

**City of New Bern
Board of Aldermen Meeting
April 9, 2019 – 6:00 P.M.
City Hall Courtroom
300 Pollock Street**

- 1. Meeting opened by Mayor Pro-Tem Jeffrey Odham. Prayer by Alderwoman Harris. Pledge of Allegiance.**

- 2. Roll Call.**

Present: Mayor Pro-Tem Jeffrey Odham, Alderman Sabrina Bengel, Alderwoman Jameesha Harris, Alderman Robert Aster, Alderman Barbara Best, and Alderman Johnny Ray Kinsey. Absent: Mayor Dana Outlaw. A quorum was present.

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

Mayor Outlaw was meeting with Mayor Mack Hodges of Washington to discuss hurricane resiliency plans.

- 3. Request and Petition of Citizens**

Hal James, Chairman of Coastal Carolina Taxpayers Association, asked the Board to reconsider changing its election schedule. He stated elections during even years will save taxpayers' money and would increase voter turnout.

Tonia Gaylor of 1704 Washington Court spoke about her experience working for Preservation Management at Craven Terrace and said the company mistreats people. She said she wanted to voice her opinion not only on behalf of herself, but also for all of the residents of Craven Terrace. In response, Alderwoman Harris stated she would be in contact with Preservation Management to discuss the concerns described by Ms. Gaylor and to express her own expectations. Mayor Pro Tem Odham and Alderman Best also offered to meet with Ms. Gaylor and Preservation Management.

Shaniya Gaylor of 1704 Washington Court stated she was the daughter of Tonia Gaylor. She described missing the bus because of being misplaced from her home following the hurricane. By missing the bus and not arriving to school on time, she stated her education was affected. She felt Preservation Management should have given her mother an apartment to live in since her mother worked for them.

Pheon Shirley of E55 Craven Terrace complained of mold in her apartment following the hurricane. She stated the mold was getting on her clothes and causing her headaches. She also stated she had problems with her oven that have not been fully addressed, and she complained about paying rent of almost \$300 a

month. Ms. Shirley stated she had complained to management and the Police about harassment, including eggs thrown at her home.

William Downey, Jr. of J91 Craven Terrace stated he has spoken with Preservation Management about roaches, mold, and a problem with the front burner on his stove. He also complained about the size of his apartment and issues following the storm.

(Alderman Best momentarily stepped out the room at 6:17 p.m.)

Mr. Downey said he has seen activity going on at 2 a.m. and has expressed concern that no one does anything about it. He questioned whether the security cameras only work when management wants them to work.

Timmy Hills of J96 Craven Terrace described problems with the heating system in his unit. To stay warm, he stated he hangs out at a store or McDonalds all day. Although his rent is always paid timely, he has to go home every night to a cold apartment.

Stanton Fitzgerald, representing the owners of S&S Global Express at 2803 Trent Road, wanted to speak about 703 Carolina Avenue. Mayor Pro Tem Odham asked him to hold his comments until the public hearing on that item.

Barbara Sampson of R149 Craven Terrace said the conditions at Craven Terrace are bad. Residents are treated like second-class citizens. She, too, stated there was mold and mildew in her apartment. Management tells her it is because she has too many belongings. She expressed concern about retaliation from the management because of speaking out.

(Alderman Best returned at 6:24 p.m.)

Eyvonne Bell of 101 Craven Terrace voiced concerns about the condition of her apartment. She stated her ceiling fell, hit her in her face, and broke her glasses. Preservation Management would not pay for her replacement glasses and told her she needed to have insurance to cover that. Ms. Bell stated her apartment has roaches and mold. Mayor Pro Tem Odham reiterated the Board's willingness to meet with Preservation Management to advocate on the residents' behalf, but pointed out the City has no authority over Preservation Management.

Alderman Aster asked if a department could follow-up on the concerns voiced. Mr. Stephens stated he would speak with Jeff Ruggieri, Director of Development Services, to determine if minimum housing code violations exist. Mr. Davis stated an occupant could request an inspection, as the request did not have to come from the owner.

Consent Agenda

4. Consider Adopting a Resolution to Close the 200 Block of Change Street for the Historic District Resident’s Association’s Spring Social.

Kelly Sorenson, Social Committee Chair for the Historic District Resident’s Association (“HDRA”), requested the 200 block of Change Street be closed to vehicular traffic on April 27, 2019 from 2 p.m. until 4 p.m. for HDRA’s spring social.

5. Consider Adopting a Resolution to Close the 600 Block of South Front Street for Tryon Palace Event.

Rebekah Hornek, Cultural Arts Coordinator for Tryon Palace, requested the 600 block of South Front Street be closed to vehicular traffic on April 26, 2019 from 12 noon until 11 p.m. and on April 27, 2019 from 8 a.m. until 1 p.m. This is to facilitate the Palace’s social event “An Evening with Diana Gabaldon”.

6. Consider Approving a Proclamation for Boys & Girls Club Week.

Taylor Shannon, Special Events & Marketing Coordinator for the Boys & Girls Club, requested a proclamation observing April 8-12, 2019 as Boys & Girls Club Week.

7. Consider Approving a Proclamation for Earth Day.

Foster Hughes requested a proclamation observing Earth Day on April 22, 2019. New Bern Parks and Recreation is collaborating with New Bern Now and other organizations to offer an Earth Day Celebration on April 20, 2019 from 1 p.m. until 4 p.m. at the “Talbot Lot” on the corner of Craven and South Front Streets.

8. Approve Minutes.

Minutes from the March 26, 2019 regular meeting were provided for review and approval.

Alderman Kinsey made a motion to approve Items 4-8 of the Consent Agenda, seconded by Alderman Bengel. The motion carried unanimously 6-0.

(Alderwoman Harris momentarily stepped out of the room at 6:35 p.m.)

9. Presentation of Reliable Public Power Award.

Charles Bauschard, Director of Public Utilities, made a brief presentation on the Electric Department’s two awards: a Certificate of Excellence in Reliability and Diamond designation as a Reliable Public Power Provider (“RP3”). He presented the Board with the Diamond designation award.

(Alderwoman Harris returned at 6:38 p.m.)

The Board accepted the award from Mr. Bauschard and posed for a group picture.

10. Presentation on Downtown Parking.

Bill Faulkenbury, Chair of the Downtown Parking Committee formed by Swiss Bear, and Danny Batten, on behalf of the Downtown Business Council, provided an update on downtown parking. Mr. Faulkenbury passed out a tally of the number of tickets that had been issued since the inception of parking enforcement. Mr. Batten revealed the outcome of recent surveys conducted among the downtown businesses and people on the street. The overwhelming consensus was the numbers did not mean anything, in light of the effects of the hurricane, and a suggestion had been made to conduct an additional survey at the end of the summer. The two-hour parking regulation was only part of the parking plan. Signage and free all-day parking was another component. It was discovered that some of the signage was missing following the storm, but that is being addressed. People who were surveyed on the street were not aware of the outlying free parking lots, and Mr. Batten felt that would change once signage was addressed.

Mr. Faulkenbury announced the Downtown Parking Committee would hold a meeting next week. The City Attorney has been invited to attend and provide input on some of the committee's suggestions. Topics to be discussed are on-street handicap parking, parking along the 200 block of Pollock Street for the bed and breakfast establishments, rotating parking passes for the leased lots, and the possibility of kiosks in the Pollock Street lot. The committee stated it would provide a follow-up report to the Board in a few months.

Alderman Aster pointed out the number of tickets that have not been paid. Police Chief Summers said reminder letters have recently been issued. Fines not paid within the initial 30 days would double and be pursued by a third-party collector.

11. Presentation on a Possible Year-Round Calendar at J.T. Barber Elementary School.

Erica Phillips, Principal of J.T. Barber School, shared information about a possible year-round school calendar for J.T. Barber. She described the timeline of the proposed calendar and how the school proposes to assist with childcare during the off weeks.

12. Conduct a Public Hearing on the Rezoning of 1203 Simmons Street from R-10 Residential District to C-5 Office & Institutional District; and
a) Consider Adopting a Statement of Zoning Consistency; and
b) Consider Adopting an Ordinance Rezoning 1203 Simmons Street.

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. The Planning & Zoning Board unanimously recommended approval of the request at its March 5, 2019 meeting.

Morgan Potts, City Planner, shared a brief PowerPoint presentation outlining the request and displaying maps of the property. The proposed use will store home flooring samples and provide office space for the owner.

Mayor Pro Tem Odham opened the public hearing, but no one came forward to speak. Alderwoman Harris made a motion to close the public hearing, seconded by Alderman Kinsey. The motion carried unanimously 6-0.

Alderwoman Harris made a motion to adopt a statement of zoning consistency, seconded by Alderman Bengel. The motion carried unanimously 6-0.

Alderwoman Harris made a motion to adopt an ordinance rezoning 1203 Simmons Street, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

- 13. Conduct a Public Hearing to Rezone 703 Carolina Avenue from R-8/R-10 Residential District to C-3 Commercial District; and**
a) Consider Adopting a Statement of Zoning Consistency; and
b) Consider Adopting an Ordinance Rezoning 703 Carolina Avenue.

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. The Planning & Zoning Board approved the request by a vote of 5-2 at its March 19, 2019 meeting. This public hearing was duly noticed as required.

Mrs. Potts shared a PowerPoint presentation reviewing the request and displaying maps of the property. She noted the property is currently split zoned, which is not desirable. She stated the parcel is not located in the AE flood zone. Alderman Kinsey asked whether the property flooded during the hurricane. Michael Cole, with the firm of Cole, Jenest & Stone, said flooding was not observed at the site area to be developed. Mr. Stephens handed out an aerial map of the property showing it in a minimal flood hazard zone.

(Alderman Kinsey very briefly stepped out of the room at 7:20 p.m., returning at 7:20 p.m.)

Jeff Ruggieri, Director of Development Services, explained the previous need and issuance of special use permits for similar projects.

Mayor Pro Tem Odham opened the public hearing. Stanton Fitzgerald, representing the owners of SOS Global Express, stated the owners were not against the development, but had questions regarding sidewalks, infrastructure and runoff water. He expressed concern about zoning the property as C-3 and the effect that could have should the development not proceed. He suggested the property be zoned R-6 and a special-use permit issued. Attorney Davis explained that today's hearing was only to address zoning, and that any other issues pertaining to future development would be addressed in the departmental review process.

James Woods of 1903 Country Club Road also asked about the possibility of zoning the property as R-6 instead of C-3. He expressed concern about the wetlands and whether input had been received from CAMA. Mrs. Potts stated CAMA did not have jurisdiction, but the matter would be an US Army Corps of Engineer issue. She stated the developable property was adjacent to wetlands that could not and would not be disturbed and which would act as a beneficial buffer from the Trent. Mr. Woods stated he was still concerned about the wetlands. Mr. Stephens clarified the area that would be sold to the Housing Authority, noting the City would retain ownership of the wetlands and unbuildable portion of the 30+ acres.

Jimmy Royster of the Mosaic Development Group provided information on the applications for the tax-credit program. He explained why the zoning was significant. Mrs. Potts explained the length of time it would take to obtain a special use permit and stated it was staff's recommendation to rezone to C-3. Attorney Davis pointed out should the development not come to fruition, the property would remain zoned C-3 and would still be owned by the City. The Housing Authority would not be able to sell the property out from under the City for the construction of a mall. Mr. Ruggieri noted good land-use planning prohibited the creation of split-zone parcels, which is why it would not be a good idea to zone the developable area as C-3 and leave the remainder as R-6.

A woman (name inaudible) from Glenmore, Pennsylvania stated her sister and mother live near the property. She asked about the traffic that would be generated by the development and whether a traffic light would be installed at Trent Road and Carolina Avenue.

Alderwoman Harris made a motion to close the public hearing, seconded by Alderman Aster. The motion carried unanimously 6-0.

Alderwoman Harris made a motion to adopt a statement of zoning consistency, seconded by Alderman Kinsey. The motion carried unanimously 6-0.

Alderwoman Harris made a motion to adopt an ordinance rezoning 703 Carolina Avenue, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0. Alderwoman Harris noted she voted in favor of the matter because of the need for affordable housing. Alderman Bengel stated she too voted in the affirmative only because of the need for affordable housing, although she felt the zoning should have remained residential.

14. Conduct a public hearing and Consider Adopting an Ordinance to Annex Tax Parcel IDs 8-209-24000, 8-209-24001 and a Portion of 8-209-13001 Owned by Weyerhaeuser NR Company.

By request dated March 13, 2019, Weyerhaeuser NR Company sought annexation of 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. The Board of Aldermen accepted the petition at its March 26, 2019. Subsequently, this public hearing was duly noticed as required.

Mayor Pro Tem Odham 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 6-0.

Alderman Bengel made a motion to adopt an ordinance to annex Tax Parcel IDs 8-209-24000, 8-209-24001 and a portion of 8-209-13001, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

15. Consider Adopting a Resolution Approving the Execution of a General Warranty Deed for 814 West Street Between Habitat for Humanity of Craven County and Shenatta LaVerne Powell.

At its March 8, 2016 meeting, the Board of Aldermen approved a Deed and a Transfer and Reversion Agreement with Habitat for Humanity for the property located at 814 West Street. A home has since been constructed on the property, and Habitat is now ready to convey the property to Shenatta LaVerne Powell. To facilitate this conveyance, the City needed to sign a general warranty deed to evidence that Habitat had complied with the terms and conditions of the Transfer and Reversion Agreement and that the reversion provisions of the Agreement were no longer applicable.

Alderman Bengel made a motion to adopt a resolution approving the execution of a general warranty deed for 814 West Street between Habitat for Humanity of Craven County and Shenatta LaVerne Powell, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

16. Consider Adopting a Resolution Approving a Water and Sewer Use Agreement for Property on Highway 55 West.

The owners of 846 NC Highway 55 West propose to develop a single-family residence. The property is outside of the New Bern municipal limits. The proposed development will have a calculated average daily water and sewer demand of 360 gallons per day. To facilitate the development, a standard water and sewer service connection can be provided to the property without the need for a main extension. Section 74-74 of the City's ordinance provides that a written water and sewer use agreement be entered into to outline the roles and responsibilities of both parties in establishing service for the proposed project.

Alderman Best made a motion to adopt a resolution approving a water and sewer use agreement for 846 NC Highway 55 West, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-0.

17. Consider Accepting a Petition to Annex Property at 846 Highway 55 West and Adopt a Resolution to Call for a Public Hearing on the Annexation.

Othella Clarence Best and Shelia Best petitioned for their property at 846 NC Highway 55 West to be annexed into the city limits. The property is further identified

as Tax Parcel ID 8-222-169. It was requested a public hearing be held on April 23, 2019 regarding the annexation.

After confirming with Alderman Best that the owners of the property were family members, Alderman Bengel questioned whether Alderman Best should recuse herself from voting on this or the previous item. Attorney Davis stated there was no need for her to do so.

Alderman Best made a motion to accept the petition to annex 846 NC Highway 55 West and call for a public hearing on the annexation, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

18. Appointment(s).

(Alderman Best momentarily stepped out of the room at 7:59 p.m.)

Alderman Bengel made a motion to appoint George Halyak to the Friends of the Firemen's Museum Board, seconded by Alderwoman Harris. The motion carried unanimously 6-0. Mr. Halyak will fill the seat previously held by Nancy Mansfield and will serve a three-year term to expire on April 22, 2022.

(Alderman Kinsey momentarily stepped out of the room at 8 p.m.)

Alderman Aster made a motion to reappoint Dave Finn to the Friends of the Firemen's Museum Board, seconded by Alderwoman Harris. The motion carried unanimously 6-0. Mr. Finn will serve a three-year term to expire on April 22, 2022.

19. Attorney's Report.

Mr. Davis had nothing to report.

20. City Manager's Report.

Mr. Stephens announced Tom Gustafson, a City employee, recently passed away. Mr. Gustafson was a meter technician.

Dawn Zimmer, former Mayor of Hoboken, New Jersey, recently visited New Bern and shared her perspective regarding recovery and resiliency efforts following a hurricane. She participated in a community forum, as well as a special meeting of the Board of Aldermen.

(Alderman Best returned to the room at 8:02 p.m.)

Mr. Stephens reported on the Fire Department's recent firetruck pull, which raised over \$4,000 for muscular dystrophy.

21. New Business.

Alderman Bengel

Congratulations was expressed to Fire Chief Bobby Boyd on being selected as the Craven County Firemen of the Year.

At Alderman Bengel's request, Jordan Hughes, City Engineer, provided an update on the water and sewer work being performed downtown.

Many events are scheduled for this weekend, and information can be found on the City's website, New Bern Live, and New Bern Now.

Meetings will take place in the days ahead to discuss the DoubleTree.

An email was received today about the Fuller Group, which is a volunteer church group that donates labor and obtains donated supplies to help rebuild homes for flood victims. Alderman Bengel asked if the City was interested in providing a letter of support to assist the group with their desire to obtain funding through the Red Cross. The Board expressed consensus to issue the letter.

It was requested a resolution to move elections from October 2021 to November 2021 be placed on the Board's next agenda for consideration. November is when other municipalities in Craven County hold their elections, and a savings of about \$20,000 could be recognized. A majority of the Board expressed agreement with placing that on the agenda.

Alderman Aster

Congratulations were expressed to Chief Boyd. The new fire academy recruits will have a graduation ceremony this Friday from 2-4 p.m. at the Fire Headquarters.

A public meeting will be scheduled to inform citizens about the upcoming work on Old Airport Road.

Alderman Best

Thanks was expressed to Mayor Pro Tem Odham and Alderwoman Harris for offering to speak with Craven Terrace on behalf of Ms. Gaylor.

The date of the second Board meeting in October was questioned. Mrs. Blanco confirmed it would be held on October 22nd.

Mayor Pro Tem Odham

Upon request, Matt Montanye, Director of Public Works, provided an update on the Trent Road work.

Mayor Pro Tem Odham, Alderman Kinsey and Alderman Best met with Craven County officials today and had a good open dialogue about several topics. Mr. Stephens attended, as did Jack Veit, Craven County Manager. Highlights from that meeting will be shared with the City Clerk, who will email them to the rest of the Board.

22. Closed Session.

Alderman Aster made a motion to go into closed session pursuant to NCGS §143-318.11(a)(6) to discuss a personnel issue, seconded by Alderman Best. The motion carried unanimously 6-0 at 8:18 p.m.

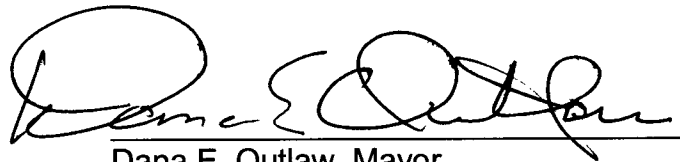
23. Adjourn.

Alderman Aster made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously 6-0, time being 9:18 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.newbernnc.gov. Video and audio recordings of the meeting have been archived.

Minutes approved: April 23, 2019



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk