

**City of New Bern  
Board of Aldermen Meeting  
October 08, 2019 – 6:00 P.M.  
City Hall Courtroom  
300 Pollock Street**

**1. Meeting opened by Mayor Dana E. Outlaw. Prayer by Pastor Linster Strayhorn, III. 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.**

Joseph Overby, III of 106 Sierra Drive felt the number of people complaining about noise was small in comparison to the number of people who were enjoying the music and live entertainment. He indicated those living downtown should expect to encounter noise, and he suggested a noise ordinance not be applicable on Friday or Saturday nights until 11 p.m.

James Wickline of 318 Glenburnie Drive felt decibel readings were arbitrary. He commented about the current vibrancy of downtown as opposed to years ago when it was “dead”. He, too, felt that a handful of complainers should not dictate a change.

Joe Peters of 106 Hillcrest Road in Trent Woods spoke in favor of having live music in the downtown area. He publicized that he works for the Curtis Media Group’s radio stations, which utilizes the Farmer’s Market for events. Several of those events are for nonprofits and include music. He felt a reasonable and acceptable noise level would be very helpful and would eliminate the fears associated with hosting events at the Farmer’s Market.

Danny Anderson of 4703 Edgewood Drive in Trent Woods felt downtown was now coming back to life. He attributed that to the entertainment and cautioned about a potential loss of revenue by shutting down the music. He stated it was asking too much to have entertainment available downtown on Friday and Saturday nights.

Tony Bonnicci of 512 Jefferson Avenue said he moved to New Bern in 2000 when the town was “dead”. Five years later, the Sheraton was the place for downtown entertainment. Since then, the entertainment has progressed. He felt the noise complaints were generated because some people do not like the particular crowd

that is now frequenting downtown. He cautioned the Board about taking action that could push the downtown back into the 1980's when there was no vitality.

Edwin Vargas of 230 Attmore Drive spoke about the importance of the Stanley White Recreation Center ("SWRC"). If the Center could not be rebuilt at its current location, he suggested building a facility on the old Days Inn property or at 1211 Broad Street. He voiced agreement with Alderwoman Harris that if funding could be found for an elevator at City Hall, then funding could be found for SWRC.

Mike Duffy of 121 Mourning Dove Trail stated he was impressed with how the community and Board came together at the Board's last meeting regarding SWRC. At that meeting, a woman stressed the importance of recreation in areas where families are challenged. Mr. Duffy asked if the intramural basketball fee could be reduced and a shuttle service provided between SWRC and West New Bern Recreation Center.

Bernard White of 1811 Durham Street said he was a firm believer that SWRC would be rebuilt at its current location. He stated that neighborhood had produced quality kids and athletes, and he asked that the Board treat his people right instead of removing the building and trying to claim what is not rightfully theirs.

Tyron Brown of 726 Second Avenue said he was speaking on behalf of the youth in his community when he expressed a need to elevate SWRC and keep it at its current location.

Maxwell Oglesby of 2506 Montgomery Court spoke against prohibiting cannabis and expressed a desire to legalize it. He stated he would continue to attend Board meetings to express support for cannabis reform.

Ethel Sampson of 1038 Sampson Street reported on the cleanup of the Duffyfield community. She expressed gratitude to Alderman Best for assisting with food provisions for the volunteers.

Sandy Bruno of 27 Pier Pointe in River Bend spoke on the "Love My City Campaign". Colleen Roberts, Public Information Officer, provided background information on the campaign, which encourages people to write "love letters" to the City describing why they love New Bern. The first letter was received from Sandy Bruno, who read her letter aloud. After reading it, Mrs. Bruno donated one of her paintings to the City and presented it to the Mayor.

### **Consent Agenda**

#### **4. Consider Approving a Proclamation for NC Public Power Week.**

Charles Bauschard, Director of Public Utilities, requested a proclamation in honor of Public Power Week. The week is observed annually during the first full week of October. In 2019, it is slated for October 6-12<sup>th</sup>

**5. Consider Approving a Proclamation for Red Ribbon Week.**

Ernest Flowers, on behalf of the New Bern Young Marines, requested a proclamation in honor of Red Ribbon Week, which is observed annually during the third week of October.

**6. Consider Adopting a Resolution to Call for a Public Hearing to Rezone 2403 Trent Road.**

Wendy Tysinger Stallings, on behalf of M W Properties of Eastern NC, LLC, requested to rezone 1.31 acres located at 2403 Trent Road (tax parcel ID 8-043-007) from C-4 Neighborhood Business District to C-3 Commercial District. The Planning and Zoning ("P&Z") Board approved the request at its meeting on October 1, 2019.

**7. Consider Adopting a Resolution to Call for a Public Hearing to Annex Two Well Sites Identified as Parcel ID Numbers 8-209-12004 and 8-209-12005.**

In December 2012, an area defined as Craven 30 was annexed into the City. Excluded from the annexation were two well sites owned by the City. To clarify the city limits in this particular area, staff recommended the two well sites also be annexed.

**8. Consider Adopting a Resolution to Close Specific Streets for the Craven County Jaycees 2019 Christmas Parade.**

The Craven County Jaycees' annual Christmas parade is scheduled for Saturday, December 7, 2019. David Ricks, the event coordinator, requested that the 300-800 blocks of George Street, 300-600 blocks of Broad Street, and the 200-300 blocks of Craven Street be closed to vehicular traffic from 1:00 p.m. to 6:00 p.m. on that date. He also requested that the eastbound lane of Broad Street be closed to parking from 12 a.m. until the conclusion of the parade.

**9. Consider Adopting a Resolution to Close the 800 Block of Cedar Street for a Habitat for Humanity Block Party.**

Antoinette Boskey, organizer for Habitat for Humanity, requested the 800 block of Cedar Street be closed to vehicular traffic on Saturday, November 2, 2019 from 2:00 p.m. until 6:00 p.m. for a block party that will be held at the Omega Center.

**10. Consider Adopting a Resolution to Close Specific Streets for the Downtown Council's Annual Trick or Treat in the Street Event.**

Amanda Banks with the Downtown Council of the New Bern Area Chamber of Commerce requested the 200 blocks of Middle and Craven Streets be closed to vehicular traffic on Saturday, October 26, 2019 from 3:30 p.m. until 6:15 p.m. for the annual Trick or Treat in the Street event.

**11. Approve Minutes.**

Minutes from the September 17, 2019 work session and September 24, 2019 regular meeting were provided for review and approval.

Alderman Odham made a motion to approve Items 4-11 of the Consent Agenda, seconded by Alderwoman Harris. The motion carried unanimously 7-0.

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**12. Presentation on New Bern's Electric Utility System.**

Charles Bauschard, Director of Public Utilities, presented a draft report on the value and financial benefit of the City's electric utility system to the community. He asked the Board to review the report and provide input for the final version. Mr. Bauschard briefly reported on a resiliency grant that is being pursued to help fund a new substation.

A brief discussion was held on the possibility of working with Duke Energy to better optimize the City's territorial footprint. Aside from customer choice areas, Alderman Odham noted there are some areas within the City limits that are served by Duke. He suggested staff review the grids to see if there are some locations that can be swapped with Duke in order to "tighten up" the City's service area.

**13. Consider Adopting a Resolution of Intent to Rebuild and Elevate Stanley White Recreation Center at its Current Location, if Approved by FEMA and an Engineer.**

The status of the Stanley White Recreation Center was discussed at a work session on September 17, 2019 and in a regular meeting on September 24, 2019. At the later meeting, the Board voted to consider adopting a resolution of intent to rebuild and elevate the structure at its current location, if FEMA and an engineering consultant approved.

Alderwoman Harris asked Mr. Stephens to provide an update on the meeting held with top FEMA officials last week. Mr. Stephens stated that after Friday's meeting with Robert Ferguson, FEMA Public Assistance IBD, it appears FEMA is willing to work with the City to move the SWRC project forward. FEMA asked for the City to resubmit the claim, after which FEMA will make a determination. FEMA representatives indicated they would put this project at the top of their list and provide a response within a week of the claim's receipt. Also discussed at the meeting was the topic of cleaning out the City's drainage infrastructure. Likewise, Mr. Stephens reported on that discussion.

(Alderman Kinsey momentarily stepped out of the room at 6:56 p.m.)

A discussion ensued about the wording of the proposed resolution and whether it should specify FEMA “funds”. J.R. Sabatelli, Director of Finance, suggested against tying any decisions or action to FEMA funding.

(Alderman Kinsey returned to the room at 7:01 p.m.)

It was noted that Corey Spaulding, Project Manager with Disaster Recovery Services, had reviewed the resolution. Aldermen Aster and Odham said they were comfortable with approving the resolution since Mr. Spaulding had reviewed the document.

Alderwoman Harris made a motion to adopt a resolution of intent to rebuild and elevate Stanley White Recreation Center at its current location, if approved by FEMA and an engineer, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

(Alderwoman Harris momentarily stepped out of the room at 7:04 p.m.)

**14. Consider Adopting a Resolution in Support of Coastal Leadership’s Resolution to Protect the Environmental and Economic Future of North Carolina’s Coast.**

The Coastal Leadership, which consists of Mayors from coastal cities and towns in 20 North Carolina counties, prepared a resolution encouraging the State and Federal governments not to drill for oil in the Atlantic Ocean. The Board was asked to consider adopting a resolution authorizing the Mayor to join the other Mayors in signing the Leadership’s resolution discouraging oil or gas exploration, leasing and extraction within the Atlantic Ocean. Mayor Outlaw shared some of the concerns that had been expressed by the coastal Mayors.

(Alderman Best momentarily stepped out of the room at 7:06 p.m.)

Alderman Bengel made a motion to adopt a resolution in support of the Coastal Leadership’s resolution to protect the environmental and economic future of North Carolina’s coast, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0. Of note, Aldermen Best and Harris had stepped out of the room, thus technically yielding an affirmative vote.

**15. Consider Adopting a Resolution Approving the Installation of an Additional Streetlight on Charles Street.**

Alderwoman Harris requested an additional streetlight be installed near the area of 2308 Charles Street. The Department of Public Utilities evaluated the area and determined it does not meet the City’s light standard. Therefore, it is their recommendation that an additional light be installed. The cost of the installation is \$550.38 for Public Utilities and a recurring monthly cost of \$8.44 for Public Works.

Alderman Aster made a motion to adopt a resolution approving the installation of an additional streetlight on Charles Street, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0. Of note, Aldermen Best and Harris had stepped out of the room, thus technically yielding an affirmative vote.

**16. Consider Adopting a Resolution Approving the Installation of an Additional Streetlight on Fairmount Way.**

Paul Ryan of 322 Fairmount Way requested an additional streetlight be installed in the area of the cul-de-sac near 322 Fairmount Way. The Department of Public Utilities evaluated the area and determined it meets the City's light standard. However, the Police Department reviewed the area and recommended additional lighting be installed. The cost of the installation is \$1,396.70 for Public Utilities, and the recurring monthly utility cost for Public Works will be \$8.44.

(Alderwoman Harris returned to the room at 7:12 p.m.)

Alderman Kinsey made a motion to adopt a resolution approving the installation of an additional streetlight on Fairmount Way, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0. Of note, Alderman Best had stepped out of the room, thus technically yielding an affirmative vote.

**17. Consider Adopting an Ordinance Amending Section 70-184 "Streets Upon Which the Operation of Tractor-Trailers is Prohibited".**

Residents of Kings Row Subdivision requested tractor-trailers be prohibited from operating on Jimmies Creek Drive. Public Works evaluated the street and supports the request.

(Alderman Best returned to the room at 7:13 p.m.)

Alderman Odham made a motion to adopt an ordinance amending Section 70-184 "Streets Upon Which the Operation of Tractor-Trailers is Prohibited", seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

**18. Appointment(s).**

No appointments were made.

**19. Attorney's Report.**

The City Attorney provided for consideration a resolution for the demolition of an unfit dwelling at 827 Cedar Street. He explained the property had been through the City's minimum housing code process. Late in that process, the lender foreclosed on the property. Once the lender obtained the property, it decided to convey the property to the City. Therefore, the City now owns the property and the unfit dwelling.

Alderman Odham made a motion to adopt a resolution to order the demolition of the unfit dwelling located at 827 Cedar Street, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

## **20. City Manager's Report.**

- MumFest is scheduled for the upcoming weekend.
- Mr. Stephens reported on a meeting that was held yesterday with the CARE Group. He announced the City had secured approximately \$45,000 in grant funds for a resiliency plan and is seeking additional grants. It is estimated the plan will cost between \$110,000 to \$150,000. The City has applied for a \$70,000 grant from the Attorney General's office, but will not know the results of that grant application until the first quarter of 2020. Alderman Aster questioned whether it would be advisable to partner with Craven County when hiring a consultant. At the Manager's request, Amanda Ohlensehlen, Economic and Community Development Manager, explained a resiliency plan would actually be a hazard mitigation plan to identify environmental, economic and social equity vulnerabilities through three phases: a) data analysis; b) reviewing projects; c) recommendations and prioritizing the projects. All phases will include community input and participation. Mrs. Ohlensehlen stated staff found that most grants provide funding for implementation, but not planning.

After discussion, Mr. Stephens recapped his understanding that the Board was asking him to move forward with a Request for Qualifications ("RFQ") for the full project with the understanding that the City has secured \$45,000 to cover part of the cost. Once responses to the RFQ are received and the cost is known, he either will approach the Board with a budget amendment or the Board can advise their desire for another funding source. By a unanimous show of hands, the Board expressed their consensus with that direction. Mr. Stephens noted RFQs are not contractually binding.

Noting Commissioner Johnnie Sampson was in attendance, Alderman Best asked Commissioner Sampson to inquire about the County's desire to participate with the City to seek a plan.

- Since several people spoke about the topic earlier in the meeting, Alderman Bengel asked for an update on the noise ordinance. Mr. Stephens stated the consultant would assess noise readings and collect data this weekend during MumFest and then provide a recommendation to the Board at one of its future meetings.

Mayor Outlaw thanked Mr. Stephens for his efficiencies and the work he does on behalf of the City.

## 21. **New Business.**

### Alderman Bengel

The Redevelopment Commission will hold a public hearing tomorrow evening at 6 p.m. at Clinton Chapel to review their proposed plan.

Gratitude was expressed for those who participated in the Duffyfield cleanup this past weekend.

The Convention Center will reopen in October with the first event being held on October 22<sup>nd</sup>.

### Alderwoman Harris

Her mother was wished a happy 69<sup>th</sup> birthday.

### Alderman Aster

Gratitude was expressed to Mr. Stephens for arranging the meetings with FEMA and also to Linda McMahon for her assistance. Mrs. McMahon is a native New Bernian who was part of the President's cabinet as the Administrator of the Small Business Administration until recently when she took another job working directly for President Trump.

### Mayor Outlaw

Craven County Commissioner Johnnie Sampson, Rev. Ethel Sampson and former Alderman Bernard White were welcomed.

### Alderman Kinsey

Mr. Stephens was thanked for sharing information with citizens about the recent discussions with FEMA regarding SWRC.

### Alderman Best

Siting a concern about the EEE virus, Alderman Best asked about the City or County spraying for mosquitos. Mr. Stephens said the County eliminated their program years ago because of the questionable effectiveness.

The Director of Finance was asked to provide a monthly financial report to citizens via the PEG channel, including the status of FEMA funds.

In June, owners of 2409 Oaks Road asked to rezone the property so it could be utilized as a vape shop. They now want to rezone it as C4 for use as a convenience store. Indicating her willingness to make a motion, Alderman Best asked about the possibility of the Governing Board directing the P&Z Board to consider amending the land use ordinance to eliminate vapor shops from the C4 use. Mr. Davis said he could prepare a resolution suggesting a change to the current zones, just as he had done with respect to recommending changes for the bed and breakfast situation. Mayor Outlaw expressed concern about the Governing Board usurping the P&Z Board. Mr. Davis clearly explained the two separate legal issues. Alderman Aster expressed a desire for Mr. Davis to present a resolution at the Board's next meeting to recommend the P&Z Board consider placing vaping and tobacco shops under C3 zoning, and the Board gave general direction to do so. Alderman Odham asked for the legal definition and role of a P&Z Board. Mr. Davis



stated P&Z is supposed to be a technical advisory board, not a political board. What has happened over time is there is a sense of wanting to be inclusive and transparent, and the P&Z Board has turned from a technical board into a public body that conducts public hearings. It has become a “baby” political body that hears an issue prior to the Board of Aldermen hearing the matter.

(Alderman Aster momentarily stepped out of the room at 8:03 p.m.)

Mr. Davis said he would try to evolve the P&Z Board over the next year to where it needs to be.

Alderman Kinsey

Stating businesses were here before residents and that the City later adopted a resolution to allow residents to move into the downtown business district, Alderman Kinsey questioned who was encroaching on who with respect to the noise ordinance.

(Alderman Aster returned at 8:05 p.m.)

In response to Alderman Kinsey’s comment, Alderman Bengel clarified there had been a residential district in Downtown New Bern since the Civil War and that there had always been residents in the business district.

Alderwoman Harris asked for clarification on discretionary funds and why they could not be used to provide food for the Duffyfield cleanup. Mr. Sabatelli explained drinks, bottled water and cleaning supplies could have been provided, but lunch was not an eligible expense. He further explained snacks for public meetings could be provided, but not lunches. Aldermen Harris and Best asked about amending the policy to allow for food. Mr. Sabatelli said staff could review the policy for amendment, but cautioned it would still have to stay within the boundaries of state statutes. Alderman Odham suggested the current policy be circulated to the Board for their suggested changes.

Alderman Odham

Alderwoman Harris was congratulated on her “20 under 40” award.

NCDOT is cutting funds for various projects. Three projects moving forward are the Highway 70 improvements in James City, the Havelock bypass, and the Highway 43 connector. The New Bern Metropolitan Planning Organization has a webpage that can keep citizens up to date.

The K-Mart building will be demolished. It is a privately-owned building, and the City will have no say in what happens with that property.

**22. Closed Session.**

A closed session was not needed.

**23. Adjourn.**

Alderwoman Harris made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously 7-0, time being 8:19 p.m.

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

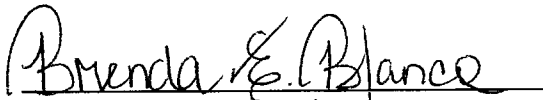
NOTE: For additional details and information on the Board of Aldermen meetings, please visit the City of New Bern's website at [www.newbernnc.gov](http://www.newbernnc.gov). Video and audio recordings of the meeting have been archived.

Minutes approved: October 22, 2019



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Dana E. Outlaw, Mayor



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Brenda E. Blanco, City Clerk