

**City of New Bern
Board of Aldermen Meeting
May 26, 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, 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.

The Mayor read a statement that although the meeting was being held in person, it was following Governor Cooper's Executive Order regarding mass gatherings. The meeting was available for viewing on the City's Facebook page, Suddenlink Channel 3 (CityTV3), and on the City's website. Anyone desiring to speak at one of the public hearings was advised to line up outside of the courtroom while practicing social distancing of 6 feet. At the appropriate time, each person would be called into the courtroom to individually address the Board.

Consent Agenda

- 3. Consider Adopting a Resolution Calling for a Public Hearing on the Pamlico Sound Regional Hazard Mitigation Plan.**

To remain eligible to receive state and federal assistance in the event of a declared disaster, the City will need to adopt the Pamlico Sound Regional Hazard Mitigation Plan. Prior to adoption, a public hearing must be held. It is requested the hearing be scheduled for June 9, 2020.

- 4. Approve Minutes.**

Draft minutes from the May 12, 2020 meeting were provided for review and approval.

Alderman Odham made a motion to approve Items 3-4 of the Consent Agenda, seconded by Alderwoman Harris. The motion carried unanimously 7-0.

5. Conduct a Public Hearing on the Proposed Budget for Fiscal Year 2020-2021.

At the May 12, 2020 meeting, the City Manager presented the proposed budget for Fiscal Year 2020-2021. This public hearing was called for and advertised as required by statute.

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

The possibility of holding budget workshops was discussed, as well as the concern about conducting additional meetings. Alderman Aster stated he had reviewed the budget and contacted the appropriate Department Head to address his questions. He felt it was a “barebones” budget and suggested reviewing it in six months for potential changes. Mr. Stephens explained the Board could freeze spending or hiring at any time, but it would likely be committed with respect to any executed contracts. Fund balance, which is projected to be around 37%, was not utilized to balance the budget. Considering the current events and neighboring cities that have furloughed or laid off employees, Alderman Odham expressed concern about the personnel costs and proposed cost-of-living and merit increases. Mr. Stephens stated budget workshops could be held, if desired, or monthly updates could be provided to the Board with respect to sales tax revenue. He explained holding a workshop prior to October would not be reflective of where the fiscal year ends, as there is a three-month delay in receiving sales tax data. Alderwoman Harris expressed agreement with Alderman Aster and felt withholding the COLA and merit increases would be a slap in the face to the employees who have worked through the pandemic. She felt since the fund balance was at 37%, the equivalency of \$14-\$15 million, the City should be able to accommodate the increases.

Alderman Bengel asked about the impact that utility revenues may have on the budget. Charles Bauschard, Director of Public Utilities, stated the City expected to collect the balances that were deferred and placed on payment plans. Depending on how the Governor proceeds with respect to Executive Order 124, he felt the City was in a good position.

Should the need arise, Mayor Outlaw stated he would favor job freezes versus furloughs or layoffs. As soon as the pandemic is over, there is a lot of work the City needs to perform. Alderman Aster recommended the City proceed as scheduled with adopting a budget at the first meeting in June and suggested staff forward monthly revenue reports. He felt the economy was on the verge of rebounding. Mr. Stephens briefly reported on FEMA funds that were recently received.

It was confirmed that funding for a Pleasant Hill Community Center was included in the proposed budget at a cost of \$300,000. The work on that project could begin in a timely manner.

6. Conduct a Public Hearing and Consider Adopting an Amendment to Appendix A, Article XVI “Floodways, Floodplains, Drainage and Erosion” of the Code of Ordinances.

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. Matt Schelly, City Planner, shared a PowerPoint presentation to review the need for and the details of the changes. The floodplain maps are updated approximately every 10-15 years. Structures added to the floodplain will now be required to maintain flood insurance. Those property owners are being encouraged to obtain insurance before their properties are added to the new floodplain map on June 19, 2020, as insurance rates will be lower before that date.

Mr. Stephens announced the City is now in compliance with the Community Rating System (“CRS”), as all the outstanding properties have been brought into compliance. Matt Boswell, Chief Building Inspector, stated information was submitted to the state approximately two months ago and a response is pending. The benefit of being a part of the CRS is reduced flood insurance rates.

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

Alderman Aster made a motion to adopt an amendment to Appendix A, Article XVI “Floodways, Floodplains, Drainage and Erosion” of the Code of Ordinances, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

7. Discuss Expiration of Governor’s Executive Order 124 Regarding Termination of Utility Service.

On March 31, 2020, the NC Governor issued Executive Order 124 (“EO124”) that, in part, suspended residential utility disconnects for nonpayment from March 31, 2020 through May 31, 2020. Anticipating the expiration of this Order, the City is urging customers to continue making payments to avoid accumulation of large balances. Customers with past-due balances are also encouraged to make payment arrangements to avoid the possibility of disconnection after the expiration of the Order. Educational information and payment arrangement applications have been made available to customers on the City’s website, through social media, and via an automated voice message.

(Alderwoman Harris momentarily stepped out of the room at 7:08 p.m.)

Mr. Bauschard shared a PowerPoint presentation providing an overview of EO124 and the number of customers currently impacted by the impending expiration of the Order.

(Alderwoman Harris returned to the room at 7:12 p.m.)

The School of Government advised the City that it could automatically implement payment plans for customers that are delinquent under EO124. The City does not extend payment plans to commercial customers, but could do so for those nonresidential customers that are delinquent because of COVID-19, if the Board directs. If customers are automatically put on a payment plan, Alderman Odham voiced a need to stress to the customers that this action is not the City's normal policy. Alderman Bengel questioned the need to review rate structures for workshops or garages located on residential lots and possibly change them from commercial to residential rates.

Alderman Odham was concerned with extending payment plans to businesses as they could walk away, whereas residents must have electricity. Mr. Stephens pointed out that the Governor's order only pertained to residents, but the Board's action on March 16th was proactive to include both residential and commercial accounts. After some discussion, it was decided to offer commercial accounts a 3-month payment plan for the COVID period and a 6-month payment plan for residential customers. Even with a payment plan, customers would have to stay current to avoid disconnection. A resolution to this effect would be presented at the June 9th meeting for formal action, although payment arrangements will be made now.

8. Consider Adopting a Resolution to Establish the Stanley White Recreation Center Advisory Committee.

The establishment of an advisory committee is proposed for the purpose of advising the Governing Board with respect to the Stanley White Recreation Center ("SWRC") facility. The committee will also help facilitate community engagement regarding the facility design and programs offered. It will serve as a liaison between the City and citizens and will promote alternative funding sources for enhancements to both SWRC and D.E. Henderson Park. The committee will consist of 10 voting members, who are named in the proposed resolution, and the committee will meet no less than once monthly. As a public committee, it will be required to notice its meetings, be open to the public, and maintain minutes. The committee will dissolve on the day that the newly-constructed SWRC facility is opened to the public. Attorney Davis said it was yet to be determined how the committee would report its recommendations, whether through written reports or direct presentations from the committee or the Director of Parks and Recreation.

Mayor Outlaw noted a desire to start on the project as soon as possible, as September 14, 2020 will mark two years since the facility was damaged. The Board had some discussion regarding a design versus design-build process. Alderman

Aster expressed concern about starting any type of work before submitting a scope of work, as doing otherwise could jeopardize the funding.

(Alderman Kinsey momentarily stepped out of the room at 7:57 p.m., returning at 7:59 p.m.)

Alderwoman Harris made a motion to adopt a resolution to establish the Stanley White Recreation Center Advisory Committee, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

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

This item was tabled from the May 12, 2020 meeting. As a recap, a resolution was adopted on March 10, 2020 to initiate the upset bid process 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. The property was acquired jointly by the City and Craven County through tax foreclosure in August 2019. A mobile home is situated on the lot and was damaged during a recent hurricane. If sold, Development Services has confirmed that the mobile home would need to be brought into compliance with the City's new Land Use Ordinance since it was more than 50% damaged. Considering its age and condition, it is not thought to be cost effective for someone to attempt to bring it into compliance. Thus, there are concerns about approving the sale of the property at this time.

Mr. Davis explained in the past there have been issues with people who have wanted to rescind their bids after the offers were accepted by the Board and the sale approved. In that case, the bidder loses their deposit as they have defaulted on the contract. However, if the Board does not accept the bid and approve the sale, the deposit is refundable to the bidder. If the Board does not approve this particular sale, Alderman Odham suggested the trailer on the property be demolished.

Alderman Best made a motion to deny the sale of 208 Daniels Street, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried 4-3 with Aldermen Odham, Aster and Harris voting against it.

10. Consider Adopting a Resolution Approving a Duke Energy Assignment and Assumption of Easement for the Trent Road Substation.

This action will provide the City an easement to operate within the Duke Energy right-of-way, adjacent to the parcel known as the Trent Road Substation. The easement will improve operational efficiencies and boundaries for both parties.

Alderman Aster made a motion to adopt a resolution approving a Duke Energy Assignment and Assumption of Easement for the Trent Road Substation, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

11. Consider Adopting a Resolution Approving Utility Relocation Agreement R-4463A with the North Carolina Department of Transportation.

The NC Department of Transportation (“DOT”) has requested the City relocate some of its overhead and underground electrical utilities to accommodate the construction of the NC 43 Connector from US 70 to US 17 Business. The cost to move the utilities is estimated at \$468,591, which is reimbursable.

Alderman Odham announced this project had just recently been delayed by DOT. More information about the delay may be available at next week’s meeting of the New Bern Area Metropolitan Planning Organization. Despite the delay, Mr. Bauschard recommended the Board consider moving forward with the resolution. Doing so would allow the City to seek reimbursement for the work it has done thus far and will also send a message to DOT that the City would like to see the project move forward.

Alderman Aster made a motion to adopt the resolution approving utility relocation agreement R-4463A with the NC Department of Transportation, seconded by Alderman Kinsey. Upon a rollcall vote, the motion carried unanimously 7-0.

12. Consider Adopting a Resolution Approving a Sidewalk Easement and Agreement with the Town of Trent Woods.

Trent Woods is finalizing plans for a new sidewalk along Country Club Road. The construction will require easements for portions of the work, including an easement for the city-owned property at 105 Greenside Court. This property is the location of a sanitary sewer pump-station. The sidewalk construction will not affect any of the City’s current operations, nor impede future operations at this site.

Alderman Bengel made a motion to adopt a resolution approving a sidewalk easement and agreement with the Town of Trent Woods, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

13. Appointment(s).

Alderman Odham suggested an application process be developed for citizens to submit a letter of interest to serve on Boards. Some of the ordinances require specific qualifications, and it would be helpful to ensure the City is getting qualified applicants. He offered to assist with developing the application.

Alderwoman Harris made a motion to appoint Paula Jessup to the Appearance Commission, seconded by Alderman Odham. The motion carried unanimously. Mrs. Jessup will fill the seat previously held by Joseph Cannon and will serve a three-year term.

14. Attorney’s Report.

The City Attorney had nothing to report.

15. City Manager's Report.

Mr. Stephens provided a draft letter that ElectriCities recommended its members forward to Governor Cooper regarding EO124. Alderman Bengel made a motion for the Mayor to sign the letter, seconded by Alderman Odham. The motion carried unanimously 7-0.

Mayor Outlaw noted a recent discussion at the Historic Preservation Commission's meeting regarding a stage at Union Point Park. Alderman Bengel suggested Foster Hughes, Director of Parks and Recreation, make a presentation before the Board, and Mr. Stephens suggested the presentation be given at the last meeting in June. Discussion ensued about the benefits of a permanent or mobile stage. By a show of hands, the Mayor, Alderman Bengel and Alderman Best indicated they were in favor of a mobile stage.

16. New Business.

Alderman Bengel

Outdoor dining went well this past weekend. With restaurants now being allowed to operate at 50% capacity, downtown would like to eliminate curbside service and again strictly enforce parking effective June 1, 2020.

(Alderman Best momentarily stepped out of the room at 8:33 p.m.)

The Downtown Council meets Thursday night and will be asked to send the City a letter with this request. It was decided to review this issue under new business at the June 9, 2020 meeting.

After seeing the census data, Alderman Bengel questioned whether the City's wards should be redrawn. Mr. Stephens said the data was an initial estimate and that the final numbers were not yet available.

(Alderman Best returned to the room at 8:36 p.m.)

Condolences were expressed to the families of Dr. Charles Ashford and Teri Campbell, who both recently passed away.

Alderman Harris

An update on funding for Stanley White Recreation Center was requested from Mr. Stephens. He responded the total anticipated funds were just over \$8 million, and a breakdown of the funding sources was provided.

A letter of appreciation was read from a group known as the Citizens for the Preservation and Restoration of the SWRC.

An update on the election process was requested. Alderman Bengel said there was a need to meet with legislators in January. Alderman Odham said he did not think the Board had taken any action on changing the election process. Attorney Davis noted some neighboring governments were also desirous of changing their elections.

Alderman Best

Suddenlink has stretched a line across the property at 506 Neuchatel Road. It has been there for three months, and the resident cannot get them to bury it. A guest recently tripped and fell over the line. It was suggested Matt Montanye, Director of Public Works, reach out to Suddenlink for assistance.

The Eighth Street retention pond has had some major washout issues, and Alderman Aster will forward staff pictures of the washout. Mr. Montanye was also asked to look into this.

Work on Old Airport Road is moving quickly.

Alderman Best

Thanks was expressed to Mr. Montanye for the work done on Hwy 55 West and to the Board, City Manager, and Mr. Hughes for considering a community center for the residents on the west end of New Bern.

Alderman Odham

Kings Row Community Watch expressed thanks for the City employee who picked up a large limb and hauled it away.

Noting drainage issues on private property along Red Robin Lane, Alderman Odham asked if the City was addressing the concern. Mr. Stephens stated a certified letter would be sent to the owner.

Mayor Outlaw

Mr. Stephens was asked to share information on the sewer leak that occurred over the weekend near Moore's BBQ. Staff responded quickly, but some of the wastewater did escape into the Wilson Creek area per Mr. Stephens. The leak is contained, and repairs will be ongoing.

17. Closed Session.

Alderman Odham made a motion to go into closed session pursuant to NCGS §143-318.11(a)(3) to maintain attorney-client privileges, seconded by Alderman Aster.

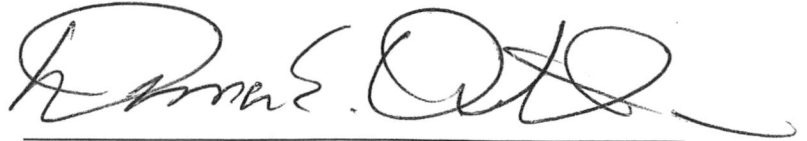
18. Adjourn.

Alderman Bengel made a motion to adjourn, seconded by Alderman Aster. The motion carried unanimously 7-0, time being 9:04 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: June 09, 2020

A handwritten signature in black ink, appearing to read "Dana E. Outlaw", written over a horizontal line.

Dana E. Outlaw, Mayor

A handwritten signature in black ink, appearing to read "Brenda E. Blanco", written over a horizontal line.

Brenda E. Blanco, City Clerk