

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
OCTOBER 12, 2021 – 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 Johnnie Ray Kinsey, Alderman Barbara Best, and Alderman Jeffrey Odham. Absent: None. A quorum was present.

Also Present: Foster Hughes, City Manager; Michael Scott Davis, City Attorney; Jaimee Bullock-Mosley, Assistant City Attorney; and Brenda Blanco, City Clerk.

- 3. Request and Petition of Citizens.**

Rev. Ray Griffin of 1981 Streets Ferry Road, Vanceboro, read a statement about the need for a great revival in America. He asked the Board to read Psalm 85:6.

Consent Agenda

- 4. Consider Adopting a Resolution Closing Specific Streets for the Tryon Palace Candlelight Celebration.**

Susan Briley, Operations Manager at Tryon Palace, requested the 600 block of Pollock Street and 300 block of George Street be closed on December 11th and 18th from 2 p.m. until 11 p.m. for Tryon Palace's Candlelight Christmas Celebration. To accommodate a fireworks display both evenings, she also requested a temporary block of South Front Street at the location of Palace Point Commons.

- 5. Consider Adopting a Resolution to Close Specific Streets for the Sudan Shriners Annual Parade.**

On behalf of the Sudan Shriners, Sharon Evans requested the 400-800 blocks of George Street, 400-600 blocks of Broad Street, and the 200-300 blocks of Middle Street be closed to vehicular traffic on January 22, 2022 from 10 a.m. until 2 p.m. for the Shriners' Annual Winter Ceremonial Parade. It was also requested that the south side lane of Broad Street be closed to parking from 12 a.m. until the conclusion of the parade.

6. Approve Minutes.

Draft minutes from the September 28, 2021 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 by Promise Place.

Promise Place is the primary resource for victims of sexual assault and crime in Craven, Jones, and Pamlico Counties. Jenifer Gonzalez, who joined Promise Place in May of this year as its Executive Director, shared current information about the nonprofit, including the services offered and names of other agencies and organizations with which Promise Place partners.

8. Presentation on Environmental Protection Agency's Brownfields Grant Program and Consider Adopting a Resolution Authorizing Submission of a Brownfields Grant Application.

Srikanth Nathella, Program Manager with Draper Aden Associates, shared a PowerPoint presentation to review the Environmental Protection Agency's ("EPA") Brownfield grant program. The program is designed to redevelop abandoned and potentially hazardous sites into new uses that will spark economic growth. The Board was asked to consider adopting a resolution authorizing staff to submit a grant application seeking \$500,000 in Brownfields funds. Grant funds can be used to inventory, characterize, assess, and conduct activities such as cleanup planning and community involvement. The grant does not require a monetary match. Staff is focusing on properties located within the Choice Neighborhood Initiative ("CNI") area.

Alderwoman Harris made a motion to adopt a resolution authorizing submission of a Brownfields Grant Application, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

9. Presentation of Guidelines for Elected and Appointed Boards, Commissions, and Committees Using Personal or Official Social Media Platforms.

Mr. Davis explained as the City continues to participate in social media, it is important to establish guidelines for elected or appointed officials who use personal or official media platforms. Government-related communication through social media platforms is considered a public record and must be kept for a specified period of time in compliance with the public records law. Issues associated with social media come in three broad categories: laws that apply to elected and appointed officials, laws that apply to employees, and the administration of the City's social media platforms. The guidelines presented at this time only address

elected and appointed officials and are designed to help those individuals understand their legal duties. Those obligations are not to break laws, such as public records laws and disclosure of confidential information or employee privacy records. There are also restrictions on editing social media posts.

Official social media pages are those that are endorsed, managed, and administered by the City. Personal social media platforms of elected and appointed officials are a bit trickier. It is possible to get in trouble by comingling information between personal and official accounts. Any content about City business becomes a public record, even when posted on personal or private pages.

A resolution will be presented in the future to adopt the guidelines. Guidelines do not regulate the content of what one posts; they do not remove one's first amendment rights. However, there are obvious exceptions to the first amendment regardless of one's position (i.e., employee privacy records, trade secrets, etc.).

(Alderman Kinsey momentarily stepped out of the room at 6:44 p.m., returning at 6:46 p.m.)

Alderman Best asked about invitations for elected officials to participate in talk shows to discuss city business. Mr. Davis replied elected officials are always free to be interviewed in any format. The twist is when the elected official is providing the platform for the content, as the platform has the responsibility to comply with the laws. Alderwoman Harris asked questions about forwarding information from a personal account to the City Clerk for retention. Mr. Davis recommended when a personal email account is used to discuss official business, that the elected official copy their city email so that the information is captured by the City. Alderman Odham asked if emails received through a city email account are archived by the City, and Mr. Davis said he was 90% sure they were. Mr. Davis also noted email advertisements were an exception and could be discarded. Alderman Odham expressed a desire for the Board to have a future discussion regarding various departmental social media pages versus the one official City page. He stated there is some disjointedness between all of those. Mr. Davis said in the future staff would be seeking direction from the Board with that respect.

(Alderman Best momentarily stepped out of the room at 6:53 p.m.)

- 10. Conduct a Public Hearing on the Rezoning of 356 Rocky Run Road; and**
 - a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and**
 - b) Consider Adopting an Ordinance to Rezone 356 Rocky Run Road from R-20 Rural Residential to A-5F Agricultural Forestry District.**

Michael Raines requested to rezone two parcels that total approximately 77.72 acres. The parcels are in the City's extraterritorial jurisdiction ("ETJ") area and are located at 356 Rocky Run Road and further identified as Tax Parcel IDs 8-210-031 and 8-210-029. The current zoning is R-20 rural residential, and zoning as A-5F agricultural forestry district was sought. The Planning and Zoning Board

unanimously approved the request at its September 7, 2021 meeting. Jeff Ruggieri, Director of Development Services, shared a PowerPoint reviewing the request and subject property. The Board was asked to conduct a public hearing and then consider adopting a statement of zoning consistency or inconsistency, followed by consideration of an ordinance to rezone the property.

(Alderman Best returned to the room at 6:56 p.m.)

Mayor Outlaw opened the public hearing, and the following came forward to speak:

- Marshall Ballard, a resident of the Rocky Run community, asked to meet with the property owner to inquire about his plans for the property.
- Cheryl Foy, also a resident of the Rocky Run community, asked how the rezoning would affect the community overall. She asked whether the area residents' taxes and water bills would be raised, if there would be an increase in traffic, what type of chemicals would be used on the land, and what potential pollutants may be expected. Additionally, she questioned how long the rezoning would be in effect.
- Michael Raines, owner of the property, announced his plans for the property include timber management. The land's soil is not good for development, so there is no intent to develop the land. Traffic will likely be less once the property is zoned agricultural, and the environmental impact should be improved with management of pines. Mr. Raines said his aim was not to have a negative effect on the community.

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

Mr. Davis stated the law indicates the Governing Board is to consider all potential uses of the new zoning district, not what the applicant promises, intends, or expects to do. The current zoning of this property is R-20, which allows for residential lots not less than 20,000 square feet in size. Currently, the owner has the right to fill the property with houses. However, in this instance, the owner is asking to convert the property to an agricultural zone, which has the lowest impact on the property. Once zoning is established, it is in place until a property owner asks for it to be rezoned. Alderman Bengel pointed out properties in the ETJ are not taxed by the City, but by Craven County. Therefore, the City could not offer input as to how zoning may affect taxes.

Alderman Bengel made a motion to allow additional comments, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

- Noting a lot of wildlife exists in the area, Ms. Foy expressed concern about tearing down their habitat, and she felt consideration should be given to the impact on the wildlife.
- Edward Mallison, a property owner in Rocky Run, stated the applicant indicated the subject property is only suitable for growing timber. Mr. Mallison stated the

current timber was not large enough to harvest, and he did not see how it would be beneficial to the community to change the zoning.

- Alderman Kinsey called Marshall Ballard back to the podium and asked if Mr. Ballard's questions had been adequately answered. Mr. Ballard asked if the area citizens could have a meeting with the property owner and alderman. Mr. Davis said since the property is in the ETJ, there is no alderman responsible for that area. He advised the Board could approve or deny the request or delay its decision by tabling the matter.

Mayor Outlaw asked Mr. Ruggieri to explain the process for rezoning requests and the previous opportunity for meetings. Mr. Ruggieri confirmed with any rezoning that all property owners with 100 feet of the rezoning boundary are notified of the rezoning request. Signage is also posted on the property, and a public hearing is held by the Planning and Zoning Board prior to the matter being heard by the Governing Board.

At Alderman Odham's request, Mr. Raines explained the timber management's plan for the property. Mr. Raines noted some of the frontage was cleared 10-12 years ago. Thus, the more mature trees are unseen from the frontage. Part of the timber management plan will address environmental and wildlife management.

- Amanda Hurse questioned if the rezoning were to be approved whether the owner could build single-family detached homes. It was confirmed the owner could build homes, and it was noted he also has that ability under the property's current zoning.

Alderman Odham made a motion to adopt a statement of zoning consistency, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

Alderman Odham made a motion to adopt an Ordinance to Rezone 356 Rocky Run Road from R-20 Rural Residential to A-5F Agricultural Forestry District, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

11. Update on VW-DC Fast Program Grant and Discussion of Electric Vehicle Charging Rates.

Charlie Bauschard, Director of Public Utilities, provided an update on the City's grant award to purchase and install two electric vehicle ("EV") DC FAST charging stations. The stations are in the Red Bear parking lot at the south end of Craven Street and will soon be available for public use. At a future meeting, an ordinance will be presented to establish the rates and policies with respect to use of the charging stations. Mr. Bauschard reviewed the consideration that will go into establishing the rates and entertained questions from the Board.

12. Appointment(s).

No appointments were made.

13. Attorney's Report.

The City Attorney had nothing new to report.

14. City Manager's Report.

- Mr. Hughes introduced Marvin Williams, who was selected to fill the position of Assistant City Manager. Mr. Williams is currently serving as Police Chief for Havelock and has a bachelor's degree in psychology and a master's degree in strategic studies. He will begin working with the City in November. Mr. Williams stated he has worked and lived in Eastern North Carolina for over 30 years, and he and his wife are looking forward to being a part of this community and working with the employees and citizens.
- A number of City employees were involved in MumFest this past weekend, and MumFeast is slated to take place this upcoming weekend.
- New Bern 101, a seven-week course, begins this Thursday and involves all departments. Twenty applicants have registered to participate. The course will be offered biannually.
- After having studies performed on the Tisdale House, the former site of the Black Swan business, staff recommends releasing a Request for Qualifications to see if outside individuals are interested in relocating the building or demolishing the structure. Guidance from the Board was sought. Mayor Outlaw expressed a desire to seek quotes for moving the home in a 60-day timeframe or demolishing the structure and salvaging some materials. Alderwoman Harris expressed support for the Mayor's suggestion and recommended if it must be demolished that any salvageable items be donated to Habitat for Humanity. Alderman Odham also supported the Mayor's proposal, but suggested it be made very clear to any interested parties what the legal obligations would be. Alderman Bengel asked that New Bern Preservation Foundation be contacted and have an opportunity to move the home, considering their history with relocating historical homes.
- Mayor Outlaw requested an update on Martin Marietta Park. Mr. Hughes stated the grant is coming to an end, and consultants from the Parks and Recreation Trust Fund have toured the area and signed off on the work. There is a little bit of roadwork to be completed at the front of the park. The goal is to have a grand opening on this phase by mid-November.

15. New Business.

Alderman Odham

The City Manager was asked to share information on the carnival that is in town. Mr. Hughes announced National Midways is in Lawson Creek Park and will be open October 15th-24th, operating from 5 p.m. – 11 p.m. This is not a sponsorship with the City; the vendor has paid to rent the park for 10 days.

As a MumFest attraction, Public Utilities offered and did a good with taking kids up in a bucket truck. Jokingly, Alderman Odham challenged Jordan Hughes, City Engineer, to see how many people would be willing to enter the sewer manholes at next year's festival.

Alderman Best

At the intersection of Racetrack Road and Neuse Boulevard, a light pole blocks the view of traffic that is trying to pull out onto Neuse Boulevard. George Chiles, Interim Director of Public Works, was asked to reach out to the NC Department of Transportation about their intentions to install a traffic light. She also suggested he investigate whether the light pole could be moved.

Alderman Aster

A power outage is scheduled for this Friday from 9 a.m. to 1 p.m. in Taberna and will affect about 75 homes on Boleyn Loop, Ticino Road, Ticino Circle, and 601-609 Taberna Circle.

Complaints of excessive speeding have been received about those traveling Old Airport Road to Evans Mill. Alderman Aster stated he would ask the Police Department for additional enforcement in the area.

Fire Chief Bobby Boyd was asked to share information on the Fire Department's challenge at MumFest. Chief Boyd announced the agility course challenge raised almost \$1,200 for the Muscular Dystrophy Association ("MDA").

Thanks to Public Works for surveying the stop bar and stop sign by Brices Crossing. They will soon be repainted and relocated.

Alderwoman Harris

Noting she had been breast cancer free for one year as of October 7th, everyone was thanked for their prayers and support. For those who know her mother's story, Alderwoman Harris commented that her mother is now 71 years old.

Habitat for Humanity is educating citizens and looking for block captains to step into leadership roles in the Duffyfield area. Those interested can reach out to Antoinette Boskey-Chadwick at 252-633-5512.

Gratitude was expressed to the Fire Department for the safety training and education provided to the students at Trent Park Elementary School.

The Stanley White Recreation Center Advisory Committee is scheduled to meet on October 19th at 6 p.m. at City Hall. The meeting is open to the public.

Alderman Bengel

MumFest was again successful. A heartfelt thanks was expressed to Parks and Recreation, Public Works, and Police. This was the smoothest festival to date.

Alderman Bengel inquired as to whether the list of real surplus property would soon be available to the Board. Mr. Ruggieri responded the list is currently up to date.

Sympathy was expressed to the Sampson family on the passing of Ernest Sampson, the son of Ethel Sampson.

16. Closed Session.

A closed session was not needed.

17. Adjourn.

Alderman Aster made a motion to adjourn, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0, time being 8:15 p.m.

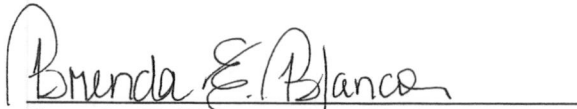
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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: October 26, 2021



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk