

**City of New Bern
Board of Aldermen Meeting
September 24, 2019 – 6:00 P.M.
City Hall Courtroom
300 Pollock Street**

- 1. Meeting opened by Mayor 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 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.

Consent Agenda

- 3. Consider Approving a Proclamation for Catholic Daughter Sunday.**

Belinda Swager of St. Paul Catholic Church requested a proclamation acknowledging the third Sunday of October as Catholic Daughter Sunday.

- 4. Approve Minutes.**

Draft minutes from the September 10, 2019 regular meeting were provided for review and approval.

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

- 5. Presentation by Greater Duffyfield Residents on Stanley White Recreation Center.**

Bernard White, on behalf of the Greater Duffyfield Residents Council, requested the Stanley White Recreation Center (“SWRC”) be rebuilt in its same location. Mr. White was joined by Barbara Lee, Bernard George, and numerous residents. Mr. George announced the community had formed a group known as Citizens and Residents for the Preservation of Stanley White Recreation Center (“the Group”) for the purpose of lobbying for SWRC to be rebuilt at its current location. A handout

was distributed to the Governing Board detailing the Group's meetings thus far and their desires for the future of the Center. Mr. George suggested the building be demolished and a new structure erected and raised at the current 40-acre site. He described the facility as the heart and soul of the community and expressed displeasure with not receiving information from the City with respect to the status of the facility and plans for its future. Mr. George called forward a teen from the community, Tyron Brown of 726 Second Avenue, who described his use of the gym and a desire for it to remain at the same location. Mr. George asked the Board to adopt a resolution of intent to build SWRC back at its current location. Those in attendance with the Group stood to applaud this comment.

Alderman Harris made a motion to put a resolution on the October 8, 2019 agenda indicating that regardless of what happens, the Board would plan to rebuild SWRC back at the site of 901 Chapman Street, seconded by Alderman Kinsey.

Mayor Outlaw said the Board had hoped it would have an answer from FEMA by now. Barbara Lee, resident of 1813 Beaufort Street and former Alderman, reiterated the Group's desire for a resolution from the Board indicating a commitment to rebuild the facility at its current location. Mayor Outlaw stated before voting on the motion on the floor, he felt there were questions that needed to be answered. James Woods of 1903 Country Club Road said he felt he was hearing "smoke", and he stated the matter would have been handled differently if SWRC was located in another area of New Bern. Mayor Outlaw described the consequences of not following the process for FEMA reimbursement and how that would impact all of the City's citizens. Alderman Harris stressed the citizens were in attendance to voice their desire for the City to move forward with building the Center back at its current location, and she felt the motion on the floor should be voted upon without further discussion. She further stated if the City could find money to put an elevator in City Hall, then it could find money to rebuild SWRC. Alderman Harris called the question. Alderman Aster articulated he was in favor of rebuilding SWRC and maintaining its name, but stated he did not have essential information to know whether the structure could be built back in the same footprint.

Corey Spaulding, Project Manager with Disaster Recovery Services, commented that the evening had been quite enlightening to him. Noting the desire to "build back better", he stated one of the options and the recommendation would be to build the facility outside of a flood hazard area. He noted FEMA funding was available to secure land outside of the floodplain area, and he described the FEMA requirements. He further explained the building was built before the flood insurance program, which is why there were no issues with the building being constructed at its current location years ago.

Noting the Convention Center's foundation had been compromised, that it is located in a flood zone, and that it was not being torn down or elevated, Alderman Kinsey questioned why SWRC was any different. Mr. Spaulding explained the calculations for the Convention Center that must have been met based on market value of the

facility. Mr. Stephens commented it was his understanding that the Convention Center was not substantially damaged at 50% of the building value, which is why it could be repaired and rebuilt in the same location. Mr. Stephens and Mr. Spaulding explained the significant ramifications of not complying with the federal insurance requirements and local building codes, one of which is an increase of about tenfold in flood insurance premiums for any City residents who maintain flood insurance.

Mr. Spaulding explained the differential settlement within the SWRC building, as described by the engineer. When the building flooded, the water remained in the building for more than five days and saturated the ground underneath the facility. This situation had apparently never occurred at the SWRC location before. As a result, the soils swelled and contracted at different rates, consequently causing differential settlement within the building. Thus, the foundation has settled differently in different areas, which has resulted in cracks and settlement issues that are obvious in the walls. The main supporting walls of the structure have gaps in certain areas.

Alderman Odham asked Mr. Spaulding if the motion on the floor would in any way jeopardize potential funding reimbursement from FEMA. He then suggested the Board make a decision tonight, instead of adopting the resolution expressing an *intent*. Mr. Spaulding responded that if the City had proceeded with clean up, demolition or any action with respect to the SWRC then it would have jeopardized FEMA funding. Mr. Spaulding also confirmed, at Alderman Odham's request, that by the Board passing a resolution of intent that the resolution would not speed up the action by FEMA.

Alderwoman Harris asked whether it would be acceptable to change her motion to reflect intent to rebuild SWRC at its current location as long as FEMA was amenable to that. Mr. Spaulding stated a rewording of the motion would be acceptable.

Mr. Spaulding said he felt there was animosity amongst the community as to why the Board had not responded to them. He assured the community that no stone had been left unturned and no effort had been spared with respect to SWRC. He said the Board and the community have the same objectives, but he cautioned about the ramifications of rebuilding at the same site. He asked the Group to research and look again to see whether there was another location outside of the floodplain area on which the facility could be rebuilt. He said the City was frustrated by not getting answers from FEMA, and announced there had been weekly or biweekly meetings held with FEMA. The City has asked for assistance from the White House and from congressional representatives. At today's biweekly meeting, FEMA representatives advised they had been told not to discuss SWRC. Mr. Spaulding said a meeting had been requested with the Federal Coordinating Officer ("FCO") and the FEMA Infrastructure Grants Director. In his 29 years working in this industry, Mr. Spaulding said he has never seen a situation such as this. He assured the community that the City has done everything that it can with respect to

SWRC and that it is difficult for the Board to give the community an answer when they cannot get an answer from FEMA.

Alderman Odham called the question, seconded several minutes later by Alderman Aster after the motion had been amended by Alderwoman Harris and after Mayor Outlaw had encouraged citizens to contact elected officials at higher levels to put the pressure on FEMA. The amended motion from Alderwoman Harris was to place a resolution on the next agenda indicating the Board's intent to elevate and rebuild SWRC at its current location if approved by FEMA and an engineer, which was seconded by Alderman Kinsey.

Alderman Aster said he would like to see the SWRC rebuilt in a manner so that it could be certified by Red Cross to serve as a shelter. For the center to be certified, the roads around the building would also need to be elevated. Mayor Outlaw again recommended that citizens reach out to state and federal officials to lobby for their assistance with the FEMA claim. Mr. George said the community too would like the center to serve as a shelter, and he assured the Mayor that the citizens would write FEMA and the State Emergency Management agency.

Alderwoman Harris' amended motion was still on the floor. Upon a roll-call vote, the motion carried unanimously 7-0.

Rev. M. Luther Hill, Pastor of Clinton Chapel Church, asked whether the City would do anything about drainage throughout the City, citing Duffyfield needed a new drainage system. Mr. Stephens recapped the discussion about drainage that was held the previous week at the September 17, 2019 work session.

Alderwoman Harris made a motion to take a five-minute recess as people were clearing out of the room, seconded by Alderman Odham. The motion carried unanimously, time being 7:40 p.m.

Mayor Pro Tem Odham resumed the meeting at 7:49 p.m. (Mayor Outlaw and Alderman Best were not in the room.) Rev. Hill said he had spoken with someone about a potential levy and the Army Corps of Engineers' involvement.

(Alderman Best returned to the room at 7:50 p.m.)

Mr. Stephens said he did not think a levy was a feasible approach and that it would cost tens of millions of dollars. He said it was his understanding that the State of North Carolina was starting to look at river basins.

Anthony Raynor of 610 National Court Drive stated the City was to blame for the impact on SWRC. He cited the construction on Third Avenue and the pushing of the soil from the "football field" as the reason for the floodwaters turning toward SWRC. He stated regardless of what anyone may say, SWRC should be put back at its current location.

(Mayor Outlaw returned to the room at 7:53 p.m. and resumed presiding over the meeting.)

Wanetta Toliver of 920 Eubanks Street said the gym was a positive place for the children. Since the gym has been closed, area juveniles have gotten worse and have been displaying negativity. She stated the children are not able to get love and comfort at home, but could through the Center.

Elijah Brown of 916 Ft. Totten Drive said he had a background in masonry and had worked at Cherry Point with the Corps of Engineers. He commented that if overpasses could be built up with soil and pilings, then SWRC could too.

Mayor Outlaw recognized two boy scouts in attendance. The scouts approached the podium and introduced themselves as Ben and Sam Bradley of Boy Scout Troop 132. Both expressed appreciation for being able to attend the meeting to see how the Board conducts business.

6. Consider Adopting a Resolution Approving a Contract for the Purchase of Property Identified as Tax Parcel ID 8-002-C-055.

Since May 25, 1999, the City has leased property located on Broad Street and identified as Tax Parcel ID 8-002-C-055 from Dale M. Stroud. The property, along with other contiguous parcels, has been utilized as a leased public parking lot. The City desires to purchase the property for \$81,000, which represents the appraised value. This purchase will be funded through the Municipal Service District Fund.

Alderman Bengel made a motion to adopt a resolution approving a contract for the purchase of property identified as Tax Parcel ID 8-002-C-055, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

7. Consider Adopting a Resolution Approving a Deed and Transfer and Reversion Agreement with Habitat for Humanity of Craven County, NC.

The City and Craven County jointly own ten parcels of land that Habitat for Humanity seeks to acquire for the purpose of building affordable housing. The County has agreed to convey to the City its interest in the properties. In turn, the City will convey the properties to Habitat subject to a Transfer and Reversion Agreement that requires Habitat to develop affordable housing onsite. The proposed resolution approves an agreement with Craven County, a deed to Habitat, and a Transfer and Reversion Agreement.

The Mayor and several Aldermen thanked Mike Williams for his work, noting the difference he has made while being at Habitat.

Alderswoman Harris made a motion to adopt a resolution approving an agreement with Craven County, a deed to Habitat, and a Transfer and Reversion Agreement with Habitat for Humanity of Craven County, NC, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

8. Consider Adopting a Resolution Calling for a Public Hearing to Amend Section 15-146 “Table of Permissible Uses” of the Land Use Ordinance.

At its September 10, 2019 regular meeting, the Governing Board discussed special-use permits for bed and breakfast establishments in R-6, R-8 and R-10 zones. At the conclusion of the discussion, the Board adopted a resolution to request an amendment to the land-use ordinance to eliminate such establishments in these zones. The Planning and Zoning Board will be considering that request at their October 1st meeting. If they approve it, the Board of Aldermen is asked to conduct a public hearing on October 22, 2019 to receive comments and consider amending the ordinance.

Alderman Bengel made a motion to adopt a resolution calling for a public hearing to amend Section 15-146 “Table of Permissible Uses” of the Land Use Ordinance, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

9. Appointment(s).

Alderman Best made a motion to appoint Marcus Simmons to the Planning and Zoning Board, seconded by Alderswoman Harris. The motion carried unanimously 7-0. Mr. Simmons will fill the seat previously held by Jeffery Midgett and will serve a three-year term to expire on September 23, 2022.

10. Attorney’s Report.

The City Attorney had nothing to report.

11. City Manager’s Report.

The City Manager had nothing to report.

12. New Business.

Alderman Bengel

Noting she receives many calls about abatement issues, Alderman Bengel requested the Nuisance Abatement Officer, Minimum Housing Code Officer, and Chief Building Inspector make a presentation at an upcoming meeting on the processes for addressing these issues.

Alderwoman Harris

The Duffyfield Phoenix Project and Habitat for Humanity have scheduled a trash and debris cleanup in Duffyfield. The event will take place October 3-5, 2019, and volunteers will meet daily at the Henderson Park shelter at 9 a.m.

Noting her mother-in-law was recently in a hit-and-run accident, Alderwoman Harris commended Officer J.A. Weaver for finding the driver of the other vehicle.

Alderman Aster

An update was requested on Old Airport Road. Mr. Stephens said bid proposals had been received and were significantly higher than the proposed budget. Matt Montanye, Director of Public Works, has a meeting scheduled with the contractor to discuss the numbers.

Mayor Outlaw

After remarking about the sidewalks that have recently been maintained and manicured, Mayor Outlaw expressed a desire to expand and improve sidewalks within the City.

Alderman Best

Noting it is a heavily traveled street in Duffyfield, Alderman Best asked about the possibility of installing sidewalks on one side of Garden Street. Mr. Stephens noted that area had been reviewed in the past, but there were feasibility issues with installing sidewalks because of the proximity of homes to the street, etc. He said he would have Mr. Montanye contact her to discuss this further.

A constituent from the second ward reached out to Alderman Best to ask when the area of Trent Road from Red Robin Lane to South Gate would be repaved. Mr. Stephens stated Mr. Montanye would contact Aldermen Best and Harris to respond. It was suggested the City revisit the idea of widening that road due to increased development in the area and the street becoming more of a main thoroughfare.

Additionally, another constituent from the second ward asked for a left-turn signal at the overpass on Country Club Road. Alderwoman Harris said that request had been posed earlier. Mr. Montanye said NCDOT had indicated there are no plans at this time to put in a dedicated turn signal, although they would continue to monitor the area. Mayor Outlaw suggested the City follow the same pattern it did with respect to getting a left-turn signal at Five Points. In that instance, a resolution of support was adopted and the City participated in sharing the cost of the light.

Concern was expressed about the need for repaving Simmons Street and Highway 55. Mr. Stephens stated staff would reach out to NCDOT regarding their 5-year resurfacing plan for streets located within the City limits.

Alderman Odham

The question was raised as to whether it is illegal to park on a residential street in front of a fire hydrant. Fire Chief Bobby Boyd confirmed it was illegal to park within 15 feet of a hydrant and that the street did not have to be marked to indicate no parking.

13. Closed Session.

A closed session was not needed.

14. Adjourn.

Alderwoman Harris made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously 7-0, time being 8:28 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 8, 2019

A handwritten signature in black ink, appearing to read "Dana E. Outlaw". The signature is written in a cursive style with a large, prominent initial "D".

Dana E. Outlaw, Mayor

A handwritten signature in black ink, appearing to read "Brenda E. Blanco". The signature is written in a cursive style with a large, prominent initial "B".
Brenda E. Blanco, City Clerk