

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

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer by Fire Chief Bobby Boyd. 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.

Mayor Outlaw welcomed Garber United Methodist Church's Boy Scout Troop 132. The three scouts in attendance approached the podium to introduce themselves.

- 3. Request and Petition of Citizens.**

Stephon Kennedy of 105 Ridgewood Trail proclaimed his advocacy for the legalization of medicinal cannabis.

George Evans of 216 Metcalf Street, President of the Historic Downtown Residents Association ("HDRA"), stated HDRA's Board of Directors supported the recommendation made by the CARE Group for the City to hire a professional-level chief resiliency officer to oversee a resiliency plan. He expressed an urgency in hiring someone to fill such a position.

Jason Weldon of 2823 Ashton Avenue stated medicinal cannabis improves his focus, helps his anxiety, and relieves his migraine pain following a traumatic brain injury sustained in a car accident. He asked the Board to consider the positive effects of medicinal cannabis.

Justin Brayboy of 1007 Meadows Street stated he has had issues with anxiety, depression and bipolar disorder. Prescribed medications have rendered side effects. However, cannabis has little to no side effects and is effective for many people. He suggested cannabis be seriously considered as an alternative to pharmaceutical drugs.

Aaron Davenport of 704 Tarragon Court supported cannabis for medical and recreational use. He stated there was no real point to it being illegal, and the sale of cannabis could produce tax revenue.

Linda Flores of 100 Joshua Norman Drive announced two of her nieces suffered with Lyme's Disease. They live in a state where marijuana is legalized, and it helps them with their pain. She also announced her mother, who suffered from Alzheimer's, was given CBD oil at the recommendation of her Hospice nurse.

Ethel Sampson stated she filled out a form at the last meeting and left it on the table since that meeting's agenda did not provide for Request and Petition of Citizens. She expressed a desire to address the Board. Alderman Bengel made a motion to allow Ethel Sampson to speak, seconded by Alderwoman Harris. The motion carried unanimously 7-0.

Ethel Sampson of 1028 Sampson Street expressed concern that the area of Duffyfield had been forgotten. She reminded the Board that the residents in that community are tax-paying citizens.

Consent Agenda

4. Consider Adopting a Resolution Calling for a Public Hearing to Substantially Amend the FY2016, FY2017 and FY2018 CDBG Annual Action Plans.

A substantial amendment is proposed for the FY2016, FY2017 and FY2018 CDBG Annual Action Plans to move unspent funds in housing rehabilitation and public-service activities to the stormwater system improvement project in Duffyfield.

Alderman Best questioned whether changing the CDBG plans would affect individuals who had applied for assistance through the CDBG program. Amanda Ohlensehlen, Community & Economic Development Manager, responded the amendment would move unspent funds from projects that were not completed and that the minor housing repair program would still be active and individuals who signed up for the program would not be affected.

5. Approve Minutes.

Draft minutes from the November 26, 2019 regular meeting were provided for review and approval.

Alderman Odham made a motion to approve Items 4 and 5 of the Consent Agenda, seconded by Alderman Aster. The motion carried unanimously 7-0.

6. Presentation on Legalizing Medicinal Cannabis.

As discussed at the Board's November 12, 2019 meeting, Max Oglesby made a presentation on legalizing medicinal cannabis. He stated the plant is a natural alternative used to control and ease many illnesses. Additionally, many prescribed medications produce side effects. He stated the perception that marijuana leads to

more crime is a view that can be disproven. Mr. Oglesby shared a chart depicting the number of deaths associated with opioid overdoses, as well as a list of what qualifies people for use of medicinal marijuana in other states.

7. Appointment of Mayor Pro Tempore for 2020 and Administration of Oath.

Section 2.4 of the City's Charter provides that at the first meeting in December, the Board of Aldermen will choose one of its members as Mayor Pro Tempore to serve a one-year term. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability as prescribed by the Charter and the General Statutes.

Alderman Odham thanked everyone for the opportunity serve as Mayor Pro Tempore during 2019.

Alderman Odham made a motion to appoint Alderman Aster as Mayor Pro Tempore for 2020, seconded by Alderman Kinsey. In response to the motion, Alderman Aster commented that Alderman Odham did an excellent job over the past year, and he expressed a desire to nominate Alderman Odham to serve again. Attorney Davis noted Alderman Aster could decline the nomination; otherwise, the Board would need to vote on the motion on the floor. Alderman Aster withdrew his recommendation. Upon a roll-call vote, the motion to appoint Alderman Aster carried unanimously 7-0.

8. Conduct a Public Hearing on Rezoning 2403 Trent Road; and

a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and

b) Consider Adopting an Ordinance Rezoning 2403 Trent Road from C-4 Neighborhood Business District to C-3 Commercial District.

This public hearing was called for at the last Board meeting after receiving a request from M.W. Properties of Eastern North Carolina, LLC to rezone 1.31 acres located at 2403 Trent Road from C-4 Neighborhood Business District to C-3 Commercial District. The Planning and Zoning Board approved the request at their October 1, 2019 meeting.

Mayor Outlaw opened the public hearing, but no one came forward to speak. Alderman Aster made a motion to close the public hearing, seconded by Alderman Bengel. The motion carried unanimously 7-0.

Alderman Aster made a motion to adopt a statement of zoning consistency, seconded by Alderman Odham. The motion carried unanimously 7-0.

Alderman Aster made a motion to adopt an ordinance rezoning 2403 Trent Road from C-4 Neighborhood Business District to C-3 Commercial District, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

9. Consider Adopting a Resolution to Initiate the Upset Bid Process for 2203 Chestnut Avenue.

JK Investment Holdings, LLC offered to purchase 2203 Chestnut Avenue for \$375.00. The tax value of the vacant, small 0.06-acre lot is \$750.00, and the offer represents 50% of the value. The property was acquired jointly by the City and Craven County through tax foreclosure in May 2019. Taxes, interest and penalties due to the City at the time of the foreclosure were \$556.45, and the City contributed \$480.99 toward the cost of the foreclosure proceeding. If the offer is accepted, no other bids are received, and the property is sold for the initial offer, the City would receive \$200.00 from the proceeds, less the cost to advertise. The County would receive \$175.00 from the proceeds.

Alderwoman Harris made a motion to adopt a resolution to initiate the upset bid process for 2203 Chestnut Avenue, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

10. Consider Adopting a Resolution Approving an Amendment to the Agreement with the Housing Authority of the City of New Bern for the Sale of a Portion of 703 Carolina Avenue.

On November 13, 2018, the Board approved the sale of approximately 7 acres of real property to the Housing Authority of the City of New Bern. The property is located at 703 Carolina Avenue. Mosaic Development Group, a NC nonprofit, intends to develop 84 units of multifamily, low-income, tax-credit apartments on the property. Tax credits of \$846,300 per year have been awarded for a 10-year period.

The buyer has discovered that some of the property cannot be developed because of wetlands and conservation areas. Therefore, it is requested that the boundary line of the property be revised to include the area depicted on Exhibit A of the amendment. It is also requested that the closing date be extended from February 1, 2020 to June 1, 2020 to accommodate federal funding requirements and allow the developer to secure financing for the project. In light of this extension, Section 6(e) of the agreement will also be modified to provide that the closing date may be extended from June 1, 2020 to September 1, 2020 upon payment of \$10,000.00 on or before May 1, 2020 and further extended, if needed, from September 1, 2020 to November 1, 2020 upon payment of an additional \$10,000.00 on or before August 1, 2020.

Alderwoman Harris made a motion to adopt a resolution approving an amendment to the agreement with the Housing Authority of the City of New Bern for the sale of a portion of 703 Carolina Avenue, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

11. Consider Adopting a Budget Ordinance Amendment for the FY2019-2020 Operating Budget.

This budget ordinance amendment will recognize insurance proceeds of \$28,100.00 for a damaged vehicle and \$33,282.00 for a vehicle that was declared a total loss. It also acknowledges \$66,425.00 in grant funds from the US Department of Justice - Project Safe Neighborhoods Grant program and establishes a budget for that grant. The grant program is a gun and gang violence platform that is designed to inform the community of the restricted rights of felons and their responsibilities regarding firearms and ammunition.

Alderman Aster made a motion to adopt a budget ordinance amendment for the FY2019-2020 operating budget, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

12. Appointment(s).

Alderman Bengel made a motion to appoint Travis Oakley to the Planning and Zoning Board, seconded by Alderman Odham. The motion carried unanimously 7-0. Mr. Oakley will fill the seat previously held by Jerry Walker.

13. Attorney's Report.

The City Attorney had nothing to report.

14. City Manager's Report.

Mr. Stephens reported on discretionary spending funds. He noted Goldsboro, Havelock, Morehead City and Greenville had been polled, and none of them have discretionary funds for their Boards. Goldsboro did consider implementing such a fund during their last budget process, but chose not to do so because of public scrutiny, potential misuse and concerns about how the funds would be spent. Additionally, the City Clerk researched the topic and found a book on local government ethics programs that expressed concern with having discretionary funds since those funds tend to lead to misconduct. Although New Bern has a policy in place that helps to somewhat avoid that, the funds still create problems with respect to determining eligible expenses, etc. Those issues are also mentioned in the book, and the book suggests eliminating discretionary funds as recommended by the South Carolina Ethics Commission.

From February 2019 to date, the City has applied for approximately \$3 million in grant funds and received roughly \$800,000. Mr. Stephens stated he would forward the Board a copy of the report that details this information and reflects the amount that has been paid to the contracted grant writer.

15. **New Business.**

Mayor Outlaw

After reflecting upon the desire for an elevator at City Hall, Mayor Outlaw asked the City Manager to provide an update. Mr. Stephens said staff had obtained a conceptual plan depicting what could be placed on the parcel of land. A detailed plan is now being pursued and will probably be presented to the Board at the second meeting in January.

Alderman Odham

Traffic concerns have been discussed with Tom Pike of Chick-Fil-A. Mr. Pike is extremely willing to remediate the problem, but the issue falls upon the mall owners for approval. Alderman Odham asked Jeff Ruggieri, Director of Development Services, to reach out to the mall to schedule a meeting to discuss the Chick-Fil-A traffic issues, the sign that is about to fall, and the disposition of the K-Mart parcel.

Alderman Best

Support was expressed for medical cannabis, noting its potential benefits to cancer patients.

A desire was expressed for the Board to work hard and accomplish things, such as:

- pushing State representatives to move on the hazard mitigation program;
- encourage local developers to build low-income housing for New Bern's citizens;
- rebuild Stanley White Recreation Center at its current location;
- put pressure on FEMA and the USDA to clear up ditches; and
- accommodate the request of the citizens on the west end of New Bern for a community center.

Alderman Kinsey

A Merry Christmas and Happy New Year was wished to everyone.

Alderman Aster

An update was requested on the mitigation of raising homes that were flooded in Hurricane Florence. Mrs. Ohlensehlen said the City submitted 73 applications, 54 of which were proposed for elevation and 19 for buyout. The State has recently advised 18 of the 54 properties proposed for elevation would be funded. Those residents have not yet been notified, as the City is waiting for further guidance from the State on how to proceed. Aldermen Aster and Best asked for the letter from the State to be shared with them.

Thanks was expressed to Parks and Recreation for the outstanding Christmas decorations in Union Point Park.

A quick update was also requested on Old Airport Road. Matt Montanye, Director of Public Works, stated phase two had begun between Landscape Drive and the bridge on Evans Mill. The shoulder is being widened, after which they will patch the road, pave the shoulder, and resurface. Work has also begun in preparation of moving electric utilities and securing easements.

There is still no progress in BlueWater Rise with respect to Suddenlink.

Everyone was wished a Merry Christmas.

Alderwoman Harris

Thanks was expressed to Max Oglesby for his passion to legalize and educate people about cannabis use. Alderwoman Harris stated she planned to ask for a resolution to be placed before the Board in 2020 expressing support for this issue. Alderwoman Harris stated it was heartbreaking to know the residents of Duffyfield feel forgotten.

Alderman Bengel

An update on Spencer Avenue was requested. Mr. Montanye stated the contractor moved his equipment in today and will probably begin work on Thursday.

A short-term rental committee was formed by the Planning and Zoning Board, chaired by Anne Schout. The committee's first meeting was last Thursday, and they will work to delineate the definition of short-term rentals.

Alderman Bengel expressed sorrow that Duffyfield residents feel forgotten. She noted Duffyfield falls within her ward and that she has no problem helping anyone in Ward 1.

Some of the projects the Board will continue to work on throughout the City were briefly cited.

A Merry Christmas and Happy New Year was wished to everyone.

16. Closed Session.

Alderman Odham made a motion to enter into closed session pursuant to NCGS §143-318.11(a)(6) to discuss a personnel matter, seconded by Alderman Kinsey. The motion carried unanimously 7-0, time being 7:21 p.m.

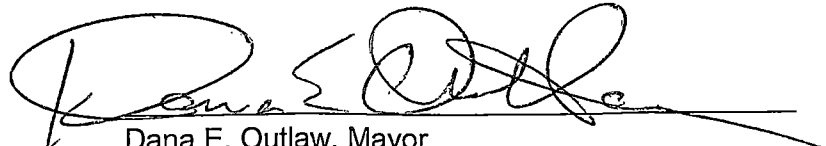
17. Adjourn.

Alderman Aster made a motion to adjourn, seconded by Alderwoman Harris. The motion carried unanimously 7-0, time being 7:56 p.m.

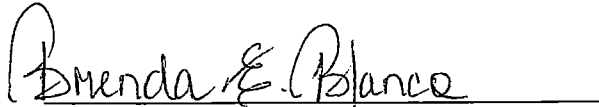
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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: January 14, 2020



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk