

**City of New Bern
Board of Aldermen Meeting
July 09, 2019 – 6:00 P.M.
City Hall Courtroom
300 Pollock Street**

1. Meeting opened by Mayor Outlaw. Alderman Best led a moment of silent prayer. 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; Michael Scott Davis, City Attorney; and Brenda Blanco, City Clerk.

3. Request and Petition of Citizens.

Randy Toran of 1402 Spencer Avenue asked for everyone in attendance who had concerns about traffic on Second Street to stand. Approximately a dozen people stood. Mr. Toran read comments that were posted on Facebook the day the barricades were removed from Second Street. In his opinion, no additional traffic studies were needed.

Randy Foster of 1322 Spencer Avenue also expressed concern about traffic on Second Street, citing concerns for motorists, children and others. He stated the traffic on Second Street was inconsistent with zoning regulations and violated New Bern's code. He suggested the City close Second Street at Trent Boulevard and make it a one-way street headed south between Spencer and Park Avenues. He also suggested the City prohibit non-local truck traffic from all Ghent neighborhood streets.

Sarah Foster of 1322 Spencer Avenue asked that Second Street be configured the same as all other even-numbered streets in the Ghent neighborhood. She expressed concern about the impact the City Market and VOLT Center may have on Second Street, and she urged the City to re-implement the temporary solution that was in place a few weeks ago.

Trent Aiken of 1618 Spencer Avenue stated Second Street was used as a short cut and is being treated as a fear instead of a residential street. He felt something needed to be done to address the traffic.

James O. Woods, Jr. of 1903 Country Club Road stated he has worked in the area of Second Street and has been a resident of New Bern since 1994. He expressed concern about Second Street being closed and blocked to traffic, stating it should

be open to all tax-paying residents and citizens of New Bern. He stated the citizens of Ghent needed to move to a gated subdivision or community, if they wanted to live in an enclosed neighborhood. Mr. Woods stated, to his knowledge, the Ghent neighborhood was the only neighborhood for which the City mows the grass and puts up Christmas lights.

Blake Wiggs of 1001 Victoria Way in Trent Woods expressed concern that the sidewalks on Country Club Road end where the Pembroke Community begins. He urged the City to extend the sidewalks and stated he would also question and urge the Town of Trent Woods to do the same.

Ethel Sampson of 1028 Sampson Street made a plea for the Stanley White Recreation Center to remain intact at its current location.

Barbara Sampson of R149 Craven Terrace commended the City for cleaning the overgrowth at the McCotter House. She suggested the house be used for an afterschool program to keep children off the street.

NOTE: See additional commentary from Ray Dorman under Item 6 below.

Consent Agenda

4. Approve Minutes.

Minutes from the June 25, 2019 meeting were provided for review and approval.

Alderwoman Harris made a motion to approve Item 4 of the Consent Agenda, seconded by Alderman Bengel. The motion carried unanimously 7-0.

5. Presentation of Award from Sons of the American Revolution.

Lee Purcell, on behalf of the New Bern Chapter of the Sons of the American Revolution, presented the City with an award for displaying and utilizing proper flag etiquette.

Request from Audience

Ray Dorman, a citizen in the audience, stood to announce he was not aware that he needed to sign in to speak under Request and Petition of Citizens. He asked if it would be permissible for him to address the Board. Alderman Aster made a motion to proceed with Item 6 and then allow Mr. Dorman to speak, seconded by Alderman Bengel. The motion carried unanimously 7-0.

6. Presentation on Police Department Reaccreditation.

Police Chief Toussaint Summers introduced two CALEA assessors, Chief Reynold Densmore and Mrs. Amanda Walker, who provided an overview of the onsite

CALEA assessment. Chief Densmore stated there are only around 1,000 agencies accredited nationwide, and he commended Chief Summers for continuing to obtain accreditation of the department. Discussion ensued about the benefits of being accredited and the associated costs.

Request and Petition of Citizens (continuation of Item 3)

Ray Dorman of 1108 Amberjack Court stated he was transferred to this area to work on rights of way for the North Carolina Department of Transportation (“NCDOT”). He expressed concern about the lack of internet and phone service in his residential area and described the complications that arise from this. Alderman Aster noted he and Mayor Outlaw met yesterday with Thomas Engineering about the Blue Water Rise development. During their meeting, Alderman Aster expressed concern about the lack of these services and the need to put pressure on Suddenlink. He received a response from Suddenlink today indicating the equipment has been ordered and that they hope to have a contractor working on this in a few weeks. Mr. Stephens explained that approximately 10 years ago, municipalities were stripped of their authority to mandate or control these type of franchise services. Mayor Outlaw suggested a meeting be arranged with Suddenlink to discuss this further.

(Alderwoman Harris momentarily stepped out of the room at 6:51 p.m.)

7. **Conduct a Public Hearing on the Rezoning of Properties in Martin Marietta Park Identified as Portions of Tax Parcel Numbers 8-244-021, 8-244-033, 8-244-2000, 8-244-4000, 8-242-096 and all of Tax Parcel 8-244-9000 from I-1 and I-2 Industrial Districts to R-10 Residential District; and**
 - a) **Consider Adopting a Statement of Zoning Consistency; and**
 - b) **Consider Adopting an Ordinance Rezoning the Aforesaid Identified Properties in Martin Marietta Park.**

The City of New Bern Parks and Recreation Department requested to rezone approximately 294+/- acres from I-1 and I-2 Industrial Districts to R-10 Residential District. The subject property is located in Martin Marietta Park and is identified as portions of Tax Parcels 8-244-021, 8-244-033, 8-244-2000, 8-244-4000, 8-242-096, and all of Tax Parcel 8-244-9000. The request was made because industrial districts do not permit parks, but they are permitted in residential districts.

Brad Sceviour, Land & Community Development Administrator, displayed a site map of the area in question. He explained the reason for the rezoning is to use the property as a public outdoor recreational facility. Most of the area is not buildable land, and rezoning will not have an impact on development or surrounding land use.

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 Alderman Aster. The motion carried unanimously 7-0. Alderwoman Harris had stepped out of the room, thus technically rendering an affirmative vote.

Alderman Best made a motion to adopt a statement of zoning consistency, seconded by Alderman Odham. The motion carried unanimously 7-0. Alderwoman Harris was still out of the room, thus technically rendering an affirmative vote.

Alderman Best made a motion to adopt an ordinance rezoning properties in Martin Marietta Park identified as portions of Tax Parcel Numbers 8-244-021, 8-244-033, 8-244-2000, 8-244-4000, 8-242-096 and all of Tax Parcel 8-244-9000 from I-1 and I-2 Industrial Districts to R-10 Residential District, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0. Alderwoman Harris was still out of the room, thus technically rendering an affirmative vote.

8. Discussion of Ghent Neighborhood Traffic.

At the request of Alderman Aster and Alderman Bengel, a discussion was held about traffic concerns that have been expressed by the Ghent Community. Attorney Davis stated in his opinion Second Street was not in violation of the City's code.

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

Mr. Stephens explained the City has been responsive to the community for several years with respect to looking at traffic issues. He noted the City recently took action to add temporary measures during a time of construction to see what impact those measures would have on traffic. Once construction was complete, the temporary measures were removed. His recommendation as a professional engineer was to perform a new traffic count now that the VOLT Center is open and construction is complete. Another option is to seek professional engineers in the private sector to perform the traffic studies. Alderman Aster recommended obtaining a traffic count before hiring engineers to perform a study, to which Alderman Odham and Alderwoman Harris agreed. Alderman Odham also suggested additional police presence to monitor whether speeding, stop sign, and other violations were occurring that needed to be enforced.

Alderman Bengel stated she represented the citizens of the Ghent neighborhood and supported action to detour traffic so that Second Street would not be used as a cut through. Additional discussion ensued about concerns and possible remedies. Alderman Bengel stated she wanted to go on record to state she supported the residents of Ghent and supported, at a minimum, the installation of one-way signs on Second Street. Alderman Aster said he would go on record to say the same thing; however, he still wanted to see the traffic counts.

(Alderman Kinsey temporarily stepped out of the room at 7:27 p.m.)

Alderman Aster made a motion to authorize the City Manager to perform a traffic study to get true and accurate counts on Second Street, seconded by Alderwoman Harris. Brief discussion was held about conducting a study now and possibly another study in September when school is in session.

Chief Summers was asked to monitor Second Street for violations.

Mr. Woods stood to voice concerns from the audience, and Mayor Outlaw told him he was out of order.

(Alderman Kinsey returned to the room at 7:30 p.m.)

A roll-call vote was taken for the motion on the floor, and the motion carried 5-2 with Alderman Bengel and Mayor Outlaw voting against it.

9. Consider Adopting a Resolution Approving the Sale of 1620 National Avenue.

The Board previously deemed the real property located at 1620 National Avenue as surplus property. On February 26, 2019, a resolution was adopted initiating the upset bid process after receiving an initial offer of \$15,000. Several upset bids were received over the last four months. The final bid of \$41,700 was submitted by Freddie Mercer. If the property is sold for this amount, the proceeds of the sale and the insurance payout from Hurricane Florence will be approximately \$107,583 less the cost to advertise.

Alderman Bengel made a motion to adopt a resolution approving the sale of 1620 National Avenue, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

Alderman Best stated Pastor Divine, a previous winning bidder who failed to close on the property, had again contacted her to request a refund of his earnest deposit, in whole or part. Attorney Davis explained the Board could not legally give away money. The City tried to work with the bidder to facilitate the sale of the property, but the bidder was unable to close on the property.

10. Consider Adopting a Resolution Approving a Declaration of Intent to Reimburse for FY2019-20 Capital Equipment Purchases.

On May 28, 2019, the Board adopted the budget for Fiscal Year 2019-20. The budget provided for the purchase of various vehicles and equipment not to exceed \$2,752,640. According to IRS regulations, a Declaration of Intent to Reimburse must be adopted prior to, or within 60 days of payment of the expenditures, to be reimbursed.

Alderwoman Harris made a motion to adopt a resolution approving a declaration of intent to reimburse for FY2019-20 capital equipment purchases, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

11. Consider Adopting an Ordinance for the Demolition of 1317 LaGrange Street.

On November 9, 2017, the structure located at 1317 LaGrange Street was damaged by fire. The owner was given several months to repair and rehabilitate the property, but no permits have been obtained. On April 9, 2018, a minimum-

housing letter was sent to the owner of record, but no response was received. A hearing was held before the Building Inspector on April 11, 2019, at which time an order was issued giving the owner 30 days to repair the structure and comply with the minimum-housing standards. Still, no permits have been obtained and work has not been performed.

Alderman Best made a motion to adopt an ordinance for the demolition of 1317 LaGrange Street, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

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

Several intersections along both West Street and Bern Street have recently been evaluated by the Public Works and Police Departments. As a result, it is recommended four-way stop intersections be established at Cedar and West Streets, Main and West Streets, Main and Bern Streets, and Cypress and Bern Streets.

Alderman Bengel made a motion to adopt an ordinance amending Chapter 70 “Traffic and Vehicles” of the Code of Ordinances, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

13. Consider Adopting a Resolution to Amend the Schedule of Stop Intersections as Defined in Section 70-99 of the Code of Ordinances.

In correlation with the previous item, the Schedule of Stop Intersections has been amended to remove Cedar at West, Main at West, Main at Bern, and Cypress at Bern. As noted in Item 12, these intersections will now be four-way stop intersections.

Alderman Bengel made a motion to adopt a resolution to amend the Schedule of Stop Intersections as defined in Section 70-99 of the Code of Ordinances, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

14. Appointment(s).

Alderwoman Harris made a motion to appoint Barbara Sampson to the Planning and Zoning Board, seconded by Alderman Best. The motion carried unanimously 7-0. Ms. Sampson will replace Carol Williams and serve a three-year term to expire on July 9, 2022.

15. Attorney’s Report.

The City Attorney had nothing to report.

16. City Manager's Report.

- Mr. Stephens stated discussions have been held with the owner of the Omega Center to utilize the property for Parks and Recreation programming. The proposed timeline for beginning the programs is September 1, 2019. This item will likely be on the Board's next agenda for consideration of approval.
- Parks and Recreation provided shuttle service for the Korean War Veteran who was recently laid to rest in the National Cemetery.
- The Public Works Department is working to clean the sidewalks as requested and discussed at the last meeting. Matt Montanye, Director of the department, is inquiring about temporary and contractual help to address this issue.
- The overgrowth at the McCotter House has been addressed.
- Staff has followed up with NCDOT regarding the Alfred Cunningham Bridge schedule, but a response has not been received.
- Contact will be made with Sheriff Chip Hughes to discuss a collaboration between the Sheriff's Department and the New Bern Police Department with respect to animal control. Mr. Stephens stated he had already discussed this with the County Manager.
- As requested at the last meeting, Mr. Stephens said he would reach out to the new director of the Eastern Carolina Council to inquire about assistance with grant opportunities.
- Tomorrow, Mr. Stephens and the Mayor or Mayor Pro Tem will attend a meeting of the ENC Alliance Coalition in Wallace to further discuss recovery and resiliency in Eastern North Carolina. The meeting will be attended by Eastern North Carolina managers and mayors, a representative from the New Bern Area Metropolitan Planning Organization ("MPO"), representatives from Senator Richard Burr and Senator Thom Tillis' offices, and staff from the office of Michael Sprayberry, Director of NC Emergency Management.
- At Alderman Bengel's request, Mr. Stephens provided an update on grants sought for resiliency and other un-funded projects that resulted or lead to the damages sustained during the storm.
- Alderman Best asked for additional information on the programs to be held at the Omega Center, which Foster Hughes, Director of Parks and Recreation, provided. While at the podium, Mr. Hughes announced construction of Kidsville 2.0 would begin next week. Volunteers are needed Tuesday through Sunday. The goal is to have the playground open by the end of the week. Mr. Hughes also provided an update on the construction of docks at Lawson Creek Park, noting the anticipation is the docks would be opened by the end of the week.
- Mayor Outlaw asked for an update on the community-rating system. Jeff Ruggieri, Director of Development Services, provided an update, noting staff is in the process of checking with the State to ensure everything is on track. A surveyor is lined up and ready to go once the State provides the clearance to do so.

17. New Business.

Mayor Outlaw

- A desire was voiced to have the right number of trashcans located around the City so citizens could participate in clean-up efforts.
- Concern was again expressed about unsafe sidewalks and the need to review them. A group of volunteers will convene this Saturday at the Omega Center to look at sidewalk maintenance. Those desiring to participate were asked to bring their trimmers or clippers. Thanks was expressed to staff for starting to address the issue of maintenance.

Alderman Bengel

- Residents of Duffyfield have requested trashcans in their neighborhoods. Alderman Bengel spoke with Waste Management and was assured trashcans would be placed in the neighborhood. Mr. Montanye was asked to follow-up on this.
- Gratitude was expressed to Parks and Recreation for the July 4th festivities. A list of future activities can be viewed on the Parks and Recreation page of the City's website.

Alderwoman Harris

- The 2nd Annual Lets Cope Event will be held July 13, 2019 from 2-5 p.m. at the West New Bern Recreation Center.
- An educational event entitled "Dreaming, Starting and Growing Your Small Business" will be held at Craven Community College on July 17, 2019 from 6-8 p.m.
- On August 22, 2019, a Big Bro Big Sis skate event will be held at Rollerland from 8-10 p.m.
- An update on customers registered for pay-as-you go was requested. Joseph Sabatelli, Director of Finance, replied at last count, around 40 customers were signed up for the program.

Alderman Aster

- The City Manager was recently certified by the International City Manager's Association as a credentialed manager. At Alderman Aster's request, Mr. Stephens described the certification and noted there are only 1,300 worldwide who hold this certification.
- He and Craven County Commissioner Denny Bucher have a meeting arranged with NCDOT regarding the traffic light at Thurman Road.
- A blood drive will be held tomorrow at the Knights of Columbus Building from 12 noon to 6 p.m. It is a battle of the badges between the Police and Fire Departments.
- During a conversation with the engineer for Blue Water Rise, the possibility of the Board considering a resolution to encourage NCDOT to improve County Home Road was discussed. Alderman Odham explained such requests are now reviewed by the MPO, and he stated he would be happy to add it to the list for consideration at the MPO's next meeting.

Alderman Kinsey

Traffic problems and issues of cutting through neighborhoods is a citywide problem and not an issue in just one community. Residents of Colony Estates and the area of Racetrack Road regularly encounter this traffic behavior.

Alderman Best

- Thanks was expressed to Mayor Outlaw for encouraging the cleanup of sidewalks.
- Concern was expressed about ditches and drains that still need to be cleaned, especially in light of this being hurricane season. Areas of concentration should be North Hills Drive, Hazel Avenue and Washington Court.
- Thanks was expressed to Mr. Montanye and Mr. Ruggieri for getting the dumpster out of Windy Trail.
- A status update was sought regarding the request for flashing yellow lights near the intersection of Highways 55 and 43. Mr. Montanye stated his recollection was the project was approved and funded, but he would confirm that.

Alderman Odham

- Mr. Ruggieri was asked whether an update exists for the sidewalk plan with respect to what has been completed, etc. Mr. Ruggieri responded no, but stated plans are to include funding in next year's budget to fill in gaps in the sidewalks.
- Candidates not in the upcoming Third Congressional District election were again asked to pick up their political signs, as well as businesses and others who have illegal signs placed around the City. Alderman Odham suggested a public service announcement be placed on social media and on the PEG channel addressing the issue.
- Alderman Bengel asked if anything could be done about the Chick-fil-A traffic, noting the business falls in Alderman Odham's ward. Alderman Odham said he has had discussions with the mall property owners. When the ingress was installed, it met the criteria of the land use ordinance. Alderman Odham offered to have a discussion with Tom Pike, the franchise owner.

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 matter and §143-318.11(a)(3) to maintain attorney-client privilege and discuss threatened litigation, seconded by Alderman Kinsey. The motion carried unanimously 7-0, time being 8:26 p.m.

The Board went back into open session at 9:41 p.m. Alderman Aster made a motion to give the City Manager a 2% performance raise for Fiscal Year 2019-20, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

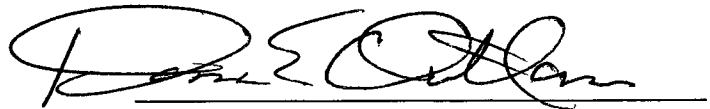
19. Adjourn.

Alderman Aster made a motion to adjourn, seconded by Alderman Odham. The motion carried unanimously 7-0, time being 9:43 p.m.

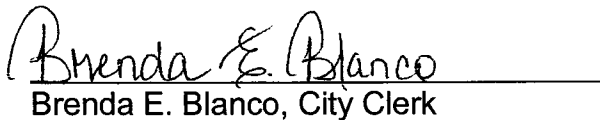
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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

Minutes approved: July 23, 2019



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk