

**City of New Bern
Board of Aldermen Meeting
February 26, 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 (arrived at 6:43 p.m.), and Alderman Johnny Ray Kinsey. Absent: Alderman Jeffrey Odham. A quorum was present.

Also Present: Mark Stephens, City Manager; Michael Scott Davis, City Attorney; and Brenda Blanco, City Clerk.

Consent Agenda

- 3. Consider adopting a Resolution Calling for a Public Hearing to Rezone 4526 US Highway 17 South.**

John Thomas of Thomas Engineering requested 2.40+/- acres located at 4526 US Highway 17 South be rezoned from R-20 Residential District to C-3 Commercial District. The property is further identified as Tax Parcel 8-206-079, which is located in the City's extraterritorial jurisdiction. It was requested a public hearing be held on March 12, 2019 at 6 p.m. to consider this request.

- 4. Approve Minutes.**

Minutes from the February 12, 2019 work session and February 12, 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 Kinsey. The motion carried unanimously 5-0.

- 5. Presentation of the Comprehensive Annual Financial Report.**

Copies of the Comprehensive Annual Finance Report ("CAFR") and Auditor's Discussion and Analysis were previously distributed to the Board. Alderman Kinsey asked for an explanation of the five items listed on pages 17 and 18 of the Discussion and Analysis. James Bence, a partner with Mauldin and Jenkins, stated those were not deficiencies or findings, but instead areas where room for

improvement was identified during the audit process, all of which have been discussed with staff. Mr. Bence briefly explained the audit process and noted the auditors issued an unmodified opinion, which is a clean opinion indicating the statements as prepared by management were materially correct. He pointed out the total fund balance for the end of Fiscal Year 2018 was approximately 54.3% of operating expenditures, and the unassigned fund balance (amount available going forward) represented about 38.5%. The biggest differential in those two percentages is the state stabilization requirements. At the end of the fiscal year, all three enterprise funds had positive cash flow in operations. No material weaknesses were reported in the audit, although areas of improvement were noted as indicated earlier.

6. Update on Resiliency Plan.

Mr. Stephens provided an update on the City's efforts with respect to a resiliency plan and the hiring of a consultant. He said there were three main efforts being pursued. He has been communicating with a professional firm about obtaining services to produce a resiliency plan. Because of the scale of the project, the City would need to issue a Request for Qualifications ("RFQ"), and the Board would need to appropriate funds to cover the cost of those services. Mr. Stephens stated he had also discussed with UNC-Wilmington the socioeconomic impact of the hurricane. The UNC group looks at the negative impact on distressed areas of the City. Information on New Bern has been provided to them, and they plan to discuss that information in depth with their colleagues. A lot should come out of that as far as ways to plan for and mitigate future storms. The third effort surrounds meetings with a local community group known as CARE with respect to the City potentially having an employee to act as a "question and answer" person. The Board previously allocated \$50,000 that could be spent on this position through June 30, 2019. It has been difficult to find someone for this short-term assignment. Thus, this has possibly morphed to a higher-level position for someone with resiliency planning or mitigation experience. Mr. Stephens stated the City is not just focused on recovery, but is also focused on what it can do in the future to help minimize the impact of storms.

Alderman Bengel said she and Mayor Outlaw met with the CARE group this afternoon and have been working with them to try to find the best means possible to develop a resiliency plan. The group has invited the former Mayor of Hoboken, New Jersey to New Bern for a potential public forum and to address the Board of Aldermen. The former Mayor has indicated a willingness to do this without charging a consulting fee. She is only requesting her expenses be covered, which are estimated at \$1,000 or less for travel and lodging. The Board would need to give the City Manager direction, if it desires to pursue this option. A consensus was expressed to move forward with this and pay the travel expenses. The speaker would be available as early as March, and Alderman Bengel stated the Board might need to call a special meeting to have the former Mayor make a presentation to the Board the night following the community forum.

Mr. Stephens briefly reported on the 2019 Town and State Dinner attended by himself, Mayor Outlaw and Alderwoman Harris last week in Raleigh. During dinner,

they sat with and spoke to Senator Norm Sanderson and Representative Michael Speciale about local issues. Prior to that, Mr. Stephens and the Mayor met with Tony McEwen, Wilmington's Assistant to the City Manager for Legislative Affairs, to work on an Eastern North Carolina Disaster Recovery and Resiliency Alliance. In addition to New Bern and Wilmington, Kinston, Wallace, Pender County, and several others have expressed an interest in the alliance. They all met with several state officials to discuss the alliance's needs. The alliance has five main initiatives covering everything from transportation to affordable housing, education, and cleaning creeks and streams.

7. Consider Adopting a Resolution to Initiate the Upset Bid Process for 1620 National Avenue.

In July of 2016, after being vacated by Parks and Recreation's administrative staff, the Board declared the City's property at 1620 National Avenue as surplus property. A minimum reserve bid of \$85,000 was established. The property has since received substantial damage as a result of Hurricane Florence, and no repairs have been made to date. An insurance payout is anticipated in the amount of \$65,833. Freddie Mercer has submitted an offer of \$15,000 to purchase the property in its current condition. If this resolution is approved, the offer will be duly advertised as required by state statute. If no upset bids are received and the property is sold for \$15,000, the City will receive approximately \$80,833 from the proceeds of the sale and the insurance funds. Alderman Aster asked about the generator, and Mrs. Blanco stated the generator is still on the property, but it is unknown as to whether it is operable following the storm. She stated Public Utilities had indicated it was not cost effective to move it to another site.

Alderman Bengel made a motion to adopt a resolution to initiate the upset bid process for 1620 National Avenue, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 5-0.

8. Consider Adopting a Resolution Approving a Contract with James L. Cayton Utilities, Inc. of New Bern, NC for Infrastructure Improvements.

Aging water and sewer infrastructure is being replaced on Johnson Street between Craven and East Front Streets and King Street between Craven Street and Edgerton Drive. Once the infrastructure has been replaced, the streets will be resurfaced. The improvements will eliminate deteriorated mains and service lines, increase the reliability of the domestic water supply, reduce the potential for sewer backups, and improve drainage in the project area. Bids for this project were sought and obtained. After reviewing them, James L. Cayton Utilities, Inc. of New Bern, NC had the lowest bid at \$635,320.

Alderman Bengel made a motion to adopt a resolution approving a contract with James L. Cayton Utilities, Inc. of New Bern, NC for infrastructure improvements, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 5-0.

9. Consider Adopting an Ordinance Amendment to Division 2 (Police Civil Service Board) of Article IV of Chapter 2 of the Code of Ordinances.

The City's charter was amended in 2016, at which time changes were made in part to the section regarding the Police Civil Service Board ("PSCB"). It has since been discovered the ordinance addressing the Police Civil Service Board was not amended to reflect the charter changes. By adopting this ordinance, the charter and Code of Ordinances will be consistent with one another.

Alderman Bengel asked the City Attorney if the state was petitioned during the charter change, and Mr. Davis confirmed it was and explained that the subtle charter changes with respect to the PCSB were not changed in the code. Alderman Bengel questioned whether the charter changed the premise of the PCSB's functions. Mr. Davis explained the PCSB is an appeals board for police officers facing termination or suspension, but previously also served as a recruiting and pre-assessment board for sworn officers. That created problems and extended the hiring process by three to six months. During that time frame, officers would go to a neighboring city to get a job.

(Alderman Best arrived at 6:43 p.m.)

Alderwoman Harris made a motion to adopt an ordinance amendment to Division 2 (Police Civil Service Board) of Article IV of Chapter 2 of the Code of Ordinances, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0.

10. Appointment(s).

No appointments were made.

11. Attorney's Report.

The City Attorney had nothing to report.

Mayor Outlaw asked about potential software for preparing the Board's minutes. Mr. Davis stated the software only recognizes one voice and is not an optimal solution. Mayor Outlaw asked about the backup technology for archiving digital recordings and a kiosk for the public's use in searching meetings. Mr. Davis said it was not expensive to have both onsite and cloud backup of the digital documents, and he also stated technology is available to search keywords in a digital meeting. Alderman Bengel stated she was comfortable with the way things were being performed now. She questioned whether the City Clerk and Executive Assistant positions should again be separated.

12. City Manager's Report.

The City Manager had nothing to report.

13. New Business.

Alderman Bengel

She suggested the City move forward with an overall noise ordinance for the entire City, noting the downtown ordinance also needed tweaking. Mr. Davis said it may be time to move from the traditional ordinance that refers to noise that can be heard from a certain distance to an ordinance that utilizes the decibel system.

Alderwoman Harris

With respect to the 2019 Town and State Dinner, Alderwoman Harris noted she attended afternoon workshops and sent her notes to the Board.

An update on Stanley White Recreation Center (“SWRC”) and Kidsville was requested. Foster Hughes, Director of Parks and Recreation, stated responses to the SWRC Request for Proposal were received last week and have been evaluated. Purchasing is now negotiating with a vendor. Once a contract is signed, the vendor will begin to evaluate the property. With respect to Kidsville, some donations have been received. Design input will be sought from children during the month of March, and the build should be around the middle of June.

Alderman Aster

The Hardee Farms Homeowners Association has requested additional stop signs. Mr. Stephens stated he would work on that.

An update was requested on the DoubleTree and convention center. Alderman Bengel said the convention center is currently a work in progress, and they feel confident everything will be complete and the facility open by September. The DoubleTree will be down until at least January 2020. The property is in litigation over insurance settlements.

A brief update was requested on the Old Airport Road project. Mr. Stephens said drawings are 90-95% complete. Staff intends to have community meetings within the area to provide citizens with an update. Construction and permanent easements will need to be obtained. Mr. Stephens asked the Board to keep in mind the money in the budget is for the design work, and staff will need to come back to the Board for money to fund the construction.

Mayor Outlaw

The Black History Month Parade has been rained out twice. The committee has requested a new date of May 25, 2019 with a rain date of June 1, 2019. Mr. Davis stated that would need to be placed on the Board’s agenda for formal consideration. Alderwoman Harris announced the Juneteenth group desires to reach out to Victor Taylor to ask if his committee would reschedule the parade during the week of the Juneteenth celebration.

Alderman Best

Gratitude was expressed to Pedaling for Parkinson and City staff for cleaning hurricane debris from the ditch by Harbor Drive.

Mr. Force on Hazel Avenue has expressed concern about speeding on that street, and he has requested an additional stop sign near Opal Street. Mr. Stephens said staff has met with Mr. Force on multiple occasions. Staff put in an additional stop

sign and has both pre and post-implementation statistics. The post implementation stats look good, and Mr. Stephens did not feel the data would support the need for an additional sign. Upon his return, Mr. Montanye will be asked to provide the Board with details, as the decision is ultimately one for the Board.

14. Closed Session.

A closed session was not needed.

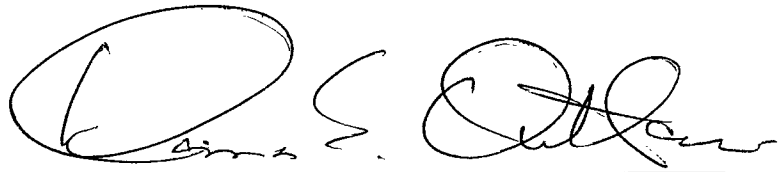
15. Adjourn.

Alderman Aster made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously 6-0, time being 7:05 p.m.

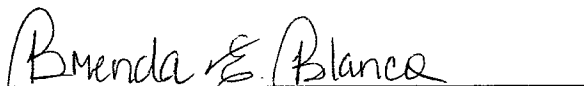
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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: March 12, 2019

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

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 initial "B".

Brenda E. Blanco, City Clerk