

**City of New Bern
Board of Aldermen Meeting
August 13, 2019 – 6:00 P.M.
City Hall Courtroom
300 Pollock Street**

- 1. Meeting opened by Mayor Outlaw. Prayer by Rev. Robert Johnson of Ebenezer Presbyterian Church. Pledge of Allegiance.**

- 2. Roll Call.**

Present: Mayor Dana Outlaw, Alderman Sabrina Bengel, Alderwoman Jameesha Harris, Alderman Robert Aster, Alderman Barbara Best, and Alderman Jeffrey Odham. Absent: Alderman Johnnie Ray Kinsey. 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.**

Mayor Outlaw read instructions to the audience regarding the public comment period and the time limit for speaking.

Anthony Raynor of 610 National Court Drive spoke in favor of keeping Stanley White Recreation Center at its current location instead of moving it. He blamed the City for the flooding sustained to the facility. He also offered to buy the building should the City decide to tear it down.

Curtis Alford of Monroe Drive stated he was a veteran who had been treated with disrespect from downtown businesses and the Police Department. He stated a negativity exists toward young black men.

Maria Cho of 614 Craven Street voiced concern about traffic and pedestrian safety in Downtown New Bern, noting the Historic Downtown Residents Association met with the Police Department about the topic. After expressing concern, increased police presence has been noted and traffic-calming devices have been installed. However Mrs. Cho suggested a pedestrian advisory committee be established to strategically plan for a safer and more walkable city.

James Woods of 1903 Country Club Road stated the residents of the Dryborough/Duffyfield area want to see something done about the Stanley White Recreation Center. While efforts to use the Omega Center are appreciated, Stanley White needs to be in operation.

Randy Foster of 1322 Spencer Avenue read a letter from his neighbor, Benjamin Whitford of 1323 Rhem Avenue, regarding his concerns about traffic on Second

Street. The letter encouraged the Board to take measures to have cut-through traffic use alternate routes. Mr. Whitford's suggestions included the use of a roundabout, raised pedestrian crossings, or speed bumps.

Consent Agenda

4. Consider Approving a Proclamation for Sickle Cell Disease Awareness Month.

On behalf of Piedmont Health Services and Sickle Cell Agency, Anita Douglas (Sickle Cell Educator/Counselor) and Marsha Newsome (Regional Program Director) requested a proclamation for Sickle Cell Awareness Month. Congress designated September as National Sickle Cell Awareness Month to help focus attention on the need for research and treatment of the disease.

5. Consider Approving a Proclamation for Constitution Week.

Nancy Melling and Nikki Gonazalez, Constitution Week Committee Co-Chairs, requested a proclamation recognizing Constitution Week. Congress signed a joint resolution in 1956 recognizing September 17-23 as Constitution Week.

6. Approve Minutes.

Minutes from the July 23, 2019 meeting were provided for review and approval.

Alderwoman Harris made a motion to approve Items 4-6 of the Consent Agenda, seconded by Alderman Aster. The motion carried unanimously 6-0.

7. Presentation of 2019 Beautification Awards by Appearance Commission.

The Appearance Commission annually recognizes business owners and residents for their beautification efforts. A winner in both of these categories is chosen from each ward. Foster Hughes, Director of Parks and Recreation, introduced Joseph Cannon, Jim Dugan, and Mike Duffy, all members of the Appearance Commission. Mr. Cannon, Chairman of the Commission, announced the names of the winners and presented those in attendance with a certificate. Pictures of the properties were displayed for the audience.

8. Presentation of Longevity Certificates.

Employment service is recognized at five-year increments. Sonya Hayes, Director of Human Resources, presented certificates to employees in attendance who reached these increments during the period of January to June 2019, and the Board extended a handshake of appreciation.

Alderman Harris made a motion to recess briefly for an employee reception, seconded by Alderman Odham. The motion carried unanimously, time being 6:33 p.m. The meeting resumed at 6:41 p.m.

9. Presentation on Craven County's New Recycling Program.

Norma Yanez, Government Contracts Manager, and B.C. Young, General Facilities Manager, for Waste Industries, provided an overview and update on Craven County's new recycle program, which will start October 7, 2019. New collection containers will be delivered to residents between August 26th and October 4th. The first week of service for the new carts will begin on October 7th, and service will be provided once every four weeks. Craven County will vote next week on additional service details.

