.

Alderman Bengel made a motion to close the public hearing, seconded by Alderman Aster. The motion carried unanimously 6-0.

Alderman Bengel made a motion to adopt a statement of zoning consistency, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-0

Alderman Bengel made a motion to adopt an ordinance rezoning 900 Broad Street, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-0.

15. Conduct a Public Hearing and Consider Adopting an Ordinance to Create a Redevelopment Commission.

As discussed at a special meeting on April 11, 2018, consideration is being given to the creation of a Redevelopment Commission. The proposed commission will consist of nine members who are residents of the City of New Bern and appointed by the Board of Aldermen. Commission members will serve staggered terms with each term being five years. However, initially two members shall serve a term of five years, two members shall serve a term of four years, two members shall serve a term of three years, two members shall serve a term of two years, and one member will serve a term of one year. The Governing Board may appoint one or more liaisons from among themselves to attend and participate in the Commission's meetings, but the liaison(s) shall not have the right to vote and will be ex-officio in nature. A liaison may only serve in such capacity during their term on the Governing Board.

Mayor Outlaw opened the public hearing, but no one spoke.

Alderman Bengel made a motion to close the public hearing, seconded by Alderwoman Harris. Alderman Kinsey stated he was interested in knowing about the Duffyfield Phoenix Project and what they are doing. He asked if it was possible to have them make a presentation before the Board, and questioned if they were doing the same thing the City desires to do then why not work together. Alderman Best noted she was going to ask the City Clerk about placing the Duffyfield Phoenix Group on the agenda for May 22, 2018. Alderman Bengel asked that a vote be called on the motion to close the public hearing and then have a discussion about the Duffyfield Phoenix Group. A voice vote was taken, and the motion carried unanimously 6-0.

Alderman Bengel stated she had no problems with the Duffyfield Phoenix Group or anyone else speaking, but was concerned that the group has had opportunities to speak, but have not yet done so. She felt the legal structure of the Commission needed to be put in place, and the Phoenix Group could work with the Commission at that time, as she looked forward to their input. Mayor Outlaw pointed out the Governing Board established a Redevelopment Commission in the 1960s, and he described some of the benefits that came from that Commission. Aldermen Kinsey and Best reiterated the Duffyfield Phoenix Group's desire to share their mission and make a presentation before the Board on May 22, 2018, and Alderman Best noted the group was not ready to present themselves at tonight's meeting. Alderman Best stated she had reservations about a Redevelopment Commission and felt the Phoenix Group has already begun to lay groundwork and share information with residents of the Duffyfield area. Alderwoman Harris commented she did not feel the Board was hindering the group from speaking. Harris noted she too had reservations, but after reading more information she understood tonight's action would only set up the structure to establish a Commission. After that step, the Board could work with the Phoenix Group and possibly appoint them to the Commission. Harris further noted she was in favor of the group speaking on May 22nd. Alderman Bengel stated her concern is she was in contact with the group and

then there was no more contact, which she did not understand. As an alderman who serves a portion of the ward that is represented by the group, she felt she should have had prior knowledge and contact just as Aldermen Kinsey and Best have. The Redevelopment Commission has to be about more than just housing, according to Alderman Bengel; the Commission is just a legal tool. Alderman Best stated she understood that and did not need it explained to her; she was simply defending the Duffyfield Phoenix Project.

Alderman Bengel made a motion to adopt an ordinance to create a Redevelopment Commission, seconded by Alderman Aster. Upon a roll-call vote, the motion carried 4-2 with Aldermen Kinsey and Best voting against it.

16. Consider Adopting a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Old Airport Road Project.

In anticipation of widening and improving Old Airport Road between Taberna Circle and County Line Road, a Request for Qualifications was advertised on September 24, 2017 seeking professional services related to right-of-way improvements. The six responses received were ranked based on qualifications, and Kimley-Horne and Associates Inc. received the highest ranking. The Professional Services Agreement with Kimley-Horne outlines the scope of work and services to be performed at a cost of \$128,540. Matt Montanye, Director of Public Works, stated the engineering is to be completed by February 2019 with construction likely in the summer of 2019.

Alderman Aster made a motion to adopt a resolution authorizing the City Manager to execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Old Airport Road Project, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 6-0.

17. Consider Adopting a Resolution Approving a Greenway Trail Easement.

As part of the 2009 Adopted Pedestrian Plan, the Board was asked to consider adopting a resolution approving a greenway trail easement with Pine Valley, LLC. This easement was a condition placed by the Board of Adjustment for the Pine Valley Apartments at 1000 Pine Tree Drive.

Alderman Kinsey made a motion to adopt a resolution approving a Greenway Trail Easement, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 6-0.

18. Consider Adopting a Resolution Authorizing the Filing of an Application with the Local Government Commission for Approval of the Drainage Improvements and Garage Relocation Projects.

Financing that involves real property must be approved by the LGC. The proposed financing will be utilized for the drainage improvements and garage relocation projects. After reviewing responses to a request for proposals for installment-loan

financing, PNC Bank is the recommended lender with an interest rate offered at 3.34% for a 10-year period.

Alderwoman Harris made a motion to adopt a resolution authorizing the filing of an application with the LGC for approval of the drainage improvements and garage relocation projects, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

19. Consider Adopting a Resolution Approving an Audit Contract for Fiscal Year Ending June 30, 2018.

Mauldin & Jenkins, LLC performed the City's audit for Fiscal Year Ending June 30, 2017 at a cost of \$34,000. Their proposed contract for the upcoming year-end (FYE June 30, 2018) is \$36,000 and includes all major programs. Mr. Stephens noted this is the third year of a three-year contract and typically the City will re-bid the contract after the third year.

Alderwoman Harris made a motion to adopt a resolution approving an audit contract for Fiscal Year Ending June 30, 2018, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 6-0.

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

An amendment is needed to the ordinance for city-sponsored events to reflect two minor changes. The Twin Rivers YMCA Healthy Kids Day and Healthy Kids Day 5K is referring to its 2018 run under the title of "Pancake Pursuit 5k and 10k" and in future years may choose to refer to the run under a different title. Therefore, for the purpose of listing city-sponsored events, they desire the event simply be listed as the Twin Rivers YMCA 5k and 10k. The second change is the annual Neuse River Bridge Run will be held in the month of March instead of October.

Alderwoman Harris made a motion to adopt an ordinance to amend Section 66-85 of Chapter 66 for the city-sponsored events, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0.

21. Consider Adopting a Budget Ordinance Amendment for the FY2017-18 General Fund Operating Budget.

A budget ordinance amendment is sought to appropriate \$30,000 to Parks and Recreation for the repair and maintenance of Kidsville, a wooden playground structure that is approximately 24 years old. The structure is currently closed until the maintenance and repairs can be performed. This will be the initial phase of renovations, and an audit will be utilized to determine what other changes are needed. The amendment also appropriates \$62,000 to Public Works for expenses related to the replacement of hardware in the City Hall clock tower, which is an iconic feature in New Bern. Part of the work to be performed includes replacement of the incandescent lights with LED lights, which will make the clock easier to see.

Fund balance will be appropriated to cover both the repairs to the playground and the clock.

Upon inquiry from Alderman Aster, Foster Hughes, Director of Parks and Recreation, explained an auditor will determine whether the Kidsville playground meets current standards and if it is salvageable. Alderman Aster questioned whether the appropriation of \$30,000 should be held off until the results of the study are received and a better idea is known as to how much money is needed. The audit will be conducted next week at a cost of \$1,800, but it may be several weeks before the results are available. The park will not be reopened until the audit results and recommendations are received. The Board contemplated making a motion to appropriate funds for the clock repair and waiting to fund the Kidsville repair and maintenance. J.R. Sabatelli, Director of Finance, explained appropriating “seed” money now would alleviate the need to wait for funds to be allocated once the evaluation on the park is received. Work could begin right away, if deemed feasible. If the funds are not used, they will roll back into fund balance according to Mr. Sabatelli.

Alderwoman Harris made a motion to adopt a budget ordinance amendment for the FY2017-18 general fund operating budget, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

Alderman Bengel pointed out the importance of working on the clock tower since it is such an iconic feature. Mayor Outlaw suggested an ad hoc group consisting of the alderman for the ward in which Kidsville is located (Ward 2) along with a couple other aldermen visit the playground and report back to the Board, noting he felt it may take more than \$30,000 to address Kidsville. The Mayor also suggested illumination be placed on City Hall and some other downtown buildings. Mr. Stephens reported on potential projects for lighting some of downtown’s features, such as the Alfred Cunningham Bridge and the clock tower, and stated he would obtain quotes and report back to the Board on the cost of these potential projects. Alderman Best stated a constituent asked her about having lights on the water towers at Christmas.

22. Appointment(s).

Alderwoman Harris made a motion to appoint Karin McNair to the Historic Preservation Commission, seconded by Alderman Aster. The motion carried unanimously 6-0. Ms. McNair will fill the seat vacated by Tripp Eure, and her term will run May 16, 2018 to May 15, 2021.

23. Attorney’s Report.

The City Attorney had nothing to report.

24. City Manager’s Report.

The City Manager had nothing to report.

25. **New Business.**

Alderman Best

Condolences were expressed to the family of Contessa Ray on her passing. The Pleasant Hill Community Association is sponsoring a women's prayer retreat on May 26, 2018 at the Pleasant Hill Community Park. Donations of clothing and food will be available for those in need.

It is nice for this Board to comment on City employees, because without them the City could not operate.

Alderman Kinsey

A brief report was given on the air show held this past weekend at Cherry Point MCAS.

Alderman Aster

Alderman Best was asked whether the street lights in Pleasant Hill have been repaired by Duke, and Alderman Best responded no. Jordan Hughes, Acting Director of Public Utilities, stated Duke has service orders in place to do this work. Duke's engineers also indicated a contractor was lined up to install the additional street lights at the intersection of Highway 43 and Highway 55, but once the NC Department of Transportation ("DOT") realized wood poles were going to be installed there was a need to go back to the drawing board as DOT desired metal poles.

An update on Spencer Avenue was requested. Mr. Hughes stated work has not yet begun on Spencer, as work is finishing up on Park Avenue. It will likely be the first of June before Spencer is reached, as Park will take another two to three weeks to complete. Once work begins on Spencer, weekly updates will continue to be sent to the area residents as well as other adjoining areas that will feel the impact.

Alderwoman Harris

The primary polls are closed. Alderwoman Harris expressed hope that everyone voted.

Alderman Bengel

Tamara Church and her son were in attendance and recognized. Alderman Bengel stated Ms. Church is very interested in a skate park.

Although she was unable to attend, Alderman Bengel noted Duffest was held this past Saturday. She had weekend guests as a result of East Carolina University's graduation. The guest speaker at graduation was Linda McMahan, a native of New Bern, whom Alderman Bengel hopes can connect with New Bern again and help with growing the community.

She and Alderwoman Harris welcomed Governor Cooper to New Bern this past Thursday, walked him around downtown and talked to him about redevelopment and the needs of New Bern.

Habitat for Humanity Women's Build started last week. Those wanting to get involved can contact Habitat.

Alderman Bengel asked for a committee to be formed consisting of herself, Alderwoman Harris, Alderman Best, Mr. Sabatelli and possibly Steve Anderson to further discuss the needs of the electric department with respect to deposits and

fees. A robust discussion was held a few weeks ago, but nothing has come of it and it is time to take action. She suggested the committee report its ideas and recommendations to the Board for consideration. Attorney Davis pointed out a committee would require meetings to be noticed and those meetings would be open to the public, but a working group does not have to meet these requirements. Alderman Bengel made a motion to form a working group consisting of the aforesaid individuals for the purpose of reviewing deposits and fees to establish recommendations for the Board's consideration, seconded by Alderwoman Harris. The motion carried unanimously 6-0.

26. Closed Session.

A closed session was not needed.

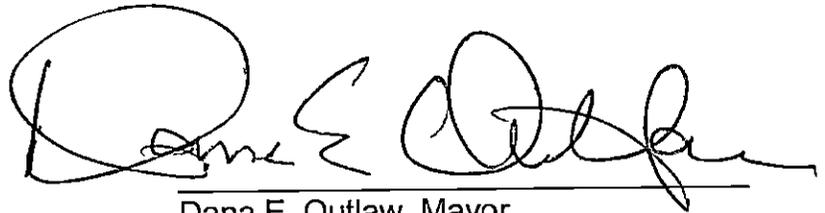
27. Adjourn.

Alderwoman Harris made a motion to adjourn, seconded by Alderman Aster. The motion carried unanimously, time being 8:07 p.m.

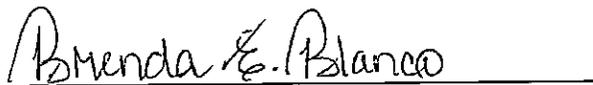
The attached documents are incorporated herewith and are hereby made a part of these minutes.

NOTE: For additional details and information on the Board of Aldermen meetings, please visit the City of New Bern's website at www.newbern-nc.org. Video and audio recordings of the meeting have been archived.

Minutes approved: May 22, 2018



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk