

**Minutes of the  
New Bern Planning & Zoning Board  
April 2, 2019 – 5:30 P.M  
New Bern City Hall – 303 Pollock Street**

1  
2 **Members Present:**

Raymond Layton, Chair  
Sonny Aluzzo, Vice- Chair  
Haron Beatty  
Jeffrey Midgett  
Don Black  
Pat Dougherty  
Jerry Walker  
Carol Williams  
Marshall Ballard arrived at approximately 5:35 p.m.

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12 **Members Excused (E)/Absent (A):** Willie Newkirk Sr.

13  
14 **Staff Present:** Morgan Potts, AICP, City Planner, Jeff Ruggieri, Executive Director of New  
15 Bern Development Services; Nadia Abdul-hadi, Planner I; Bradleigh Sceviour, Land and  
16 Community Administrator

17  
18 **Others Present:** Tharesa Lee, Chair of the Redevelopment Commission; Jennifer Campbell,  
19 Recording Secretary

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21 **1. ROLL CALL**

22  
23 Chair Raymond Layton called the meeting to order at 5:31 p.m. Staff member Morgan Potts  
24 delivered roll call of all members and quorum was declared.

25  
26 **2. APPROVAL OF MINUTES FROM PREVIOUS MEETING**

27  
28 There were no minutes to approve.

29  
30 **3. NEW BUSINESS**

31  
32 **A. Informational Session, “New Bern Redevelopment Commission”, by Jeffrey**  
33 **Ruggieri, AICP, Executive Director of the New Bern Redevelopment Commission.**

34  
35 Mr. Jeffrey Ruggieri, Executive Director of the New Bern Redevelopment Commission  
36 introduced himself and explained his purpose of coming before the Zoning & Planning Board.  
37 He began by giving an overview of the Redevelopment Commission and their purpose in New  
38 Bern.



## City of New Bern URBAN REDEVELOPMENT AREA

39

### URBAN REDEVELOPMENT AREAS

- Geographic area targeted for redevelopment by a local government
- NC G.S. Chapter 160A, Article 22
- Once designated, special statutory powers can attract private investment
- Must first create a URA Redevelopment Plan
- Powers exercised must align with objectives set forth in the URA Plan



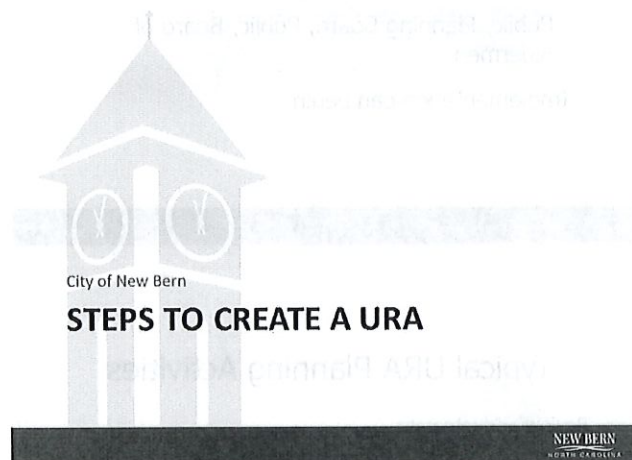
40  
41 He stated that the most important part of what this is, is improving neighborhoods, improving areas  
42 and eventually attracting private investment back into areas of towns and cities that have  
43 historically seen a lot of disinvestment. He went on to explain that in order to move forward, the  
44 Commission needs to create a plan and right now they are at step one, which is essentially defining  
45 the area where the Redevelopment Commission will be planning.

46  
47 He said that once the plan is created, every action the Redevelopment Commission implements  
48 has to be consistent with the approved Redevelopment plan.

## What does a URA do?

- Builds community consensus around a vision and goals for a particular area
- Opens a variety of tools that would otherwise not be available
- Sends a signal to the private market that a local government is serious about redevelopment

49  
50 He then gave an overview of the role of the Urban Redevelopment Area (URA) and what they are  
51 created to do. He said in addition to the above slide is that the Redevelopment Commission has  
52 the same power as a Board of Alderman, but in a much smaller geographic area. He also stipulated  
53 that when creating a Redevelopment Commission and plan, there are investors who see this as a  
54 plus in a community, as they see that there is a partner in an area where they are looking to invest  
55 to help them.



56

### Steps in creating a URA

1. Form a Redevelopment Commission
2. Tentatively define the URA boundaries
3. Planning Board qualifies URA
4. Board of Aldermen passes resolution confirming Planning Board's findings and URA boundaries
  - Public hearing required
  - File resolution with Secretary of State

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### Steps in creating a URA

5. Redevelopment Commission creates a Redevelopment Plan
6. Plan goes through a series of approvals
  - Public, Planning Board, Public, Board of Aldermen
7. Implementation can begin

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### Typical URA Planning Activities

- Review and integrate recent planning efforts
- Data Collection
  - Existing conditions, land use, vacancy
  - Development activity
  - Code enforcement
  - Crime
- Create GIS maps
- Community Needs Assessment/Survey
- Engage with property owners and residents
- Residential Market Analysis
- Commercial Market Analysis
- Financial Feasibility Analysis
- Community meetings

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60 As Mr. Ruggieri gave an overview of activities the Redevelopment Commission partake in, he  
61 highlighted two planning efforts that have been part of the City of New Bern. The first he

62 mentioned was the Renaissance Gateway Planning Effort, which was completed in 2014. The other  
 63 planning effort mentioned was the Choice Neighborhoods Initiative (CNI) Plan that was completed  
 64 in 2016. He went on to say that a lot of the data that is needed and the issues that need to be  
 65 addressed have been studied well and the Redevelopment Commission have a firm grasp on the  
 66 issues facing the community. He went on to highlight the other parts of the slide above. He said  
 67 that this is a very data driven plan.  
 68

### Roles & Responsibilities

Redevelopment Commission	Planning Board	Public	Board of Aldermen
<ul style="list-style-type: none"> <li>• Recommends boundaries &amp; qualifications of URA</li> <li>• Creates plan (data, public input, etc.)</li> <li>• Implements plan</li> </ul>	<ul style="list-style-type: none"> <li>• Qualifies URA</li> <li>• Recommends plan for approval to Board of Aldermen</li> </ul>	<ul style="list-style-type: none"> <li>• Identifies needs</li> <li>• Input into vision &amp; goals</li> <li>• Creativity, innovation, partners</li> <li>• Provides support &amp; consensus</li> </ul>	<ul style="list-style-type: none"> <li>• Passing resolution certifying URA</li> <li>• Builds consensus, provides input</li> <li>• Holds public hearings</li> <li>• Approves final plan</li> </ul>



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### Redevelopment Commission

- Governing body may act as Commission Or can be an independent Commission appointed by Board
- 5 – 9 members, must be City residents, 1 – 5 year terms
- If own property within URA prior, must disclose in writing.
- Commission members may not have an interest, direct or indirect:
  - in redevelopment projects or properties in URA;
  - in contract for materials/services with Commission;
  - or be part of a redevelopment team.
- Exception is primary residence.



70  
 71 Mr. Ruggieri stated that the City of New Bern has chosen to have a stand-alone, independent  
 72 Commission that have been appointed by the Board of Aldermen. There are nine members and  
 73 they can serve up to five -year terms. He then explained the strict guidelines set for all Board  
 74 members of the Redevelopment Commission.

## URA TOOLS

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### What tools does a URA provide?

- Allows the Redevelopment Commission to:
  - Acquire parcels, including by eminent domain for blighted parcels (only)
  - Clear areas by demo or building removal
  - Make site improvements and site preparation
  - Enter into contracts for construction, demo, repairs
  - Own, lease, or rent property

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77 Mr. Ruggieri stated that when owning, leasing, or renting property the properties do not have to  
78 be solely residential, but can be commercial and office properties as well.

### What tools does a URA provide? cont

- Engage in programs of assistance and financing (loans), irrespective of job creation
  - Provide matching grants for rehabilitation
  - Make loans for infill development
- Sell property through competitive bidding procedures

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80 Mr. Heron Beatty asked who specifically can make a loan. Mr. Ruggieri stated that the  
81 Redevelopment Commission were the ones who were able to make loans.

### What tools does a URA provide? cont.

- Allows for private sale of property with restrictions (160A-514)
- Encumber parcels with covenants to uphold redevelopment goals
- Issue bonds

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83 Mr. Ruggieri explained that if there is a Redevelopment Plan that asks for a specific improvement  
84 for a parcel and that parcel is conveyed, that conveyance can have along with it some sort of  
85 restriction attached to ensure that the element of the plan is met. He then stated that there needs to  
86 be a plan and everything that has been outlined has to be consistent with implementing some part  
87 of the plan.

### A URA does not...

- Does not guarantee any state or federal funding
- Does not allow for private sale with non-monetary consideration (limited exceptions)

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88  
89 When explaining the above slide, he stated that funding must come from grants, local government,  
90 or work up a portfolio where the Redevelopment Commission can self-fund. He also stipulated  
91 that there are limited exceptions for giving away property. An example he gave was the City can  
92 give away property for a public good and that is outlined in State Statute. He explained that the  
93 public good for the Redevelopment Commission would be considered affordable housing.

## Additional Considerations

- Any URA tools utilized must be done in accordance with the vision, goals, and standards set forth in the URA plan.
- Every community is different.

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Mr. Beatty asked if what was decided in one area does not create a precedent in another area. Mr. Ruggieri confirmed that is correct and that the Commission is created to address the issues of a very specific area.

99 Mr. Ruggieri then opened the floor for any questions from the Planning & Zoning Board. Chair  
100 Layton asked if the City Attorney would serve the Redevelopment Commission. Mr. Ruggieri  
101 responded by saying that it has yet to be determined since he is not a redevelopment commission  
102 attorney. He went on to state that the Commission has been working closely with the North  
103 Carolina School of Government and Tyler Mulligan, who is a Redevelopment attorney.

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### **B. Approval of Proposed Redevelopment Area Boundary, by Jeffrey Ruggieri, AICP, Executive Director of the New Bern Redevelopment Commission.**

NEXT STEPS

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## Next Steps

- What will the Redevelopment Commission look like?
- What are the boundaries of the proposed URA?
- How will the general public be engaged? Informed?
- What data has already been collected? What data needs to be collected?
- What role will the various stakeholders play? (Planning Board, Redevelopment Commission, Board of Aldermen)
- Write the plan?

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111 Mr. Ruggieri stated that the Redevelopment Commission has been created so the next step is to  
112 identify the boundary of the Urban Redevelopment Area.

## Redevelopment Boundary

Redevelopment Area: Any area which a planning commission may find to be:

- 1) A blighted area
- 2) A non residential redevelopment area
- 3) A rehabilitation, conservation, and reconditioning area
- 4) Any combination thereof

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113  
114 Mr. Ruggieri explained that the language in state statute identify a blighted area as an area that  
115 60% of the buildings in the area have to be blighted. He gave a description of a blighted structure  
116 to give a picture of what it might look like. He stated that the boundary that is being proposed 60%  
117 of those structures are not blighted and the numbers are around 22%. He encouraged the Board to  
118 keep in mind that the City has been in a very active demolition program for the past 10 years and  
119 have torn down almost 300 homes. He said as private structures are cleared, vacant lots are created,  
120 and the statute doesn't contemplate these issues. He went on to state that they are obviously not  
121 commercial, but make a solid case for the Rehabilitation, Conservation, and Reconditioning Area.

## Rehab, Conservation, and Reconditioning Area

Shall mean an area which the Planning Commission shall find...be subject to a clear and present danger that, in absence of municipal action to rehabilitate, conserve, and recondition the area, it will become in the reasonably foreseeable future a blighted area.

- 122  
123 Mr. Ruggieri stated that this language of the Rehabilitation, Conservation and Reconditioning Area  
124 recognizes that it is equally as important to get ahead of blight game before it hits you.

### Proposed Boundary (aka CNI Planning Area)



Area generally bound by:  
Trent River  
First Avenue  
Gaston Blvd  
Garfield Street  
Clark Avenue  
Rose Street (RxR)  
Bern Street

- 125  
126 Mr. Ruggieri stated that this is identified as the CNI Planning Boundary and was also used for the  
127 Renaissance planning effort. He went on to state that it works and has been approved.

### Rehab, Conservation, and Reconditioning Area Justification

- The Redevelopment Area consists of 1,888 parcels, 1,047 of which are developed. This is an astonishing **45.54% vacancy rate** for a once fully developed area.
- Building conditions are variable. There are **96 active minimum building cases** in the area. Contrast that to around 70 for the City at large.
- Over a 1 year period we received **157 nuisance abatement complaints**. This compares to 286 for the rest of the city. (55%)
- **20.49% of all crimes** committed in last 5 years have occurred within proposed boundary
- All of this takes place in an area that constitutes only **2.1% of the total land area and 10.1% of the population of the City.**

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128  
129 Mr. Ruggieri stated that the building conditions are variable since the City has done a great job of  
130 demolishing dilapidated housing. He went on to cite that while there are 96 active minimal building  
131 cases in the area, it can be contrasted with the 70 throughout the rest of the city. He stated that  
132 when compiling all the statistics, this area really can be identified as a blighted area.

133  
134 He requested the Planning & Zoning Board declare that the area known as the CNI Planning Area  
135 to be a Rehabilitation, Conservation and Reconditioning area under the State Statute 168-500, so  
136 that the Redevelopment Commission can begin the process of reversing all of the trends mentioned  
137 above. He then opened the floor for questions.

138  
139 Ms. Carol Williams asked if there was a reason the community of Pembroke was not included in  
140 the CNI plan. Mr. Ruggieri explained that the community requested not to be part of the CNI,  
141 which was respected and honored. He then stated that when the boundary discussion began again,  
142 the Alderman for the Ward was present for those discussions and was decided at that time that  
143 Pembroke would not be included in this planning effort. Ms. Williams then asked if this was the  
144 Alderman's decision.

145  
146 Mr. Ruggieri stated that there were discussions and invited Mrs. Tharesa Lee, Chair of the  
147 Redevelopment Commission forward to speak specifically about the discussions. Ms. Lee stated  
148 that part of the decision pertained to the language within the plan, which would identify areas as  
149 "blighted" and the Alderman and one other community representative were opposed to this  
150 language and identification. She went on to explain that based on the conversations had at the  
151 community meetings within Pembroke in regard to the Housing Authority moving to the Carolina  
152 Avenue location, it was felt that the community didn't want to be included at that time. She did  
153 include that later on the Pembroke area will be looked at by staff.

154  
155 Mr. Don Black asked if the Redevelopment Commission would be responsible for finding housing  
156 for any residents that would be displaced during this time. Mr. Ruggieri explained that this would  
157 not be an urban renewal project and would not be displacing residents. He went on to explain that  
158 part of one housing program for repair and rehabilitation requires that the Redevelopment  
159 Commission create a plan for those citizens that will be displaced. He assured the Board that this  
160 would not be wide spread.

161

162 Mr. Black asked if Mr. Ruggieri was suggesting that the vacant lots that exist will be built up and  
163 the hope is to take people within the bounded area and put them in newer housing in the bounded  
164 area. Mr. Ruggieri confirmed that this was correct and a major part of the housing strategy. He  
165 stated that 80% of the homes in this community are rental occupied, which is a big issue when  
166 getting into rehabilitation using federal and state funds. They do not allow using these funds on  
167 nonowner- occupied structures, which had a huge impact on the aftermath of Hurricane Florence  
168 when the City could not get the resources to the people because they didn't own the home. The  
169 Redevelopment Commission sees this issue and the programs will be tailored toward renters by  
170 creating more, newer and better housing for rental occupant.

171

172 Mr. Jeffrey Midgett asked if there was anything within the program to assist those residents who  
173 own their homes and may need repairs. Mr. Ruggieri stated that although the plan has not been  
174 created yet, part of the plan will be to fix every home. He stated that it is easy to fix the 20% of  
175 homeowners and the problem is the other 80% and that is where the Redevelopment Commission  
176 will step in to fill the void on the rental properties. He inserted that there are programs currently  
177 for assisting homeowners that will be juiced up to be more effective.

178

179 Mr. Midgett asked if there would be an economic level that the Commission is looking at. Mr.  
180 Ruggieri stated that this would ultimately be a decision that the Redevelopment Commission  
181 would make, but probably would be 70% - 80% of median income. Mr. Midgett asked if there  
182 were a dollar amount associated with the percentage. Mrs. Lee stated that the City of New Bern  
183 median income is \$46,500 so the costs would be 70% - 80% of \$46,500. Mr. Midgett asked if this  
184 would be the price when selling homes. Mr. Ruggieri stated that this would be the costs, but since  
185 the plan has not been created yet he did not have figures of what homes would be priced for sale.

186

187 Mr. Ruggieri stated that selling homes is tricky and is not sure if that is something the Commission  
188 wants to get into now. Habitat for Humanity sells homes and the Commission will be partnering  
189 with Habitat for Humanity for a lot of housing, since they handle the homeowners. He added that  
190 there needed to be a program for renters since there was already a program for owners.

191

192 Mr. Midgett then asked if there were any plans to improve the infrastructure since it is one of the  
193 most flooded areas in New Bern. Mr. Ruggieri stated that this topic is discussed often with the  
194 Redevelopment Commission and there were several options available to them and will be in the  
195 plan.

196

197 Mr. Midgett stated his desire to see the plan before voting on implementing the boundary. Chair  
198 Layton explained that this process within the general statutes states that the boundary must be  
199 defined first and once the plan is developed it will come back before the Planning & Zoning Board  
200 before going before the Board of Alderman.

201

202 Mrs. Lee stated her extensive history and knowledge of the area and explained that the  
203 Redevelopment Commission understands the vast needs of the area. She went on to state that the  
204 Commission cannot make it perfect, but there is a lot that can be done with redevelopment. She  
205 inserted that the members of the Commission understand the plan, the area and that this is about  
206 people's lives.

207  
208 Mr. Beatty asked if this plan operates somewhat like a Block Grant. Mr. Ruggieri stated that one  
209 of the most exciting aspects of the Redevelopment Commission is that it can spend, invest and  
210 make money, where no other plans are unable to do this. He went on to explain that the tools are  
211 in the funding, which has been lacking until now. He said that they can leverage Community  
212 Development Block Grant (CDBG) funds and use CDBG funds, which is happening now to build  
213 up to five houses in this area.

214  
215 Mr. Beatty then asked if there would be a minimum and maximum square footage established. Mr.  
216 Ruggieri stated that it was a great question and is part of the land use and zoning questions that are  
217 still to be discussed. Chair Layton stated his excitement in the fact that this is not just a study or  
218 report, but actually takes action and do the things that has been reviewed.

219  
220 Mr. Beatty asked that if enforced, is there protection for people who presently own the property.  
221 Mr. Ruggieri stated that property rights are not changed. Mr. Beatty followed by asking if this is  
222 more for trying to ensure residents retain their property or is it a backdoor method where the  
223 property can be removed from the homeowner and someone else can buy it. Mr. Ruggieri stated  
224 that this did not sound right to him. Mrs. Lee inserted that this is about redevelopment. It does not  
225 have to do with taking someone's property, although she would not say that they would not take  
226 property due to the possibility of straightening streets or moving streets.

227  
228 Mr. Marshall Ballard asked if the Stanley White Gym would be included in the redevelopment  
229 area. Mrs. Lee stated that it was in the redevelopment area, but the Board of Alderman make the  
230 decision on the outcome of the gym. Chair Layton explained that the City already owned the  
231 property and have control of it.

232  
233 Ms. Williams asked if rental occupants were given the opportunity to rent to own, would it trickle  
234 down later in the process, or would the housing be specifically for renting. Mr. Ruggieri stated that  
235 the ones that are in process to be built will specifically be for renting. He went on to say that part  
236 of the housing strategy and thinking of the continuum of ownership, where you go from rental,  
237 rent-to-own, to owner-occupied, the middle piece is something that the Redevelopment  
238 Commission have discussed and it makes sense. He said it gets into an accounting issue on the  
239 back end and making sure people are staying in the income level. He said to maintain the income  
240 level, there can be deed restrictions placed on the transfer of the property to ensure it remains  
241 affordable.

242  
243 Mr. Midgett asked who would own the rentals. Mr. Ruggieri stated that they would be owned by  
244 the Redevelopment Commission. Mr. Midgett then asked who would own the vacant lots. Mr.  
245 Ruggieri stated that the Redevelopment Commission will own them with the goal to keep the  
246 standards high for rental properties, which is one of the main issues currently.

247  
248 Chair Layton requested that Mr. Ruggieri explain what sorts of things from the Commission will  
249 come back before the Planning & Zoning Board. Mr. Ruggieri stated that there will be a Land Use  
250 amendment associated with this plan.

251

252 Mr. Black asked if there would be opportunity to address fire safety issues by widening roads  
253 within the area. Mr. Ruggieri stated that the plan could, but one of requirements from the state is  
254 financial feasibility with a timeline to do so. He said this might be outside the realm of feasibility.  
255 When addressing this issue, the transportation plan will address this issue.

256  
257 Vice-Chair Aluzzo asked if there would be any further areas. Mr. Ruggieri stated that this would  
258 be the only area. Chair Layton stated that once this boundary is set, it does not change, or the  
259 process would have to start over. Mr. Ruggieri stated that this was correct. Mrs. Lee stated that if  
260 you visit [choicewbern.com](http://choicewbern.com) some the public safety issues are addressed.

261  
262 Mr. Ruggieri stated that when getting into the planning, there is a lot that can be done and the  
263 Redevelopment Commission is narrowing efforts, which are pretty wide, to items that they can do  
264 and have the funding to do. Mr. Black asked if Mr. Ruggieri was suggesting that the fire safety  
265 will be improved somewhat. Mr. Ruggieri stated that the Commission is establishing a  
266 transportation hierarchy and widening strategically where feasible, but not broad swath of taking  
267 35 homes.

268  
269 Ms. Williams asked if there would be sidewalks and gutters. Mr. Ruggieri stated there would be  
270 side -walks but look individually at curb and gutters since it is very difficult and expensive to  
271 retrofit a curb and gutter as it changes the grading of the entire area. He went on to explain that the  
272 City has a paving plan that goes through this neighborhood and he would like to go in and do a  
273 mini feasibility analysis answer some questions. He went on to say that there is a larger drainage  
274 issue that the Redevelopment Commission is working on and curb and gutter may be a part of that  
275 but need to understand the entire basin and the drainage and if it can be fixed before they go in and  
276 invest large sums of money to curb and gutter. He added that if it is not graded correctly the water  
277 will run back into the home. There were no further questions, so Chair Layton opened the floor for  
278 public comment.

279

### 280 **Public Comment**

281

282 There was no public comment at this time, so Chair Layton closed the floor for public comment.

283

### 284 **Board Discussion**

285

286 Mr. Jerry Walker stated that what is before the Board is about boundaries and unless anyone wants  
287 to add or subtract, most of the beef of this will come to the Board at a later point. Chair Layton  
288 agreed with his assertion and added that there has been a great deal of work, particularly in the  
289 CNI study to identify this area.

290

291 **Hearing no further discussion, Chair Layton entertained a motion. Mr. Don Black made a**  
292 **motion to approve the Boundary Plan for the Urban Redevelopment Area. Mr. Haron Beatty**  
293 **seconded the motion and it passed unanimously.**

294

### 295 **C. Environmental Study Discussion**

296

297 Mr. Don Black raised a concern that for some time the Planning & Zoning Board have approved  
298 massive developments or potential massive developments for some time. It has come to his  
299 attention that the Board through state statute 113A can make certain guidelines for certain sized  
300 developments and require an environmental impact study. He went on to stipulate that the Board  
301 could set guidelines for larger development projects and a study conducted before the plans go  
302 forward so the Board is aware what the impact of the development would be on local schools, fire,  
303 police, and sewage capacity.

304  
305 Chair Layton said that he would presume the developer would be responsible for this. Mr. Black  
306 responded by saying the Board is responsible for setting the guidelines and where it is done and  
307 added that the Board would need further review of the law. He stated the study would need to be  
308 done by the planning department, but this would give time to review the development plans of the  
309 massive units that the Board has been encumbered with.

310  
311 Chair Layton asked for clarity of what Mr. Black was suggesting. Mr. Black stated that the Board  
312 do a study on the State Statute 113A for large development whether they be commercial or  
313 residential. Chair Layton asked if the outcome would be to change ordinance language. Mr. Black  
314 stated that it would include ordinance language change and also when to include an environmental  
315 impact study.

316  
317 Chair Layton stated that perhaps the way forward, with staff involved, is to create a subcommittee  
318 with three or less Board members. It may be the recommendation of staff to involve some  
319 developers, he added. Vice-Chair Aluzzo asked if the ordinance was a state statute. Mr. Black  
320 stated that it is a State Statute and he would be able to find it in Chapter 113A-8 where it gives the  
321 Planning Board of each entity the ability to change the Land Use Ordinance to adopt requirements  
322 and it is optional.

323  
324 Mr. Beatty asked if an environmental impact was already being done on large development  
325 projects. Mr. Black stated that to his understanding it is not happening. Staff Potts inserted that  
326 when speaking about environment and Mr. Black stated that the Board determines the word  
327 "environment" to mean the impact of schools. He went on to say that environment is not just green  
328 space but includes the human condition and natural condition.

329  
330 Staff Potts explained that when the word environment is used, it denotes wetlands and staff make  
331 sure that it taken care of. She suggested that what he might be thinking is departmental review  
332 when the fire department and school system are part of the review, this is covered. Mr. Black stated  
333 that the Board would still not know what the impact was and if the study was done beforehand  
334 then the local community would be better informed

335  
336 Chair Layton asked staff if there were any objection to having a motion and vote to form a  
337 committee to study statute 113A as it applies to the City of New Bern. Staff Potts stated that she  
338 did not know 113A off the top of her head but can certainly look into it as long as there were no  
339 objections. Mr. Ruggieri stepped forward to speak and stated that the statute has a hook where the  
340 Board cannot do anything that State and Federal requires already. He went on to explain that if the  
341 State requires a permit for something, that is good enough; the Board would need to do something  
342 besides what State and Federal require, and he is unsure what that might be.

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Chair Layton was unsure as well but stated that it would be reasonable to form a committee and suggested Mr. Black lead it. He stated that ultimately the findings could be that nothing would change or there would be a suggestion to change something in the ordinance.

Mr. Walker stated that he would like to read the ordinance and better understand it before forming a subcommittee. After discussion about the purpose of the impact study Chair Layton presented two suggestions to the Board to move forward. One would be what Mr. Walker suggested, where the Board would review the statute before forming a subcommittee. Mr. Black asked if it was permissible to form a small informal study group. Chair Layton asked what number is appropriate to form a small group. Staff Potts stated it should be no more than four. Mr. Black stipulated that this group could decide whether to go forward with the study or not. Chair Layton inserted that it should be done in conjunction with staff and it is important to have staff involved in the process.

With no further comments and no objections from staff, Chair Layton entertained a motion to form a committee to study the application of general statute 113A as it applies to the City of New Bern and the Land Use Ordinance. **Mr. Don Black made a motion to form a study group to study the impact of Chapter 113A of the North Carolina general statutes concerning an environmental impact study in addition to the City of New Bern Land Use Ordinance. Vice-Chair Sonny Aluzzo seconded the motion. The vote carried with seven votes in favor and one vote in opposition.**

Chair Layton asked Mr. Black to first speak with staff and following the discussion he can then ask fellow Board members to join the study group. Mr. Black agreed.

**ADJOURN**

**With no further discussion Chair Layton entertained a motion to adjourn. Mr. Don Black made the motion which was seconded by Mr. Haron Beatty. The motion passed unanimously.**

The meeting adjourned at 6:31 p.m.

Date Approved: 01-07-2020

  
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Don Black, Chair

Attest:   
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Jeff Ruggieri, Director of Development Services