

**City of New Bern  
Board of Aldermen Meeting  
September 22, 2020 – 6:00 P.M.  
City Hall Courtroom  
300 Pollock Street**

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

Present: Mayor Dana Outlaw, Alderman Sabrina Bengel, Alderwoman Jameesha Harris (by telephone), 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.

**Consent Agenda**

- 3. Consider Adopting a Resolution to Call for a Public Hearing to Amend Section 15-79 “Major Subdivision Approval Process” of the Code of Ordinances.**

Staff proposed an amendment to Section 15-79 “Major Subdivision Approval Process” of the Code of Ordinances. The changes would require three 18”x24” and one digital copy of final plats to be submitted to Development Services, and that complete applications with estimates for performance guarantees be submitted to the department three weeks prior to the next regularly scheduled Planning and Zoning Board meeting. It was requested a public hearing be scheduled for October 13, 2020 to receive comment on the proposed changes.

- 4. Approve Minutes.**

Draft minutes from the September 08, 2020 meeting were provided for review and approval.

Alderman Best made a motion to approve Items 3-4 of the Consent Agenda, seconded by Alderman Aster. The motion carried unanimously 6-0.

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**5. Conduct a Public Hearing and Consider Adopting an Ordinance to Annex 215 Bernhurst Road.**

Mary Kerr Rowlett petitioned the City to annex her property at 215 Bernhurst Road, which is a 2.21-acre lot located in Number 2 Township in the Bridgeton area.

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 Bengel. The motion carried unanimously 6-0.

Alderman Bengel made a motion to adopt an ordinance to annex 215 Bernhurst Road, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 6-0.

**6. Consider Adopting a Resolution Approving the 2020-2021 CDBG Annual Action Plan.**

The CDBG Annual Action Plan serves as the City's application for funding under the Entitlement Cities Program. The plan provides a summary of the actions, activities, and specific federal and non-federal resources that will be used to address the priority needs and specific goals identified in the Strategic Plan section of the Consolidated Plan for the year 2020. The FY20-21 CDBG draft Annual Action Plan has been on display for public inspection since August 28, 2020. A public hearing was held at the Board's September 08, 2020 meeting, but no one from the public offered comment.

Alderman Odham made a motion to adopt a resolution approving the 2020-2021 CDBG Annual Action Plan, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0.

**7. Consider Adopting a Resolution to Amend the CDBG Citizen Participation Plan.**

In February 2014, the Board adopted a Citizen Participation Plan with respect to the CDBG Entitlement Program. In response to the COVID-19 pandemic, the Department of Housing and Urban Development issued regulatory waivers permitting the use of emergency procedures to reduce the public comment period for the Five-Year Consolidated Plan/Annual Action Plan from 30 days to 5 days. The Citizen Participation Plan has been amended to reflect this modification.

Alderman Best made a motion to adopt a resolution to amend the CDBG Citizen Participation Plan, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 6-0.

**8. Consider Adopting a Resolution Approving a Utility Relocation Agreement with NCDOT for the US 70 Havelock Bypass.**

The NC Department of Transportation (“NCDOT”) requested the City relocate overhead and underground electric utilities for the purpose of constructing the Havelock Bypass. The cost of such relocation is estimated at \$181,400, and the agreement establishes the estimate and terms for reimbursement from NCDOT. The Board approved the Utility Preliminary Engineering Agreement for this project at its last meeting.

Mayor Outlaw questioned whether the estimate included a contingency allotment. Charles Bauschard, Director of Public Utilities, said there were methodologies within the terms of the agreement to allow for change orders should the actual costs exceed the estimate. He also confirmed that the City intends to keep all customers in service while working on the relocation of the utilities, although there may be temporary power outages. Alderman Bengel questioned whether the City was in a financial position to front the costs prior to receiving reimbursement from NCDOT. Mr. Stephens announced the City recently received a reimbursement from FEMA, which helps the City’s fund balance. He also noted Mr. Bauschard was keeping close tabs on the projects that the City is working on with NCDOT, even halting some work until reimbursement was actually received by NCDOT.

Alderman Aster made a motion to adopt a resolution approving a utility relocation agreement with NCDOT for the US 70 Havelock Bypass, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

**9. Consider Adopting a Resolution Approving the Installation of Additional Streetlights Along Sandy Point Road and Riverside Drive.**

Timothy Querry of 313 Beach Street requested additional streetlighting in the Bridgeton area along Sandy Point Road and Riverside Drive. The Department of Public Utilities evaluated the area and determined the current lighting did not meet the City’s light standard. Although a good portion of this area has been annexed into the City, the City does not provide the area with electric service, nor is it feasible to extend electric service to the area. The City can request Duke Progress Energy install the 18 streetlights that are needed to meet the City’s light standard. The installation cost would be absorbed by Duke, but the estimated monthly utility charge of \$131.94 to \$214.92 would be paid by the City. The actual monthly charge would depend on the type of light fixtures installed.

Alderman Odham asked what the City does or could do to proactively market annexation to other segregated parcels in the unincorporated area. Annexing additional parcels would provide benefits to those residents such as streetlights, police coverage, etc.

