

**City of New Bern
Board of Aldermen Meeting
September 10, 2019 – 6:00 P.M.
City Hall Courtroom
300 Pollock Street**

- 1. Meeting opened by Mayor Outlaw, who expressed thanksgiving for New Bern being spared during Hurricane Dorian. 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.

- 3. Request and Petition of Citizens.**

Davie Pryor of 1003 Karen Drive wanted to speak regarding the noise ordinance, but stated he would rather wait until that item is on an agenda. Mayor Outlaw cautioned that a future meeting may not allow for public comment, and he asked Mr. Pryor if he would like to make his statements tonight when the agenda provided for Request and Petition of Citizens. Mr. Pryor declined to proceed with comments.

Edwin Vargas of 230 Attmore Drive voiced concerns about stormwater drainage in the area of his residence on Tuscan Lane and North Second Avenue. He stated the ditches were not being properly maintained, and he displayed pictures of the area of concern. George Chiles, Engineer with Public Works, was called forward by Alderman Best to describe the work that was being performed by Public Works to address stormwater issues in that area. Mr. Chiles said staff is working in the area of concern, and in the last several months staff has lowered some culverts installed by homeowners and high. The difficulty is some of the area ditches are about three feet higher than the normal river level. A catch basin near the cul-de-sac on North Second Avenue has been cleaned out, and the culvert is scheduled to be drenched out.

Mike Duffy of 121 Mourning Dove Trail thanked the City and staff for their work during Hurricane Dorian.

Sherry Jones of 507 Metcalf Street spoke in support of Item 16 regarding a change in bed and breakfast establishments. She stated the owner of 501 Metcalf Street plans a four-car parking lot in his front yard, and she felt that would be an eyesore and take away from the historic presence that exists on that block.

Caroline Orman of 512 Metcalf Street spoke in support of Item 16 as well. She expressed safety concerns associated with unknown people coming and going in her neighborhood.

Ethel Bell Sampson of 1038 Sampson Street reiterated the desire for Stanley White Recreation Center to remain at its current location.

Consent Agenda

- 4. Consider Adopting a Resolution to Close the 3600 Block of Cranberry Lane and the Cul-de-sac of Sienna Woods for a Sienna Woods Neighborhood Picnic in Carolina Colours on September 21, 2019.**

Jerry Trenholm of Carolina Colours requested to close the 3600 block of Cranberry Lane and the cul-de-sac of Sienna Woods on Saturday, September 21, 2019 from 9 a.m. until 10 p.m. for a neighborhood picnic.

- 5. Consider Adopting a Resolution to Close Specific Streets for the Tryon Palace Candlelight Christmas Event on December 14, 2019 and December 21, 2019.**

Rebekah Hornek, Cultural Arts Coordinator with Tryon Palace, requested the 600 block of Pollock Street and 300 block of George Street be closed on December 14th and 21st from 2:00 p.m. until 10:30 p.m. for Tryon Palace's Candlelight Christmas Celebration. To accommodate a fireworks display both evenings, she also requested a temporary block of South Front Street at the location of Palace Point Commons.

- 6. Consider Adopting a Resolution to Close the 200-300 Blocks of Middle Street and 300-400 Blocks of Pollock Street for MERCI on Middle Fundraiser on November 3, 2019.**

Barbara Krcmar, Executive Director of MERCI Clinic, requested the 200-300 blocks of Middle Street and 300-400 blocks of Pollock Street be closed to vehicular traffic from 12 noon until 10:00 p.m. on Sunday, November 3, 2019 for the annual MERCI on Middle fundraiser.

- 7. Consider Adopting a Resolution to Close the 200 Block of King Street for a Block Party on September 14, 2019.**

Ann Henson requested the 200 block of King Street be closed to vehicular traffic on September 14, 2019 from 5:00 p.m. until midnight for a King Street homeowners' party to commemorate the recovery of Hurricane Florence.

8. Approve Minutes.

Draft minutes from the August 27, 2019 regular meeting were provided for review and approval.

Alderman Odham made a motion to approve Items 4-8 of the Consent Agenda, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

9. Presentation by Craven County Alcoholic Beverage Control Board.

Chip Chagnon, Chairman of the Craven County Alcoholic Beverage Control (“ABC”) Board, presented a \$37,667 check for the City’s final portion of ABC sales for Fiscal Year 2018-19. He also provided an annual briefing to review the status of last year’s goals and describe future goals for the ABC Board.

10. Presentation of 2019 National Night Out Event.

The annual National Night Out event was held on August 6, 2019. A total of 25 communities participated in this year’s event. Police Chief Toussaint Summers and Officer Katrina Longmire presented certificates of participation to the community representatives in attendance, and the Board of Aldermen extended them a handshake of appreciation. A video of the event activities will be shared later.

(Alderwoman Harris momentarily stepped out of the room at 6:44 p.m.)

11. Conduct a Public Hearing and Consider Adopting an Ordinance to Annex Contiguous Property Owned by Weyerhaeuser NR Company in Craven 30 West (Also Known as Craven 30 and West New Bern) Identified as Tax Parcel ID 8-209-13001.

Clifford Parson, authorized representative for Weyerhaeuser NR Company, submitted a petition to annex contiguous property consisting of approximately 58.36 acres located in the Craven 30 (also referred to as Craven 30 West and now known as West New Bern) development identified as Tax Parcel ID 8-209-13001. The Board voted at its August 27, 2019 meeting to accept the petition and to call for a public hearing to receive comments on the annexation.

Mayor Outlaw opened the public hearing, but no one came forward to speak. Alderman Best made a motion to close the public hearing, seconded by Alderman Kinsey. The motion carried unanimously 7-0. Alderwoman Harris was out of the room, thus technically yielding an affirmative vote.

(Alderwoman Harris returned to the room at 6:45 p.m.)

Alderman Kinsey made a motion to adopt an ordinance to annex contiguous property owned by Weyerhaeuser NR Company in Craven 30 West (also known as Craven 30 and West New Bern) identified as tax parcel ID 8-209-13001, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

12. **Conduct a Public Hearing on Rezoning a Part of 1701 Simmons Street (Tax Parcel ID 8-240-105); and**
 - a) **Consider Adopting a Statement of Zoning Consistency or Inconsistency; and**
 - b) **Consider Adopting an Ordinance Rezoning Part of 1701 Simmons Street (Tax Parcel ID 8-240-105) from C-4 Neighborhood Business District/C-5 Office and Institutional District to C-3 Commercial District.**

Steve Tyson, registered agent for Lake New Bern Development Company, LLC, requested a portion of 88.1 +/- acres located at 1701 Simmons Street and further identified as Tax Parcel ID 8-240-105 be rezoned from C-4 Neighborhood Business District/C-5 Office and Institutional District to C-3 Commercial District. The Planning and Zoning Board approved the request at its August 8, 2019 meeting. Staff recommends a statement of zoning consistency be adopted and that the rezoning request be approved. Jeff Ruggieri, Director of Development Services, reviewed the request and explained the difference in the zoning districts, utilizing a PowerPoint presentation. Noting the area has issues with flooding, Alderman Best expressed concern about potential flooding of the development and the impact on area properties. Mr. Ruggieri responded by stating the appropriate stormwater permits would be obtained and that the adjacent lake should be able to handle any runoff from the site. Alderman Best asked to be included in the departmental review meetings.

Mayor Outlaw opened the public hearing. James Woods of 1903 Country Club Road asked if the subject property was the same as the old Renny Creek's property. Noting the area is prone to flooding, he questioned how a zoning change could affect the nearby waterfowl sanctuary and Oaks Road School. Mr. Ruggieri clarified that only approximately 20 of the 88 acres would be developed, as the existing lake accounts for approximately 60 acres of the parcel. Upon hearing the concerns being expressed, Alderman Bengel announced Steve Tyson sent her a text during the meeting to state he would be amenable with the Board postponing a decision until it could direct questions to him, which he was happy to answer.

Mike Duffy of 121 Mourning Dove Trail stated he had spoken in favor of the project before the Planning and Zoning Board, but now had additional questions. He welcomed Mr. Tyson's invitation to postpone consideration of the matter until Mr. Tyson could be present to answer questions. Mr. Davis warned that the hearing could be continued, but if it were closed additional comment could not be given to the matter. The Board continued with a lengthy discussion on this agenda item. While responding to questions from Mayor Outlaw, Mr. Chiles noted the North Hills area was not affected by Renny's Creek, as the water from the creek should

discharge out to the river. The flooding that occurs in North Hills is more of a grading issue.

Alderman Aster made a motion to close the public hearing, seconded by Alderman Best. The motion carried unanimously 7-0.

Alderman Aster made a motion to adopt a statement of zoning consistency, seconded by Alderman Odham. Upon a roll-call vote, motion carried 5-2 with Aldermen Best and Harris voting against it.

Alderman Aster made a motion to adopt an ordinance rezoning part of 1701 Simmons Street (Tax Parcel ID 8-240-105) from C-4 Neighborhood Business District/C-5 Office and Institutional District to C-3 Commercial District, seconded by Alderman Odham. Upon a roll-call vote, the motion carried 5-2 with Aldermen Best and Harris voting against it.

13. Consider Adopting a Resolution in Support of an EDA Resiliency Grant Application for an Electric Substation.

Public Utilities desires to apply for grant funding from the FY2019 Disaster Supplemental Funds and seeks support of the application. If awarded, funds would be utilized to construct a new electric substation in the area of County Line Road near Old Airport Road. A new substation should help to alleviate some of the capacity issues at the Lewis Farm and Trent Road substations, as well as facilitate growth. The grant funds are estimated to be \$10 million, and a 20% match may be required. The City can fund the match through cash, bonds, and/or in-kind services.

Alderman Aster pointed out the area of County Line and Airport Roads are prone to flooding. Charles Bauschard, Director of Public Utilities, stated land had not yet been procured, but would be vetted for appropriateness prior to purchase.

Alderman Aster made a motion to adopt a resolution in support of an EDA resiliency grant application for an electric substation, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

14. Consider Adopting a Resolution Approving the Installation of an Additional Street Light Near 1901 Garden Street.

Hazel Royal, Pastor of Abundant Life Miracle Center, requested an additional street light in the area of 1901 Garden Street. Upon evaluating the request, Public Utilities found that the area met the established street-lighting standard. However, the Police Department recommended an additional light since there are late-night events in which people are exiting the building in darkness. The estimated cost to Public Utilities to add the light is \$493.12, and the estimated recurring monthly utility cost for Public Works is \$8.44.

Alderman Best made a motion to adopt a resolution approving the installation of an additional street light near 1901 Garden Street, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

15. Consider Adopting a Budget Ordinance Amendment for the FY2019-20 Annual Operating Budget.

The amendment recognizes \$37,000 for repairs to the Cub House Welcome Center following a fire and an additional \$95,000 for estimated costs associated with Kidsville 2.0. The cub house funds represent \$27,000 in insurance proceeds and \$10,000 for the deductible, which will be transferred from contingency. The funds for Kidsville represent approximately \$60,000 from fundraising and \$35,000 to be transferred from contingency. Additionally, the amendment recognizes a \$5,000 donation to purchase trashcans as part of the City's litter program.

Alderman Aster made a motion to adopt a budget ordinance amendment for the FY2019-20 annual operating budget, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

16. Consider Adopting a Resolution to Request Amendment to Land Use Ordinance Regarding Bed and Breakfast Establishments.

Interest had been expressed in possibly removing the special-use permit designation for bed and breakfast establishments in R-6, R-8 and R-10 zones in the historic districts. The proposed resolution will indicate the Board's desire to move forward with amending the land-use ordinance for this purpose. Alderman Odham noted the proposed resolution did not specify the historic district, and Mr. Davis explained bed and breakfast establishments are currently allowed only in commercial districts and the R-6, R-8 and R-10 zones in the historic districts. Tonight's resolution would trigger the Planning and Zoning Board to take up for consideration the issue of changing the ordinance.

Alderman Bengel stated there had never been bed and breakfast establishments on the north side of Broad Street, despite the fact that the City's ordinance allowed those establishments. Residents from Metcalf Street have expressed concern about having such establishments in their neighborhood. Existing bed and breakfasts on the north side of Broad Street would be grandfathered in and allowed to continue to operate. A robust discussion followed.

Alderman Bengel made a motion to adopt a resolution to request an amendment to the land use ordinance regarding bed and breakfast establishments, seconded by Alderman Aster. Upon a roll-call vote, the motion carried 6-1 with Alderman Kinsey voting against it.

17. Discussion of Options for Board of Adjustment.

As requested at the August 27, 2019 meeting, Mr. Davis discussed the options related to the Board of Adjustment, which has had difficulty in holding meetings due to a lack of a quorum. He provided a chart depicting board sizes, breakdown of members, and quorum requirements from other North Carolina municipalities. He suggested New Bern's quorum immediately be reduced from eight members to five and that regular membership be reduced from ten to seven effective July 1, 2020. Mr. Davis recommended that appointments not be mandated by ward, but open to anyone who was qualified. Alderwoman Harris expressed concern with eliminating appointments by ward, and Mr. Davis responded that was a policy issue that could be decided later. Mr. Davis also suggested alternate members be reduced from three to two and that those members be "cued up" to fill regular-member vacancies as they become available. He provided two draft resolutions: one prepopulated with the reduction of members from ten to seven, alternates reduced from three to two, and a quorum requirement reduced from eight to five; and a version with blanks to allow for those numbers to be changed as desired by the Board.

Alderwoman Harris made a motion to approve the resolution with prepopulated fields reducing the membership from ten to seven, quorum requirements from eight to five, and alternates from three to two, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

18. Appointment(s).

Alderman Best made a motion to reappoint Robert West to the Police Civil Service Board, seconded by Alderwoman Harris. Mr. West has not served a full term and is, therefore, eligible for reappointment. He will serve a two-year term to expire July 24, 2021.

19. Attorney's Report.

The City Attorney had nothing to report.

20. City Manager's Report.

- Mr. Stephens thanked City staff for their hard work and diligent efforts associated with Hurricane Dorian. Primarily, damage was limited to wind-driven power outages and some downed trees. Gratitude was also expressed to the mutual aid crews that provided assistance. Emerald Isle's Town Manager has requested assistance with their cleanup, and Mr. Stephens has authorized Public Works to send a few employees to assist the town for several days.
- A work session was previously requested for next Tuesday to discuss the noise ordinance. At the request of several members, Mr. Stephens stated he contacted a noise consultant and received a quote of \$10,400 to review the draft ordinance changes and perform some fieldwork. The report from those services will likely not be available by Tuesday's work session. Direction was sought as

to whether the Board desired to proceed with next week's work session or postpone it. The Board expressed a consensus to move forward with the consultant. Mayor Outlaw suggested the work session be held and the topic changed to stormwater. Alderman Odham suggested an update also be provided on FEMA reimbursements.

- An architectural report has been received for the inclusion of an elevator at City Hall. The report could be discussed at the work session or it could be presented to some members of the Board who would work with Mr. Stephens to make a recommendation to the full Board. Mayor Outlaw stated he would like to appoint Aldermen Bengel, Aster and Best to an ad hoc committee to review the report, although Alderwoman Harris voiced a desire for the information to be presented to the entire Board at the work session. After brief discussion, the Board decided to discuss the elevator at the work session. Alderman Bengel made motion to amend the time of the work session to begin at 5 p.m., seconded by Alderwoman Harris. The motion carried unanimously.
- Condolences were expressed to the family of Mike Brown, a 25-year City employee in the Water and Sewer Division, who passed away from cancer.

21. New Business.

Alderman Bengel

The eighteenth anniversary of 9/11 was reflected upon.

Alderwoman Harris

The City Manager and staff were commended for their work during Hurricane Dorian.

Alderman Aster

Gratitude was expressed to the City Manager and staff for preparation and work during Hurricane Dorian.

Churches will feed Fire and Police personnel tomorrow in commemoration of 9/11. Fire Chief Bobby Boyd announced a short memorial service would be held later the following day at 6 p.m. at the Bell Tower.

Alderman Kinsey

Appreciation was expressed to the Board and City for acknowledging the passing of Alderman Kinsey's sister. Thanks was also expressed to those who worked during the storm.

The City Manager was asked if there was information that could be shared with the public regarding the status of Stanley White Recreation Center ("SWRC"). Mr. Stephens replied information is shared as it is received and is not withheld from the public. The City is still awaiting a decision from FEMA on the 428 process. Recently, letters were sent to both senators at the White House encouraging them to contact FEMA to push the process along and stressing to them how critical the facility is to the community. Foster Hughes, Director of Parks and Recreation, was asked to provide an update on the summer programs at SWRC. Mr. Hughes stated

the department was working with the children in Duffyfield and would begin to offer programs at the Omega Center once that facility is ready, which should be in the next several weeks.

Alderman Best

The election for the third congressional seat was held today, and Alderman Best stated she hoped everyone had voted.

Alderman Odham

Citing ridiculous workmanship, Alderman Odham asked to meet on Trent Road at the site of the extension for the third lane. Mr. Stephens said the City was withholding payment and would not release funds until the work was satisfactorily completed.

Staff was again thanked for working during Hurricane Dorian.

22. Closed Session.

A closed session was not needed.

23. Adjourn.

Alderman Odham made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously 7-0, time being 8:49 p.m.

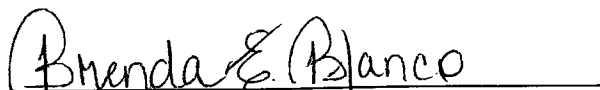
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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: September 24, 2019



Dana E. Outlaw, Mayor


Brenda E. Blanco, City Clerk