

**City of New Bern
Board of Aldermen Meeting
January 14, 2020 – 6:00 P.M.
City Hall Courtroom
300 Pollock Street**

- 1. Meeting opened by Mayor Dana E. 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, Alderman Johnnie Ray Kinsey, 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.**

Joy Cherry of 2000 McKinley Avenue stated her 75-year-old aunt, Wynona Rodgers', singlewide trailer at 1804 Charles Street was flooded during Hurricane Florence and condemned by FEMA. Noting the City's current ordinance dictates that a doublewide trailer be placed on the property, Ms. Cherry asked that the property be grandfathered to allow for the placement of a singlewide. At the Mayor's request, Jeff Ruggieri, Director of Development Services, explained Section 15-164 of the City's ordinance was last amended in 1999 and provides that the minimum width of manufactured homes must be 20 feet, which eliminates singlewides. The suggestion was made that some of the nonprofits or organizations that help homeowners may be able to assist Ms. Rodgers in making up the price difference between a singlewide and a small doublewide. Mr. Stephens stated staff would be in contact with Ms. Cherry to discuss this further. DownEast Homes is the mobile home dealer that has been working with Ms. Rodgers.

Dave Nelson and George Halyak, members of American Legion Post 539 and the Knights of Columbus, provided information on the Vietnam Veteran Memorial Wall that will be on display in New Bern in 2020. New Bern is one of 36 cities chosen out of 116 applicant cities that applied to have the wall on display. The display will be at Lawson Creek Park with parking available at Temple Baptist Church. Mr. Halyak requested the City's assistance with shuttling people from the church to the park. It is estimated 20,000 people will visit the wall. Foster Hughes, Director of Parks and Recreation, stated he had been working with the organization on the location, but he was not aware of a request to assist with transportation and noted that may interfere with transportation for afterschool programs. Alderman Odham suggested staff review the request for assistance and bring the matter back before the Board at its next meeting.

Maxwell Oglesby of 2506 Montgomery Court again spoke in favor of legalizing marijuana for medicinal use. He stated legalization would help retain people in this area, as well as generate tax revenue. He also voiced an intent to continuously approach the Board for support on this issue.

Ray Griffin of 3208 Oaks Road stated he opposed legalization of medical marijuana and described many negative effects of using the substance. He acknowledged it has physical and psychological effects, and is an evil substance that turns lives into a living hell.

Stephon Kennedy of 105 Ridgewood Trail spoke in favor of medical marijuana. He stated he had used marijuana in the past, but had not used hard drugs. He felt legalizing marijuana would impose regulations and make it safer for the community, thus eliminating concerns of buying a substance that had been laced with other potentially fatal drugs.

Ethel Sampson of 1038 Sampson Street read a composition about the United States flag being forgotten and no longer revered. At the conclusion, she stated she felt the same way about Stanley White

Consent Agenda

4. Consider Adopting a Resolution to Close Specific Streets for the Black History Month Parade.

Victor Taylor with Vision Forward requested streets be closed to vehicular traffic on Saturday, February 15, 2020, from 10 a.m. until 2 p.m. for the annual Black History Month Parade, which actually starts at 12 noon. Those streets are the 400-600 blocks of Fort Totten Drive, 1300-1700 blocks of Trent Boulevard, 400 block of First Street, 700-1300 blocks of Broad Street, 400-800 blocks of George Street, and the 700 block of Cedar Street. In the event of inclement weather, a rain date of February 22, 2020 was requested.

5. Consider Adopting a Resolution Calling for a Public Hearing to Amend the Land Use Ordinance Regarding Vape Shops in C-3/C-3H Zones.

Interest had been expressed in adding language to the Code of Ordinances to allow for vape shop use in C-3 and C-3H Commercial Districts. The proposed ordinance will add the definition of vape shops, list it in the table of permissible uses, and provide that such shops be allowed in C-3/C-3H Commercial Districts. The proposed tobacco and vape shop use is consistent with the type of commercial uses already permitted within the C-3 zoning district. The Planning and Zoning Board considered this change at their December 3, 2019 and unanimously approved it.

6. Approve Minutes.

Draft minutes from the December 10, 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 Bengel. The motion carried unanimously 7-0.

7. Presentation on Stormwater Audit.

In 2021, the City is scheduled to be audited for compliance with its NPDES Stormwater permit. The audit will take place every five years, but the City will need to perform annual self-assessments. WithersRevenel, a civil and environmental engineering firm, was retained to perform a gap analysis in anticipation of the 2021 audit. Lars Hagen, Vice President/Director of Stormwater for WithersRevenel, displayed a PowerPoint presentation to describe the audit and potential penalties. He also detailed the findings of the firm's gap analysis and subsequent recommendations. During his presentation, Mr. Hagen commented that the stormwater division was understaffed.

(Alderwoman Harris momentarily stepped out of the room at 6:54 p.m.)

8. Presentation on Project Safe Neighborhood Operation Fresh Start.

At the December 10, 2019 Board meeting, a budget ordinance amendment was adopted to, in part, recognize grant funds from the Project Safe Neighborhoods Grant Program. It is the newest initiative implemented by the USA Eastern District of NC in partnership with the NC Gang Association and is designed to inform the community of the restricted rights of felons and their new responsibilities pertaining to firearms and ammunition, and reduce violence and drug crime. Police Captain David Daniels summarized the expectations associated with Operation Fresh Start, including prevention, enforcement, and intervention.

(Alderwoman Harris returned to the room at 6:56 p.m.)

Greg Singleton, Director of Community Workforce Readiness, spoke about Project Safe Neighborhood and how the program might have benefited him before he went to prison. He stated the unorthodox program was both an opportunity and a challenge for the New Bern Police Department. Capt. Daniels expressed hope that the program and community partnership would reduce crime and violence in the community.

9. Conduct a Public Hearing on a Substantial Amendment to the FY2016, FY2017 and FY2018 CDBG Annual Action Plans.

A substantial amendment is proposed for the FY2016, FY2017 and FY2018 CDBG Annual Action Plans to move unspent funds in housing rehabilitation and public-service activities to the stormwater system improvement project in Duffyfield. Amendment to the plans require a public hearing be held to receive public comment. Amanda Ohlensehlen, Community & Economic Development Manager, stated the City was found to have more CDBG funds on hand than allowed; thus a workout plan was developed to address how the excess funds could be spent. She shared a PowerPoint presentation to review the plan amendments and proposed stormwater project. Matt Montanye, Director of Public Works, noted Duffyfield is the lowest-lying area in the City with an elevation of 5 feet.

Mayor Outlaw opened the public hearing. James Woods of 1903 Country Club Road asked for confirmation that funding to build five homes would now be used for a stormwater project. Mr. Stephens explained the City tried for three years to find an eligible nonprofit to build the homes, but could not. The stormwater project will benefit several homeowners, whereas the new homes would have only impacted five. Mr. Woods posed other questions which were also answered by Mr. Stephens. The proposed stormwater project will utilize parcels that cannot be built upon, such as FEMA buyout lots, with the exception of two buildable parcels that are being forfeited for the project.

Ethel Sampson of 1038 Sampson Street stated she had lived in the area 83 of her 86 years. She asked how the City could make plans to disrupt the neighborhood without Duffyfield's consent. Alderman Best explained that although the five homes could not be built with CDBG funds, homes would be built in that neighborhood. Mrs. Sampson thanked the City for their gestures during her recent illness.

Terry Holloway of 1001 Main Street expressed concern that the pumps at the retaining pond were not always working, and he questioned why the money would not be spent to repair the existing pumps instead of paying to install more retention ponds and pumps. Mr. Holloway also asked why the City had not conferred with other cities about who they used as a Community-Based Development Organization ("CBDO") and expressed disbelief that a CBDO could not be located to build the five homes.

Rev. Robert Johnson asked what type of new homes would be built in the area. Mr. Ruggieri very briefly explained the Redevelopment Commission's plan, noting homes would be built consistent in size and with others in the neighborhood.

Mr. Ruggieri emphasized the stormwater project would assist with rain events, although it would not help with flooding from a hurricane.

Mr. Holloway said he met with FEMA and had some books of "revelation" from FEMA that he was willing to offer for review.

Mr. Woods questioned how a parcel that once had a home on it could become unusable. Mr. Davis explained FEMA's buyout program and the restrictions that are placed on the property. He also explained the difference in the buyout program and parcels that are acquired through tax foreclosure.