Alderman Bengel made a motion to adopt a resolution approving the installation of additional streetlights along Sandy Point Road and Riverside Drive, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 6-0.

**10. Consider Adopting an Ordinance to Amend the Township 7 Sewer Improvements Project Fund.**

The City entered into a contract with Rivers & Associates in February 2016 for engineering services associated with the Township 7 Sewer Force Main – Phase III project. A contract amendment was approved by the Board on August 25, 2020 in the amount of \$53,450, bringing the contract total to \$514,950. This amendment recognizes \$65,000 to be transferred from the Sewer Fund to the Project Fund to increase the project budget from \$450,000 to \$515,000.

Mayor Outlaw questioned whether this project was close to an end. Jordan Hughes, City Engineer, provided an update on the project and explained how some of the work had been coordinated with the NCDOT project for Highway 70. He explained the benefit to the City of synchronizing the work with the NCDOT project, stating it will ultimately lower some of the construction costs since a portion of those costs will be reimbursed by NCDOTs.

Alderman Best made a motion to adopt an ordinance to amend the Township 7 Sewer Improvements Project Fund, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0.

**11. Consider Adopting a Budget Ordinance Amendment for the FY20-21 Operating Budget.**

As described in the previous item, this budget amendment will transfer \$65,000 from the Sewer Fund to the Township 7 Sewer Improvements Project Fund to cover the increased contract price.

Alderman Odham made a motion to adopt a budget ordinance amendment for the FY20-21 operating budget, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

**12. Discussion of County Line Road.**

On November 12, 2019, the Board adopted a resolution requesting NCDOT make improvements to County Line Road. The area has seen substantial growth, and with the anticipation of continued growth and improvements to US 70, the improvements are needed to enhance public safety and aid in facilitating the increased growth.

Mr. Stephens described the area of concern as the back side of Carolina Colours at the end of Old Airport Road. There is a lot of growth in that area, particularly in the Bluewater Rise and Hardee's Farm subdivisions. Bluewater Rise has just one primary, paved ingress and egress to the subdivision, although there is one connection to County Line Road. Matt Montanye, Director of Public Works, spoke with the NCDOT and was advised that NCDOT has no funding available for this section of roadway. The project could be included in the NCDOT State

Transportation Improvement Program (“STIP”), but NCDOT felt it would not score well for funding in the 10-year plan. The other option is the “Secondary Road Fund”, but the budget for that is only \$400,000 for all counties that encompass District 2. Even if all the \$400,000 were available for County Line Road, the funding would not go very far in paving the road.

Alderman Aster said he had received several phone calls from residents, mostly from residents of the Evans Mills subdivision. He asked if the City could do anything to require the contractor to improve County Line Road. Attorney Davis explained the statute specifies that a developer cannot be required to improve an offsite public street. Alderman Aster then asked about the possibility of a moratorium, and Attorney Davis said a moratorium could be imposed while the City changed its subdivision ordinances from an objective process to a subjective process using qualitative factors. It is rare for municipalities to use that process, as it is challenging and not development friendly. Alderman Aster expressed concern about log trucks and other large trucks driving through and asked if there was an ordinance prohibiting that usage. Attorney Davis responded that there was no such ordinance, nor did state statute allow for the banning of vehicles from public streets. He further explained that the City could, however, regulate traffic and reduce speed to a level to discourage use of the road. Aside from that, the only other idea is to talk with NCDOT to see if they would convey a portion of County Line Road to the City so it could be looped back to Highway 70. This would be a longtime solution that would cost the City money.

Alderman Aster asked if the Board would support a resolution to reduce the speed limit from 35 mph to 25 mph from the bridge to Kelso Road, as had been requested by one of the homeowners associations. A consensus was voiced to put the resolution on the next agenda. Police Chief Toussaint Summers was asked to increase patrol in the area.

John Thomas, Engineer for the Bluewater Rise development, said the current master plan provides for a total of 910 homes. That would equate to approximately 6,000 additional vehicular trips per day. The average price point for the homes is around \$285,000 to \$325,000, which yields about \$350 million in tax value.

Alderman Odham inquired about the possibility of creating a Municipal Service District in that area with the increased tax used for the improvement of County Line Road. Attorney Davis said that was possible, although he would have to think through whether the road would be part of the district.

**13. Appointment(s).**

No appointments were made.

**14. Attorney’s Report.**

The City Attorney had nothing to report.

## 15. City Manager's Report.

- Effective October 16, 2020, the Alfred Cunningham Bridge will open as needed on the hour and the half hour between 6 a.m. and 10 p.m., except it will remain closed from 7:30 a.m. to 8:30 a.m. and from 4:30 p.m. to 6 p.m., except holidays. It will open on signal from 10 p.m. to 6 a.m. At Alderman Bengel's request, staff agreed to research the possibility of adding signage near the bridge to reflect the new schedule.
- The Board was reminded of the October 6, 2020 work session at 4 p.m. in the City Hall Courtroom. The preliminary agenda was briefly reviewed.

Mayor Outlaw voiced dissatisfaction with the City's sidewalks. He suggested the City periodically edge the sidewalks with proper equipment, which will assist with identifying integrity issues that need to be addressed. He suggested the funds budgeted for sidewalks be spent mostly in the workforce development area. Alderman Bengel noted there were uneven sidewalks in the downtown area, predominantly caused by old tree roots. She questioned whether staff regularly inspected the sidewalks. Mr. Stephens said staff could focus on that if directed to do so, but the City mostly relied on citizens to report areas of concern. Alderman Odham suggested the possibility of a sidewalk survey, similar to the street survey, to rank the areas of most need. Matt Montanye, Director of Public Works, said staff had worked with the GIS Coordinator to map all the sidewalks and had also developed a plan to use the \$250,000 in the budget to make improvements to existing sidewalks and fill in gaps. Mr. Stephens suggested the City maintain existing sidewalks before adding more sidewalks or filling in gaps. He felt staff could identify and address the sidewalks that pose a trip hazard, without the need to obtain a study.

## 16. New Business.

### Alderwoman Harris

Noting it was National Voter Registration Day, Alderwoman Harris announced a voter registration drive would be held Saturday in Five Points near the former Days Inn site.

Alderwoman Harris said she was going to suggest at the work session that the City consider putting \$50,000 aside for nonprofits to apply for COVID funds.

### Alderman Aster

An update was requested on the Days Inn property. Mr. Stephens said several ideas had been expressed, but the Board had not given direction on how to proceed. Alderman Bengel suggested a work session be scheduled to discuss the topic, and Alderman Odham recommended the work session include an update from the Redevelopment Commission. In response, Alderman Bengel suggested a joint meeting with the Redevelopment Commission. A discussion continued about the property and potential development.

Alderman Odham made a motion for the New Bern Board of Alderman to hold a special meeting on October 14, 2020 at City Hall at 6 p.m. as a joint work session

with the Redevelopment Commission, seconded by Alderman Bengel. The motion carried unanimously 6-0.

Alderman Bengel

The Housing Authority held its regular meeting at City Hall last evening, which was attended by Alderman Bengel and Mayor Outlaw. Gratitude was expressed to the Housing Authority for holding the meeting at a location where it could be televised. Foster Hughes, Director of Parks and Recreation, was asked to provide an update on the recent meeting of the Stanley White Recreation Center Advisory Committee. Mr. Hughes said with the help of a consultant, the Committee approved a plan that would be presented to the Board of Aldermen. Focus group meetings will begin next week, to be followed by another community group meeting. The environmental assessment process with FEMA is still underway.

Mr. Montanye was thanked for his work on the bridge schedule. Chief Summers and his staff were thanked for their quick response at First Flight Federal Credit Union.

Unrelated to MumFeast, Alderman Bengel said Tom Balance, Ashley Moser, Buddy Bengel, and Mike Lentz had requested that the 200 block of Middle Street be closed each Sunday in October until 3 p.m. to facilitate additional outdoor dining. The downtown stores are closed on Sunday and will not be impacted; however, concern was expressed about the potential impact to First Baptist Church. Alderman Bengel wanted an opportunity to speak to the church about the request and at the downtown business meeting. Noting the next regular Board meeting was in October, she asked if it were possible to act on the request. Attorney Davis stated a resolution was preferred to close streets. Alderman Bengel asked if the topic could be added to the October 6<sup>th</sup> work session agenda, and Attorney Davis confirmed that was possible, although that action would exclude the first Sunday in October. He asked Alderman Bengel to notify him and the City Manager of the outcome of the discussion with the church and downtown business group. They can then decide whether to have a special meeting, which would only require four members of the Board attend to have a quorum.

Condolences were expressed to the Country and the family of Ruth Bader Ginsburg.

**17. Closed Session.**

Alderman Odham made a motion to enter into closed session pursuant to NCGS §143-318.11(a)(3) to discuss the City of New Bern vs. Carlson, seconded by Alderman Bengel. The motion carried unanimously 6-0, time being 7:43 p.m.

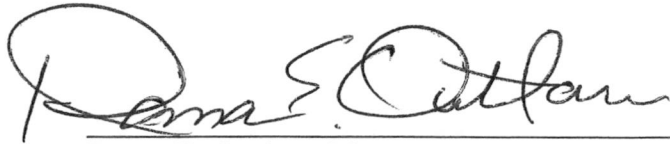
**18. Adjourn.**

Alderman Bengel made a motion to adjourn, seconded by Alderman Odham. The motion carried unanimously 6-0, time being 8:19 p.m.

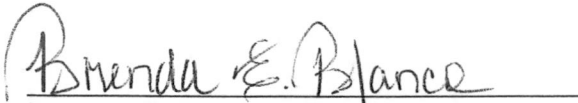
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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

Minutes approved: October 13, 2020

A handwritten signature in cursive script, reading "Dana E. Outlaw", written over a horizontal line.

Dana E. Outlaw, Mayor

A handwritten signature in cursive script, reading "Brenda E. Blanco", written over a horizontal line.  
Brenda E. Blanco, City Clerk