

**City of New Bern
Board of Aldermen Meeting
October 22, 2019 – 6:00 P.M.
City Hall Courtroom
300 Pollock Street**

- 1. Consider Meeting opened by Mayor Dana E. Outlaw. Prayer by Alderman Bengel. Pledge of Allegiance.**
- 2. Roll Call.**

Present: Mayor Dana Outlaw, Alderman Sabrina Bengel, Alderwoman Jameesha Harris, Alderman Robert Aster, Alderman Barbara Best, Alderman Johnnie Ray Kinsey, and Alderman Jeffrey Odham. Absent: None. A quorum was present.

Also Present: Foster Hughes, Acting City Manager; Michael Scott Davis, City Attorney; and Brenda Blanco, City Clerk.

Noting the room was at capacity, Mayor Outlaw announced the location of the emergency exit. He also recognized Boy Scout Troops 13 and 219. Will Games, Senior Patrol Leader with Troop 13, stated the troop was working on its citizenship and community merit badges.

Consent Agenda

- 3. Consider Adopting a Resolution to Close Specific Streets for Beary Merry Light Up the Season Event.**

Amanda Banks, Event Chair for the Downtown Council, requested to close the 200 block of Middle Street and the 400 block of Pollock Street for Light Up the Season on November 29, 2019 from 2:30 p.m. to 10 p.m. for the Beary Merry Christmas Celebration.

- 4. Consider Adopting a Resolution to Close Specific Streets for the 2019 New Year's Eve Block Party.**

The City's second annual New Year's Eve Celebration is scheduled for December 31, 2019. As a result, it was requested that the 200 block of Pollock Street from the entrance of the Dunn Building's parking lot to Craven Street be closed to vehicular traffic from 7:30 a.m. on December 31, 2019 until 8 a.m. on January 1, 2020. Additionally, it was requested that the 300 block of Pollock Street, a portion of the 200 block of Craven Street beginning at Morgan's Tavern & Grill, and the 300 block of Craven Street be closed from 2:30 p.m. on December 31, 2019 until 3 a.m. on January 1, 2020.

5. Approve Minutes.

Minutes from the October 8, 2019 meeting were provided for review and approval.

Alderwoman Harris made a motion to adopt Items 3-5 of the Consent Agenda, seconded by Alderman Best. The motion carried unanimously 7-0.

6. Presentation by Citizens Advocating Resiliency and Education (“CARE”) Group.

On behalf of the CARE Group, Nelson McDaniel of 214 New Street reiterated the group’s focus was to see the City and neighboring jurisdictions pursue a resiliency plan and hire a resiliency officer. He stated the group felt progress over the last year had been nonexistent.

(Alderwoman Harris momentarily stepped out of the room at 6:05 p.m., returning seconds later at 6:06 p.m.)

Mr. McDaniel cautioned that failure to plan would be costly, and he encouraged the City to put aside any petty differences with the County or other jurisdictions.

Bill Sherratt, of 130 Hawks Pond Road reiterated the group’s desire for the City to hire a professional to fill an executive-level position to function as a resiliency planner/officer. He detailed the benefits of establishing the position and described the suggested responsibilities.

In response, Mayor Outlaw described the efforts pursued by the City following Hurricane Florence. He noted a resiliency study would take at least 9 to 12 months to pursue. Amanda Ohlensehlen, Community & Economic Development Manager, was called to the podium to provide the status of the Request for Qualifications (“RFQ”) for a resiliency plan. Mrs. Ohlensehlen stated the draft RFQ was almost complete and should be ready to send out in two weeks’ time. She described the three phases associated with the plan, noting grant funds had been received to pay for phase one of the plan. She stated staff had spoken at length with various public and private entities, including other municipalities and state agencies with respect to a plan.

Mr. Davis noted the Board did not have to approve or take action on a RFQ and that generally staff sends those documents out. Mayor Outlaw asked if the Board desired to review the document at its next meeting and provide input before it was sent out.

Alderman Bengel asked whether the CARE Group had reached out to the County, and Mr. McDaniel responded it had not. The group had only reached out to the

City, hoping the City would reach out to the County and take the lead role in pursuing resiliency efforts. Mayor Outlaw stated he was not aware of any other City that was pursuing a resiliency plan. He explained an initial concern was that the City of New Bern would spend money to pursue a plan and afterwards learn that a regional plan would be pursued, thus having wasted the City's funds.

7. Conduct a Public Hearing and Consider Adopting an Ordinance to Annex Two Well Sites Identified as Parcel ID Numbers 8-209-12004 and 8-209-12005.

In December 2012, an area defined as Craven 30 was annexed into the municipal city limits. Excluded from the annexation were two well sites owned by the City. To clarify the city limits in this particular area, staff recommended the two well sites also be annexed.

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

Alderman Kinsey made a motion to adopt an ordinance to annex two well sites identified as Parcel ID Numbers 8-209-12004 and 8-209-12005, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

8. Conduct a Public Hearing and Consider Adopting an Ordinance Amending Section 15-146 "Table of Permissible Uses" of the Land Use Ordinance Regarding Special Use Permits for Bed and Breakfast Establishments.

At its September 10, 2019 regular meeting, the Governing Board discussed special-use permits for bed and breakfast ("B&B") establishments in R-6, R-8 and R-10 zones. At the conclusion of the discussion, the Board adopted a resolution to request the Planning and Zoning Board consider an amendment to the land-use ordinance to eliminate such establishments in these zones. Subsequently on September 24, 2019, a resolution was adopted to call for a public hearing before the Governing Board on this date.

At their October 1, 2019 meeting, the Planning and Zoning Board ("P&Z") voted 5-1 against the request to remove special-use permits in the above zones for B&B and other temporary residences renting rooms for short periods.

Mayor Outlaw opened the public hearing. The following individuals came forward to speak:

- Valeria Schwartz of 611 East Front Street stated she was against the amendment, citing the loss of the Double Tree and the need for lodging. She also discussed the impact such an ordinance would have on Airbnb facilities, tourism and the economy.

- Andrew Birnbaum of 505 Metcalf Street stated the proposed amendment would affect the future of seven square blocks in the Historic District. The special-use permit was put into place forty years ago in 1981 and its initial value had since disappeared, according to Mr. Birnbaum. He read quotes from residents of Sedona, Arizona expressing caution about the effect of Airbnbs.
- Lori Ann Prill of 212 New Street announced that she had a special-use permit to operate a B&B. She objected to the amendment and questioned the push and urgency to approve it; specifically, she questioned whether the amendment was an attempt to block a recent application from Gregory Rusch. She said no evidence or facts had been presented to warrant the amendment. Mrs. Prill reiterated the fact that P&Z voted against the amendment by a vote of 5-1, and she stated it was ludicrous that the City had not amended the definition or expanded the use of a B&B. She suggested the Board work in harmony with its citizens to update the ordinance and that the Board serve all constituents of New Bern.
- Rick Prill of 212 New Street said one member of the Governing Board surprised the rest of the Board by proposing an amendment at the September 10, 2019 meeting to eliminate the special-use permit for B&Bs. He too noted P&Z subsequently held a public hearing, after which it voted 5-1 against the amendment. That Board expressed concern with having little time to study the issue and make a recommendation, and it desired information from the Alderman who was pushing the issue. Mr. Prill asked the Governing Board not take a formal vote on the amendment, but instead vote to send the matter back to P&Z with ample time to study the issue and make a comprehensive recommendation to the Governing Board.
- Sherry Jones of 507 Metcalf Street spoke in support of the amendment. She stated nowhere else in the City is a business establishment allowed to operate in a residential zone. Mrs. Jones stated over the years, millions of dollars have been spent to return the area homes to their grandeur. She was concerned her residential block would be irrevocably changed if Airbnbs were allowed to continue.
- Maurice Howland of 502 A&B Craven Street stated he rents out the bottom of his residence through Airbnb, noting Airbnb vets its renters. He spoke of the revenue that is generated through these rentals, the fact that they are good neighbors, and described other benefits. He spoke against the amendment and suggested the matter be studied and possibly regulated.
- Tracy Fritzsche of 620 New Street spoke in favor of the amendment, remarking that the area is a residential district where private homes should return to private homes.
- Lorelei Schaffhausen of 511 Metcalf Street said the elephant in the room is “why now?”. In forty years, there had only been three applications for a special-use permit in that district. If the ordinance remained the same, she suggested that people making purchases in the area be made aware of the law. Ms. Schaffhausen cautioned the Board that their decision would make a choice about the future of Historic New Bern.

- Gregory Rusch of 501 Metcalf said he purchased his home in July 2018 after the house sat on the market for two and a half years. The structure was in disrepair. He felt his neighbors were trying to sensor what he could do with his property. Historically, New Bern was a port town where rooms were rented out. Mr. Rusch said New Bern needed B&Bs. Airbnb continues to grow, and ordinances need to be updated to reflect today's trends. He stated safety is a priority for him and announced B&B guests are vested, rated based on their previous rentals, and have to follow rules.
- Joseph Klotz of 218 Pollock Street stated he owned a B&B and had spoken with Aldermen Bengel about allowing B&B establishments in R-6, R-8, and R-10 zones. He voiced he was not for or against the amendment, but wanted to empower the P&Z Board to make an informed recommendation regarding permissible uses in R-6, R-8 and R-10 zones.
- George Brake of 515 Metcalf Street stated businesses are not typically permissible in New Bern's residential zones, and he felt commercial properties did not belong in residential districts. He urged the Board to adopt the amendment.
- Tracey Depazo of 215 Pollock Street displayed a copy of the City's zoning ordinance identified as "Section 15-136 - Residential districts established", which described the purpose of a residential district. He expressed support of the amendment.
- Zachary Orman of 512 Metcalf Street questioned why B&B establishments were not allowed in residential districts except for the historical residential district. He asked the Board to eliminate the outdated zoning laws.
- Joe Kull, a new resident and homeowner at 520 Metcalf Street, stated the issue was a business decision and deserved more study.
- Caroline Orman of 512 Metcalf Street spoke in favor of the amendment. She expressed frustration that a commercial property could be allowed in a residential district. She suggested B&Bs be limited to the downtown business district.
- Richard Wilson of 506 Johnson Street questioned the impact "new" B&Bs would have on neighborhoods. He expressed fear that the change would not be positive for New Bern nor its historic district.
- Jim Schout of 201 Johnson Street reviewed the ordinance from the standpoint of a house.

(Alderman Aster momentarily stepped out of the room at 7:42 p.m.)

He stated that while those who supported the amendment had made some good points, they did not consider that homeowners come and go, but the homes remain. Past Aldermen had a good reason to write the ordinance as they did many years ago. Homes are history that need to be protected, and some are in jeopardy because of their depreciation and associated costs for utilities, maintenance, etc.

(Alderman Aster returned to the room at 7:43 p.m.)

At 7:46 p.m., Alderman Aster announced there was a tornado warning for the Vanceboro area of Craven County. The storm was moving in an eastbound direction.

- Nancy Hollows of 4438 Rivershore Drive stated she owned a commercial building at 624-628 Hancock Street. She spoke to the “equality” issue, stating there was an inequality of allowing commercial businesses to operate in the downtown residential zone. She read the definition of a B&B as stated in the City’s ordinance and compared it to the definition in NCGS §130A-247(5a), which differed. She also provided the definition of a B&B Inn as defined in NC General Statutes. Mrs. Hollows said character, heritage, and tradition were important to New Bern and that there was no reason a business should operate in a residential zone. She asked the Board to approve the amendment and investigate Airbnbs, stating no one was seeking to shut down the Airbnb platform.

Alderman Bengel made a motion to close the public hearing, seconded by Alderwoman Harris. The motion carried unanimously 7-0.

Alderman Bengel thanked everyone who spoke during the public hearing. She explained the history of the asterisk designation in the current ordinance. Although the P&Z Board had questions, she said no one on that Board reached out to her with their questions. Alderman Bengel stated she was not concerned about the safety of Airbnbs, but was concerned about the amount of people going into a residential neighborhood. She asked the Board to support her motion to amend the ordinance, which would pause the issue and allow for a committee of citizens and others to be formed to look into the matter.

Alderman Bengel made a motion to adopt an ordinance amending 15-146 “Table of Permissible Uses” of the Land Use Ordinance regarding special use permits for bed and breakfast establishments, seconded by Alderman Aster.

Prior to voting, Alderman Best expressed concern that P&Z voted against the amendment. She suggested the item be tabled to give P&Z more time to review the issue. She pointed out the P&Z minutes indicated that Board made a motion for a subcommittee to study the issue. Alderman Bengel said she agreed that it should be studied, and she suggested the subcommittee include citizen input and current B&B owners. She felt adopting the amendment would “pause” the issue to allow for it to be assessed. From the standpoint of a realtor, Alderwoman Harris stated she was not in favor of the amendment. She further stated she would have no problem with the rest of the City’s R-6, R-8 and R-10 zones being amended to allow Airbnbs throughout the city. According to his tally, Alderman Aster said 12 people spoke in favor of the amendment and 5 against it during the public hearing. Alderman Odham pointed out that since the ordinance has been in place for 40 years, it was likely in place when many people purchased their homes. He felt the issue needed additional investigation and felt there was a need for enforcement

with respect to those operating without the required special-use permit. He further indicated it was unfair to change the ordinance midstream for those who are in the course of investing money in their properties based on the provisions of the current ordinance. He asked how many applications were in process, and Alderman Bengel replied one. Alderman Odham said if the motion were amended to be effective November 1st, then he would be in favor of it.

Alderman Bengel amended her motion by making a new motion to adopt an ordinance amending 15-146 "Table of Permissible Uses" of the Land Use Ordinance regarding special use permits for bed and breakfast establishments effective November 1, 2019, seconded by Alderman Aster. Upon a roll-call vote, the motion carried 4-3 with Aldermen Harris, Kinsey and Best voting against it.

Alderman Odham expressed a desire for P&Z's subcommittee to also include citizens and members of the Governing Board.

9. Consider Adopting a Resolution to Request an Amendment to the Land Use Ordinance Regarding Tobacco and Vape Shops in C-3/C-3H Zones.

At its October 8, 2019, the Board of Aldermen expressed interest in adding the definition of tobacco and vape shops to the Table of Permissible Uses in the Code of Ordinances. Additionally, interest was expressed in allowing this use in the C-3/C-3H commercial districts. This proposed resolution confirms the request and asks the Planning and Zoning Board to review it and make a recommendation.

Alderman Aster made a motion to adopt a resolution to request an amendment to the land use ordinance regarding tobacco and vape shops in C-3/C-3H zones, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

Alderman Best made a motion to take a brief recess, seconded by Alderman Kinsey. The motion carried unanimously, time being 8:28 p.m.

The meeting resumed at 8:35 p.m. Aldermen Best, Harris and Bengel returned to the room at 8:36 p.m.

10. Conduct a Public Hearing and Consider Adopting an Ordinance to Amend Appendix A of the Land Use Ordinance Regarding the Board of Adjustment.

After the City Attorney announced the difficulty with the Board of Adjustment conducting meetings due to a lack of a quorum, the Board of Aldermen adopted a resolution on September 10, 2019 requesting the Planning and Zoning Board consider decreasing the number of members and quorum requirement for the Board of Adjustment. At its October 1, 2019 meeting, Planning and Zoning considered the request and unanimously approved it. The final step in implementing this

change requires the Board of Aldermen to amend Appendix A of the Land Use Ordinance to reflect the decrease in numbers.

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

Alderman Odham made a motion to adopt an ordinance to amend Appendix A of the Land Use Ordinance regarding the Board of Adjustment, seconded by Alderman Asters. Upon a roll-call vote, the motion carried unanimously 7-0.

11. Consider Adopting a Resolution Approving a Sewer-Use Agreement for 618 West Thurman Road.

The owners of 618 West Thurman Road propose to develop a single-family residential home on the property, which is currently outside of New Bern's municipal city limits. The development will have a calculated average daily sewer demand of 480 gallons per day. To facilitate the development, a standard sewer service connection can be provided to the property without the need for a sewer main extension. Section 74-74 of the Code of Ordinances requires the property owners to enter into a written agreement with the City for water and sewer use.

Alderman Aster made a motion to adopt a resolution approving a sewer-use agreement for 618 West Thurman Road, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

12. Consider Adopting a Resolution Approving a Revised Lease Agreement with State Employees' Credit Union for the ATM Located in the Parking Lot at the Corner of Pollock and Craven Streets.

On June 25, 2019, the Board adopted a resolution approving a lease with the State Employees' Credit Union for the ATM site located in the City's parking lot at 302 Craven Street. Subsequent to the adoption of that resolution, the Credit Union requested minor changes and corrections to the agreement. The terms of the lease were not modified. The Credit Union also pointed out Exhibit B was not included with the lease. The proposed resolution approves the lease with these changes.

Alderman Bengel made a motion to adopt a resolution approving a revised lease agreement with State Employees' Credit Union for the ATM located in the parking lot at the corner of Pollock and Craven Streets, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

13. Consider Adopting a Budget Ordinance Amendment for FY2019-2020 Operating Budget.

This budget ordinance amends the FY2019-20 operating budget to reestablish encumbrances from the previous year that remained outstanding as of June 30, 2019. It also transfers funds to projects and allocates funds for grants.

Alderman Aster made a motion to adopt a budget ordinance amendment for the FY2019-2020 operating budget, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

Items 14, 15 and 16 were voted on collaboratively as noted under Item 16.

14. Presentation on Old Airport Road Project and Consider Adopting a Budget Ordinance Amendment for the Project.

To provide an update and explain the scope of the project and its cost, Mr. Montanye shared a presentation on the proposed work for the Old Airport Road project. After reviewing the PowerPoint, the Board was asked to consider a budget ordinance amendment to appropriate \$2,250,000 for the Old Airport Road improvements. The appropriation is to be funded by a transfer of \$920,000 from the General Fund, \$1,180,000 from debt proceeds, and a reallocation of \$150,000 from the existing 2017 Roadway Improvements Project Fund.

Mr. Montanye noted the average annual debt service for a 15-year loan would be \$332,000. When looking at the projected growth from Blue Water Rise and Hardy Farms Phase II, the tax revenue generated by that growth would be in the neighborhood of \$725,000. Mr. Sabatelli announced he erroneously calculated the annual debt based on the full cost of the project instead of the amount to be financed. The correct amount of the annual average debt service would be \$192,000 over a 15-year period.

15. Consider Adopting a Resolution to Approve a Contract with S.T. Wooten Corp. to Widen Old Airport Road and Authorize the City Manager to Sign the Contract and Any Change Orders Within the Budgeted Amount

Staff has been working on the design of the Old Airport Road improvements for the past year. The widening portion of the project was advertised and bids were sought for the 1.39 miles of roadway between Taberna Circle and Landscape Drive. Three qualified bids were received, and S.T. Wooten Corporation offered the lowest bid at \$2,588,826.50. The proposed resolution awards the contract to S.T. Wooten and authorizes the City Manager to sign the contract and any change orders within the budgeted amount.

16. Consider Adopting a Resolution to Approve a Contract with Barnhill Contracting Company to Resurface Old Airport Road and Authorize the City Manager to Sign the Contract and Any Change Orders Within the Budgeted Amount.

As indicated in the previous item, staff has been working on the design of the Old Airport Road improvements for the past year. The resurfacing portion of the project will cover 1.08 miles between Landscape Drive and the bridge located south of the Evans Mill Subdivision. Bids were sought and five responses were received. Barnhill Contracting Company offered the lowest bid at \$546,015.00. The proposed resolution awards the contract to Barnhill and authorizes the City Manager to sign the contract and any change orders within the budgeted amount.

Alderman Aster made a motion to adopt the budget ordinance amendment for the Old Airport Road Project, adopt the resolutions approving the contracts with S.T. Wooten Corp. and Barnhill Contracting Company to widen and resurface Old Airport Road, and to authorize the City Manager to sign the contracts and any change orders within the budgeted amount, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

17. Consider Adopting a Resolution Designating Agents for Hurricane Dorian Assistance.

FEMA requires the Governing Board designate authorized agents for the purpose of executing and filing applications for federal and/or state assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The proposed resolution names the City's primary and second agents for seeking assistance associated with Hurricane Dorian.

Alderman Aster made a motion to adopt a resolution designating agents for Hurricane Dorian assistance, but the motion was not seconded as Alderman Kinsey immediately questioned whether the City Manager should instead be a designated agent. Alderman Aster confirmed with Mr. Sabatelli that Finance would have temporary help come in to assist with the work. It was also noted that the claims generated from this storm were in no way as intense as those associated with Hurricane Florence.

Alderwoman Harris made a motion to adopt a resolution designating agents for Hurricane Dorian assistance, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

18. Consider Adopting a Resolution to Approve Grant Agreement with Woda Cooper Equities.

The Board previously approved the submission of a \$350,000 grant application to the NC Department of Commerce to assist with public infrastructure improvements necessary for the Tate Commons project at 1025 Karen Drive. The project is a 68-unit multifamily development that received 9% tax credits in 2018 from the NC Housing Finance Agency. Grant funds have been awarded to the City and require no match. The resolution approves a grant agreement between the City and Woda Cooper Equities, LLC, the developer.

Alderwoman Harris made a motion to adopt a resolution to approve a grant agreement with Woda Cooper Equities, LLC, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

19. Consider Approving the 2020 Holiday Calendar.

Annually, the Board approves a holiday calendar reflecting the holidays to be observed and dates for which City offices will be closed. The proposed calendar for 2020 mirrors the 11 days that will be observed by Craven County. Of note, the State of North Carolina will observe 12 days in 2020, which includes an additional day off for Christmas.

Alderman Aster made a motion to approve the 2020 holiday calendar, seconded by Alderman Odham. The motion carried unanimously 7-0.

20. Consider Approving the 2020 Board of Aldermen Meeting Roster.

The Board adopts a meeting roster for each calendar year. The proposed roster identifies the 2nd and 4th Tuesdays of each month as well as two additional days in May to review the budget. All meetings will begin at 6 p.m., unless otherwise announced.

Alderman Bengel announced she had spoken with the City Manager about this item and suggested that the roster be approved after date(s) were selected for the annual retreat. It was requested that the City Clerk circulate potential dates for Fridays and Saturdays in January and February. Alderwoman Harris stated she would only be available on Saturdays and Sundays.

Alderman Aster made a motion to table the 2020 Board of Aldermen meeting roster and have the City Clerk circulate proposed dates, seconded by Alderwoman Harris. The motion carried unanimously 7-0.

21. Appointment(s).

No appointments were made.

22. Attorney's Report.

The City Attorney had nothing to report.

23. City Manager's Report.

As Acting City Manager, Mr. Hughes thanked all of the City staff who participated in MumFest.

24. New Business.

Alderman Bengel

Mr. Montanye was asked to provide an update on resurfacing of Spencer Avenue. He stated the work on Spencer and Park Avenues was complete, but there are several areas on the northern side of Spencer Avenue that need to be redone. Staff is working with the contractor to schedule this work to be redone. A detailed traffic study will be performed once paving is complete.

Mr. Montanye was also asked about the bridge schedule, and he stated he had spoken with a senior person at the Coast Guard for a status update. The Project Manager contacted him last week and indicated they anticipated having the project out for public comments in 2-3 weeks. The public comment time is 30 days, after which the comments will be reviewed and the request pushed through relatively easily, if there are no negative comments. If negative comments are received, the process will take longer.

Public Works' staff was thanked for demolishing the structure at 827 Cedar Street this week.

A request was voiced for the City Manager to speak with Jeffrey Ruggieri about scheduling a meeting between Alderman Bengel and the Chair of P&Z since her name was trashed during the P&Z meeting.

Alderwoman Harris

Although she was elected to represent Ward 2, Alderwoman Harris commented that she represented the whole City. She stated if meetings are being held or items placed on the agenda, then it was important to keep the all Board members up to date on those issues.

An email was received from the City Clerk regarding the \$1,000 designated for special appropriations. Alderwoman Harris questioned how the money could be used and stated if an agreement could not be reached on how to use the money, then the funds needed to be put money back into the budget. Mr. Sabatelli said he had only received feedback from a couple of Board members. He also stated he had reached out to four municipalities to see what they do regarding these type of appropriations, but had only heard back from two, both of which stated they did not appropriate funds for this type of use. Mr. Sabatelli stated he would have a better update once he heard from the other two as well. Alderwoman Harris said she understood the need to check with sister cities on how they handle the issue,

but stated if a statute did not prohibit the expenditures then she did not understand why there could not be an open mind with respect to adjusting the policy. Mr. Sabatelli was asked to explain the difference between providing food for National Night Out and furnishing lunch for a community cleanup. In response, Mr. Sabatelli stated it was more appropriate to supply water and refreshments than a meal for a one to two-hour cleanup. Additionally, the policy specifically refers to refreshments and assistance with National Night Out. Alderman Bengel questioned why the sponsoring organization did not provide food. Alderman Best said she concurred with Alderwoman Harris, and she referred to Section 2(1) of Article V of the NC Constitution that requires public funds to be spent for public purpose. She felt the cleanup was a public purpose that should have qualified for the provision of lunch. Attorney Davis said the Board's adopted policy, if it is more restrictive, would supersede Section 2(1) of Article V. Attorney Davis suggested Mr. Sabatelli reach out to the School of Government for guidance since the issue was more of a tax and legal issue instead of a public policy issue. He also commented that it was rather "telling" since no other municipalities make such appropriations, and that the practice was somewhat of a slippery slope.

Alderman Aster

Mr. Montanye was asked whether there was a turn signal at the eastbound turn lane on Pembroke Road prior to the recent road construction. Mr. Montanye responded there is a light there and always has been, but there is not one and never has been one in the westbound direction. NC Department of Transportation ("NCDOT") has stated they will continue to evaluate the potential need, and Alderman Aster asked Mr. Montanye to keep monitoring the situation.

It was also requested that Public Works install speed limit signs on Evans Mill Loop Road to indicate the speed limit is 25 mph. Mr. Montanye stated he recently directed staff to add those signs and that they should be installed on Friday or Monday.

With the impending work on Old Airport Road, Alderman Aster inquired as to how traffic delays would be communicated to the public. Mr. Montanye said he would work with NCDOT or the Police Department to utilize their signboards.

A couple of residents reported there were issues with the City's phone system during the recent power outage that affected James City. Charlie Bauschard, Director of Public Utilities, confirmed there were shortcomings between the daily phone numbers and emergency numbers. He announced staff was working on the issue and explained the system was overwhelmed during the outage since there was only one person working control.

Residents of Bluewater Rise contacted him to report they had not seen the Suddenlink contractor in a couple of weeks. Alderman Aster reported that he had spoken with Suddenlink and was informed the contractor ran out of materials, but would be back in a few days.

A resolution was requested to be placed on the next agenda suggesting that NCDOT improve County Line Road. By a show of hands, the rest of the Board expressed favor with putting this on agenda.

Alderman Best

Noting October is Breast Cancer Awareness month, it was suggested that everyone participate in volunteer efforts to promote the cause.

Stating that she represents Ward 5, Alderman Best said she also represents the whole City. She stated if there were any projects going on within the City or meetings being held then all of the Aldermen should be made aware of these. As an example, she stated a meeting was held amongst some of the Board members to discuss an important topic, but no one had reported on it or said anything to her about it.

Alderman Odham

A letter was read from Dr. and Mrs. Stuart Blunt that was written in response to the "Love My City" campaign.

25. Closed Session.

Alderman Odham made a motion to go into closed session pursuant to NCGS §143-311(a)(6) to discuss a personnel matter, seconded by Alderman Kinsey. The motion carried unanimously, time being 9:43 p.m.


26. Adjourn.

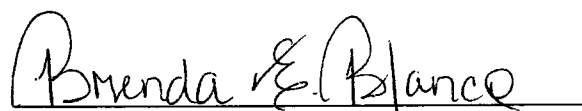
Alderman Kinsey made a motion to adjourn, seconded by Alderwoman Harris. The motion carried unanimously 7-0, time being 11:11 p.m.

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: November 12, 2019


Dana E. Outlaw, Mayor


Brenda E. Blanco, City Clerk