(Alderman Kinsey momentarily left the room at 7:57 p.m.)

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

Alderwoman Harris said she felt the project would be a step toward improvement. She voiced understanding of the frustration regarding the City's housing shortage.

(Alderman Kinsey returned to the room at 8:00 p.m.)

(Alderwoman Harris momentarily stepped out of the room at 8:04 p.m.)

10. Consider Adopting a Resolution Approving a Memorandum of Understanding with the University of Mount Olive.

The University of Mount Olive ("UMO") expressed a desire to assist City of New Bern employees in their pursuit of a higher education. A three-year agreement to waive application fees and offer a 10% or 30% tuition scholarship to eligible employees who attend online or onsite classes was proposed in the form of a Memorandum of Understanding ("MOU"). Per the MOU, the City would provide opportunities for the University to market the scholarship and related programs to employees in an effort to make them aware of opportunities. Dr. Stuart Blount, Regional Director for UMO, made a brief presentation on the scholarship program.

Alderman Bengel made a motion to adopt a resolution approving a Memorandum of Understanding with the University of Mount Olive, seconded by Alderman Aster. Upon a roll-call vote, the motion carried 7-0. Of note, Alderwoman Harris had stepped out of the room, thus technically yielding an affirmative vote.

(Alderwoman Harris returned to the room at 8:08 p.m.)

11. Consider Adopting a Resolution Accepting a Proposal for Engineering Services from Draper Aden and Associates for the Hurricane Florence Drainage System Project.

The City has been working with Disaster Recovery Services to have FEMA accept an estimated \$32 million project for repairs to the City's drainage system as a result of Hurricane Florence. A Request for Qualifications ("RFQ") was issued for professional engineering services, and Draper Aden and Associates was selected as the most qualified firm. This firm also submitted a proposal for engineering services related to the first phase of the project, which will be invoiced based on time and materials at rates identified in the proposal, at a total cost not to exceed \$515,000.00. It is requested the Board accept the proposal for services. The

project is scheduled to begin on or about January 20, 2020 and has a completion time of 90 days.

Alderman Aster made a motion to adopt a resolution accepting a proposal for engineering services from Draper Aden and Associates for the Hurricane Florence Drainage System Project, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

12. Consider Adopting a Resolution Authorizing the Addition of Street Lights on Howard Street.

Terry Forney of 866 Howard Street requested additional street lighting on Howard Street. The Department of Public Utilities evaluated the area and determined the current lighting does not meet the City's light standard and recommends the addition of two lights. The installation of the lights will cost \$1,010.83, and the monthly utility charge for service will be \$16.88.

Alderman Aster made a motion to adopt a resolution authorizing the addition of street lights on Howard Street, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

13. Consider Adopting a Resolution Authorizing the Addition of a Street Light on Tryon Road.

Cynthia Cannon of 1902 Tryon Road requested additional street lighting near her residence. The Department of Public Utilities evaluated the area and determined the current lighting does not meet the City's light standard and recommends the addition of one light. The installation of the light will cost \$583.48, and the monthly utility charge for service will be \$8.44.

Alderman Bengel made a motion to adopt a resolution authorizing the addition of a street light on Tryon Road, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

14. Consider Adopting an Ordinance Amending Section 30 "Fire Prevention and Protection".

As part of the construction project for the new Highway Patrol facility, the State desires to install above-ground fuel storage tanks. Pursuant to Section 30-40 of Article II "Fire Prevention Code" of Chapter 30 "Fire Prevention and Protection", the ordinance must be amended to add this site as an approved district for above-ground fuel storage.

Alderman Kinsey made a motion to adopt an ordinance amending Section 30 "Fire Prevention and Protection", seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

15. Appointment(s).

No appointments were made.

16. Attorney's Report.

Mr. Davis presented a resolution authorizing the Mayor to execute a quitclaim deed from the City to the City to impose a deed restriction on the Martin Marietta Park property. Usually deed restrictions are imposed on the property when it is acquired, but the City was not aware of the restriction at the time the property was originally deeded to the City.

Alderman Odham made a motion to adopt a resolution authorizing the Mayor to execute a quitclaim deed, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

17. City Manager's Report.

The City Manager had nothing to report.

18. New Business.

Under the appointment item, Alderman Best inquired about the left turn signal onto Highway 70 West. Mr. Montanye said the NC Department of Transportation ("NCDOT") said they would continue to monitor the area for any needed changes. While at the podium, Mr. Montanye reported on other street matters, noting NCDOT had not responded about concerns on Yarmouth Road. The Coast Guard has publically advertised the requested change in the bridge schedule, and the comment period is currently running and will last for 30 days. Alderwoman Harris requested a copy of the Coast Guard's advertisement so she could share it on social media. An update was also provided on Old Airport Road.

Alderman Odham

An update was sought with respect to the mall's response regarding traffic issues, to which Mr. Ruggieri replied he had not yet received a response. Alderman Odham spoke with Chick-Fil-A, which has plans and funding to address the traffic problem. However, they are not receiving cooperation or communication from the mall owners.

Mr. Hughes and staff were thanked for another successful New Year's Eve event. Everyone was invited to a floating open house at the new cancer center on January 25, 2020 from 12 noon to 4:00 p.m.

Alderman Best

Two elderly constituents are in need of home repairs. Alderman Best asked Mr. Ruggieri to explain the application process for CDBG funds. Mr. Ruggieri stated he would make contact with the homeowners, if their names and addresses were provided to him. He cautioned that the process was lengthy.

Numerous constituents in North Hills expressed concern that they were not deemed qualified for home elevation. Mrs. Ohlensehlen said she did not yet have an answer from the State as to why those homes were not selected. The Martin Luther King Outreach Ministry is having its annual prayer breakfast on January 20, 2020 at The Flame.

Alderman Kinsey

A status update was sought for moving the Police Department from the mall substation to the old water plant building. Mr. Stephens said it is still an option, but there are some complexities that need to be worked through.

(Alderman Best momentarily stepped out of the room at 8:34 p.m.)

Mayor Outlaw asked for a cost to benefit analysis, including utilities, rental, etc. versus the maintenance and renovation of the water plant building.

(Alderman Best returned to the room at 8:37 p.m.)

Alderman Aster

Residents of Bluewater Rise finally have cable and internet service, and thanks was expressed to the Mayor for his assistance.

An update on the two submerged boats was requested. Mr. Hughes announced staff pumped out the boat behind his office today and pulled it to shore after the owner stated they were walking away from it. The boat will be dismantled and taken to the landfill. The owner of the sailboat has been identified, and Mr. Hughes will reach out to him this week to see if the owner plans to take responsibility.

BBQ in Blue Jeans is scheduled for this Friday night. Tickets can be purchased at the main fire station, museum, or at the door.

Thanks to Lori Mullican for serving as Acting Director of Finance while that position has been vacant.

Alderwoman Harris

Congrats to Parks and Recreation on the New Year's Eve celebration.

A status update was sought with respect to the request for an additional light at 2204 Grace Avenue. Charlie Bauschard, Director of Public Utilities, stated he would check on the status.

A status update was also requested on Stanley White Recreation Center. Mr. Stephens said it is working through FEMA's system.

Alderman Bengel

Kudos again to Mr. Hughes and his staff on the New Year's Eve event.

Tribute was paid to Mary Randolph and Agnes Derda, who recently passed away.

19. Closed Session.

A closed session was not needed.

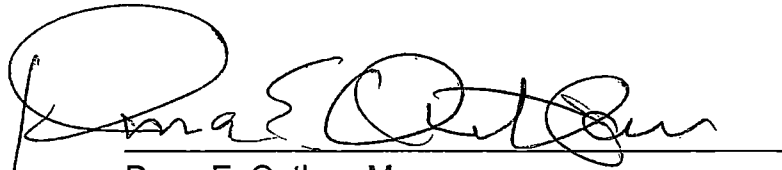
20. Adjourn.

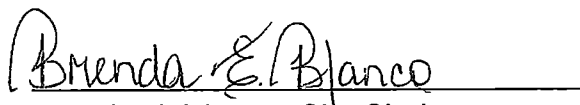
Alderman Odham made a motion to adjourn, seconded by Alderman Aster. The motion carried unanimously 7-0, time being 8:46 p.m.

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: January 28, 2020


Dana E. Outlaw, Mayor


Brenda E. Blanco, City Clerk