

**City of New Bern  
Board of Aldermen Meeting  
March 26, 2019 – 6:00 P.M.  
City Hall Courtroom  
300 Pollock Street**

- 1. Meeting opened by Mayor Pro Tem Jeffrey Odham. Prayer by Alderman Bengel. Pledge of Allegiance.**
- 2. Roll Call.**

Present: Mayor Dana Outlaw (arrived at 6:19 p.m.), Alderman Sabrina Bengel, Alderwoman Jameesha Harris, Alderman Robert Aster, Alderman Barbara Best, Alderman Johnny Ray Kinsey, and Alderman Jeffrey Odham. Absent: None. A quorum was present.

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

**Consent Agenda**

- 3. Consider Adopting a Resolution Calling for a Public Hearing to Rezone 1203 Simmons Street from R-10 Residential to C-5 Office & Institutional District.**

Tarheel Building Systems, on behalf of owner Michael Rice, requested to rezone an approximate 0.22-acre tract of land from R-10 Residential District to C-5 Office & Institutional District. The property is located at 1203 Simmons Street and is further identified as Tax Parcel #8-034-059. It was requested a public hearing be held on April 9, 2019 at 6 p.m. to consider this request.

- 4. Consider Adopting a Resolution Calling for a Public Hearing to Rezone 703 Carolina Avenue from R-8/R-10 Residential District to C-3 Commercial District.**

Mosaic Development Group requested to rezone approximately 30.81 acres located at 703 Carolina Avenue from R-8/R-10 Residential District to C-3 Commercial District. The property is further described as Tax Parcel 8-044-011. It was requested a public hearing be held on April 9, 2019 to consider this request.

- 5. Approve Minutes.**

Minutes from the March 12, 2019 regular meeting were provided for review and approval.

Alderman Aster made a motion to adopt Items 3-5 of the Consent Agenda, seconded by Alderman Bengel. The motion carried unanimously 6-0.

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## **6. Presentation by Disaster Recovery Services.**

As previously requested by the Board of Aldermen, Corey Spaulding, Project Manager with Disaster Recovery Services, provided a brief update on the status of FEMA claims and activities associated with Hurricane Florence. He introduced Sam Temens, Onsite Coordinator. Notably, the National Flood Insurance Program (“NFIP”) policy has paid to date to the City approximately \$347,000. Full payment of \$500,000 is anticipated. The wind policy has issued the City a \$250,000 advance. The wind claim will be ongoing and will take a while due to the number of damaged facilities. The excess flood insurance policy has a \$1 million limit, and the insurance company has advanced either \$300,000 or \$350,000. Damages to city buildings will be in excess of \$1 million, and total damages are well in excess of the limits. Full policy payment should be expected shortly. Claims through Volunteer Firemen’s Insurance Service (“VFIS”) have been paid in full with the exception of the fire-training building. Additional claims are still pending with reference to debris, stormwater, utilities, etc. The status of Category B and D claims were reviewed. Mr. Spaulding stated he and others attended a meeting last week to answer citizens’ questions regarding Stanley White Recreation Center (“SWRC”). Mayor Pro-Tem Odham asked if reports were available to the Board showing the details of the damage. Mr. Stephens stated an adjuster had performed a detailed analysis of each of the damaged buildings, and he would make sure that was shared with the Board.

(Mayor Outlaw arrived at 6:19 p.m. and assumed his position of presiding over the meeting.)

In light of the 428 mitigation, Alderwoman Harris questioned whether the City was able to do anything to the affected buildings while the mitigation was pending. Mr. Spaulding explained it was dependent upon the methodology for which the City desired to collect funding, and stated the recommendation would be to secure the funding through the alternate procedures program. He explained the drawback of not using the traditional program, but stated the flexibility of the alternate program was very important. The 428 mitigation does indicate work should not begin on the buildings until there is an agreed scope of work. The consultants have verbally communicated to FEMA the intention to submit the substantially-damaged buildings under the 428 program, and FEMA has acknowledged that and placed the properties under a different track for processing. The SWRC is on the 428 alternate procedure path.

Alderman Aster noted that everyone in the City has to follow the building codes. He stated it is his understanding that since the building is significantly damaged, SWRC would have to be brought up to the current code. If the City wanted to use the building now, the Building Inspector could not issue a permit to allow use of the building since it is not up to code. Mr. Spaulding said the cost to rebuild SWRC was not even close in dollar value and there was no way to make it work. The City has an agreement with the NFIP stating it will sell flood insurance to the community, but the City has to adopt uniform model regulations for enforcement of flood-plain regulations for new buildings and buildings that have been substantially damaged.

This keeps the NFIP from paying multiple times for damages to the same property. If the City does not honor the model regulations, then it is at risk for losing its flood insurance certification, which means no one in the community could buy flood insurance.

Questions were also answered regarding 406 mitigation. Mayor Outlaw asked if there was anything that could be done to expeditiously resolve the SWRC issue. Mr. Spaulding stated his goal and directive has been to seek full funding to replace SWRC. The community should end up with a new SWRC that is out of the flood plain, will not flood again, and will be better and more resilient than what exists. This will also result in less insurance premiums for the community, since the building would be out of the flood plain. Mr. Spaulding laid out the anticipated time frame to resolve the issue of SWRC. Alderman Aster suggested the Board be notified on the day Mr. Spaulding submits the claim for SWRC, so it could start making calls to try get the claim pushed through. Mr. Spaulding announced the contact at the state level is Jeffrey Walker.

Noting the question was raised Friday night, Alderman Odham asked for someone to verify that the SWRC building is not considered historic and send an email to the Board as soon as that is known. Alderman Aster asked about the possibility of getting a temporary facility on site at SWRC, and Mr. Spaulding said the after-school program would be the only program to qualify for a temporary facility. The consultants are exploring with FEMA the possibility of reinstating that use with a temporary facility.

## **7. Conduct a Public Hearing and Consider Adopting a Resolution Amending the FY2018 CDBG Allocation of Funds.**

Staff determined it was necessary to amend the approved CDBG program for FY2018. CDBG funds originally budgeted for public services, affordable housing, housing rehabilitation, and demolition would be reallocated as follows:

- General Administration - Reduce budget from \$48,500 to \$42,771
- Public Service Set Aside – Eliminate budget of \$30,771
- Affordable Housing – Revise the activity description from construction of new affordable housing for sale to new affordable rental housing; increase budget from \$32,000 to \$200,000
- Housing Rehabilitation – Eliminate budget of \$100,000
- Demolition – Eliminate budget of \$32,000

Alderman Best asked for confirmation that the changes would not affect those who were slated to receive CDBG funds, and Jeff Ruggieri, Director of Development Services, confirmed they would not. Alderwoman Harris asked who would receive the rents from the affordable housing, and Mr. Ruggieri explained how that would work and stated the Redevelopment Commission would hold the notes.

Mayor Outlaw opened the public hearing, but no one came forward to speak. Alderman Bengel made a motion to close the public hearing, seconded by Alderwoman Harris. The motion carried unanimously 7-0.

Alderman Bengel made a motion to adopt a resolution amending the FY2018 CDBG allocation of funds, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

Mr. Ruggieri noted Habitat's desire to build 160 homes, and Mr. Stephens stated Habitat had submitted a list of properties that it would like the City to consider donating for construction of homes.

**8. Discussion of Noise Ordinance.**

Attorney Davis discussed proposed changes to the City's noise ordinance and provided a draft amendment. He explained the use of a decibel system and different decibel levels for specified zones and times. He encouraged the Board to use a decibel app on their smartphones and compare it to the Police Department's decibel reader. He also suggested the Board review the proposed changes and consider an amendment at a future meeting in four to six weeks. Mr. Davis pointed out the ordinance would still provide for nuisance noise, which is noise that is not at a steady state, such as barking dogs, etc. There is also provision for a noise permit, which would accommodate special events for a specified date and time.

**9. Consider Adopting a Resolution Authorizing the City Manager to Execute an Architectural and Engineering Contract for City-Owned Buildings Damaged in Hurricane Florence.**

A Request for Qualifications was issued seeking architectural and engineering services for city-owned buildings damaged during Hurricane Florence. Three proposals were received and reviewed. After scoring, MBF Architects, PA received the overall highest score. The contract amount is not to exceed \$57,900.

Alderman Aster made a motion to adopt a resolution authorizing the City Manager to execute an architectural and engineering contract for city-owned buildings damaged in Hurricane Florence, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

**10. Consider Accepting a Petition to Annex Property Identified as Tax Parcel IDs 8-209-24000, 8-209-24001 and a Portion of 8-209-13001 Owned by Weyerhaeuser NR Company and Adopt a Resolution to Call for a Public Hearing on the Annexation.**

By request dated March 13, 2019, Weyerhaeuser NR Company desires to annex approximately 8.13 acres, which includes Lot 4 of Craven 30 West, West New Bern Parkway and Downey Drive, and a portion of Tax Parcel ID #8-209-13001 lying between West New Bern Parkway/Downey Drive and NC Highway 43. If the petition is accepted, the Board would need to call for a public hearing on April 9, 2019 to receive comments on the annexation.

Alderman Odham made a motion to accept the petition to annex property identified as Tax Parcel IDs 8-209-24000, 8-209-24001, and a portion of 8-209-13001, and

to call for a public hearing to be held on April 9, 2019 on the annexation, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

**11. Consider Adopting a Resolution to Ban the Box in Support of Fair Hiring Practices.**

At the Board's February 12, 2019 meeting, a presentation and discussion ensued on the Ban-the-Box movement. After researching and conferring with colleagues, the City Attorney drafted a resolution to ban the box in support of fair hiring practices. If the proposed resolution is adopted, the "box" asking applicants about convictions other than minor traffic violations would be removed from the City's employment application effective April 1, 2019. Mr. Davis explained the administrative policy that would be approved by the City Manager, should the resolution be approved. Mr. Stephens said sworn employees are required by state statute to undergo a background check, and explained certain other positions, such as financial positions, would need to undergo background checks at the beginning of the interview process. Currently, 20 positions have been identified for which the check could be eliminated. Sonya Hayes, Director of Human Resources, offered further explanation about the positions that could be eliminated from the initial background check.

Alderwoman Harris made a motion to adopt a resolution to Ban the Box in Support of Fair Hiring Practices, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

**12. Consider Adopting a Resolution Awarding the Contract for the Trent Road Substation.**

Bank "A" of the Trent Road substation transformer has been in service since 1960 and is at the end of its useful life. On behalf of the City, Power Services solicited bids for a replacement based on cost comparison and benefits of each option provided. After reviewing the bids, it was recommended the option identified as Alternate No. 1 be chosen due to significantly lower maintenance and losses as compared to other options. It was also recommended that the bid be awarded to WEG, which provided the best and lowest bid at a cost of \$717,594 with IEEE standard impedance. While WEG was not the low first-cost bid, it was the lowest overall bid based on total ownership cost and lower losses. Charlie Bauschard, Director of Public Utilities, offered additional information on installation and costs associated with the installation.

Alderman Odham made a motion to adopt a resolution awarding the contract for the Trent Road Substation, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

Alderman Bengel made a motion to amend the agenda to consider items 15 and 16 next, seconded by Alderwoman Harris. The motion carried unanimously 7-0.

**15. Consider Adopting an Ordinance Establishing the 2019 Electric Improvements Project Fund.**

The budget for FY2018-19 was approved by the Board on June 12, 2018. The budget included \$1,000,000 for the replacement of a transformer at the Trent Road substation. The cost of the new transformer is \$718,000 with installation costs of approximately \$882,000, for a total of approximately \$1,600,000. The \$1,600,000 would be funded through a transfer of \$1,000,000 from the Electric Fund's FY2018-19 budget and a transfer of \$600,000 in its FY2019-20 budget.

Alderman Aster made a motion to adopt an ordinance establishing the 2019 Electric Improvements Project Fund, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

**16. Consider Adopting a Budget Ordinance Amendment for the Electric Operating Fund.**

Relative to the previous item, a budget amendment is necessary to reallocate \$1,000,000 from Power Supply to Interfund Transfers within Electric's operating fund. These funds will be utilized for the substation improvement.

Alderman Aster made a motion to adopt a budget ordinance amendment for the Electric Operating Fund, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

**13. Consider Adopting a Resolution to Introduce and Secure Passage of Local Legislation Amending Article III – Elections of the City Charter.**

Meloni Wray, Director of Craven County Board of Elections, made a presentation at the Governing Board's February 12, 2019 meeting to review the City's election options and cost analysis. Following that presentation, interest was expressed to move City elections to even-numbered years, which would yield substantial cost savings. The proposed resolution seeks to introduce and secure the passage of local legislation to amend Article III – "Elections" of the City's Charter. The amendment would provide that elections be held every four years in even-numbered years beginning in 2020.

Alderwoman Harris asked if this passed whether the City would be required to move to a partisan election, and Mr. Stephens responded no. Alderman Bengel said she was opposed to having an election in 2020 and suggested if the Board wanted to move elections to an even year that it begin in 2022. She expressed concern about the deadline to introduce a local bill at the state level, but noted Alderman Odham had spoken with Representative Speciale, who stated he could introduce it this week. Alderman Bengel asked if there would need to be two bills: one to change the elections and one to change the terms of office. Mr. Davis stated both issues would be wrapped into one bill. Alderman Odham confirmed he had spoken with Representative Speciale, who is on the House Elections Committee, as well as Meloni Wray, Director of the Board of Elections, and he did not think the timing would be issue if the Board passed the resolution tonight. He suggested the

language in the resolution be changed to reflect the Board's election would be held at the same time as the presidential primary. Alderman Odham noted one of the reasons he would not be in favor of a 2022 election was because it would add a year to the current terms. Additional discussion ensued about the costs, the ability of all parties to vote, the timeframe associated with any change, etc.

Alderman Odham made a motion to adopt a resolution to introduce and secure passage of local legislation amending Article III – Elections of the City Charter with the change in verbiage from March primary to reflect whatever language the attorney deems necessary to align it with the presidential primary election, seconded by Alderman Kinsey. Upon a roll-call vote, the motion failed 4-3 with Aldermen Bengel, Harris, Aster, and Best voting against it.

A gentleman from the audience asked to speak before the Board. Alderwoman Harris made a motion to allow him to speak, seconded by Alderman Best. The motion carried unanimously 7-0.

Hal James, Chairman of Coastal Carolina Tax Association, spoke in favor of the proposed resolution. He introduced several in attendance who also supported the resolution. Mr. James stated he believed the action would not only save money, but would boost voter turnout.

**14. Consider Adopting a Resolution Approving the FY19 Equipment Financing.**

The budget for FY2018-19 was approved by the Board on June 12, 2018. The budget included various capital vehicle and equipment purchases. A declaration of intent to reimburse was subsequently adopted by the Board, as well as an ordinance establishing the ERP Project Fund for the initial financing of Phase I. Requests for financing proposals were sent to 17 banks. After reviewing the responses received, it was recommended Bank of America Merrill Lynch be selected for the loan. The loan amount would not exceed \$2,534,227, which includes the refinancing of an existing loan for Phase I of the ERP project. The repayment period would be 59 months at an interest rate of 2.6096%, and the loan would close the week of April 1, 2019.

Alderman Kinsey made a motion to adopt a resolution approving the FY19 equipment financing, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

**17. Appointment(s).**

No appointments were made.

**18. Attorney's Report.**

The City Attorney stated before each Board member was a resolution to authorize the Mayor to sign a deed for Habitat. This was the same deed approved at the Board's last meeting. However, today the closing attorney advised there was a

discrepancy in the description he used in the deed. That discrepancy had been corrected, and the version before the Board was correct.

Alderman Harris made a motion to authorize the Mayor to execute a corrected deed for Habitat, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

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

NCDOT will be performing work on Highway 70 this weekend, which will involve closure of ramps at Glenburnie Road and Martin Luther King Boulevard.

## **20. New Business.**

### Mayor Outlaw

A welcome was extended to Craven County Commissioner Johnnie Sampson, and his wife.

### Alderman Odham

Matt Montanye, Director of Public Works, was asked to provide an update on the Trent Road closure and expansion. Mr. Montanye provided a map showing the area of closure, stating the closure would last two weeks.

(Alderman Kinsey momentarily stepped out at 8:01 p.m.)

### Alderman Best

Constituents have asked whether the Oaks Road construction is complete. Mr. Montanye stated it is getting close.

(Alderman Kinsey returned at 8:04 p.m.)

Alderman Best said some constituents are just now getting funding to begin work on their house. She asked if the City could pick up muck-out or construction debris. Mr. Stephens said the City could potentially work with them on muck-out debris, but cautioned the City would not get reimbursed from FEMA since it is past the cut off date. The City, however, will not pick up construction debris; homeowners should secure a construction dumpster.

Months ago, Alderman Best inquired about a flashing light at the Highway 43 and Highway 55 junction. Mr. Montanye said NCDOT was going to perform a study, and he would reach out for an update.

### Alderman Kinsey

Gratitude was expressed to the Board and Foster Hughes, Director of Parks and Recreation, for allowing the Church of Christ to set up at 408 Hancock Street to distribute furniture to victims of Hurricane Florence.

An update was requested on ditches. Mr. Montanye said staff is still working daily on the ditches and is also applying for FEMA assistance. Employees through GreenLamp should soon be onsite to assist the City.



### Alderman Aster

An update was requested on the Old Airport Road project. Mr. Montanye announced the construction plans are complete. Meetings will be set up in the next couple of weeks for residents.

Fire headquarters will be holding an open house this Saturday from 10 a.m. until 2 p.m.

Gratitude was expressed to Charlie Bauschard, Director of Public Utilities, for the installation of street lights near the Old Airport Road intersection.

### Alderwoman Harris

While at NLC Conference, encountered someone who runs a grant program for AARP. She asked for the Board's blessing to pursue the grant for a chess park at the property referred to as the Pollock Street fountain area. There was a motion made in 2014 that no City funds or in-kind services could be used for that particular site. Mr. Davis suggested this be put on the next agenda, but Alderwoman Harris noted a grant submission deadline of April 16. Mr. Davis expressed concern as to whether the group working on the fountain had abandoned the project. However, since submission of the AARP grant only sought approval of the proposed concept, Mr. Davis felt there were no issues with applying. Alderwoman Harris made a motion to allow Development Services to submit an AARP grant for the potential of having a chess park, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously. Prior to voting, Alderman Bengel expressed concern about adopting resolutions under new business that had not been noticed on the agenda. Mr. Davis clarified that this action was direction only and did not involve adopting a resolution.

The status of funding for the Kidsville rebuild was requested. Foster Hughes said funds are continuing to come in, and the graphic would begin to rise to show increases in increments of \$25,000. Mr. Hughes reported on the input from the children and the proposed design.

### Alderman Bengel

Dawn Zimmer, former Mayor of Hoboken, New Jersey, will be arriving next week to make a presentation on resiliency and share lessons learned during Hurricane Sandy. Mr. Stephens asked the Board to keep their calendars open on April 3<sup>rd</sup> and April 4<sup>th</sup> for Ms. Zimmer's visit and possibly for a special meeting of the Board. The Carnival of Colors is scheduled for Saturday, March 30, 2019, at 11:30 at the NC History Center.

Condolences were expressed to Joey Pontiff's family.

Alderman Bengel announced the birth of her third grandchild.

Mr. Montanye was asked to ride through the Hancock parking lot to view the trash that was left behind by Waste Industries. Alderman Odham asked if staff would review the legal recourse that could be taken against Waste Industries. Alderman Aster expressed concern about noise from trash trucks picking up dumpsters at 4-4:30 a.m. Recently, a truck was at a neighborhood store that actually falls outside of the city limits, but the sounds emitted could be heard in nearby subdivision within the City. Mr. Davis said there was nothing that could be done about that situation.

**21. Closed Session.**

A closed session was not needed.

**22. 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.

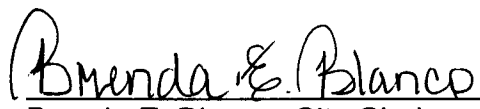
NOTE: For additional details and information on the Board of Aldermen meetings, please visit the City of New Bern's website at [www.newbernnc.gov](http://www.newbernnc.gov). Video and audio recordings of the meeting have been archived.

Minutes approved: April 9, 2019



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Jeffrey T. Odham, Mayor Pro Tem



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Brenda E. Blanco, City Clerk