10. Discussion of and Public Input on Noise Ordinance.

After concerns were expressed about the noise ordinance and subsequent meetings were held with several citizens and businesses, changes are proposed to the current ordinance. In part, the changes include the use of a decibel reader versus subjective interpretation of noise levels. The floor was opened for public comment, and an in-depth discussion took place.

John Watson of 217B Middle Street read a statement, a copy of which was provided to the Board and which is included in the backup to these minutes. He expressed concern about the inability to sleep at night due to the level of noise. He stated he had to switch to a different bedroom and place pillows in his windows to muffle the noise.

Jennifer Zerby, General Manager of Blackbeard's Restaurant, also read a statement. She felt the draft changes were a good start, but expressed issue with (a)(7) of Section 26-69 regarding the measurement period, stating a two-minute period is not a feasible amount of time.

Considering concerns were expressed this evening by both sides, Alderman Odham questioned whether the draft ordinance represented a general consensus of those who had been involved in the group meetings. Mr. Stephens reported on the meetings between residents and business owners and the steps that had taken place thus far. Alderman Bengel pointed out the noise ordinance would be applicable citywide and not just in the downtown area.

Kathy Adolph of 210 Metcalf noted she had attended almost all of the meetings held over the last year and a half regarding the noise concerns. She shared some of the ideas discussed during the meetings. She stated she was saddened there was not a process by the City for putting together a schema for understanding the data and an appropriate decibel level.

Additional robust discussion ensued between the Board, residents, and businesses. Citing the ordinance will affect the entire City, James Woods of 1903 Country Club Road expressed concern that the meetings that were held only included downtown residents. He stated he was certain other citizens were not aware of the proposed changes, although those citizens would also be impacted. The City Attorney explained enforcement of a noise ordinance would be easier if there were just one citywide ordinance.

Mike Duffy of 121 Mourning Dove Trail suggested a staggered decibel level whereby music could be at a louder decibel early in the evening and toned down to a lower decibel level later in the evening.

Additional citizens who commented were an unidentified gentleman and Aaron Maune of 119 Middle Street. Mr. Maune stated that while he supported and frequented Blackbeard's, the music from the establishment is consistently way too loud on Friday and Saturday evenings. It is not possible to go to bed before 11:30 p.m.

Alderman Odham felt the topic needed more discussion, and he suggested a work session be held. Alderwoman Harris suggested the Board be required to visit the downtown areas where noise is a concern, or in the alternative, that a work session be held one evening when the sites could be visited. Alderman Aster suggested Board members schedule various times with the Police Department to visit the sites, after which a work session could be scheduled.

Attorney Davis pointed out the draft ordinance utilized three decibel zones throughout the City. It did not provide for a decibel system in the downtown area and a non-decibel system in other areas.

Alderman Odham made a motion to have a work session on September 17, 2019 at 6 p.m. to discuss the noise ordinance, seconded by Alderman Aster. The motion carried unanimously 6-0.

11. Discussion of Capital Purchase for Public Works.

In response to the Board's desire for sidewalks to be better and regularly manicured, Matt Montanye, Director of Public Works, sought to purchase a Grasshopper mower with an edging attachment at a cost of \$9,700. This equipment would provide more efficient cleanup, and it could be purchased through the state contract without the need to seek bids. Staff requested that funds budgeted in FY19-20 for the Street Division be redirected for the purchase of this equipment.

Alderman Bengel made a motion to approve the request to redirect budgeted funds for the purchase of the requested equipment, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-0.

12. Consider Adopting an Ordinance to Amend Section 70-184 “Streets Upon Which the Operation of Tractor Trailers is Prohibited: Exceptions” of Article V, Chapter 70.

Mike Genest, President of the Ghent Neighborhood Association, requested tractor trailers be prohibited on Second Street between Park Avenue and Trent Boulevard. Staff reviewed the request and found it to be reasonable and consistent with prohibited traffic on portions of adjacent streets. If the ordinance amendment is adopted, tractor trailers would still be permissible on Second Street between First Street and Park Avenue to allow access to the VOLT Center and other commercial businesses in the area.

Alderman Bengel made a motion to adopt an ordinance to amend Section 70-184 “Streets Upon Which the Operation of Tractor Trailers is Prohibited: Exceptions” of Article V, Chapter 70, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 6-0.

13. Appointment(s).

Alderman Odham made a motion to reappoint Alderman Johnnie Ray Kinsey to the Eastern Carolina Council (“ECC”) General Membership Board, seconded by Alderman Best. The motion carried unanimously 6-0.

Alderman Aster made a motion to appoint Peter Dillon to the Board of Adjustment, seconded by Alderman Odham. The motion carried unanimously 6-0. Mr. Dillon will fill the seat previously held by Peter Walker and will serve a three-year term to expire on August 14, 2022.

Alderman Aster announced Dona Baker of Masterful Dog Training sent him an email expressing interest in serving on the Dangerous Animals Appeal Board. Attorney Davis suggested the Governing Board appoint the entire panel in an organized fashion since there is specific criteria for the composition of the Appeal Board.

Alderwoman Harris made a motion to appoint Margie Dunn to the Planning and Zoning Board, seconded by Alderman Odham. The motion carried unanimously 6-0. Ms. Dunn will fill the seat previously held by Carol Williams and will serve a three-year term to expire on August 14, 2022.

Alderman Bengel made a motion to reappoint Maria Cho to the Redevelopment Commission, seconded by Alderwoman Harris. The motion carried unanimously 6-0. Mrs. Cho will serve a five-year term to expire on August 15, 2024.

14. Attorney’s Report.

The City attorney had nothing to report.

15. City Manager's Report.

At the last meeting, an ordinance amendment for city-sponsored events was tabled to this meeting. Duffest organizers advised the City Clerk they have elected to leave the event in June, so it is not necessary to consider an amendment to move the event back to May. Thus, this item was not put back on the agenda.

16. New Business.

Alderman Odham

Craven Area Rural Transit System ("CARTS"), a public transportation service, has several meetings slated over the next few weeks. Meetings that will be held in the City of New Bern are: August 26th from 10 a.m. to 8 p.m. in the Nauman Room at Craven Community College, August 27th at the library on Johnston Street from 3-7 p.m., September 4th at RCS from 9-11 a.m., and September 4th at Craven Terrace from 2-4 p.m. These meetings are for the public to provide input on route stops. Alderman Bengel asked that the City Clerk circulate this information to the Board.

Alderman Best

The Craven County Register of Deeds has a "Thank a Vet" program where veterans can record their DD214 and receive an identification card that entitles them discounts around town.

There were two crime-related incidents in Ward 5, one of which resulted in a young man losing his life. The Police Department was thanked for their service and commitment, and sympathy was expressed to the family of the deceased.

Gratitude was expressed to Mr. Stephens for attending Pleasant Hill's National Night Out event.

Appreciation was also expressed to Mayor Outlaw and Mr. Montanye for meeting with Alderman Best to look at Ward 5 drainage issues.

Alderman Aster

The Police Department was thanked for coordinating the 2019 National Night Out events.

Deputy Chief Jones was asked about the incident at the National Guard Armory. He responded the men were performing what they call a "first amendment audit" and were exercising their right to record. Alderman Aster commended the police officers for the way they handled the situation, noting they protected the National Guardsmen from what could have been a threat.

Alderwoman Harris

The sentiments expressed by Alderman Best regarding the Police Department were echoed by Alderwoman Harris. National Night Out was enjoyable.

Foster Hughes was asked to provide an update on Kidsville. Mr. Hughes announced a ribbon cutting is scheduled for Friday, August 23rd, at which time the park will be reopened.

Alderman Bengel

She has been approached about removing special-use permits that allow for properties to be utilized as BNBs in the historic residential district. She asked that direction be given to the City Attorney to bring back a proposal for the Board to vote on at the September 10, 2019 meeting to remove this special-use permit in R zones within historic districts. Anyone who already has a permit would be grandfathered in and not affected by the change. After brief discussion, Alderman Bengel made a motion to ask the City Attorney to bring a resolution to the September 10, 2019 meeting to start the process of changing the zoning on the historical residential side of Broad Street, seconded by Alderman Aster. The motion carried unanimously 6-0.

Several complaints have been received about ticketing of downtown vehicles that are parked more than 12-18 inches from the curb. She asked if the ordinance could be massaged to state cars must stay within the stripped marks.

Gratitude was expressed to the Police Department for their work with National Night Out.

17. Closed Session.

A closed session was not needed.

18. Adjourn.

Alderwoman Harris made a motion to adjourn, seconded by Alderman Aster. The motion carried unanimously 6-0, time being 8:51 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: August 27, 2019



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk