

**City of New Bern
Board of Aldermen Meeting
February 27, 2018 – 6:00 P.M.
City Hall Courtroom
300 Pollock Street**

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer by Alderman Harris. Pledge of Allegiance.**
- 2. Roll Call.**

Present: Mayor Dana Outlaw; Aldermen Sabrina Bengel, Jameesha Harris, Robert Aster, Johnnie Ray Kinsey, and Barbara Best. Absent: 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.

Consent Agenda

- 3. Consider Adopting a Resolution Calling for a Public Hearing on the Initial Zoning of Property Located at the Intersection of Waterscape Way and West Thurman Road Identified as Tax Parcel 7-104-12002.**

Kip Peregoy of Carolina Colours Association submitted a request to have an approximately 1.77-acre of land zoned C-3 Commercial. The parcel is located at the intersection of W. Thurman Road and Waterscape Way and is further identified as Tax Parcel ID 7-104-12002. This is an initial zoning request which requires a public hearing pursuant to state statute and local ordinance. This resolution calls for the hearing to be held on March 13, 2018.

- 4. Consider Adopting a Resolution Calling for a Public Hearing to Rezone Property Located Near the Intersection of Waterscape Way and West Thurman Road Identified as Tax Parcels 7-104-9004 and 7-104-10006 from R-8 Residential to C-3 Commercial.**

Kip Peregoy of Carolina Colours Association also submitted a request to rezone two parcels of land from R-8 Single Family Residential to C-3 Commercial District. The parcels consist of approximately 3.86 acres of land and are located near the intersection of Waterscape Way and W. Thurman Road. They are identified as Tax Parcel IDs 7-104-9004 and 7-104-10006. State statute and local ordinance require the Board to hold a public hearing to receive comments on the requested rezoning. The proposed resolution calls for the hearing to be held on March 13, 2018.

5. Consider Adopting a Resolution to Close the 200 Block of Craven Street for New Bern Get Your Color On.

January Brown, President of New Bern Get Your Pink On, requested the 200 block of Craven Street be closed to vehicular traffic on March 22, 2018 from 2 p.m. to 8 p.m. for the event "New Bern Get Your Color On". This annual event focuses on cancer awareness and is projected to draw 200 participants.

6. Consider Adopting a Resolution to Close the 100 Block of King Street for a Block Party.

Seth Miller requested the 100 block of King Street be closed to vehicular traffic on March 10, 2018 from 11 a.m. until 7 p.m. for a block/birthday party.

7. Consider Adopting a Resolution to Close the 500-600 Blocks of Roundtree Street for Craven Terrace's Ribbon-Cutting Ceremony.

Michelle Folio, Regional Vice President of Preservation Management, requested the 500-600 blocks of Roundtree Street be closed to vehicular traffic from 10 a.m. to 12 noon on March 13, 2018 for Craven Terraces' ribbon-cutting ceremony.

8. Consider Approving a Proclamation for Arbor Day.

Arbor Day is a nationally-observed day that celebrates tree planting, growing, and care. Parks and Recreation requested a proclamation recognizing March 16, 2018 as Arbor Day. In 1967, the State Legislature ratified a bill in support of annually recognizing a particular day as Arbor Day. That day has been designated as the first Friday following March 15th.

9. Approve Minutes.

Minutes from the February 13, 2018 regular meeting and February 16, 2018 work session were provided for review and approval.

Alderman Bengel made a motion to approve items 3-8 of the Consent Agenda and to pull the minutes, seconded by Alderman Kinsey. The motion carried unanimously.

Alderman Bengel expressed a desire to have added to the February 13, 2018 minutes some additional comments made by her under Item 7. When asked about the procedure for any future changes to minutes, Attorney Davis recommended the Clerk be contacted prior to the meeting so the changes could be made and the minutes recirculated to the Board for review and consideration.

10. Consider Adopting a Resolution Approving the Sale of 1111 Williams Street.

After receiving a bid of \$1,000.00 for the purchase of 1111 Williams Street, the Board adopted a resolution to initiate the upset bid process. The bid was advertised as required by law, but no other bids were received. The vacant lot has a tax value of \$4,000.00, and the offer represents 25% of this value. This property was acquired by the City and Craven County in March 2008 through tax foreclosure. At the time of foreclosure, taxes were due in the amount of \$3,850.42 to the County and \$3,726.69 to the City. Additionally, the City incurred \$3,200.00 in demolition costs, and the County and City incurred \$2,273.83 in foreclosure costs. If the property is sold for the initial offer of \$1,000.00, the County will received \$528.63 and the City will receive \$471.37. The City will also receive \$205.00 as reimbursement for advertising the bid.

Alderman Best made a motion to adopt a resolution approving the sale of 1111 Williams Street, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried 4-2 with Aldermen Aster and Bengel voting against it.

11. Consider Adopting a Resolution Approving the Sale of 1112 Grace Street.

After receiving a bid of \$1,000.00 for the purchase of 1112 Grace Street, the Board adopted a resolution to initiate the upset bid process. The bid was advertised as required by law, but no other bids were received. The offer represents 25% of the tax value, which is \$4,000.00 for the vacant lot. This property was acquired by the City and Craven County in December 2006 through tax foreclosure. At the time of foreclosure, taxes were due in the amount of \$1,810.41 to the County and \$6,849.70 to the City, of which \$4,750.00 was a demolition lien. If the property is sold for the initial offer of \$1,000.00, the County will received \$543.10 and the City will receive \$456.90 plus reimbursement of the advertising costs in the amount of \$205.00.

Alderman Best made a motion to adopt a resolution approving the sale of 1112 Grace Street, seconded by Alderman Harris. Upon a roll-call vote, the motion carried 4-2 with Aldermen Aster and Bengel voting against it.

12. Consider Adopting a Resolution Establishing a Fund Balance Policy.

One of the goals identified at the Board's retreat on February 2-3, 2018 was to maintain fiscal responsibility. To assist with accomplishing this goal, it is recommended a fund-balance policy be adopted for the General Fund. The proposed policy sets the minimum fund balance at 25% with an annual goal of 35%. The policy also provides guidance on utilizing excess fund balance, as well as actions to be taken should the balance fall below the minimum of 25%.

Alderman Aster made a motion to adopt a resolution establishing a fund balance policy, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously.

13. Consider Adopting a Resolution Placing 408 Hancock Street Under the Purview of Parks and Recreation as a Multipurpose Art Center.

At its December 12, 2017 and January 9, 2018 meetings, the Board discussed 408 Hancock Street and the possibility of using the property as a community arts center. On four different occasions, the Director of Parks and Recreation has met with concerned artists to discuss this proposal. It is his recommendation that the property be placed under the scope of Parks and Recreation for the purpose of providing an art gallery, working artist studio, classrooms, and meeting space. The Department would work with interested groups to offer a variety of classes to the public, including the community's youth. Wall gallery space would be made available to artists on a monthly basis for a specified fee. In order to enable this use, several structural upgrades, facility amenities, and general supplies are needed at an estimated cost of \$25,000. A significant portion of these funds will be used to replace the HVAC system.

Foster Hughes, Director of Parks and Recreation, reported on the number of galleries in the city and the fees charged by them. He explained how the proposed facility at 408 Hancock Street would be operated, including brief details on how spaces would be leased, lease requirements, and the application process. He estimated annual operating expenses will be \$21,000. After the first year, he anticipates recovering the operating costs, but noted that is not possible the first year due to renovations and repairs to the building. Additional discussion ensued about the facility, staffing needs, programs to be offered, the cost of programs, etc.

Alderman Bengel made a motion to adopt a resolution placing 408 Hancock Street under the purview of Parks and Recreation as a multipurpose art center, seconded by Alderman Aster. Upon a roll-call vote, the motion carried 4-2 with Aldermen Harris and Kinsey voting against it.

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

To provide for the structural upgrades, facility amenities, and general supplies referenced in the previous item, this budget amendment will appropriate \$25,000 from Fund Balance to recreation facilities.

Alderman Bengel made a motion to adopt a budget ordinance amendment for the FY2017-18 General Fund operating budget, seconded by Alderman Aster. Upon a roll-call vote, the motion carried 4-2 with Aldermen Kinsey and Harris voting against it.

15. Consider Adopting an Ordinance for the Demolition of the Dwelling Located at 1127 H Street.

Minimum housing violations for 1127 H Street were formally addressed in March 2005. On November 17, 2005, a hearing was held at which time the structure was found to be in a deteriorated state. The owner was granted 120 days to comply with the minimum housing code, which was subsequently extended to May 30, 2008

through additional agreements. In June 2008, the property was deemed in compliance. However, the property was since found to be in violation in 2012 and 2014. A final hearing before the Chief Building Inspector was held on August 11, 2016, at which time the owner was given until January 20, 2017 to bring the property into compliance. To date, no permits have been applied for and the structure remains in a dilapidated state.

Alderman Aster made a motion to adopt an ordinance for the demolition of the dwelling located at 1127 H Street, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously.

16. Consider Adopting an Ordinance for the Demolition of the Dwelling Located at 725-727 West Street.

A housing complaint was initiated for 727 West Street (also referred to as 725-727 West Street) on July 8, 2010 for numerous violations. On June 11, 2012, the property was damaged by fire. Staff conducted a minimum housing hearing on April 2, 2013, and an order was issued giving the owners until April 14, 2014 to complete all needed improvements to bring the structure into compliance. A building permit was issued on October 25, 2013; but work was never completed. The property remains in violation of the City's minimum housing code, and no additional permits have been sought.

Alderman Bengel made a motion to adopt an ordinance for the demolition of the dwelling located at 725-727 West Street, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously.

17. Consider Adopting an Ordinance for the Demolition of the Dwelling Located at 811 Miller Street.

This property has been in a deteriorated or dilapidated state of condition since 2000. On June 24, 2017, a letter was sent to the owners advising them of the minimum house violation. A hearing was held with the Chief Building Inspector on August 24, 2017, at which time the owners were given 45 days to bring the property into compliance. To date, no permits have been applied for and no work has been initiated to remedy the condition of the structure.

Alderman Kinsey made a motion to adopt an ordinance for the demolition of the dwelling located at 811 Miller Street, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously.

18. Consider Adopting an Ordinance for the Demolition of the Dwelling Located at 1607-09 Dillahunt Street.

The property at 1607 Dillahunt Street (also known as 1607-1609 Dillahunt Street) has been vacant since 1999 and a concern for the Police Department since 2001. Staff has worked with the owners from January 2005 to late 2016 to both secure the building and bring it into compliance. A formal letter of violation was sent to the owners on August 31, 2015, and a hearing was conducted with the Chief Building

Inspector on November 19, 2015, at which time the owners were granted six months to comply with the code. On May 10, 2016, this order was extended until August 19, 2016 to provide the owners an additional three months' time. However, to date no permits have been applied for and work has not been initiated.

Alderman Best noted the owner of the property was in attendance and made a motion to allow the owner to address the Board, if he so desired, seconded by Alderman Harris. The motion carried unanimously.

Johnny Sampson came forward and stated he was not aware this item was on agenda. He announced he has been in bankruptcy for the last few years and has been waiting to see how that would affect the subject property. Mr. Sampson expressed surprise at the City's actions and stated he felt the City is trying to take over everything in the Duffyfield area. He confirmed he has had conversations with the City several times about the property, but has not had the funds to make repairs. He further stated he had not received notification of the City's desire to demolish the property, although Mr. Davis pointed out the agenda package contains copies of notices that were sent to Mr. Sampson by regular and certified mail. Mr. Sampson asked the Board not take action on this matter at tonight's meeting.

Jeff Ruggieri, Director of Development Services, summarized the issues with the subject property and the steps that have been taken to remedy the housing code violations, pointing out the property has been a concern since 1999. The roof is torn open, and neighbors have expressed concerns for their children's safety.

Attorney Davis suggested tabling this matter until the next meeting to allow him time to call the bankruptcy trustee to find out the status of the case.

19. Consider Adopting an Ordinance to Amend Article VI. "Stopping, Standing and Parking" of Chapter 70 "Traffic and Vehicles".

The Master Parking Plan Advisory Committee presented several recommendations to the Board of Aldermen in November 2017 and January 2018. In response to some of those recommendations, an amendment is proposed to the City's parking ordinance. The area addressed in the amendment is bordered by Metcalf Street, Broad Street, the Neuse River, and the Trent River. The amendment makes modifications to no-parking zones, loading zones, and 15-minute parking zones. It also deletes reference to parking meters, provides for a loading zone in front of the Convention Center, removes any criminal penalties and makes violations a civil offense, and provides procedures for citations and appeals.

Alderman Bengel made a motion to adopt an ordinance to amend Article VI. "Stopping, Standing and Parking" of Chapter 70 "Traffic and Vehicles", seconded by Alderman Harris. Upon a roll-call vote, the motion carried unanimously.

20. Appointment(s).

Alderman Best made a motion to appoint John Phaup to the New Bern Appearance Commission, seconded by Alderman Bengel. The motion carried unanimously.

Alderman Aster made a motion to appoint Sabrina Bengel to the Hwy. 17/64 Association, seconded by Alderman Harris. The motion carried unanimously.

21. Attorney's Report.

The City Attorney had nothing to report.

22. City Manager's Report.

Mr. Stephens announced the Highway 70 Commission has requested the City submit a letter of support for the proposed I95/US70 improvements. The Board gave direction to send the letter.

A Red Cross Blood drive will be held on March 1, 2018 from 11 a.m. to 3 p.m. at the main fire station.

23. New Business.

Alderman Best

Alderman Best made a motion to allow Debra Bradac to speak regarding licensing of dogs and cats, seconded by Alderman Kinsey. The motion carried unanimously. Ms. Bradac stated there are animals running wild in Ward 5. There are several benefits associated with licensing. For example, licensing will require vaccinations, which will protect other animals. It will also create revenue for the City and will possibly help provide funding for an additional animal control officer.

A citizen reported there are no public restrooms at the Utility Business Office, and said patrons are directed to Fort Totten Park to use the restroom. Joseph Sabatelli, Director of Finance, said there is currently no room to implement a public restroom due to moving staff around in preparation of alterations. The estimated cost to add a restroom is \$30,000. Mrs. Best pointed out there are two restrooms in the building, and Mr. Sabatelli stated those are used by staff and not made available to the public for safety reasons. He stated he would consult with the Police Department regarding the safety concerns.

This past Friday, Aldermen Best and Kinsey attended a Black History program at Craven Community College. Alderman Harris was one of the speakers, and she did an excellent job.

Pleasant Hill residents have signed a petition requesting a change to the speed limit in their community. Alderman Best asked the Board consider adopting a resolution in support of the requested change.

Alderman Kinsey

A power outage occurred last evening due to a motor vehicle accident that took out a feeder line. The Police and Fire Departments were complimented for covering the intersections in a timely manner.

Jordan Hughes, City Engineer, and Matt Montanye, Director of Public Works, were thanked for taking care of the City's property.

Mayor Outlaw

The annual dinner for Allies for Cherry Point's Tomorrow was last Friday evening, which is why the Mayor was unable to attend the Black History event. Leadership Craven participants were recognized for attending this evening's meeting.

Ms. Culler was thanked for having the abandoned boats removed from the river.

Alderman Aster

Carolina Colours held a meeting last Friday evening, which Alderman Aster attended. He too was unable to attend the Black History event because of this scheduling conflict.

The bathrooms at Union Point Park were toured by Alderman Aster today, and he thanked Public Works for the great remodeling job.

Alderman Harris

Thanks was expressed to the Aldermen who attended the Black History event at Craven Community College.

Alderman Harris spearheaded an event at Trent Park Elementary School that honored Justice Michael Morgan and others as trail blazers.

An update was requested on the desire to have some of the Governing Board's meetings at different locations throughout the community. Ms. Culler reported on potential options, noting the biggest issue is amplification of sound. A quote has been requested for equipment that will provide mobile alternatives. The Board will be updated on where things stand once additional information has been gathered. Alderman Harris recommended someone who may be able to assist with the production needs.

Crystal Simmons has expressed concerns about her utility bills. Alderman Harris met with the customer and explained rates were not raised, but heating systems had to work harder during the cold weather. Concerns were expressed about the limitations on payment arrangements.

Alderman Bengel

Additional comments were shared about the meeting with Crystal Simmons. Alderman Bengel expressed concern about a need to assist the City's good customers. Alderman Aster described a similar situation he encountered with one of his constituents, and noted Mr. Sabatelli was able to assist the gentleman. Alderman Aster suggested creating a policy that assists customers who have accounts in good standing. In light of the recent cold snap, Mr. Sabatelli suggested January 2018 could possibly be left off the calculations for deposits. Several Board members suggested the entire policy needed to be reevaluated. Mr. Stephens recommended updating the Board at its next meeting on changes that have been made and where the City is headed. Alderman Harris suggested this topic be discussed at a work session instead, and Alderman Bengel concurred.

Gratitude was expressed to Jordan Hughes and Matt Montanye for addressing the Ghent Neighborhood Association last evening about impending construction which will begin with Park Avenue on March 1st. A map and construction schedule are available for the public.

Alderman Bengel reflected upon Richard Blythe's life.

24. Closed Session.

A closed session was not needed.

25. Adjourn.

Alderman Aster made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously, time being 7:43 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: March 13, 2018

A handwritten signature in black ink, appearing to read "Dana E. Outlaw", written over a horizontal line.

Dana E. Outlaw, Mayor

A handwritten signature in black ink, appearing to read "Brenda E. Blanco", written over a horizontal line.
Brenda E. Blanco, City Clerk