

**City of New Bern
Board of Aldermen Meeting
November 12, 2019 – 6:00 P.M.
City Hall Courtroom
300 Pollock Street**

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer by Alderwoman Harris. 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.**

Jenifer Dugan of 2401-B Meadowbrooke Avenue spoke in favor of legalizing cannabis. She stated prior to moving to New Bern, she was able to legally use cannabis for her medical ailments.

Johnathan Hobbs of 2063 S. Glenburnie Road said while living in Colorado, it was suggested to him in 2012 that he begin to utilize cannabis to treat a disease from which he suffers. He returned to North Carolina in 2014 and has not been able to legally use cannabis since that time. He expressed concern that North Carolina legislation limits the ability to smoke hemp.

Maxwell Oglesby of 2506 Montgomery Court spoke in favor of legalizing medical marijuana in North Carolina.

Sean Creamer of 1450 Spring Garden Road pointed out he was not a New Bern resident. He has previously worked as both a police officer and Emergency Medical Technician. He underwent back surgery 10 years ago and is constantly on pain medication. Mr. Creamer stated he tried cannabis and found it is the only thing that allows him to sleep at night. He felt CBD and cannabis were alternatives to narcotic pain relievers, and he suggested the Board be proactive in studying the drug.

Consent Agenda

4. Consider Adopting a Resolution to Call for a Public Hearing to Annex 310 South Street.

John and Laura Lambert, property owners, petitioned the City to annex 0.733 acres of land located at 310 South Street. The property is located in Number Two (2) Township and is situated off Sandy Point Road in the Bridgeton area. It is requested a public hearing be called for November 26, 2019.

5. Consider Adopting a Resolution to Call for a Public Hearing to Annex 618 West Thurman Road.

Charles and Dana Riddick, property owners, petitioned the City to annex 6.10 acres located at 618 W. Thurman Road. The property is further identified as Craven County Tax Parcel 7-109-15001. It is requested a public hearing be called for November 26, 2019 to consider this request. As a reminder, this is the property for which a sewer-use agreement was approved at the Board's October 22nd meeting.

6. Approve Minutes.

Minutes of the October 22, 2019 meeting were provided for review and approval.

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

7. Presentation on Wreaths Across America.

Kevin Yates, the location coordinator for Wreaths Across America at New Bern's National Cemetery, announced the wreath-laying ceremony would take place on December 14, 2019. He announced this is the largest wreath-laying ceremony in the State of North Carolina and shared a PowerPoint presentation describing the phases of the program. The cost to sponsor a wreath is \$15. Mr. Yates requested the City provide Police and Fire escorts on December 12th, traffic and crowd control as well as shuttle buses from Ruth's Chapel to the cemetery on December 14th, and two dumpsters to dispose of the wreaths in January. The Board expressed consent to provide this assistance, just as it did last year.

8. Presentation on Minimum Housing Code Enforcement and Nuisance Abatement Processes.

At the request of the Board, Jeff Ruggieri, Director of Development Services, made a PowerPoint presentation on the City's minimum housing and nuisance abatement processes. He reviewed the state statutes that grant authority to enforce minimum housing codes, as well as the City's ordinances establishing minimum housing

requirements. He also detailed the procedure for enforcing these regulations and pointed out the City operates on a complaint-driven method; it does not actively look for structures that are out of compliance. Mayor Outlaw had questions about swimming pool requirements, and Mr. Ruggieri stated he would investigate the topic and email the Board his findings.

Various nuisances were also briefly reviewed by Mr. Ruggieri, as well as the abatement processes. Additionally, he explained the reason why some homes are demolished before others that may be in a more dilapidated state. Most always, it is an issue with identifying and locating the owners. Attorney Davis expanded the discussion by noting the Board budgets a specific amount each year for demolitions and that sometimes there are more structures than there are budgeted funds.

9. Consider Adopting a Resolution Requesting Improvements to County Line Road.

As requested at the October 22, 2019 Board meeting, a resolution was prepared to request NCDOT improve and pave the portion of County Line Road that lies within the municipal City limits of New Bern. That portion of roadway is currently gravel from the point of Old Airport Road to Wilcox Road. Making improvements will not only improve access to neighborhoods, but will also enhance public safety and increase the ability to divert traffic during the construction of Highway 70.

Alderman Aster made a motion to adopt a resolution requesting improvements to County Line Road, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

Alderman Odham reported on a recent meeting of the Metropolitan Planning Organization whereby construction plans for Highway 70 were reviewed, including the strategies for routing traffic.

10. Consider Adopting a Resolution Approving a Memorandum of Understanding with the US Marine Corps Forces Special Operations Command (MARSOC).

The US Marine Corps Forces, Special Operations Command (MARSOC) desires to periodically conduct military training within the municipal limits of the City of New Bern. Those involved in the training exercises will include military personnel, government civilian workers, or contractors. No private citizens will be involved. The Marine Corps has requested a Memorandum of Understanding be executed to document the agreement between the parties, which is valid for three years.

Alderwoman Harris made a motion to adopt a resolution approving a Memorandum of Understanding with the US Marine Corps Forces Special Operations Command (MARSOC), seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 6-0.

11. Consider Adopting an Amended Resolution Designating Agents for Hurricane Dorian.

A resolution was adopted on October 22, 2019 designating the City's primary and secondary agents for working with FEMA on Hurricane Dorian claims. The resolution has been amended to designate the City Manager as the primary agent.

Alderman Odham made a motion to adopt an amended resolution designating agents for Hurricane Dorian, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-0.

12. Consider Adopting an Ordinance to Establish the Hurricane Dorian Fund.

The City is eligible for FEMA reimbursements because of expenses associated with Hurricane Dorian. The City experienced damages and incurred costs for emergency services, utility restoration, debris removal, repairs, etc. This ordinance will establish the Hurricane Dorian Fund with an initial budget of \$1.5 million, which is expected to be funded through FEMA grant funds.

Alderman Aster made a motion to adopt an ordinance to establish the Hurricane Dorian Fund, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-0.

13. Consider Adopting an Ordinance Amendment for the Entitlement Cities Community Development Block Grant Fund.

An ordinance amendment is needed to recognize additional proceeds and establish a budget for the Entitlement Cities Community Development Block Grant Fund. The most recent grant funds received were for \$477,574, which will continue to provide funding for improvements to infrastructure, housing rehabilitation, public improvements, affordable housing, planning, and administration.

Alderwoman Harris made a motion to adopt an ordinance amendment for the Entitlement Cities Community Development Block Grant Fund, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

14. Consider Adopting a Budget Ordinance Amendment for the FY2019-20 Grants Fund.

A budget ordinance amendment is needed to acknowledge the following grants that have been received by the City: a) \$50,000 from the NC Department of Commerce Rural Development Downtown Revitalization Grant for the revitalization and enhancement of Federal Alley; b) \$40,000 from the NC Department of Commerce Rural Development Local Capacity Grant to repair fencing along the riverwalk at Union Point Park that was damaged during Hurricane Florence; c) \$4,978 from the Wal-Mart Community Grant for the purchase of water rescue gear; d) \$5,027 from the Department of Justice – Bureau of Justice Assistance Bulletproof Vest Partnership Grant; and e) \$15,000 from the Duke Energy Foundation Storm

Resiliency Grant for the hiring of a consulting firm for the development of a mitigation plan. Additionally, the amendment will recognize funding sources not completed as of June 30, 2019 for the \$56,000 grant from the NC Department of Natural & Cultural Resources for the Riverwalk Greenway Project.

Alderman Odham made a motion to adopt a budget ordinance amendment for the FY2019-20 Grants Fund, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-0.

At Mayor Outlaw's request, Margaret Shields, a grant-writing consultant for the City, provided an update on grants that are being sought on behalf of the City.

15. Appointment(s).

No appointments were made.

16. Attorney's Report.

The City Attorney had nothing to report.

17. City Manager's Report.

- Mr. Stephens distributed to the Board a draft of the Request for Qualifications ("RFQ") with respect to a resiliency and hazard mitigation plan. At Mr. Stephens' request, Mr. Ruggieri reviewed the highlights of the RFQ.
- Noting the City Clerk had polled the Board about a Saturday date for the 2020 retreat and the lack of a consensus, Mr. Stephens stated direction was needed from the Board on how to proceed. He also reminded the Board that the 2020 regular meeting roster had been tabled and not yet approved.

Alderman Bengel made a motion to adopt the schedule of regular meetings as presented in the October 22, 2019 agenda package, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 6-0.

After discussion, Alderman Odham made a motion to schedule the Board retreat for Friday, February 7, 2020, beginning at 1 p.m. in Development Services' Conference Room, seconded by Alderman Aster. The motion carried unanimously. The meeting will be recessed and continued on Saturday, February 8th, if needed.

18. New Business.

Mayor Outlaw

A welcome was extended to Craven County Commissioner Johnnie Sampson, Rev. Ethel Sampson, and former Alderman Bernard White.

Alderwoman Harris

A homeowners' association in Ward 2 has an issue with an outdated covenant. Mr. Davis stated that was a private contract matter and the Governing Board could not assist.

An update was requested on the Stanley White Recreation Center. Mr. Stephens stated staff is still working through the process, but progress is being made.

The Board was asked if they would be amenable for Mr. Max Oglesby to make a presentation at the December meeting to discuss legalizing cannabis. Alderwoman Harris made a motion to allow Mr. Oglesby to make a presentation at the first meeting in December to discuss the legalization of cannabis, seconded by Alderman Best. Attorney Davis confirmed a resolution by the City would only be symbolic, as the City cannot authorize or legalize something that the State prohibits. After brief discussion and clarification that two Aldermen could procedurally place an item of presentation on the agenda, Alderwoman Harris withdrew her motion, and Alderman Best withdrew her second.

The sign for Village Woods was installed by the developer in the 1980's and is now in a deteriorated state. Residents have requested the City replace it. Mr. Stephens stated it was the responsibility of the homeowners' association to replace the sign. Alderman Odham noted he gets a lot of complaints about the McCarthy Square sign, which is also a privately-owned sign. That particular sign is on the City's right-of-way. If the sign becomes a nuisance and the property owners in McCarthy Square do not want to replace it, the City can remove the sign.

Alderman Aster

A progress update was requested for Old Airport Road. Matt Montanye, Director of Public Works, stated the contracts have been signed by the City. A start date should be established tomorrow and the work will hopefully begin within one or two weeks.

An update was provided on the meeting that was held between residents of Bluewater Rise, City officials, and Suddenlink. Alderman Aster expressed frustration that the deadline promised by Suddenlink would likely not be met. Mayor Outlaw suggested a scathing letter be sent to Suddenlink, which the Board supported. Alderwoman Harris suggested the City request another company provide a temporary hotspot so the children in that area had internet service and could do their homework.

Gratitude was expressed to Lori Mullican, Acting Director of Finance, for the progress made with FEMA. Alderman Best also thanked her.

Alderman Outlaw

Several citizens in Kings Row have expressed concerns about traffic at Yarmouth and Glenburnie Roads. Mr. Montanye was asked to reach out to the NC Department of Transportation about timing of the stoplight, etc.

It was suggested a discussion be resurrected with respect to installing three lanes on Trent Road. Staff was asked to get an estimate on widening the two or three spots that are not three-laned.

19. Closed Session.

Alderman Odham made a motion to enter into closed session pursuant to NCGS §143-318.11(a)(3) to maintain attorney-client privilege while discussing the Estate of Martha Harris vs. the City of New Bern and Branches of New Bern, Inc. vs. the City of New Bern and pursuant to NCGS §143-318.11(a)(6) to discuss a personnel matter, seconded by Alderman Best. The motion carried unanimously 6-0 time being 7:53 p.m.

20. Adjourn.

Alderman Odham made a motion to adjourn, seconded by Alderman Bengel. The motion carried unanimously 6-0, time being 8:32 p.m.

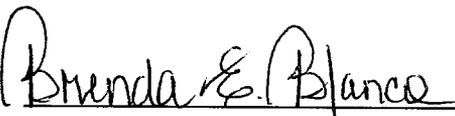
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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 26, 2019



Jeffrey T. Odham, Mayor Pro Tem



Brenda E. Blanco, City Clerk