

**City of New Bern  
Board of Aldermen Meeting  
May 12, 2020 – 6:00 P.M.  
City Hall Courtroom  
300 Pollock Street**

- 1. 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 Johnnie Ray Kinsey (via telephone), 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.

Alderman Odham made a motion to move Items 16 and 17 before the Consent Agenda. Alderman Bengel suggested the motion be amended to include moving Item 12 as well, and Alderman Odham agreed to amend his motion, seconded by Alderman Bengel. The motion carried unanimously 7-0.

- 3. Request and Petition of Citizens.**

There were no request and petition of citizens.

- 12. Consider Adopting a Resolution Approving Participation in a COVID-19 Small Business Loan Program.**

As announced at the Board's April 28, 2020 meeting, Swiss Bear and the Chamber of Commerce are establishing a COVID-19 small business loan program for small businesses within the city limits of New Bern. The resolution provides for a \$20,000 contribution to the program from the City.

Lynne Harakal, Executive Director of Swiss Bear, announced \$105,000 in contributions had been raised and an additional \$5,000 may be donated. Swiss Bear is waiting on a response from MasterCard regarding the possibility of reallocating the \$100,000 from them. The maximum loan amount will be capped at \$10,000 per business with no interest and no payments in the first 12 months. All fees for processing the loans will be paid up front by BEFCOR. Applications will be accepted on a first-come, first-served basis, and eligibility requirements will be established.

Alderman Bengel made a motion to adopt a resolution approving participation in a COVID-19 Small Business Loan Program, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

Alderwoman Harris announced a question had been posted online asking why everyone in the meeting was not wearing a mask. Mayor Outlaw responded by saying it was an individual decision, all attendees were spaced out at least six feet apart, and the number of people in attendance did not exceed 10.

NOTE: Items 16 and 17 were voted on collaboratively as noted under Item 17.

**16. Consider Adopting an Ordinance to Amend Chapter 66 “Streets, Sidewalks and Other Public Places” of the Code of Ordinances.**

Mrs. Harakal requested that downtown restaurants be allowed to close specific streets for the purpose of allowing outdoor seating for restaurants. This action is aimed at helping the restaurants recover from the closures and reduced revenues associated with COVID-19. To facilitate the request, Chapter 66 of the City’s Code of Ordinances will need to be amended to allow for street cafes. Mr. Stephens said while this a citywide ordinance, it is focused on downtown since most of those restaurants do not have room to offer expanded outdoor seating. Staff will look at presenting an ordinance at a later meeting to amend parking and other regulations to assist more businesses throughout the City. Mr. Stephens noted several restaurants have a sidewalk cafe permit, and the street cafe will be somewhat of an extension of that.

(Alderman Aster momentarily stepped out of the room at 6:12 p.m.)

**17. Consider Adopting a Resolution to Temporarily Close Portions of Middle Street, Pollock Street, and Craven Street to Vehicular Traffic.**

In relation to the previous item, this resolution would permit closures of one side of the 200-300 blocks of Middle Street, 300 block of Pollock Street, and the 200 block of Craven Street from 5 p.m. until 11 p.m. for the purpose of accommodating street cafes on specified dates between May 22, 2020 and August 1, 2020.

(Alderman Aster returned to the room at 6:13 p.m.)

Alderman Bengel said some of the downtown shopkeepers had requested the streets not be closed earlier than 5 p.m., and it was confirmed they would not.

Alderman Bengel made a motion to adopt an ordinance to amend Chapter 66 “Streets, Sidewalks and Other Public Places” of the Code of Ordinances and to adopt a resolution to temporarily close portions of Middle Street, Pollock Street, and Craven Street to vehicular traffic, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

## Consent Agenda

**4. Consider Adopting a Resolution to Call for a Public Hearing to Amend Article XVI – Floodways, Floodplains, Drainage and Erosion of the Land Use Ordinance.**

The floodplain maps for New Bern have been updated by FEMA, and the City is required to adopt the maps and accompanying Flood Damage Prevention Ordinance by June 19, 2020. The revised maps are more detailed and reflect a new flood elevation of 9-12 feet. A total of 694 structures will be added to the Special Flood Plain Area. The maps also require special construction methods in two new flood map zones. It is requested a hearing be held on May 26, 2020 to discuss these changes.

**5. Approve Minutes.**

Minutes from the April 28, 2020 meeting were provided for review and approval.

Alderman Aster made a motion to approve Items 4-5 of the Consent Agenda, seconded by Alderman Best. The motion carried unanimously 7-0.

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NOTE: Items 6 and 7 were voted on collaboratively as noted under Item 7.

**6. Conduct a Public Hearing and Consider Adopting an Ordinance to Annex 203 Riverside Drive.**

Robert A. Yulick petitioned the City to annex his property located at 203 Riverside Drive, which is a 0.4-acre vacant lot located in Number 2 Township. This public hearing was originally noticed for April 14, 2020, at which time the hearing was opened and a motion made to continue the hearing until this date.

**7. Conduct a Public Hearing on the Rezoning of 2409 Oaks Road; and**  
**a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and**  
**b) Consider Adopting an Ordinance Rezoning 2409 Oaks Road.**

Nasr Algaradi requested to rezone a 0.25-acre parcel located at 2409 Oaks Road from R-6S Residential District to C-4 Neighborhood Business District. A previous request to rezone this property to C-3 Commercial District was denied by the Board of Alderman due to the perceived impacts a vape/tobacco shop would have on the surrounding neighborhood. Mr. Algaradi has since amended his plans to utilize the property as a convenience store. He is, therefore, seeking to have the property rezoned as C-4 Neighborhood Business District. The Planning and Zoning Board unanimously approved this request at its March 3, 2020 meeting. This public hearing was originally noticed for April 14, 2020, at which time the hearing was opened and a motion made to continue the hearing until this date.

Alderman Odham made a motion to continue the public hearings for Items 6 and 7 until the Board's meeting on June 9, 2020, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

**8. City Manager's Presentation of Fiscal Year 2020-2021 Budget.**

The recommended budget for Fiscal Year 2020-2021 was distributed to the Board. A brief overview was provided by the City Manager, the highlights of which were detailed in a PowerPoint presentation. The budget does not propose an increase in property taxes. It provides for cost-of-living and merit adjustments for qualifying employees.

During the presentation, Mr. Stephens announced FEMA funding had been approved for the Stanley White Recreation Center. Foster Hughes, Director of Parks and Recreation, will move forward with issuing the Request for Qualifications for the design-build stage.

Alderman Odham asked if the cost associated with the construction of the James City highway was included in the budget. Jordan Hughes, City Engineer, responded telephonically stating that the cost for the relocation of water and sewer infrastructure was not included as that work is not in the immediate future. There will be no actual cost to the City in the upcoming fiscal year.

Budget workshops have not been held in part due to bringing the new Director of Finance up to speed, but Mr. Stephens said those could be scheduled, if needed. The public hearing on the budget is slated for May 26, 2020 with adoption on June 9, 2020. The adoption could be delayed until the June 23<sup>rd</sup> meeting. Due to COVID-19, the Board has the option to continue utilizing the current budget for 60 days if it cannot meet the adoption of a new budget by July 1<sup>st</sup>. Alderman Odham asked if the public hearing should be delayed until June 9<sup>th</sup> when other public hearings are scheduled. If COVID-19 restrictions are still in place at the end of the month, Mr. Stephens felt it would be possible to manage any citizens who may wish to speak on the budget by lining them up outside at a social distance and calling them in individually to address the Board. Mr. Davis explained the public hearing on the budget does not require that the speakers have the opportunity to hear each other's comments, as is necessary in other public hearings.

Alderman Odham made a motion to call for a public hearing on the budget for May 26, 2020, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0. Of note, Alderman Kinsey had momentarily stepped away from the phone, thus technically yielding an affirmative vote.

**9. Consider Adopting a Resolution Approving the Sale of 208 Daniels Street.**

The Board adopted a resolution on March 10, 2020 to initiate the upset bid process for 208 Daniels Street after receiving an offer of \$9,500 from Jimmie Mangol. The offer was advertised, but no upset bids were received. The tax value of the half-acre lot is \$18,000, and the offer represents more than 50% of the value. A mobile

home is situated on the lot. The property was acquired jointly by the City and County through tax foreclosure in August 2019. If the Board approves the sale, the County will receive approximately \$6,529.85 of the proceeds, and the City will receive approximately \$2,970.15. These estimates consider the cost of publishing the legal advertisement.

Mr. Stephens suggested the Board table this item until their next meeting. The buyer anticipated remodeling the mobile home, but he may be unaware that this property was 100% damaged during a recent storm and will have to meet the City's new code pursuant to FEMA requirements. While properties are sold as is and under the duty of "buyer beware", Mr. Mangol may not be aware of the extent of the code requirements. Tabling the item will give the City Clerk time to contact the bidder and advise that he needs to discuss the code requirements with Development Services.

Alderman Best made a motion to table this item until May 26, 2020, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

**10. Consider Adopting a Resolution to Initiate the Upset Bid Process for 2203 Chestnut Avenue.**

In December 2019, the Board received an offer to purchase 2203 Chestnut Avenue and voted to initiate the upset bid process. The offer was advertised, and an upset bid was received. The Board voted to sell the property to the upset bidder, who subsequently decided against the purchase and failed to close on the property.

The original bidder has now tendered a bid to start a new upset bid process. The amount of the bid is \$375.00. The tax value of the vacant 0.06-acre lot is \$750.00, and the offer represents 50% of the value. The property was acquired jointly by the City and County through tax foreclosure in May of 2019. The Commissioner's Deed states the taxes, interest, and penalties due to the City at the time of the foreclosure were \$556.45, and the City contributed \$480.99 toward the cost of the foreclosure proceeding.

Alderwoman Harris made a motion to adopt a resolution to initiate the upset bid process for 2203 Chestnut Avenue, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

**11. Consider Adopting a Resolution to Approve the 2014 Amended CDBG Citizen Participation Plan.**

On February 25, 2014, the Board adopted the 2014 CDBG Citizen Participation Plan. Due to the spread of the COVID-19 pandemic, public access to City buildings has been closed. Per HUD guidelines, the City must continue to show efforts to engage with the public for the development of the 2020 Annual Action Plan. While working closely with HUD, staff discovered the current plan does not address emergency situations in the event of limited public access. Therefore, it is

requested that the plan be amended to permit the City to host virtual meetings during special times of emergency as ordered by the President or State Governor.

Alderman Harris made a motion to adopt a resolution to approve the 2014 Amended CDBG Citizen Participation Plan, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

**13. Consider Adopting a Budget Ordinance Amendment for the FY2019-20 Operating Budget.**

This budget ordinance amendment makes an appropriation from fund balance to cover the purchase of property as approved at the April 28, 2020 meeting. It also appropriates funds from Administration and the Governing Board's budgets to provide the \$20,000 contribution referenced in Item 12. Additional appropriations are also made to reallocate funds as needed. Alderman Bengel questioned the \$4,400 reallocation from Police to Parking, and Mary Hogan, Director of Finance, will check on this.

Alderman Odham made a motion to adopt a budget ordinance amendment for the FY2019-20 operating budget, seconded by Alderman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

**14. Consider Adopting an Ordinance to Establish Rates for the Consumption of Electricity Effective July 1, 2020.**

Revisions in the electric rate schedules were requested to revise payment terms, account for LED area lights and obsolete area lighting products, and the retirement of an underutilized street-light rate. With respect to the payment terms, the current schedules require customers to pay their bill "within 20 days from the date of the bill", which is not reasonable considering the time it takes to process and deliver the bill. The revised terms will clarify the due date and indicate payment is due "no earlier than 20 days". Obsolete street lighting products will continue in use until the product becomes unserviceable, at which time a LED product will be offered as the replacement. This will net a positive contribution to the electric fund, but will not yield an increase in cost for any existing service.

An example of a bill was displayed to demonstrate the bill printed date and the due date. The City previously had more than 30 billing cycles, and those have been culled down to 5 cycles.

Alderman Harris made a motion to adopt an ordinance to establish rates for the consumption of electricity effective July 1, 2020, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

**15. Consider Adopting an Ordinance to Amend Section 6.2 – “Definitions” of Chapter 6 “Animals” of the Code of Ordinances.**

A minor amendment was sought in the definition of “restraint” as listed in the chapter on animals in the City’s Code of Ordinances. The definition will clarify that restraint addresses all animals, not just dogs, and it will add the use of an attended leash as a means of restraint.

Alderman Odham made a motion to adopt an ordinance to amend Section 6.2 – “Definitions” of Chapter 6 “Animals” of the Code of Ordinances, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

**18. Appointment(s).**

Alderwoman Harris made a motion to reappoint Dr. Ruth Cox to the Historic Preservation Commission, seconded by Alderman Bengel. The motion carried unanimously 7-0. Dr. Cox will serve a three-year term to expire May 15, 2023.

Alderman Best made a motion to reappoint James Woods to the Historic Preservation Commission, seconded by Alderman Bengel. The motion carried unanimously 7-0. Mr. Woods will serve a three-year term to expire May 15, 2023.

Alderman Best made a motion to reappoint Henry Watson to the Friends of New Bern Firemen’s Museum, seconded by Alderwoman Harris. The motion carried unanimously 7-0. Mr. Watson will serve a three-year term to expire on April 22, 2023.

Alderman Kinsey made a motion to reappoint Betty Blythe to the Friends of New Bern Firemen’s Museum, seconded by Alderman Bengel. The motion carried unanimously 7-0. Ms. Blythe will serve a three-year term to expire on April 22, 2023.

Alderman Odham made a motion to reappoint Carol Zink to the Friends of New Bern Firemen’s Museum, seconded by Alderwoman Harris. The motion carried unanimously 7-0. Ms. Zink will serve a three-year term to expire on April 22, 2023.

**19. Attorney’s Report.**

The City Attorney had nothing to report.

**20. City Manager’s Report.**

The City Manager had nothing to report. Mayor Outlaw asked Mr. Stephens to have some trashcans placed at Martin Marietta Park.

## **21. New Business.**

### Alderman Best

Everyone was encouraged to remain safe and wear protective gear in hopes of bringing COVID-19 under control.

### Mayor Outlaw

The Mayor jokingly stated the black mask he was wearing had nothing to do with the fact that his last name was Outlaw. The mask was donated to the City, and additional masks are available. Gratitude was expressed to staff and the elected officials for keeping the meeting confined to 10 people as required by the Governor's Executive Order.

### Alderman Aster

Appreciation was expressed to the Director of Finance, Accounting Manager, and Mr. Stephens for their hard work on the FEMA claim for Stanley White Recreation Center ("SWRC"). The City has been awarded more than \$5,600,000 from the federal government with an additional 25% from the State of North Carolina. Alderman Aster said he was looking forward to the rebuild of SWRC. Mayor Outlaw expressed appreciation of Alderman Aster's work on the claim.

### Alderwoman Harris

Although she was not in favor of pursuing a FEMA 428 claim for SWRC, Alderwoman Harris stated she was glad funding had been approved.. Everyone was encouraged to continue following the CDC guidelines. Information on COVID-19 is provided through the City's social media, website, and CTV-3.

### Alderman Bengel

Condolences were expressed to Donna Harmatuk on the passing of her husband, Bill.

Thanks to City staff, healthcare workers, and everyone who is putting in extra time and effort during this time of adversity.

Alderman Best thanked the City Manager and his staff for all their work and thanked the City Clerk for doing an awesome job. Alderman Aster noted last week was Municipal Clerks Week. Mr. Stephens announced that he and the Mayor would be nominating Mrs. Blanco as the Municipal Clerk of the Year, as she was well deserving of the honor.

## **22. Closed Session.**

A closed session was not needed.

## **23. Adjourn.**

Alderman Aster made a motion to adjourn, seconded by Alderwoman Harris. The motion carried unanimously 7-0, time being 7:28 p.m.



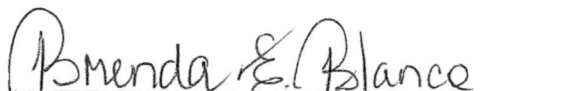
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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](http://www.newbernc.gov). Video and audio recordings of the meeting have been archived.

Minutes approved: May 26, 2020

A handwritten signature in black ink, appearing to read "Dana E. Outlaw", written in a cursive style. The signature is positioned above a horizontal line.

Dana E. Outlaw, Mayor

A handwritten signature in black ink, appearing to read "Brenda E. Blanco", written in a cursive style. The signature is positioned above a horizontal line.

Brenda E. Blanco, City Clerk