

**City of New Bern  
Board of Aldermen Meeting  
July 10, 2018 – 6:00 P.M.  
City Hall Courtroom  
300 Pollock Street**

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer by Rev. Hazel Royal. 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.

Boy Scout Troup 132 was in attendance and recognized by Mayor Outlaw. The troop is associated with Garber United Methodist Church. Each of the scouts came forward to introduce themselves.

- 3. Request and Petition of Citizens.**

Cheryl Reed of G-59 Trent Court spoke on behalf of the Trent Court Residents Council stating the residents oppose the idea of being moved to a location in or near Duffyfield. The residents favored a relocation to 703 Carolina Avenue and were saddened and disappointed to know the Pembroke Community did not welcome them.

Evelyn Sparrow of C-24 Trent Court spoke in favor of relocating Trent Court residents to a new, mixed-use development on Carolina Avenue. Since moving to Trent Court three years ago, she has seen improvement in the complex and said the residents are great people.

Rev. Hazel Royal of 1601 New Bern Avenue spoke in firm opposition of the relocation of Trent Court to the Pembroke community, stating the consensus of the Pembroke Community is also to oppose the relocation. Approximately a dozen Pembroke residents were in attendance and stood in recognition. Rev. Royal stated the potential relocation to Carolina Avenue would exacerbate the community's current challenges and increase foot traffic, etc. She encouraged the Board to reject a proposal to sell any property in Pembroke to the Housing Authority. Rev. Royal provided the City Clerk with a copy of a petition signed by individuals in opposition.

Barbara Moore of 2303 Chestnut Avenue expressed concern about the potential for higher crime rates and increased homeowner insurance rates. She spoke about

the negative impact of including 50 or more people in a housing project and referenced a list of studies from the Harvard Review about compounding communities. She furnished the City Clerk with a copy of the report on the impact of affordable housing on communities and households.

Ricky Durham of 1922 Davis Street spoke in opposition of the relocation of Trent Court residents to the Pembroke community. He stated it was bothersome to know the alderman that represents Pembroke had expressed to the Governing Board the community's opposition, yet the Board may still move forward with approving the Housing Authority's request for land. According to Mr. Durham, a representative from the Housing Authority stated he would not want the residents to relocate to his community. Mr. Durham voiced a lack of trust between Pembroke and the City of New Bern.

### Consent Agenda

- 4. Consider Adopting a Resolution to Call for a Public Hearing to Amend Article II "Definitions", Section 15-15 "Basic Definitions and Interpretations" and sections of Article XIV "Streets and Sidewalks" of the "Land Use" Ordinance.**

A public hearing was requested for July 24, 2018 to consider amendments to the land-use ordinance. The proposed amendments will delete duplicate residential definitions in Article II, Section 15-15. Additionally, changes are desired for Article II, Section 15-15 and Article XIV, Sections 15-210, 15-214 and 15-215 relative to street classifications, development connectivity, and subdivision requirements for street width, sidewalks and drainage.

- 5. Consider Adopting a Resolution to Call for a Public Hearing to Amend Article II, Section 15-15 "Basic Definitions and Interpretations" of the Code of Ordinances.**

A public hearing is requested for July 24, 2018 to consider amending Article II, Section 15-15 "Basic Definitions and Interpretations". The definition changes are reflected in the proposed ordinance amendment.

- 6. Consider Approving a Proclamation Recognizing Homecoming – Family & Friends Day at Ebenezer Presbyterian Church.**

Pastor Robert Johnson, Jr. sought a proclamation to recognize a Homecoming – Family & Friends Day celebration at Ebenezer Presbyterian Church.

- 7. Consider Approving a Proclamation Recognizing Laurie Collier of Reviving Lives Ministries of New Bern, Inc.**

Kehli Saucier, Executive Director of Reviving Lives Ministries of New Bern, Inc., requested a proclamation recognizing Laurie Collier's efforts and devotion to the organization and its recovery program for those suffering from substance abuse and addiction.

**8. Approve Minutes.**

Draft minutes from the June 26, 2018 regular meeting were provided for review and approval.

Alderman Odham made a motion to approve Items 4-8 of the Consent Agenda, seconded by Alderwoman Harris. The motion carried unanimously.

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**9. Consider Adopting a Resolution Approving a Declaration of Intent to Reimburse for FY2018-19 Capital Equipment Purchases.**

At the June 12, 2018 meeting, the Board adopted the budget for Fiscal Year 2018-19. The budget included certain expenditures for purchases of vehicles and equipment. As required by IRS regulations, a declaration of intent to reimburse must be adopted prior to or within 60 days of payment of expenditures to be reimbursed through financing.

Alderman Bengel made a motion to adopt a resolution approving a declaration of intent to reimburse for the FY2018-19 capital equipment purchases, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

**10. Consider Adopting a Resolution Authorizing the City Manager to Execute a Change Order for the 2018 Street Resurfacing Contract.**

On April 24, 2018, the Board authorized the City Manager to execute a contract with Morton Trucking, Inc. for the 2018 Street Resurfacing project. The Board has since approved the resurfacing of Oaks Road, National Avenue, and George Street. It is recommended a change order be initiated for the contract with Morton Trucking to include an additional \$675,000 for resurfacing the three additional streets. The proposed change order will also extend the length of the contract by 60 days to provide additional time for completing the expanded project.

Alderman Bengel asked if the paving would fix the potholes along Oaks Road and National Avenue. Matt Montanye, Director of Public Works, stated the additional funds would provide for resurfacing which would address the potholes. The project is expected to be complete in November or December of this year.

Alderman Best made a motion to adopt a resolution authorizing the City Manager to execute a change order for the 2018 street resurfacing contract, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

**11. Consider Adopting a Resolution Approving a Lease Agreement with Craven County for a Portion of Parcel ID 8-006-384 for use by the George Street Senior Center.**

The City has previously leased to Craven County a portion of property that is located adjacent to the George Street Senior Center. It is the portion that contains the gazebo structure. Kent Flowers of the Department of Social Services has requested the lease be renewed. The initial term of the proposed lease is for a period of 24 months from July 1, 2018 to June 30, 2020 at a rate of \$1.00 per year. Unless either party gives notice of intent not to renew, the lease will automatically renew for three successive one-year terms.

Alderman Bengel made a motion to adopt a resolution approving a lease agreement with Craven County for a portion of parcel ID 8-006-384 for use by the George Street Senior Center, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

**12. Consider Adopting a Resolution Approving a Lease Agreement with the Area Day Reporting Center for Youth for Property Located at 500 Fort Totten Drive.**

The Area Day Reporting Center for Youth has requested to renew its lease for 500 Fort Totten Drive. The proposed lease is for a period of one year from July 1, 2018 to June 30, 2019 at a rate of \$1.00 per annum.

Alderman Odham made a motion to adopt a resolution approving a lease agreement with the Area Day Reporting Center for Youth for the property located at 500 Fort Totten Drive, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

**13. Consider Adopting an Ordinance to Amend Chapter 30 “Fire Prevention and Protection” of the Code of Ordinances.**

As part of the relocation projects for Water and Sewer and the City's garage facility, the City Engineer has requested to install above-ground fuel storage tanks. To facilitate this request, two new districts will need to be identified in Section 30-40 of Article II “Fire Prevention Code” of Chapter of the Code of Ordinances.

Alderman Best asked about the current location of fuel tanks containing combustible and flammable liquids and whether they are positioned above ground. Mr. Stephens stated he is not aware of any tanks that are currently situated at the Neuse Boulevard site. The tanks that will be located there in the future will be above ground, at the back of the property, and secured within a fence. There will also be aboveground tanks located at the Highway 55 site. Alderman Best questioned the potential risks associated with having aboveground tanks, and Mr. Stephens replied the risk is very limited. Mr. Stephens also pointed out there are more environmental concerns with underground tanks.

Mayor Outlaw asked Danny Hill, Fire Marshal, to approach the podium to address the question raised by Alderman Best. Mr. Hill stated the tanks are very safe and

noted the same type of tanks are being utilized at the Kale Road facility. To his knowledge, there have been no spills at that location. Jordan Hughes, City Engineer, stated the tanks are actually double walled and in essence are a tank within a tank. He further described the tank construction and how they are secured and protected from potential threats of puncture, etc.

Alderman Best made a motion to adopt an ordinance to amend Chapter 30 "Fire Prevention and Protection" of the Code of Ordinances, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

#### **14. Appointment(s).**

Alderman Bengel made a motion to appoint Ronnie Lovick to the Police Civil Service Board, seconded by Alderman Aster. The motion carried unanimously. Mr. Lovick will fill the seat previously held by Phil Childrey and will serve a three-year term to expire on July 9, 2021.

(See *New Business* for appointment made by Alderman Best.)

#### **15. Attorney's Report.**

Attorney Davis explained in March 2016, the City conveyed several properties to Habitat for Humanity of Craven County NC through a Transfer and Reversion Agreement. One of those properties, 614 Third Avenue, has been developed as low-income housing, and Habitat is ready to transfer the property to a homeowner. Mr. Davis was notified late last week that the closing had been scheduled for the morning of July 11<sup>th</sup>. The City was requested to execute a deed to the buyer for the sole purpose of releasing any rights retained by virtue of the Transfer and Reversion Agreement. Execution of the deed acknowledges that the terms of the agreement have been satisfied.

Alderman Odham made a motion to adopt a resolution approving a general warranty deed between Habitat for Humanity of Craven County NC, Way Way and wife, Paw Mui Na, and the City involving property at 614 Third Avenue, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

Alderman Bengel thanked Habitat for all the work it has done in the community, pointing out they have completed seven homes this year. She also expressed gratitude to the volunteers who assist.

#### **16. City Manager's Report.**

Mr. Stephens provided an update on the following issues:

- Old Airport Road: This road was officially abandoned by the NC Department of Transportation ("NCDOT" and "DOT") at their July Board Meeting. Now that it has been abandoned, the plan is to have this item on the Governing Board's July 24<sup>th</sup> agenda for the City to formally accept the road.

- Bridge schedule: Preston Hunter, NCDOT Engineer, has acknowledged receipt of the City's resolution and indicated DOT is supportive of the request and will begin the process to seek approval from the Coast Guard. At this point, it is unknown how long the process or approval will take.
- Exit numbers along Hwy. 70: NCDOT was contacted about the exit numbers, and Mr. Stephens stated it was his understanding that new signs would be installed with exit information.
- NC Hwy. 55 speed limit: The Governing Board will need to decide how it desires to move forward. NCDOT has recommended a step-down speed limit.
- Flashing lights on Hwy. 55 and Neuse Boulevard as approached from Hwy. 43: Mr. Montanye has spoken with the City Attorney about a resolution from the Board. Attorney Davis suggested the City first confer with DOT to get their thoughts. Mr. Montanye has spoken with Preston Hunter, Division Engineer, who thought it would be a good idea and said that he would look into the cost and whether NCDOT would look for any cost share from the City.
- Request for sidewalks on Neuse Boulevard (near Bosch) and Country Club Road: Jeff Ruggieri, Director of Development Services, is adding both of these locations to the Strategic Transportation Prioritization ("SPOT") process for scoring and potentially future funding.
- Money remaining for a portion of Trent Road: As Trent Road was resurfaced, a section was left out to wait for the reconstruction of pipes at Red Robin Lane. That work has now been completed, and NCDOT has approved the issuance of a check to the City to cover the estimated cost to resurface that portion of the road.

Alderman Aster asked what needed to be done to resolve the issue of the speed limit along Hwy. 55. Mr. Stephens and Mr. Montanye explained NCDOT's recommendation for a stepdown approach. DOT recommends this approach be tried for a period of time and the area monitored. If there is a continued problem, they will consider further adjusting the speed limit at that time. Alderman Best stated she was not in support of the stepdown approach and asked what needed to be done to get DOT to change their position. After further discussion and explanation from Mr. Montanye, Alderman Best stated she would be amenable with the speed limit being reduced to 45 mph from Hwy. 43 to the Craven County Schools facility, instead of the requested limit of 35 mph. Mr. Stephens stated staff would again contact DOT and the local board member for the Department of Transportation to express the Board's proposed compromise.

Alderman Odham announced he had been contacted by the Greenbrier Property Owners Association ("POA") regarding desired changes on Glenburnie Road near the main entrance of the subdivision. Alderman Odham stated he would present the requests to NCDOT for their evaluation. If the recommendations made by DOT are not amenable to the POA, Alderman Odham stated he may approach the Governing Board for a resolution supporting Greenbrier's request for changes.

## 17. New Business.

### Alderman Best

Alderman Best made a motion to appoint Mark Best to the Police Civil Service Board, seconded by Alderwoman Harris. The motion carried unanimously. Mr. Best will fill the seat previously held by Roger Bellamy and will serve a three-year term to expire on July 9, 2021.

### Alderman Kinsey

In response to the meeting held by Pembroke residents, Alderman Kinsey stated he had received calls today. One caller from Trent Road stated the traffic increase would be in his area. Alderman Kinsey asked where the entrance would be located. Mr. Stephens stated he did not have all of the details from the Housing Authority, but it was his understanding the main entrance would come off the Carolina Avenue property, which obviously ties into Trent Road.

### Alderwoman Harris

To address Alderman Kinsey's question, Alderwoman Harris stated there has been conflicting information. During some of the community meetings, Martin Blaney has stated for now there will not be access through that road (i.e. Carolina Avenue), but there is a possibility of that changing in the future if the City were to decide to open the road. Alderman Aster recalled Ricky Durham's earlier statement that a member of the Housing Authority had stated they would not want the Trent Court residents in their neighborhood, and he asked Alderwoman Harris if that statement was actually made. Noting she could not speak on behalf of Mr. Blaney and whether he misunderstood the question, Alderwoman Harris stated at one of the meetings community members did ask Mr. Blaney if Trent Court were to move to his neighborhood whether he would want the individuals there. Mr. Blaney responded no.

April was minority health month. Javonte' Bass will hold a free event on Saturday, July 14<sup>th</sup>, at Stanley White Recreation Center from 11 a.m. to 3 p.m. The event is open to the public and will address breaking the stigma between mental health and the black community.

### Alderman Bengel

A shout out was given to Foster Hughes, Director of Parks and Recreation, and his department for a fabulous July 4<sup>th</sup> event. Good reviews have been received.

In January, direction was given to freeze the sale of city-owned properties. Alderman Bengel asked if the Board would give direction to continue to freeze properties that are in the Choice Neighborhood Initiative ("CNI") area, but consider selling properties outside of that area. If the Board does choose to unfreeze properties outside of the CNI area, it will need to consider an appropriate asking price and may need a work session to discuss this in depth. Alderwoman Harris concurred there was a need to review the minimum bid requirement. She also noted there have been requests from churches to purchase property outside of the CNI area for the purpose of expanding their parking. Alderman Kinsey noted a lot

of the parcels in the CNI area are quite small and not large enough to build upon, and he questioned what could be done with those properties, noting City staff spends a lot of time and effort to keep them mowed. Alderman Bengel pointed out some of the lots may be FEMA lots, which the City cannot sell. Mr. Stephens stated he would be glad to facilitate a work session to discuss minimum bid requirements for properties outside of the CNI area. For clarity, he confirmed with the Board that its desire was to leave the properties within the CNI area frozen until the Redevelopment Commission can make some determination about those properties. As far as maintenance, Mr. Stephens noted the City has to retain the FEMA lots. There are rigid restrictions on those lots which prohibit enclosed structures, specific use, etc. Transfer of a FEMA lot also requires federal approval.

Alderman Best said Rev. Hazel Royal had reached out to the City about a parcel within the CNI area with a desire to redevelop the property. Mr. Stephens announced the lot in which Rev. Royal was interested is a FEMA lot. The City Clerk spoke with her and learned the church's desire was to place or build a storage structure on the lot. The Clerk informed Rev. Royal of the restrictions, including the prohibition of enclosed structures, and the City's inability to transfer the lot. Alderman Aster asked whether FEMA lots can be leased to adjacent homeowners in exchange for them maintaining the property. Mr. Stephens replied yes and explained this has been done in the past. Alderman Aster then asked if staff could reach out to other adjacent owners to see if they are interested in a similar agreement, and Mr. Stephens replied Mr. Montanye would work on this.

Mayor Outlaw asked when the Redevelopment Commission would be set up, and Alderman Bengel stated she needed to meet with Alderman Kinsey and hoped the Commission could be set up at the last meeting in July or first meeting in August. Alderman Best asked for the timeframe in which Alderman Bengel wanted names submitted, and Alderman Bengel responded as soon as possible. Attorney Davis suggested the Board provide staff with direction on the amount to accept as a minimum bid offer. Alderwoman Harris did not feel a work session was needed and suggested a minimum bid of 50% or 75% of the tax value, and questioned whether the proceeds would be funneled into the Redevelopment Commission. Alderman Bengel asked if it is possible to set a minimum bid and stipulate that an additional amount equal to the cost of demolition, liens, and unpaid taxes must be paid, to which Attorney Davis replied no one would bid on the properties.

Alderman Aster made a motion to establish a minimum bid of 50% of tax value for properties outside of the CNI area, seconded by Alderman Odham. Alderman Odham and Attorney Davis explained the bid process and the Board's opportunities to decline offers as well as the sale of property. Attorney Davis also explained the difference between tax value and owed taxes and liens. With respect to properties owned jointly with Craven County, Alderwoman Harris asked if proceeds from sales are shared with the County, and Attorney Davis replied yes and explained how this works. Alderman Aster asked how the Board felt about proceeds going to the Redevelopment Commission. The consensus expressed was for proceeds from the sale of properties outside of the CNI area to be placed in the General Fund. Alderman Best asked about the possibility of the County forgiving taxes, and Attorney Davis stated legally a governing body cannot forgive taxes, but he

described scenarios where it may relinquish their interest or ownership in a property. The motion by Alderman Aster to establish a minimum bid of 50% carried unanimously.

Alderman Bengel provided an update on downtown parking, noting it is enforced from 8 a.m. to 4 p.m. Monday through Friday. She announced the location of the three free parking lots which contain almost 200 spaces. There is a lot of misinformation on social media and in other places. This is a trial run, and all comments and suggestions will be taken into consideration. Some tweaks to the ordinance will be presented at the July 24<sup>th</sup> meeting, and additional tweaks may be made after a six-week trial. Comments have been made that there are no cars downtown; Alderman Bengel said this is because employees are now parking in the free lots, which is making room on the streets for patrons. The purpose of enforcing parking is to ensure there is parking available for customers. Alderman Bengel asked that questions about parking be funneled to her. She thanked the Swiss Bear parking committee and acknowledged an email from Joe Allen, noting she has scheduled an appointment to meet with him.

**18. Closed Session.**

A closed session was not needed.

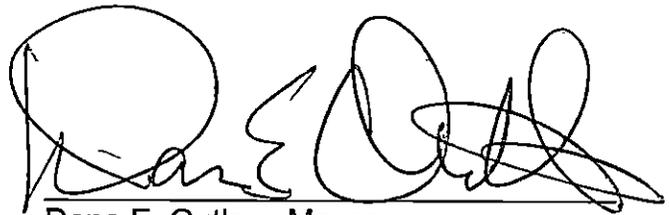
**19. Adjourn.**

Alderman Odham made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously, time being 7:18 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](http://www.newbern-nc.org). Video and audio recordings of the meeting have been archived.

Minutes approved: July 24, 2018



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk