

**City of New Bern  
Board of Aldermen Meeting  
February 12, 2019 – 6:00 P.M.  
City Hall Courtroom  
300 Pollock Street**

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

Present: Mayor Dana Outlaw, Alderman Sabrina Bengel, Alderwoman Jameesha Harris, Alderman Robert Aster, Alderman Barbara Best, Alderman Johnny 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.

Alderman Bengel announced Item 12 would be pulled from the agenda, as the Downtown Merchants are awaiting the results of a survey.

- 3. Request and Petition of Citizens**

James Woods, Jr. of 1903 Country Club Road expressed concern about the impending changes to First Street. He encouraged the City to rethink the plans.

Daimon King of 112 Pella Lane spoke in favor of Ban the Box.

Emily Henson of 518 New Street announced the 2019 Antiques Show & Sale would be held February 15-17, 2019 at the Carolina Colours Pavilion. Two dozen dealers will be on hand, and tickets are \$8 in advance or \$10 at the door.

Daniel Bowes, an attorney with the North Carolina Justice Center at 224 S. Dawson Street in Raleigh, spoke in favor of a Ban-the-Box policy. The policy has been transformative in over 200 cities and counties around the country, including 12 in North Carolina.

Katherine Adolph of 210 Metcalf Street voiced concerns about the noise ordinance adopted on May 22, 2018. She stated the ordinance legally removes the right of residents in the C1 and C2 zones and those within 100 feet of the zones to lodge a noise complaint. Those who have recently become aware of the noise ordinance are rightfully upset that the ordinance was quietly adopted by the Board with little or no notice. She stated the ordinance was crafted by downtown businesses with the assistance of their attorney. Dr. Adolph presented a petition with signatures of more than 100 residents who live in the C1, C2 and downtown historic district to stop the excessive noise volume. Alderman Bengel responded by saying she did work with residents in the downtown area to create the ordinance, which was

prepared by the City's attorney, and was noticed on a Board agenda. This is an important issue that will be taken up again.

Greg Singleton of 2005 EF Thompkins Lane spoke in favor of Ban the Box, after describing his difficulty with obtaining employment because of his past criminal history. He recalled the Mayor signed a Proclamation last year in support of Reentry Week, and he asked that the Mayor now support Ban the Box.

Edward Kaplan of 110 Rhem Street encouraged the Board to support Ban the Box.

Tiffany Tresee of 1809 Tryon Road stated she was an ex-offender and former schoolteacher. She described her difficulty with finding a job and spoke in support of Ban the Box.

Angel Johnson of 1610 Dillahunt Street stated she worked with people who are turning their lives around after going to jail. She, too, spoke in favor of banning the box.

### **Consent Agenda**

**4. Consider Adopting a Resolution to Close Specific Streets for the Neuse River Bridge Run.**

The Neuse River Bridge Run is slated for March 23, 2019. Accordingly, John Serumgard, Race Director, has requested the 200 block of East Front Street be closed from 4 a.m. to 1 p.m. and the 200 block of South Front Street be closed from 5 a.m. until 1 p.m. The organizers also plan to hold a "Super Kids Run" on March 22, 2019 from 12 p.m. to 9 p.m. at Union Point Park, and the Director of Parks and Recreation has authorized the closure of the park streets during this time.

**5. Consider Adopting a Resolution to Close Specific Streets for the Great Glow Run.**

Kathy Lewis, Officer Manager for Easter Seals UCP, has requested specific streets be closed on April 13, 2019 from 6:30 p.m. until 8:30 p.m. for the annual Great Glow Run. The streets to be closed are the 200-700 blocks of East Front Street, a portion of the 800 block of North Craven Street, 700-800 blocks of Howard Street, 100-600 blocks of Queen Street, and 600-800 blocks of George Street. This Easter Seals fundraiser also promotes awareness.

**6. Consider Adopting a Revised Resolution to Close Specific Streets for the Black History Month Parade.**

After receiving a request from Victor Taylor with Vision Forward, the Board adopted a resolution on January 22, 2019 to close specific streets on February 16, 2019 for the annual Black history Month Parade. That resolution failed to include approval of the requested rain date of February 23, 2019. The resolution has been revised

to include this date, and all other information remains the same with respect to the affected streets.

**7. Consider Adopting a Resolution to Portions of Spencer Avenue for the Ghent Neighborhood Mardi Gras Parade.**

Michael Genest, President of the Ghent Neighborhood Association, has requested the 1400-2000 blocks of Spencer Avenue be closed to vehicular traffic on March 2, 2019 from 10:00 a.m. to 6:00 p.m. for the association's annual Mardi Gras Parade and block party.

**8. Approve Minutes.**

Minutes from the January 15, 2019 special meeting, January 22, 2019 regular meeting, January 26, 2019 special meeting, and January 26, 2019 annual retreat were provided for review and approval.

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

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**9. Presentation of Longevity Certificates.**

Employment service is recognized at five-year increments. Twenty-four employees and five retirees were eligible to receive a service certificate for the period of July-December 2018. Some of those employees were in attendance, and they were presented the certificate and extended a handshake of appreciation from the Board. Sharon Koprowski, Assistant Director of Human Resources, assisted with the presentation.

Alderwoman Harris made a motion to take a brief recess to celebrate the employees, seconded by Alderman Bengel. The motion carried unanimously 7-0, time being 6:25 p.m.

The meeting resumed at 6:35 p.m. The Mayor welcomed Allen Thomas and thanked him for his service on the Metro Mayors. Alderman Bengel thanked him for his help during Hurricane Florence.

**10. Presentation on NC Global TransPark Authority.**

Allen Thomas, Executive Director of the North Carolina Global TransPark ("GTP"), provided a presentation detailing the features of the park. The State of North Carolina is number four in the nation in aerospace manufacturing. The runway at the park is the second longest in the eastern portion of the United States. Almost 90% of the people who work at the park are employed by private industry. Mr. Thomas described the use of the GTP to house first responders and assist with Hurricane Florence efforts. He also described future planned projects and his goals moving forward.

Alderman Bengel commented the one piece missing was a passenger rail system, and she voiced the need for such a service in the east. Mayor Outlaw noted the importance of the corridors to Eastern North Carolina, and Mr. Thomas agreed.

**11. Presentation by Craven County Board of Elections.**

Meloni Wray, Director of the Craven County Board of Elections, made a presentation overviewing election options and a cost analysis of the City's election process. She discussed the advantages of changing from a nonpartisan election/runoff method to a nonpartisan plurality election. While disallowing absentee voting will render additional savings, Mrs. Wray stated she was not making that recommendation as New Bern has a large number of absentee ballots cast. She noted voter turnout increases in November, as people are accustomed to being at the polls during that month.

Alderman Bengel asked what other municipalities in Craven County have October elections, and Mrs. Wray replied none. She also asked about the process of changing the elections, and Mrs. Wray confirmed the timeframe for requesting the change, the legislative process, and the need for a charter change. Mayor Outlaw asked if there are a substantial number of cities that still allow runoffs, and Mrs. Wray replied there are only 23 that hold an election and runoff. Mrs. Wray also explained the difference in plurality elections and majority elections.

Noting a low voter turnout, Alderman Bengel stated she would like to see the City move to a November election in 2021. She wanted to see more voter participation and also wanted to save money for the taxpayers. Alderman Odham suggested moving to an even year election would increase voter participation.

Mayor Outlaw asked if the Board was interested in an ad hoc group to look further at this. Alderwoman Harris said she was in favor of moving the election, but would not be in favor of eliminating the absentee ballot. Mayor Outlaw expressed favor with an even-year election to be held in November.

**12. Presentation on Downtown Parking Update.**

As noted earlier by Alderman Bengel, this item was pulled at the request of the presenters. It will be placed on a future agenda.

**13. Presentation on African American Heritage & Cultural Center of New Bern Project.**

Carol Becton, a resident of 3005 Peppercorn Road and a representative of the African American Heritage & Cultural Center ("AAHCC"), shared a presentation on the center's vision to increase awareness on Eastern North Carolina's African American heritage and culture. The center proposes to hold a Juneteenth celebration to commemorate the emancipation of slavery. Ms. Becton requested the use of 408 Hancock Street for the event on June 19, 2019. She also requested

the City provide certain services for the event, such as set up of table and chairs, cleaning of the facility, and use of trash and recycling containers during the event.

Alderman Bengel expressed appreciation for all of the work behind this and noted this was the brainchild of Alderwoman Harris. Alderman Kinsey asked about the location for a proposed museum. Alderwoman Harris stated that would come later, and Carrie Gallagher briefly highlighted some of the future plans. Alderman Odham asked for clarification on the services desired, stating he wanted to make sure the department head for Parks and Recreation was aware of the request. Alderwoman Harris stated there was no request to use City personnel; the items requested will be set up by AAHCC. Alderman Best asked if the group had reached out to Tryon Palace. Ms. Gallagher stated Tryon Palace can only support the event if it is educational, not a fundraiser.

Alderwoman Harris made a motion to support the African American Heritage & Culture Center to utilize 408 Hancock Street on June 19, 2019 from 6:00 to 8:00 p.m. and to have tables, chairs and trashcans for their use, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

#### **14. Presentation on Reliable Public Power.**

Charles Bauschard, Director of Public Utilities, made a presentation regarding the City's application for the American Public Power Association's designation as a Reliable Public Power Provider ("RP3"). The City has unofficially received the designation and will receive the actual designation on April 1<sup>st</sup>. Two main goals of the designation is to provide a self check and be recognized nationally for what the organization is doing. Designation is valid for three years.

(Alderman Kinsey momentarily stepped out at 7:33 p.m.)

Across the country, North Carolina leads with the number of RP3 designations. The City has received the level of diamond designation, which is the highest level. Alderman Aster congratulated Mr. Bauschard and the department.

(Alderman Kinsey returned to the room at 7:40 p.m.)

Mr. Bauschard stated insurance and bond-rating agencies are paying close attention to agencies with RP3 designation. Alderman Odham announced the Board voted unanimously at a 3:00 p.m. workshop earlier in the day to keep the electric retail rates the same for the next two years.

#### **15. Presentation on Ban-the-Box.**

Whitley Carpenter and Angaza Laughinghouse, Staff Attorneys with The Southern Coalition for Social Justice located in Durham, were joined by Corey Purdie, to share a presentation on the Ban-the-Box movement. She explained it is a movement to remove questions related to arrest or criminal convictions from the initial job application and, instead, ask those questions after an interview is conducted and a conditional offer is made. Among the recommendations proposed,

they suggested New Bern limit background checks to seven years. A petition with several signatures was presented in support of Ban the Box.

Alderwoman Harris expressed her support for Ban the Box and a need for those who are exiting prison to have a second chance and not be considered second-class citizens. During the break, she and Alderman Bengel had a discussion with the City Attorney about Item 16. Mr. Davis needs to confer with his colleagues about a human resources policy that will be brought back for the Board's consideration on March 26, 2019. As an employer, Alderman Bengel described the satisfaction of seeing an employee work hard, pursue their education, and advance. She expressed her support for Ban the Box.

Alderman Aster said he initially was concerned about this action, but after hearing the presentation, he would vote in favor of banning the box. Alderman Best stated she is a firm believer in giving people a second chance, and she too would vote in favor of banning the box. Alderman Odham said it is a challenge to find people who will apply for positions, and he would support efforts to make sure the City is not weeding out qualified applicants. He asked if the City's application asks for race, and Mr. Stephens said it is an optional question, and the response is only seen by Human Resources. Mayor Outlaw and Alderman Kinsey also voiced favor with the movement. By a raise of hands, everyone indicated their support of Ban the Box.

(Alderwoman Harris momentarily stepped out of the room at 8:10 p.m.)

**16. Consider Adopting a Resolution Approving a Human Resources Policy.**

This item was not approved, but will be placed on the March 26, 2019 agenda as indicated above.

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

**17. Receive Public Comment and Consider Adopting a Resolution Naming a Currently Unnamed Street as Sheryl Drive.**

In the area of Glenburnie Road, an unnamed street connects Elizabeth Avenue and Amhurst Boulevard. In 2013 and 2015, a proposed development named Quail Forest was reviewed, and the right-of-way for this roadway dedicated, but not officially named. The proposed name, Sheryl Drive, has been reviewed and approved by E911, and staff met with adjacent property owners regarding the name proposal.

Mayor Outlaw asked about the selection of the proposed name. Alice Wilson, GIS Coordinator, explained the name was suggested by Hap Parrott, the property owner.

Alderman Odham made a motion to adopt a resolution naming a currently unnamed street as Sheryl Drive, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0. Of note, Alderwoman Harris and Alderman Aster had stepped out of the room, thus technically yielding affirmative votes.

**18. Consider Adopting a Resolution Approving a License/Use Agreement with the Federal Emergency Management Agency.**

The Federal Emergency Management Agency (“FEMA”) requested to lease office space at the old Water Resources building located at 2825 Neuse Boulevard. The proposed agreement provides for their use of the building through June 30, 2019 at no cost. FEMA will be using the office space to serve the citizens of New Bern and surrounding areas following the devastation from Hurricane Florence.

(Alderman Aster returned at 8:14 p.m.)

Alderman Best asked if the City would have any liability for the FEMA employees. Attorney Davis stated the City would be indemnified from liability.

Alderman Best made a motion to adopt a resolution approving a license/use agreement with the Federal Emergency Management Agency, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0. Of note, Alderwoman Harris had stepped out of the room, thus technically yielding an affirmative vote.

**19. Consider Adopting a Resolution to Accept a Deed in Lieu of Foreclosure of Tax Lien.**

Craven County pursued foreclosure on 209 Lawson Street for delinquent ad valorem taxes owed to the County. At the time of the foreclosure, there were also delinquent taxes owed to the City. A commissioner’s deed was recorded on August 18, 2018 conveying the property to the County, which resulted in the City’s tax liens remaining intact. In order to avoid foreclosure by the City to collect those taxes, the County proposes a deed to convey the property to the City and County jointly, with the deed specifying the amount of both the County and City’s taxes, interest, liens, fees and costs as of August 18, 2018.

Attorney Davis explained this is a step by the County to streamline the process for the City to get its ownership interest in the property.

(Alderwoman Harris returned to the room at 8:17 p.m.)

This action will put the City in the position it should have been in two years ago when the foreclosure took place. The City will save approximately \$500-\$1,000 in costs and six months’ of time.

Alderman Bengel made a motion to adopt a resolution accepting a deed for 209 Lawson Street in lieu of a tax foreclosure, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

**20. Consider Adopting a Resolution Authorizing the Installation of Additional Street Lights.**

Time McKeon of 2800 Millinder Lane has requested additional street lighting at the intersection of South Glenburnie Road and Millinder Lane. The Department of Public Utilities evaluated the area and determined the current lighting does not meet the City's light standard. The installation of one street light will cost approximately \$574.96, and the monthly utility charge for service will be \$8.44.

Alderman Odham asked if this was something staff could approve in the future, if staff deems it does not meet the City's standard. Mr. Stephens said there are several scenarios in which there is probably a need to present this before the Board, and he described a couple of those scenarios. Mayor Outlaw asked if an ordinance change is needed to allow staff to handle these requests, and Mr. Stephens said he would check.

Alderman Kinsey made a motion to adopt a resolution authorizing the installation of additional street lights, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

**21. Appointment(s).**

Alderman Aster made a motion to reappoint Sonny Aluzzo to the Planning and Zoning Board, seconded by Alderwoman Harris. The motion carried unanimously 7-0. Mr. Aluzzo will serve a three-year term.

Alderman Bengel made a motion to reappoint Jerry Walker to the Planning and Zoning Board, seconded by Alderman Odham. The motion carried unanimously 7-0. Mr. Walker will serve a three-year term.

Alderman Bengel made a motion to appoint Ellen Sheridan to the Historic Preservation Commission, seconded by Alderwoman Harris. The motion carried unanimously 7-0. Ms. Sheridan will fill the remainder of Joseph Anderson's term, which expires on June 13, 2019.

**22. Attorney's Report.**

The City Attorney had nothing to report.

**23. City Manager's Report.**

The City Manager had nothing to report.

**24. New Business.**

Alderman Kinsey

Noting the length of the minutes, Alderman Kinsey questioned how many hours it took to complete them. Mrs. Blanco responded it took more than a week. Alderman Kinsey expressed concern with that amount of time being spent to prepare the



minutes. Alderman Bengel noted there were extra meetings and an all-day retreat, and she could see where that would take a lot of time. Alderman Kinsey asked what the School of Government recommended with respect to minutes. Mr. Stephens said the statute only requires the minutes to include the action taken. Alderman Kinsey asked if a motion could be made to have the minutes prepared that way. By only having to record the item and action taken, Alderman Odham asked about the retreat and what those minutes would look like. Attorney Davis said the statute requires an accounting of the meeting, so people would know the topic discussed and action taken, if any. With recordings and video archiving, Attorney Davis stated there is an option to revert back to just an accounting of the meeting. Those who care to know who said what could look at the recording. Alderman Best asked how long it takes to prepare minutes from a regular meeting, and Mrs. Blanco said two days or longer. Alderman Best then asked what was typed during the meeting. Mrs. Blanco explained during the meeting, she types the items and action taken with some of the comments. She then goes back later to listen to the recordings and add in additional comments. Alderman Best said that meant all of the comments had to be recorded in the minutes because the Clerk may not know what is important to each Alderman to have included. Mrs. Blanco confirmed that was correct, stating by including all of the comments she was removing her discretion as to what may or may not be important.

Alderwoman Harris said there was a discussion earlier about summarizing comments, and she was in favor of the summary, not verbatim minutes. She suggested when an item is a "hot ticket" that those comments be summarized, not anything else. Alderman Odham pointed out what is a "hot ticket" to one person may not be a "hot ticket" for another. He suggested that the minutes be recorded as statutorily required showing the item and action taken, but at the beginning of all minutes have a boiler-plate clause that says "for more detail refer to the website", etc. He noted the meetings are now indexed; thus, allowing the ability for the viewer to go right to an item. Alderwoman Harris stated not everyone has means to access those. Mr. Stephens said a digital copy is maintained at City Hall, and Alderman Odham asked if a computer could be made available at City Hall. Alderwoman Harris stated she would not want to move away from having the comments in the minutes. Alderman Aster said once things are in writing, you have a record forever. He expressed concern as to how meetings are stored electronically and whether someone could access that media in the future. Mayor Outlaw asked how long the minutes must be retained, and Attorney Davis responded forever. Alderman Kinsey asked how the last Clerk kept the minutes, and Alderman Bengel said in the same manner. Alderman Kinsey said it took weeks to get minutes back then, and Alderman Bengel said that was because she had the cemeteries to work on as well. Alderman Bengel said it is the Clerk's job to record minutes and answering every question of everyone who comes in the door is not necessarily her job. She said maybe someone needs to be hired to answer those questions, which would free up the Clerk's time. Alderman Kinsey said it still should not take that long to prepare minutes, and he suggested minutes be prepared as required by law. Alderman Bengel responded she preferred to have her comments in the record, and she preferred things stay the way they are. Alderman Best said this Board has put a tremendous amount of work on the City Manager and City Clerk, and she did not want a significant workload to be put on the Clerk and other important things fall

behind. If the general statute says only minimum minutes are required, but the Clerk is having to do more, then maybe the Clerk needs additional help. Mayor Outlaw asked if the Board were to adopt School of Government's method and prepare and approve minimal minutes, whether there is technology that would take the audio and transfer it into written format. Attorney Davis said he could look into that. Alderman Bengel asked for a copy of the Clerk's job description and said it was her understanding the position was molded into a part-time Clerk/part-time Executive Assistant position. Mr. Stephen stated he took two full-time jobs and combined it into one position. Alderman Bengel said maybe that was a mistake and maybe there should be a full-time Clerk and a full-time Assistant. Mr. Stephens said maybe that is the case now, but the Board at that time was okay with the statutorily required minutes. Alderman Bengel stated she had looked at the minutes prior to her taking seat as an alderman again, and the minutes had depth and were more than just action. Mr. Stephens said they had some depth to them, but there was nothing like the detail now. Alderman Aster asked Attorney Davis how other cities he represents prepare their minutes and whether they are full detail. Attorney Davis said they do not take long minutes, and the minutes are a page or two in length that intuitively capture key comments. The problem is when you have so many people to answer to, everyone thinks their comments are key. Again, most minutes are a page or two, and if someone leads a discussion the minutes will say Alderman X lead a discussion regarding this, there was a robust discussion, and there was a motion and a vote, and here is how it went. In the middle of that, there could have been 16 comments back and forth. Alderman Bengel stated she was okay with that, but if someone says "for the record", she wants it in there. Attorney Davis suggested that could be a tool to trigger the Clerk that when those magic words are spoken that the quote goes in the minutes. If the magic words are not spoken, then there is just a general summary. Alderwoman Harris reiterated the need to review the minutes and get with the Clerk prior to the meeting to add any desired comments. She felt it was okay to summarize and if someone wants something in the record, then they should say "for the record". She further stated summary is good unless it is a hot topic. Attorney Davis said there is a video and voice recording. He suggested the Clerk try a summary for a meeting or two. If the Board wants the minutes more robust, the tools are available to go back and make them robust. Mr. Stephens said he felt it would be a good idea for the Board to say "for the record". Mayor Outlaw also suggested once a meeting is over that the video be sent to the cloud for backup. Attorney Davis said he would check on this and report his findings back to the Board at the next meeting or when the full Board is present. For the Clerk's benefit, Alderman Davis asked if the Board wanted the Clerk to try a condensed version for tonight's meeting and notify her if additional comments should be added. He stated contacting the Clerk before Tuesday is really helpful in getting and incorporating the thoughts and changes. Alderman Bengel asked about draft minutes, and Attorney Davis said it is most efficient to have the final draft for approval. Alderwoman Harris suggested a draft set of minutes be circulated by the Wednesday prior to the meeting, so the final draft can be included in the agenda package. Alderman Odham said it would be okay even if the minutes are a meeting behind, noting they were months behind when he took office. He suggested the initial draft minutes be included with the pre-agenda. Mayor Outlaw suggested corrections be limited to their own statements, and

Aldermen Bengel and Harris voiced agreement. Mayor Outlaw pointed out the Board does not have a policy right now on the minutes.

Alderman Bengel

Condolences were expressed on the passing of Congressman Walter B. Jones. Condolences were also expressed on the passing of John Graham, former long-time publisher of the Sun Journal.

**25. Closed Session.**

A closed session was not needed.


**26. Adjourn.**

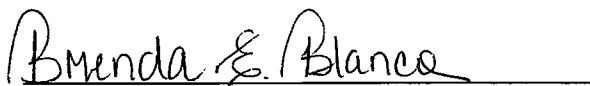
Alderwoman Harris made a motion to adjourn, seconded by Alderman Aster. The motion carried unanimously 7-0, time being 8:48 p.m.

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

NOTE: For additional details and information on the Board of Aldermen meetings, please visit the City of New Bern's website at [www.newbernnc.gov](http://www.newbernnc.gov). Video and audio recordings of the meeting have been archived.

Minutes approved: February 26, 2019

  
Dana E. Outlaw, Mayor

  
Brenda E. Blanco, City Clerk