

**City of New Bern
Board of Aldermen Meeting
May 22, 2018 – 6:00 P.M.
City Hall Courtroom
300 Pollock Street**

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer by Pastor Robert Johnson of Ebenezer Presbyterian Church. Pledge of Allegiance.**
- 2. Roll Call.**

Present: Mayor Dana Outlaw, Alderman Sabrina Bengel, Alderwoman Jameesha Harris, Alderman Robert Aster, Alderman Barbara Best, Alderman Johnnie Ray Kinsey Alderman, and Jeffrey Odham. Absent: None. A quorum was present.

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

Consent Agenda

- 3. Considering Approving a Proclamation for the Folds of Honor.**

On Saturday, June 9, 2018, the Emerald Golf Club will offer golfers the opportunity to honor the sacrifice of American Heroes by participating in Patriot Golf Day, the primary fundraiser for the Folds of Honor Foundation. The Foundation provides educational scholarships to spouses and children of America's fallen and disabled service members.

- 4. Consider Adopting a Resolution to Close the 200-300 Blocks of Middle Street and 300-400 Blocks of Pollock Street on November 4, 2018 for MERCI on Middle.**

Gary Curry, Event Coordinator, and Beth Cooper, Executive Director of MERCI Clinic, have requested the 200-300 blocks of Middle Street and 300-400 blocks of Pollock Street be closed on Sunday, November 4, 2018 from 12:00 noon to 10:00 p.m. for MERCI on Middle. This is a fundraising event to benefit MERCI Clinic.

- 5. Approve Minutes.**

Minutes from the budget work sessions on May 1-2, 2018 and the regular meeting on May 8, 2018 were provided for review and approval.

Alderman Odham made a motion to adopt items 3-5 of the Consent Agenda, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

Alderman Bengel thanked the City Clerk for the level of detail provided in the budget minutes.

6. Presentation by the Duffyfield Phoenix Project.

Duffyfield Phoenix Project Board of Directors, residents, friends, and supporters were in attendance to present to the Governing Board the mission and vision of the Phoenix Project. Pastor Robert Johnson, Chairman of Duffyfield Phoenix Project, introduced Anne Schout of 201 Johnson Street and Sharon Bryant of 2011 Waters Street, who conducted the presentation.

Recruitment for organization leaders began in November 2017 with the purpose of advocating for improvements in the physical surroundings and quality of life for Duffyfield residents. A core group of 12 individuals formed the Duffyfield Phoenix Project, a 501(c)(3) under the aegis of the James City Historical Society. The group has met regularly over the last five months and has made great strides in the mission to help Duffyfield. Multiple revitalization plans were developed in the past, pointing to the same problem areas that exist today. The Phoenix Project's intent is to draw on those plans to reestablish baseline goals and objectives. A survey of existing structures and lots has been completed, with a map showing owner-occupied, leased, privately held, and city/county-held properties. This map was presented to the Board. The presenters highlighted other objectives, including working with the City on flooding, lighting, fire protection, transportation, and redevelopment. They also asked the City to partner with them from time to time on matters that will require City involvement, such as Adopt-A-Street and trash issues facing Duffyfield.

Aldermen Kinsey and Best thanked the group for their hard work and expressed their support of the team and the project. Alderman Kinsey noted the group had put a lot of work into developing a plan.

Alderman Bengel asked the group whether they included the Choice Neighborhood Initiative ("CNI") plan in their analysis and review. Mrs. Schout responded yes, noting all of the prior studies identified the same base problems that still exist today, and the group's desire is to see those problems addressed.

Mr. Stephens informed the group about the Adopt-A-Street program and asked them to call Matt Montanye, Director of Public Works, to sign up. Mrs. Schout described the trash issue and asked if the City would put receptacles in Duffyfield and pick them up on a regular. Mayor Outlaw said he would initiate discussions with staff about getting that done.

To move this area forward, Alderman Kinsey recommended the Duffyfield Phoenix Project be the Redevelopment Commission. Alderman Best asked if the group had a grant writer, and Rev. Johnson replied Ben Watford is their temporary grant writer. Alderman Best said she could provide names of others who could help as well.

7. 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 was made available for public inspection in the City Clerk's office, at the New Bern-Craven County Library, and on the City's website. Budget workshops were conducted on May 1st, 2nd and 14th, all of which were open to the public. Additionally, an earlier public hearing was held on May 8th to receive comments at that time.

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

Alderman Kinsey made a motion to close the public hearing, seconded by Alderman Bengel. The motion carried unanimously 7-0.

Alderman Bengel asked for clarification on the process of moving forward. Mr. Stephens replied the revised, recommended budget would be presented before the Board at its June 12th meeting, along with the Schedule of Fees and Charges, for approval.

Alderman Best voiced there had been no raise for the Board since 2008, and she believed the salary needed to be at least \$10,000. Alderman Best made a motion that all Governing Board salaries be raised by 30%, seconded by Alderwoman Harris. Alderman Bengel emphasized the Board is a public service role, and the community has many needs in other areas; for that reason, she could not support a raise. Alderman Best indicated that the position should come with some compensation. Upon a roll-call vote, Aldermen Best, Kinsey and Harris voted in favor of the motion; Mayor Outlaw and Aldermen Bengel, Aster, and Odham voted against it. The motion failed 3-4.

8. Conduct a Public Hearing on Financing the Drainage Improvements and Garage Relocation Projects and Consider Adopting a Resolution Authorizing the Financing.

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 from 13 banks for a sum not to exceed \$2,320,000. After reviewing the responses, PNC Bank offered the lowest finance charge for the life of the loan with an interest rate fixed at 3.34% with semi-annual, fixed-principal payments over a 10-year period beginning December 2018. Loan fees are not to exceed \$6,750. Because the two projects involve real property, borrowing must be approved by the Local Government Commission, and an application has been submitted. Additionally, a public hearing is required pursuant to NCGS §160A-20.

There was discussion about the prepay penalty included in the PNC proposal. Aldermen Bengel and Odham asked about the differences in fees and penalties between BB&T and PNC's proposals.

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

Alderman Odham made a motion to close the public hearing, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

Alderwoman Harris made a motion to adopt a resolution authorizing the financing of the drainage improvements and garage relocation projects, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

Alderwoman Harris indicated that in the future the City should be able to take care of these expenditures within the budget and not finance large projects.

9. Conduct a Public Hearing and Consider Adopting a Resolution Approving 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. The City's allocation for 2018-19 is \$242,771, which is an increase of \$18,837 from 2017-18 funding. These funds will be utilized as follows: \$48,500 for planning and administration, \$30,271 for public services, \$100,000 for minor housing rehabilitation, \$32,000 for voluntary slum and blight removal, and \$32,000 for assistance to Community Based Development Organization for construction of two new, affordable housing units. The proposed plan has been available for public review and comment since April 20, 2018 and will remain available through May 21, 2018. Landa Gaskins, Community Development Coordinator, briefly reviewed the CDBG program.

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

Alderman Aster made a motion to close the public hearing, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

Alderman Odham made a motion to approve the 2018-19 CDBG Annual Action Plan, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

Alderwoman Harris asked whether groups like the Phoenix Project could receive some of the funding, and Ms. Gaskins replied there are regulations on who can receive funds.

10. Consider Adopting a Resolution Awarding a Contract for Rehabilitation and Site Improvements for the VOLT Center Project.

Bids were received from three contractors for the rehabilitation and construction of the VOLT Workforce Development Center. All bids were certified by a third-party architectural and construction firm for responsiveness and completeness. Bruin Builders submitted the lowest bid at \$2,310,000. The proposed resolution

authorizes the City Manager to execute a contract with this vendor and approve any change orders within the budgeted project amount.

Alderman Bengel made a motion to adopt a resolution awarding a contract for rehabilitation and site improvements for the VOLT Center Project contingent upon final approval of the Economic Development Administration (“EDA”), seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

11. Consider Adopting a Resolution Approving a Sewer-Use Agreement with Brice’s Creek Bible Church.

Brice’s Creek Bible Church plans to build a new facility at 4250 Highway 70 East, which is currently outside of New Bern’s city limits. The proposed development will have a calculated average daily sewer demand of 2,500 gallons. To facilitate the development, a standard sewer service connection can be provided to the property without the need for a sewer main extension. Section 74-74 of the City’s ordinances provides that any proposed development located out of New Bern’s city limits that is requesting water and sewer capacity shall be required to enter into a written water and sewer use agreement. The purpose of the agreement is to formally outline the roles and responsibilities of both parties in establishing service for the proposed development.

Alderman Bengel asked about a potential annexation request. Mr. Hughes indicated that the agreement requires the requestor to petition the Board for annexation prior to starting construction. Alderman Odham clarified that if they are outside of the City they would pay non-City rates and that a church would typically not pay ad valorem taxes.

Alderman Odham made a motion to adopt a resolution approving a sewer-use agreement with Brice’s Creek Bible Church, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

12. Consider Adopting a Resolution Approving a Discretionary Fund Policy.

A policy has been drafted to establish guidelines for the Board’s discretionary or “special appropriation” funds. The funds must be utilized for an authorized public purpose. Additionally, the process for requesting the funds and approval of the expenditure is outlined in the policy. During an election year, incumbents may only expend 50% of their ward-appropriated funds prior to December 31st.

Alderwoman Harris asked about events that are not City-sponsored, like Duffest, and whether she would be able to donate to that and similar events. Mr. Sabatelli responded the purpose of the donation would need to meet public requirements and must be for a specific use. Alderman Best asked about providing funds to children for day camp. Mr. Sabatelli said scholarships could not be provided for specific children to attend, but a contribution could be made to the day camp for their summer program. No one individual can benefit from an appropriation.

Alderman Aster made a motion to adopt a resolution approving a discretionary fund policy, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

13. Consider Adopting an Amendment to Article III “Noise” of Chapter 26 “Environment” of the Code of Ordinances.

In response to several issues encountered by citizens and an overall need to update the longstanding noise ordinance, an amendment is proposed to address specific concerns. The amendment essentially provides in C-1 and C-2 zoning districts that amplified, intensified or reproduction of human voice or sound is permissible from 6 p.m. to 10 p.m. Sunday through Thursday and between 7 a.m. and 11 pm. on Friday and Saturdays, provided the sound is not clearly audible beyond 50’ from the perimeter of the zoning district.

Alderman Kinsey asked about loud bass with regards to churches. Attorney Davis clarified that our current ordinance applies, but noted the proposed ordinance change is specific to the downtown business district to provide some clarity and objectivity for an interim solution. Alderman Aster inquired about benchmark cities. Mr. Stephens indicated that there are some discrepancies between other cities. Most utilize the decibel system with detailed defined guidelines and 11:00 p.m. being a standard cutoff for louder noises. Alderwoman Harris asked whether this could be retroactive to a prior date since this was already in the works. Attorney Davis said the law is the law at the time of the violation.

Alderman Bengel described the work that has been done on this issue in trying to ensure all stakeholders’ concerns were addressed.

Alderman Bengel made a motion to adopt an amendment to Article III “Noise” of Chapter 26 “Environment” of the Code of Ordinances with the change that the limit be 100’ instead of 50’, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

Mayor Outlaw asked about “clearly audible”, and Attorney Davis explained that was a legal standard.

14. Consider Adopting an Ordinance Amending Chapter 70 “Traffic and Vehicles” of the Code of Ordinances.

Certain streets have been adopted into the city’s road system, and the City’s ordinance needs to be updated to reflect the additional traffic control devices, stop intersections and maximum speed limits for these streets. The proposed ordinance will reflect this information. It was noted the Department of Public Works is performing a full audit of Section 70 “Traffic and Vehicles” of the ordinances and will report to the Board at a later time its findings and recommendations for any additional changes.

Alderman Odham asked whether the City has changed its process to update streets at the time of acceptance. Mr. Stephens assured him that would be addressed

internally to avoid future backlogs of updates needed. Alderman Aster asked whether certain signs were required on every street (speed limit, dead end, etc.). Mr. Stephens responded speed limit signs are required in areas where the limit is something other than 35 mph. Alderman Bengel inquired about traffic control devices, which were clarified to be traffic signals. She also inquired about the speed limit along Broad Street, which Mr. Montanye explained is currently 35 mph from First Street to Queen Street and 25 mph from Queen Street to East Front Street. The entire portion of Broad Street will now be 25 mph from First to East Front. Alderman Best asked about installing flashing yellow signs at the Hwy. 43/70 corridor to caution motorists the light is about to change, and Mr. Montanye informed her that would be the responsibility of NCDOT. If these signs are desired, he suggested the Board consider adopting a resolution requesting the change, and staff could send that to DOT.

Alderwoman Harris made a motion to adopt an ordinance amending Chapter 70 "Traffic and Vehicles" of the Code of Ordinances, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

Mayor Outlaw suggested a meeting be arranged between himself, Alderman Best, staff and DOT to discuss the flashing yellow signs and previously requested speed limit changes in Pleasant Hill. Mr. Stephens indicated he would arrange the meeting.

15. Appointment(s).

Alderman Bengel made a motion to reappoint Corrine Corr to the Community Development Advisory Committee, seconded by Alderman Aster. The motion carried unanimously 7-0. Mrs. Corr will serve another three-year term to expire on June 30, 2021.

Alderwoman Harris made a motion to reappoint Carol Williams to the Community Development Advisory Committee, seconded by Alderman Bengel. The motion carried unanimously 7-0. Ms. Williams will serve another three-year term to expire on June 30, 2021.

Alderman Kinsey made a motion to appoint John Leys to the Historic Preservation Commission, seconded by Alderman Bengel. The motion carried unanimously 7-0. Mr. Leys will fill the seat formerly held by Nancy Gray and will serve a three-year term to expire on May 21, 2021.

Alderman Odham made a motion to appoint Lindsey Best to the Community Development Advisory Committee, seconded by Alderwoman Harris. The motion carried unanimously 7-0. Ms. Best will fill the seat held by Mary Shepard and will serve a three-year term to expire on June 30, 2021.

16. Attorney's Report.

The City Attorney had nothing to report.

17. City Manager's Report.

Mr. Stephens introduced Amanda Ohlensehlen, the new Economic and Community Development Manager. He also announced the new Director of Public Utilities will begin work next Tuesday, May 29th.

18. New Business.

Alderman Bengel

Veterans and all those who paid the ultimate sacrifice were thanked for their service.

Alderwoman Harris

Footloose on the Neuse, a free summer concert series, kicks off Friday, May 25th at Union Point Park.

Alderman Aster

Gratitude was expressed to Mr. Montanye for taking care of issues expeditiously.

Mayor Outlaw

Citizens were encouraged to take a picture of streetlights that are out and to let the City know.

Gratitude was expressed to the public who take care of litter abatement.

Alderman Kinsey

An update was requested on Kidsville. Foster Hughes, Director of Parks and Recreation, stated an auditor viewed the facility this past Thursday. The report of his findings should be received next week, but the auditor did recommend the entire wooden structure needed to be replaced. Once the final report is received, it will be shared with the Board.

Alderman Best

Foster Hughes was thanked for the sign at Pleasant Hill Park and Jordan Hughes was thanked for providing an update on the lights.

Alderman Odham

He along with Police Chief Summers and Mr. Stephens attended a meeting yesterday about the Hwy. 43 connector. The project will have a positive impact on both residents and future economic development. Alderman Odham stated he would work with the City Manager, staff, a couple of Aldermen, and residents from that community to get a consensus with respect to the plan that best suits the community and City as a whole, and he will bring forth a resolution of support for that at the next meeting.

19. Closed Session.

Alderman Best made a motion to go into closed session pursuant to NCGS §143-318.11(a)(3) to maintain attorney-client privilege, seconded by Alderwoman Harris. The motion carried unanimously, time being 8:15 p.m.

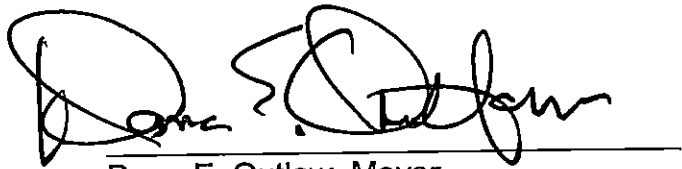
20. Adjourn.

Alderman Odham made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously 7-0, time being 8:30 p.m.

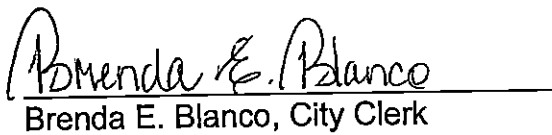
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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: June 12, 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