

**City of New Bern
Board of Aldermen Meeting
October 27, 2020 – 6:00 P.M.
City Hall Courtroom
300 Pollock Street**

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer by Alderman Odham. 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.

At the request of Alderman Best, a moment of silent prayer was observed for Johnny and Ethel Sampson, both of whom have suffered with COVID-19.

Consent Agenda

- 3. Consider Approving a Proclamation for Lights on Afterschool.**

The New Bern Boys & Girls Clubs requested a proclamation observing Lights on Afterschool. This event was launched in October 2000 to celebrate afterschool programs and the important roles they play in the lives of children, families, and community. It is observed annually on the fourth Thursday in October.

- 4. Consider Adopting a Resolution to Call for a Public Hearing to Amend the Historic District Guidelines.**

The Historic Preservation Commission approved additional changes to the Historic District Guideline, and the Planning and Zoning Board recommended approval. The guidelines were recently amended on July 14, 2020, but the newest revisions address unique issues that have arisen due to a modern subdivision with 17 vacant lots on the edge of a residential area in the Downtown Historic District. It was requested that a public hearing be called for November 10, 2020, to consider the latest revisions.

- 5. Consider Adopting a Resolution to Call for a Public Hearing on Rezoning 3205 Country Club Road from R-15 to R-10.**

Samantha and Wendell Wright requested to rezone 3205 Country Club Road from R-15 residential district to R-10 residential district. The property is a vacant 0.45-

acre parcel. The Planning and Zoning Board unanimously approved this request at their October 6, 2020 meeting. It was requested a public hearing be called for November 10, 2020, to consider the request.

6. Approve Minutes.

Minutes from the October 6, 2020 work session, October 13, 2020 regular meeting, and October 14, 2020 work session were provided for review and approval.

Alderman Aster made a motion to approve Items 3-6 of the Consent Agenda, seconded by Alderman Odham. The motion carried unanimously 7-0.

7. Presentation on Pembroke Sidewalks.

Matt Montanye, Director of Public Works, shared a PowerPoint presentation on the condition of pavement and sidewalks within the Pembroke community. He stated the overall rating of streets within that community was a 94.0, which was very good. However, the blocks of Charles Street between Chestnut to Pembroke and Pembroke to McKinley ranked 39 and 63, respectively. Both blocks are included in the FY2021 paving project and are scheduled to be addressed. While the rating study was performed in 2018, Mr. Montanye said he had recently driven the streets of Pembroke and found them to still be in very good overall condition.

The City's 2009 Pedestrian Plan provided for sidewalks to be installed on Country Club Road and for a connection from Country Club Road to Trent Road via Chestnut Avenue. Based on his recent review of the area, Mr. Montanye suggested sidewalks be installed in accordance with the Pedestrian Plan, with the addition of sidewalks from Chestnut Avenue to Aycock Street and from Aycock Street to Country Club Road (slide 11 of the presentation). He reviewed the obstacles with installing sidewalks, such as removal of trees and relocation of driveways, mailboxes, drainage culverts, etc. The estimated cost was \$50-\$100 per linear foot, for a total estimate of \$678,375 to \$1,306,250. There would also be a need to obtain easements.

Alderman Aster asked if it would be easier to install bike or walking lanes, similar to what was done in Evans Mill, the next time the streets were repaved. Mr. Montanye stated while that would be less expensive, it would still yield some obstacles, such as removal of trees, relocating ditches, etc.

Noting the City had received funding from the State for the area of Trent Road that was never patched or repaired by the State, Alderman Odham inquired about the status of that area. Mr. Montanye stated the City moved forward with Old Airport Road and put the portion of Trent Road on hold, but would pursue it at a time when the Board authorizes staff to move forward with the engineering. Alderman Odham further asked if the 2009 Pedestrian Plan ranked the priority of sidewalks. If so, where did the Pembroke Community fall within the ranking? Mr. Stephens stated

the Plan did provide priority ranking and outlined short-term, mid-term, and long-term projects. The point of the Plan was to achieve walkability along core streets that have a high volume of traffic and to also connect to common locations.

Alderwoman Harris stated the Pembroke community felt like nothing had been done in their area for a while. Noting the City Hall elevator project was scaled back, she asked the Board about the level of their desire to move forward with this project. Mayor Outlaw voiced a need to make the community connectable to the Work Force Development Center (i.e. VOLT Center). Alderman Bengel stressed the need to strengthen neighborhoods and stated she felt it was in the City's best interest to pursue a bond to address sidewalks and needs in all communities. Alderwoman Harris asked about the feasibility of having a bond presentation at the first meeting in November.

Alderman Aster inquired about the cost to extend the sidewalks along Country Club Road to Pembroke to provide access to the VOLT Center, and Mr. Montanye responded approximately \$57,500. Alderman Aster suggested the funds currently budgeted for sidewalks be used to make this connection now, and the City consider a bond for additional sidewalks. Alderman Best voiced concern about using the entire sidewalk budget of \$250,000 in Pembroke when there were other areas in need of sidewalks. Alderman Aster explained he was only suggesting \$60,000 of the budgeted funds be utilized. During discussion, the potential issues with obtaining sidewalk easements within the Pembroke community was confirmed with the City Attorney, as many of the properties may be owned by heirs.

Alderman Aster made a motion to extend the sidewalk down Country Club Road to the Pembroke community and look at bonds as a source to perform the rest of the sidewalk work, seconded by Alderwoman Harris. The motion carried unanimously 7-0.

Alderman Odham stated he assumed a project fund or budget amendment would be presented to the Board for approval, and he asked that when such an item is placed on the agenda that the Board also receive a ranking of the Pedestrian Plan. While he had no issue with moving forward, he felt it was necessary to make sure that sidewalks were pursued on a methodical basis. Mr. Montanye stated he would share the ranking information with the Board during the current week. Although a budget amendment for the approved project would not be needed, the Board would be made aware of the cost of the contract.

Alderman Aster commented the next sidewalks to be extended should be those extending to Craven Community College. Alderman Bengel asked if there were any economic development funds that could be utilized to expand the sidewalks, and Mr. Stephens said that would be reviewed. Mr. Montanye estimated the sidewalk extension from the Volt Center to the Pembroke community would take 90 days to 6 months.

8. Consider Approving the 2021 Holiday Calendar.

Annually, the Board approves a holiday calendar reflecting the holidays to be observed and dates for which City offices will be closed. The proposed calendar for 2021 mirrors the 12 days that will be observed by Craven County, which includes a floating holiday for Veterans Day. The State of North Carolina will also observe 12 days in 2021, although their schedule differs in that it observes one day for Veterans Day and an additional day at Christmas.

Alderwoman Harris announced a group would be advocating for the City to incorporate Juneteenth as a paid holiday. She stated a lot of counties and cities within the state had incorporated this as an additional holiday.

Alderman Kinsey made a motion to approve the 2021 holiday calendar, seconded by Alderwoman Harris. The motion carried unanimously 7-0.

9. Consider Approving the 2021 Board of Aldermen Meeting Roster.

The Board adopts a meeting roster for each calendar year. The proposed roster identifies the 2nd and 4th Tuesdays of each month as well as two additional days in May to review the budget. It also provides for a retreat to be held on the first Saturday in February. All meetings will begin at 6 p.m., unless otherwise indicated or later announced.

Instead of the retreat being a whole day on Saturday, Alderman Bengel expressed a preference to conduct it a half day on Friday and a half day on Saturday.

Alderman Kinsey made a motion to adopt the 2021 meeting roster as presented with the addition of February 5, 2021 at 1 p.m. for a scheduled work session/retreat, seconded by Alderman Odham. The motion carried unanimously 7-0.

10. Consider Adopting a Resolution to Extend the Temporary Closure of Specific Streets for Street Cafes.

Lynne Harakal, Executive Director of Swiss Bear, requested an extension of the street closures until December 19, 2020, to allow for the continued operation of street cafes. The streets to be closed are the 200-300 blocks of Middle Street, 300 block of Pollock Street, and 300 block of Craven Street from the point of Morgan's to Pollock Street.

While she was supportive of this item, Alderwoman Harris said there were other businesses within the City that would also like to have the opportunity for streets to be closed. She specifically referenced the Broad Street Association's desire to close portions of Broad Street to facilitate a pop-up vending shop. It was noted anyone desiring a street closure should reach out to Parks and Recreation to complete an application.

Alderman Best asked if other restaurants within the City were able to have outdoor cafes, and Alderman Bengel said she was aware that LaCasetta had set up outdoor dining in their parking lot. Alderwoman Harris noted there was a recent uproar from Bay Leaf about concerns relating to their inability to participate in the downtown street cafes. Alderman Bengel stated she was not aware, but would be happy to speak with them about their concerns.

Alderman Odham made a motion to adopt a resolution to extend the temporary closure of specific streets for street cafes, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

11. Consider Adopting a Resolution to Transfer Properties to the Redevelopment Commission.

On February 11, 2020, the Board adopted a redevelopment plan presented by the Redevelopment Commission. The plan facilitates rebuilding and rehabbing within the Commission's boundary to reverse the overall decline of neighborhood character and create a functional transportation network to support economic growth and public welfare. It is proposed that specific City-owned properties located within the Commission's boundary be transferred to the Commission to enable it to carry out the plan.

While recently meeting with the Redevelopment Commission, the Board expressed a desire to also transfer the property at 908 Bloomfield Street, known as the McCotter House. However, this particular property was seized in a drug case, after which ownership was transferred to the City. There is a deed restriction that the property must be used as a police substation. Any other use of the property would have to be approved by the US Marshal's office. Thus, the McCotter House and the contiguous vacant lot at 942 Main Street are not included in the transfer. Mr. Stephens said a request to release the deed restriction would be submitted to the US Marshal.

After confirming that the property would be transferred by a quitclaim deed, Mayor Outlaw asked who served as the attorney for the Redevelopment Commission. Attorney Davis said he was also the Commission's attorney to an extent, and he explained why the City never issued general warranty deeds. Alderman Odham asked if the Commission would assume maintenance of the lots once transferred. Attorney Davis said he was not sure if the Commission was aware of that need. Attorney Davis explained the options were to approve the transfer and hold off on recording the deed until the maintenance of the lots was addressed, or table the item until the November 10th meeting.

Alderwoman Harris made a motion to continue this item until November 10, 2020, seconded by Alderman Odham. The motion carried unanimously 7-0.

12. Consider Adopting a Resolution Approving Extended Construction Hours for East Point Homes.

The Housing Authority of the City of New Bern is developing a multifamily, low-income apartment complex at 703 Carolina Avenue. The City's noise ordinance prohibits construction beyond the hours of 7 a.m. to 9 p.m. without approval from the Board of Aldermen. The construction manager finds it necessary to perform certain work, such as pouring of concrete, outside of these hours and is requesting a brief exemption from the noise ordinance.

If there are noise complaints, the resolution provides the City Manager could meet with the construction superintendent in an attempt to minimize the complaints. If they were unable to reach a solution, the Board could rescind the exemption. Alderman Bengel asked if area residents would be notified, especially the apartments on Carolina Avenue. Alderwoman Harris said she would post a notice on her page, and she hoped the City would as well.

Alderwoman Harris made a motion to adopt a resolution approving extended construction hours for East Point Homes, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

13. Consider Adopting a Resolution Approving the NBAMPO 5303 Grant Contract with NCDOT.

On behalf of the New Bern Area Metropolitan Planning Organization ("NBAMPO"), the City was identified as the direct recipient of Section 5303 Federal Transit Administration Urban Planning Funds. These funds are managed by NCDOT's Public Transportation Division. The total allocation for FY2020-21 is \$25,000, which reflects a Federal and State share of \$22,500 and a local share of \$2,500. The local share will be provided by the jurisdictions participating in the New Bern Area MPO as follows: New Bern \$1,387.00; River Bend \$148.50; Trent Woods \$203.50; Bridgeton \$21.00; and Craven County \$740.00.

(Alderman Kinsey momentarily stepped out of the room at 7:14 p.m.)

Alderwoman Harris made a motion to adopt a resolution approving the NBAMPO 5303 Grant Contract with NCDOT, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0. Of note, Alderman Kinsey had momentarily stepped out of the room, thus technically yielding an affirmative vote.

14. Consider Adopting a Resolution Approving a Utility Relocation Agreement with the NC Department of Transportation for the US 70 James City Widening Project.

The NC Department of Transportation ("NCDOT") requested the City relocate electric utilities for the purpose of constructing the US 70 James City freeway. The cost of such relocation is estimated at \$2,183,718, and the agreement establishes the cost estimate and terms for reimbursement from NCDOT.

(Alderwoman Harris momentarily stepped out of the room at 7:15 p.m.)

Mayor Outlaw asked questions about the agreement, which were addressed by Charles Bauschard, Director of Public Utilities.

(Alderman Kinsey returned to the room at 7:17 p.m. Alderwoman Harris returned to the room at 7:18 p.m.)

Mayor Outlaw suggested a couple of Board members be regularly updated on the project so they could share the information with the full Board. Alderman Aster stated he had already requested that Mr. Bauschard provide him with weekly updates.

Alderman Best made a motion to adopt a resolution approving a utility relocation agreement with NCDOT for the US 70 James City Widening Project, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

15. Consider Adopting a Resolution Authorizing the City Manager to Execute a Contract with Pintail Oilfield Services for the Quarry 1 and Quarry 2 Hurricane Florence Drainage Ditch Project.

Following Hurricane Florence, the City began working with FEMA to remove sediment and debris from 66 miles of drainage ditches throughout the City. Bids were received for work within two of the drainage basins, namely Quarry 1 and Quarry 2. Pintail Oilfield Services, LLC submitted the lowest bid at \$655,835. It was requested the Board consider a resolution authorizing the City Manager to execute a contract with Pintail for this work. The project time would be 150 days.

Alderman Odham asked if there were FEMA requirements that must be met by the contractor, such as insurance, worker's compensation, etc. and Mr. Stephens confirmed there were requirements. Upon inquiry from Alderman Best, Mr. Stephens also explained Quarry 1 and Quarry 2 were simply project names that had been assigned. George Chiles, Public Works Engineers, explained the location of the work to be performed and the flow of water in the subject area.

Alderman Kinsey made a motion to adopt a resolution authorizing the City Manager to execute a contract with Pintail Oilfield Services for the Quarry 1 and Quarry 2 Hurricane Florence Drainage Ditch Project, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

16. Discussion of a School Resource Officer at Creekside Elementary School.

The Craven County Board of Education ("BOE") approved \$49,500 for an additional School Resource Officer ("SRO") at Creekside Elementary School. In addition to the school duties, the SRO would provide crime prevention education and be available to supplement staffing west of James City, thereby improving police coverage during the Highway 70 construction phase.

To accommodate this request, the Police Department would fill the position with an existing Master Police Officer and would need to hire one additional Police Officer. Considering heightened school violence nationwide, it was recommended consideration be given to the request. If the Board desired to move forward, a resolution approving a contract with the BOE would be presented at a future meeting for approval.

Alderman Kinsey questioned the additional cost to the City that would not be covered by the grant funds. Stating the position would be filled with a Master Police Officer, Police Chief Toussaint Summers said the worse-case scenario would be \$20,000 for the nine-month school period and \$43,000 for a full year. Alderman Kinsey suggested meeting with Craven County and the BOE to discuss additional funding needed to cover the full cost of an officer. Chief Summers and members of the Board reminded Alderman Kinsey that a meeting recently took place to address this.

Alderman Bengel asked for a census of Creekside to show the percentage of students that were New Bern residents. She also inquired as to when the SRO would start, and Chief Summers responded January 2021. Chief Summers said the SRO would have the freedom to leave the school and respond to an area call, as needed.

Alderman Odham reported on the two previous meetings that were held with the BOE and Craven County regarding funding. He felt the question was whether the Governing Board felt the intel received was worth the quarter-of-a-million dollars it costs the City to provide the six SROs. Alderman Bengel and Alderwoman Harris voiced concern that the students were not regularly attending school during the pandemic. Alderman Aster stated he would have to support the request since the children in his ward attend Creekside. However, he agreed the issue of funding from the County or BOE needed to be addressed. While commenting that a price tag could not be placed on the safety of the children, Alderman Best agreed that the County needed to provide more funding. Alderman Odham said his comment had nothing to do with the safety of the children in the schools. He was making the point that if the City did not provide the SRO, the County would step up and fill the position and would finally have to make up the difference in the cost.

Alderman Aster reported that during the meetings with the County and BOE, the City advised them they would have until 2021 to figure out the funding.

(Alderman Kinsey momentarily stepped out of the room at 8:11 p.m.)

After continued discussion, the Board directed the City Manager to place this item on the November 10, 2020 agenda.

17. Consider Adopting an Ordinance to Amend Article VI “Stopping, Standing, and Parking” of Chapter 70 for Off-Street Parking.

At the October 13, 2020 meeting, Alderman Bengel announced the Brown Pelican had asked to implement outdoor seating in the rear of their facility by utilizing a City-owned parking lot with leased spaces. To facilitate this request, an ordinance amendment would be needed to permit the City Manager to authorize use of the City’s leased parking lots for a public purpose.

(Alderman Kinsey returned to the room at 8:15 p.m.)

Alderman Bengel made a motion to adopt an ordinance to amend Article VI “Stopping, Standing, and Parking” of Chapter 70 for off-street parking, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

18. Consider Adopting a Budget Ordinance Amendment for the COVID-19 Nonprofit Grant.

At its last meeting, the Board established a COVID-19 Nonprofit Grant Program to assist eligible nonprofits within the city limits. This budget amendment reallocates \$50,000 of the Coronavirus Relief Funds for the purpose of funding the grant program. Since the implementation of the program, BEFCOR reported it had received 34 requests for applications, 10 of which had been returned, per Mr. Stephens.

Alderwoman Harris made a motion to adopt a budget ordinance amendment for the COVID-19 nonprofit grant program, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

19. Appointment(s).

No appointments were made.

Alderman Bengel announced that last Monday Mayor Outlaw appointed Rev. Ronald Scott to the New Bern Housing Authority.

20. Attorney’s Report.

The City Attorney had nothing to report.

21. City Manager’s Report.

The City Manager had nothing to report.

22. New Business.

Alderman Odham

A recent staff report referenced the City's recognition from GovDeals. Alderman Odham asked about the policy or procedure for determining what is surplus and when it is listed for sale. Mr. Stephens described the requirements and process. Alderman Odham asked that the Board receive a copy of the list of items that is submitted to the City Manager for approval as surplus.

Noting Election Day was next Tuesday, the public was reminded to vote.

Alderman Kinsey

Complaints were received about the need for a traffic light at the end of Racetrack Road and Neuse Boulevard. Staff was requested to provide a study on this intersection. Alderman Odham noted Development Services had a recent study, and he did not feel NCDOT would approve a traffic light because of impending plans. The City Manager was directed to bring a resolution before the Board in support of the light to see how NCDOT would respond.

Mayor Outlaw

A lot of calls were received about the Neuse River fish kill. It was suggested information be provided on the PEG channel and that a presentation be made by the Neuse Riverkeeper.

Alderwoman Harris

A letter was received from the White House indicating Craven County was an area of concern with respect to COVID-19 cases. The public was encouraged to do its part to help stop the spread. Alderwoman Harris announced that she and Alderman Best had partnered with NC Health and Human Services to distribute gloves and masks to the public on Saturday, October 31, 2020, from 10 a.m. to 12 noon at the park on Broad Street. Candy would be handed out to the children. Alderman Best noted the Craven County Health Department would also be in attendance to provide information on COVID-19.

Everyone was thanked for their support during her medical trial.

Alderman Bengel

The preschool parade is scheduled for Friday. Foster Hughes, Director of Parks and Recreation, provided information on the parade route and noted each participant would receive a goody bag. The last outdoor movie is slated for Friday, October 30th, at 6:30 p.m. Holiday movies will be offered at Union Point Park during the Christmas season.

Information was sought on pursuing a request to lift the US Marshal's deed restrictions on the McCotter House. Attorney Davis asked for a resolution of support from the Redevelopment Commission to be sent to the City. The City would then contact the US Marshal to request the restriction be lifted.

23. Closed Session.

A closed session was not needed.

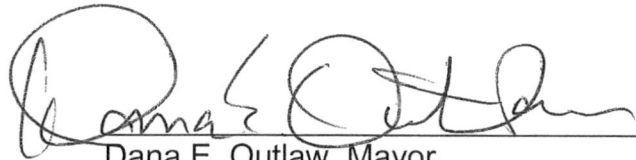
24. Adjourn.

Alderman Aster made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously 7-0, time being 8:34 p.m.

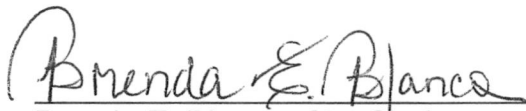
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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 10, 2020



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk