

**City of New Bern
Board of Aldermen Meeting
June 26, 2018 – 6:00 P.M.
City Hall Courtroom
300 Pollock Street**

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

Present: Mayor Dana Outlaw, Alderman Sabrina Bengel, Alderwoman Jameesha Harris, Alderman Robert Aster, Alderman Johnnie Ray Kinsey, Alderman Barbara Best, and Alderman Jeffrey Odham. Absent: None. 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 Approving a Proclamation for Alyson Sheedy, National Special Olympics Participant.**

Alyson Sheedy is the only resident of Craven County to have been selected to compete on North Carolina's Special Olympic's Team at the national level. In July, Aly will travel to the USA Special Olympic games in Seattle, Washington to participate in the swim category.

- 4. Approve Minutes.**

Revised minutes from the May 22, 2018 meeting as well as minutes from the June 12, 2018 meeting were provided for review and approval.

Alderman Aster made a motion to approve Items 3-4 of the Consent Agenda, seconded by Alderman Odham. The motion carried unanimously 7-0.

Mayor Outlaw read the proclamation that was approved honoring Alyson Sheedy. Ms. Sheedy was extended a handshake of recognition from the Mayor and Aldermen, who also posed with her for a group picture. Alderwoman Harris announced a send-off party will be held at 6 p.m. on Thursday, June 28th, at Creekside Park.

5. Presentation on Kidsville status.

Foster Hughes, Director of Parks and Recreation, shared the results of the auditor's report and recommendations for Kidsville. He noted the park was a community-built, community-sponsored park that was installed in the spring of 1994 and is approximately 15,000 sf in size. The playground was designed to last 20 years, but has been utilized for 24 years. Playground safety standards have changed considerably since Kidsville was built. Wood is no longer an acceptable material for playgrounds such as this. The recent audit revealed several structural and safety issues. The cost to renovate the park without removing the main support system is approximately \$200,000 using plastic lumber. The cost to tear out the park completely and replace it with a plastic lumber structure would cost approximately \$250,000. Staff recommended the structure be torn down and rebuilt with a composite material. Mr. Hughes noted next year's budget includes \$150,000 for use on all playgrounds. A majority of those funds can be used to begin work on Kidsville, although it is not recommended all of the funding be used for this one project. Staff also recommended community involvement and possibly increasing the size of the park through phases over time. Mr. Hughes suggested this could again be a community project where community and corporate sponsorships are sought.

Mayor Outlaw stated Beth Atkins led the community effort to build the park, which is an iconic feature, and it would be a loss to the City not to have it. He felt the community would stand behind and assist with rebuilding efforts. Alderman Kinsey asked about other playgrounds and whether any of them needed to be eliminated. Mr. Hughes replied he has reviewed the City's playgrounds and parks and there are some playground structures that are no longer needed because of the nonexistence of youth in those neighborhoods.

The Mayor suggested a working group be formed consisting of two or three aldermen who can meet with Mr. Hughes and possibly Beth Atkins. Alderwoman Harris expressed favor with forming a working group and said she would spend the extra \$50,000 to tear down the structure and build it back. She too was supportive of seeking buy-in from the community. Alderman Aster agreed with demolishing the park and developing a game plan. Alderman Bengel stated the park was built with donated funds at the initiation of a group of women who wanted a playground for their children, and she wanted to see the community drive the efforts to rebuild. Alderwoman Harris suggested the names of the original and new contributors be included in the park. Aldermen Harris, Odham, and Best volunteered to be a part of the working group that will meet with Mr. Hughes.

Alderman Aster asked if direction should be given to Mr. Hughes to demolish the structure. Out of respect to those involved in the original creation of Kidsville, Mayor Outlaw suggested the working group first speak with Beth Atkins before proceeding with demolition.

6. Consider Adopting a Resolution in Support of Changing the Alfred Cunningham Memorial Bridge Schedule.

This item was on the June 12, 2018 agenda after citizens and merchants expressed concerns about the Alfred Cunningham drawbridge schedule. The current schedule allows the bridge to open at will or on demand two to three times per hour. This not only creates traffic congestion, but it is also an inconvenience to motorists, local residents and businesses in and around downtown. At the June 12th meeting, after input from a citizen and discussion by the Board, it was the consensus to modify the proposed resolution to basically follow the current bridge schedule with modifications to allow for opening on the hour and half hour except as provided in the weekday and nighttime schedule. More specifically, the proposed schedule is as follows:

- The draw shall open on the hour and the half hour from 6:00 a.m. to 10:00 p.m. for any pleasure vessels awaiting passage, except as provided in the weekday and nighttime schedules;
- Weekdays: Monday through Friday – The draw shall remain closed for pleasure vessels from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 6:00 p.m.;
- Nighttime: The draw opens on signal from 10:00 p.m. to 6:00 a.m.; and
- The draw shall open upon request at all times for public vessels of the United States, vessels for public safety, commercial vessels, tugs with or without barges, and all vessels in distress.

Alderman Bengel asked about the process and anticipated timeframe once the request has been sent to the NC Department of Transportation (“DOT”). Mr. Stephens said it is difficult to estimate the timeframe. If the resolution is adopted, the Clerk will immediately send it to DOT with a copy to the US Coast Guard. DOT will also forward a copy to the Coast Guard for approval, which will follow the processes for public notice periods. Once a decision is received, Alderman Bengel asked about the possibility of signage. Mr. Stephens replied the City could post the schedule if it desires, but most schedules are available on the DOT and Coast Guard websites.

Alderman Bengel made a motion to adopt a resolution to request and support revisions to the schedule of operations for the Alfred Cunningham Memorial Bridge, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

7. Consider Adopting a Resolution Approving Easements and Agreements for Entry for the First Street Road Diet.

In preparation of work for the First Street road diet, the Department of Transportation is seeking four permanent utility easements and a temporary construction easement from the City. In exchange, the City will receive a total compensation of approximately \$31,325. The easements are necessary to facilitate the planned changes along that corridor.

For the public's clarification, Alderman Bengel stated the width of the road from curb to curb is not changing. Mr. Stephens confirmed the easements are in essence for the sidewalk space beyond the curb and utilities.

Alderman Odham made a motion to adopt a resolution approving easements and agreements for entry for the First Street road diet, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

8. Consider Adopting a Resolution Approving a Revision to the Purchasing Policy.

A purchasing policy was adopted by the Board on September 25, 2012 and updated on March 28, 2017 and December 12, 2017. An additional revision is needed to provide for a new requirement from the federal government. Language has been added to indicate federal purchasing requirements will be followed when federal funds such as FEMA and grant monies are utilized.

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

9. Consider Adopting a Resolution Authorizing the City to Engage in Electronic Payments as Defined by NCGS §159-28.

The General Assembly modified statute 159-28(d2) to allow the Local Government Commission ("LGC") to adopt rules to address the execution of the pre-audit and disbursement process related to local government electronic transactions. The new rules were effective on November 1, 2017, and on March 12, 2018, the LGC provided guidance regarding implementation of the rules. The rules allow for exemptions related to P-card purchases, electronic fund transfers, automated clearing house ("ACH") transactions, gas card purchases, etc. The proposed resolution is the first step in complying with the requirements of the administrative code. This is just a clean-up item that provides clarification from the LGC, according to Mr. Sabatelli.

Alderman Bengel made a motion to adopt a resolution authorizing the City to engage in electronic payments as defined by NCGS §159-28, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

10. Consider Adopting an Amendment to the Grant Project Ordinance for the City Market – Workforce Development Training Center Grant Project Fund.

The City Market – Workforce Development Training Center Grant Project Fund was established by ordinance on August 9, 2016. The project fund has been amended on occasion to include grant funds from the Economic Development Administration ("EDA"), Bate Foundation, Golden Leaf, and a contribution from Craven 100 Alliance ("C1A"). On May 22, 2017, the Board approved a resolution authorizing the Manager to sign a contract with Bruin Builders in the amount of \$2,310,000. An additional \$619,407 is needed to fund this contract, unless it is determined some

valued engineering can reduce the amount. Otherwise, funds will be provided through debt proceeds. Of note, the Development Services staff continues to seek funding from other sources. Any additional funding received will change the City's contribution and may preclude the need for financing. Of note, the City will utilize in-house inspections as an in-kind contribution toward the project.

Alderman Aster asked if the Board and staff were aware an additional \$600,000 would be needed. Mr. Stephens said when the project was initiated, it was estimated that between \$300,000-350,000 would be needed. Some potential CDBG funds could be considered for other items within the corridor, which in turn would free up City funding that can be put toward the additional cost. Alderman Aster asked how much money the City had already put toward the project, and Mr. Stephens replied very little other than some engineering and legal fees. However, the City is now at the point where it will start spending money in light of the construction contract. Alderman Odham asked for the total of all grants received for this project, and Mr. Sabatelli responded \$1,298,250 has been received through the EDA grant, \$25,000 from the Bate Foundation, \$549,000 from Gold Leaf, and \$50,000 from C1A.

Alderwoman Harris made a motion to adopt an amendment to the grant project ordinance for the City Market – Workforce Development Training Center Grant Project Fund, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

11. Consider Adopting a Resolution Approving a Declaration of Intent to Reimburse the City Market – Workforce Development Training Center Grant Project Fund.

This item relates to the previous item for the City Market – Workforce Development Training Center Grant Project Fund. As required by IRS regulations, a declaration of intent to reimburse needs to be adopted prior to or within 60 days of payment of expenditures that will be reimbursed through financing. This does not obligate the City to seek or obtain debt proceeds, but affords the opportunity to do so as required by law.

Alderwoman Harris made a motion to adopt a resolution approving a declaration of intent to reimburse the City Market – Workforce Development Training Center Grant Project Fund, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

12. Consider Adopting an Amendment to the Grant Project Ordinance for the MSD Improvements Project Fund.

An ordinance to establish the MSD Improvements Project Fund was adopted on May 10, 2016. The project provided for streetscape improvements to the 200 block of Hancock and 400 block of Pollock Streets. The project was budgeted at \$800,000. It is now complete and came in at \$50,641 under budget. The amendment recognizes \$82 in interest income, transfers the residual equity of \$50,723 to the MSD Fund and closes the project fund. Alderman Bengel noted

Matt Montanye, Director of Public Works, did a good job in saving money on the project.

Alderman Bengel made a motion to adopt an amendment to the grant project ordinance for the MSD Improvements Project Fund, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

13. Consider Adopting a Budget Ordinance Amendment for the Fiscal Year 2017-18 Operating Budget.

The final budget ordinance for FY2017-18 ensures all projected expenditures have sufficient funds, and it realigns revenues to equal the appropriations. With regard to the General Fund, amendments are made to acknowledge additional costs for Solid Waste, Fire, Public Buildings, and Parks and Grounds. It also redistributes funds within the various divisions of Parks and Recreations and from Information Technology and increases estimated revenues for solid waste and PILOT transfers from the utility funds. Electric, Water and Sewer Funds are amended to meet the actual PILOT due, and the Electric Fund is also amended to redistribute funds within its various divisions. The Water and Sewer Funds are amended to allocate the estimated system development fees to the respective Capital Reserve Funds, and the Capital Reserve Funds are adjusted to recognize this increase. Finally, the Employees' Benefit Insurance Fund is amended to cover additional costs associated with health and workers' compensation claims.

Alderman Odham made a motion to adopt a budget ordinance amendment for the Fiscal Year 2017-18 operating budget, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

14. Appointment(s).

Alderman Best reappointed Dell Simmons to the Community Development Advisory Committee ("CDAC"), seconded by Alderman Odham. The motion carried unanimously. Mr. Simmons will serve a second three-year term that will expire on June 30, 2021.

Alderman Kinsey made a motion to appoint Tripp Eure to the Board of Adjustment, seconded by Alderwoman Harris. The motion carried unanimously. Mr. Eure will fill the seat previously held by Benjamin Beasley and will serve a three-year term to expire on June 30, 2021.

Alderman Kinsey made a motion to appoint Christian Evans to the Historic Preservation Commission, seconded by Alderwoman Harris. The motion carried unanimously. Ms. Evans will replace John Leys and will serve a three-year term to expire on June 26, 2021.

Alderman Bengel made a motion to reappoint Richard Parsons to the Board of Adjustment, seconded by Alderwoman Harris. The motion carried unanimously. Mr. Parsons will serve a second, three-year term to expire on June 30, 2021.

15. Attorney's Report.

The City Attorney had nothing to report.

16. City Manager's Report.

At the last meeting, staff was asked to look into several issues, and Mr. Stephens provided the following status reports:

- Mr. Montanye has been checking on the exit numbers on Hwy. 70. An email was sent to the DOT Division Engineer, who assigned it to traffic engineering for review.
- Alligator warning signs are now posted at Union Point Park, and staff will also look at placing the signs elsewhere. Officials with Wildlife Resources stated if there are situations where there is an imminent threat (an alligator in someone's yard or pool, etc.), they should be contacted to remove and relocate the animal. The Neuse River is their environment, and there are at least three or four alligators who live there. The best thing to understand is feeding ducks and geese creates a predator-prey type situation. Any water east of I-95 should be considered to potentially contain alligators. Alderman Bengel asked about the possibility of hunting seasons. Mr. Stephens stated there are very specific guidelines, and the Governing Board would have to vote to allow the hunting. Once the Board approves it, there are specific hunting knowledge and skills required. Additionally, hunting season would only allow one kill per hunter per year. Mr. Stephens reiterated the water is the alligator's natural environment, and Wildlife Resources will not remove them from the water. Alderman Bengel reiterated her concern about children wading to feed the ducks and pets at Union Point Park. Alderman Aster felt the best course was to educate the public. Alderman Best asked if there are signs that indicate no swimming and if not, whether the City should install those. Mr. Stephens replied while signs could be put up, there is an educational component that should be pursued as Alderman Aster suggested. In addition to alligators, the river poses other risks such as bull sharks, pilings from old shipyards, etc.
- Attorney Davis is working on the donation documents for the annex portion of the Religious Community Services' ("RCS") property. It is anticipated this item will be on the July 10th agenda for consideration.
- Mr. Montanye will be checking on the possibility of flashing lights at the intersection of Hwy. 43 and Hwy. 55.
- An update was given on the employee performance appraisals and raises. As background, Mr. Stephens explained the quartile system and purpose for implementing it in 2013. He distributed to the Board a spreadsheet showing a general breakdown of all funds, the impact on each fund for the amount budgeted, what it related to as far as the quartile, and the delta. At this point, Mr. Stephens said he and Mrs. Culler felt it prudent to develop a new performance appraisal system over the next couple of months, update the Board and employees on how it will work, and then roll it out.

Alderman Aster asked what effective date was used for the spreadsheet, and Mr. Stephens responded August 26th. Alderwoman Harris expressed thanks for the hard work on this issue and said her recommendation would be to give a 2.5% increase as she felt it possible to find the additional \$20,000 needed to make that happen. Alderman Bengel asked why a 2% increase would cost more at \$66,000, and Mr. Stephens explained that was \$66,000 to the good. Alderman Bengel further asked about vacant positions, and Mrs. Culler explained that aspect of the spreadsheet was incorrect.

Alderman Aster asked how much money is saved per pay period for each period the increase is delayed. Mr. Sabatelli responded by waiting just one pay period, the delta becomes \$26 short (instead of \$20,000). Mr. Stephens stated per pay period, the difference is roughly \$18,700. Alderman Aster made a motion to allocate a 2.5% increase in salary for all employees effective with the September 9th pay period, seconded by Alderman Kinsey. Alderman Aster asked Mr. Sabatelli if he saw a problem with this, and Mr. Sabatelli replied he would still have to look at each individual fund and that an amendment would be needed regardless of the timeframe. Alderwoman Harris stated she did not feel the employees should be shorted and felt there was \$20,000 in the budget to implement the increase sooner, noting the Board had taken a long time to discuss the issue. Alderman Odham asked for the net increase in personnel from the current fiscal year to the budget just adopted for FY2018-19.

(Alderwoman Harris briefly left the room at 6:58 p.m.)

To ensure she understood correctly, Alderman Bengel asked for clarification that if all employees are given a 2.5% raise on the 26th that an additional \$20,000 would need to be appropriated. Mr. Stephens confirmed the adopted budget is \$20,000 short in order to give employees a 2.5% raise effective August 26th; if the raise is delayed until September 9th, it will basically be a wash. Alderman Aster said he would love to give employees a raise tomorrow, and indicated a willingness to change his motion to specify August 26th, if desired. If the Board did not take action and the budget was left as recommended, Alderman Bengel asked when that raise would have been effective. Mr. Stephens replied the effective date would have been around July 29th or 30th, and the increase would have been reflective in the first paycheck of August. With respect to Alderman Odham's earlier question about the net increase in personnel, Mr. Sabatelli said the budget difference would be an increase of \$758,000, which included the quartile increase amounts.

(Alderwoman Harris returned to the room at 7:00 p.m.)

Upon a roll-call vote, the motion made earlier by Alderman Aster carried 6-1, with Alderman Odham voting against it.

17. **New Business.**

Alderman Bengel

Sympathy was expressed to the family of Ricky Bickle and his coworkers in Public Works. Visitation will be held Wednesday at Cotten Funeral Home at 1:00 p.m. followed by the service at 2:00 p.m.

A huge shout out was expressed to all who participated and planned this past weekend's Trent River Raft Race.

Everyone was reminded about the upcoming July 4th events. Foster Hughes was invited to come forward and announce the planned activities, which he did. In the event of inclement weather, Mr. Stephens pointed out fireworks only would be held on July 5th; all other events would be cancelled.

Construction is underway on Spencer Avenue to upgrade the storm drains. Since some of the street lights are out, extra lighting will be placed in the area to make sure everyone can see during the construction.

Parking enforcement in downtown begins July 9th. Information is available on the City and Swiss Bear websites. Enforcement is from 8 a.m. to 4 p.m. only in the core area of downtown. There are three free public lots: at the end of Craven Street, at the Farmer's Market, and at the corner of New and Hancock Streets. The initial phase will be a trial, and Alderman Bengel stated she hoped to report back after Labor Day as to how things are working.

Alderwoman Harris

She and Mayor Outlaw were at Craven Terrace for the born trail learning installation.

She and the Mayor also attended a Juneteenth celebration at the history center last Thursday evening.

On June 23rd, the first Boots vs. Badges charity softball game was held, and the Boots (Fire Department) beat the Badges (Police Department). Alderwoman Harris hoped this would become an annual event.

The next Footloose on the Neuse concert is scheduled for June 29th.

Alderman Aster

He questioned how much money was raised for RCS through the Boots vs. Badges event. No money was raised, but over 600 lbs. of food was collecting according to Chief Summers.

Residents of Old Towne are interested in seeing what the City can do to convince DOT to continue the sidewalks from First Street down to the Catholic Church. Mr. Stephens responded he could ask, but explained most of the money is dried up.

Alderman Best

Developers of the "Third Avenue Project" said the project will be finalized in the spring of 2019. They now have a phone number (252-772-9006) posted on the property so those interested can call to inquire about leasing. Rent is based on income, and occupants must be age 55 or older. The units are available on a first-come, first-serve basis. Applications will be accepted three months before the project is finalized.

Thanks was expressed to Jordan Hughes, City Engineer, and anyone else who contacted DOT about lights at the Hwy. 43/55 corridor. The lights are now being installed.

Skip Canady has again asked if a sidewalk can be installed along one side of Neuse Boulevard for residents to walk to the Dollar General located near the Kensington Park Apartments. Otherwise, pedestrians have to walk in tall grass. Alderman Best pointed out DOT has now installed pedestrian signs in that area.

Alderman Odham

Craven County Commissioner Johnny Sampson was recognized as being in attendance.

18. Closed Session.

Alderman Odham made a motion to go into closed session pursuant to NCGS §143-318.11(a)(6) to discuss a personnel issue, seconded by Alderman Kinsey. The motion carried unanimously, time being 7:13 p.m.

Once back in open session, Alderman Aster made a motion to give the City Manager a 2.5% raise effective September 9, 2018, seconded by Alderman Odham. The motion carried unanimously.


19. Adjourn.

Alderman Odham made a motion to adjourn, seconded by Alderman Aster. The motion carried unanimously, time being 9:05 p.m.

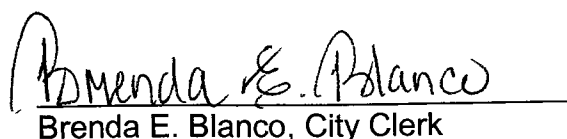
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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: July 10, 2018



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk