

**City of New Bern
Board of Aldermen Meeting
February 11, 2020 – 6:00 P.M.
City Hall Courtroom
300 Pollock Street**

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer by Ethel Sampson. 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.**

Mayor Outlaw announced the public hearings that were on the agenda and asked anyone who desired to speak on one of those topics to hold their comments until the public hearings were open.

Tyron Brown of 919 West Street spoke in favor of keeping Stanley White Recreation Center at its current location.

Caitlyn Hare of 10878 Hwy. 306-S, Aurora, North Carolina spoke on behalf of a friend who has multiple sclerosis and could not be present because of her disease. She voiced support for medical marijuana.

James Woods of 1903 Country Club Road spoke about the cessation of sidewalks being installed in Pembroke and asked if they would be extended beyond Chestnut Avenue. He also questioned whether the City planned to address the ditches and drains in the Pembroke community. A community cleanup is slated for March 14th, and he asked if the ditches could be cleaned before then.

Matthew Brouhard of 510 S. 5th Street, Aurora, North Carolina, spoke in favor of medical cannabis, noting that he and several family members suffer from post-traumatic stress disorder, depression and anxiety.

Jason Weldon of 2823 Ashland Avenue also spoke in favor of legalizing medical cannabis. He felt cannabis could be more beneficial than opioids.

Wynonna Rogers of 1804 Charles Street, who was joined by her niece, Joy Cherry of 2000 McKinley Avenue, spoke about her request to put a singlewide on her property. She stated her previous singlewide was recently destroyed, and she could not get a loan for a doublewide. Ms. Cherry asked for the property to be grandfathered in to allow Ms. Rogers to put a singlewide on the property or, in the alternative, for the ordinance to be reviewed. Alderman Best asked for clarification as to whether the City was unable to assist Ms. Rogers. Mr. Stephens explained the ordinance, stating all uses are grandfathered in, but there is no provision that allows for singlewide mobile homes in the City limits. Alderman Best asked if a variance could be granted, and Attorney Davis replied there was no option for a variance and explained the Board could revise the ordinance or change the zoning in Pembroke to allow for mobile homes. Alderman Bengel questioned whether the ordinance could permit singlewides in extreme scenarios. Attorney Davis stated the ordinance contains such a clause, which allows homeowners six months to ask for that consideration. Ms. Rogers did not obtain a permit within the six-month period. Land use ordinances do not allow for discretion based on situations, and any ordinance change would be a citywide law. Ms. Rogers said she had information in her vehicle supporting the fact that she attempted to reach out to contractors, etc. within the first six months. Mayor Outlaw asked if the Board wanted to belabor the issue, noting the discussion was unorthodox and this forum was not the appropriate time or place to resolve the issue. He also felt the owner's private matter did not need to be discussed in public. He offered to meet with staff and the Alderman who represented Ms. Rogers' ward to resolve the issue. It was agreed that Alderwoman Harris or Aldermen Aster and Best would meet with the Mayor, City Manager, staff and Ms. Rogers the following morning at 9 a.m.

William Maxwell of 3807 Old Cherry Point Road spoke in favor of medical marijuana. He has walked with assistance for 15 years because of reflex sympathetic dystrophy and has experienced firsthand the benefits of marijuana versus opiates.

(Alderwoman Harris stepped out of the room at 6:32 p.m. to obtain paperwork from Ms. Cherry. She returned to the room at 6:33 p.m.)

Shepp Avery of 723 Olympia Road broke his back in several places in 2014. He did not treat it with opiates, but instead with marijuana and then CBD oil, which were both successful forms of treatment.

Stephon Kennedy of 105 Ridgewood Trail felt medical cannabis was not being legalized because of the financial impact it would have on the pharmaceutical industry. He felt cannabis could offer more assistance to those suffering from pain.

David Sawyer of 200A Briarwood Lane also supported the use of medical cannabis. Many of his family members suffered from cancer and other issues, and he felt it would have helped them. He suggested cannabis be studied for its possible medical uses.

Maxwell Oglesby of 2506 Montgomery Court expressed pride in the fact that New Bern was considering a resolution in support of medical marijuana. He stated the issue was not a federal and state matter, but a matter for everyone. He also stated it was not a political decision, but one of common sense.

Alderwoman Harris made a motion to move Item 10 to the position of Item 7 and for a brief recess to be taken at the conclusion of Item 10, seconded by Alderman Bengel. The motion carried unanimously 7-0.

Consent Agenda

4. Approve Minutes.

Draft minutes from the January 28, 2020 meeting were provided for review and approval.

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

5. Presentation Opposing Medical Cannabis.

Ray Griffin voiced numerous concerns associated with legalizing medical cannabis. He stated frequent use of marijuana could cause short-term memory loss, damage the user's lungs, lead to car crashes, etc. He stated marijuana is classified as a Schedule 1 drug in the Controlled Substance Act and is the gateway drug to other drugs. Exposure to medical marijuana may introduce young people to the world of drugs. After citing multiple disadvantages and issues recognized in states where the drug is legal, the Board was encouraged by Mr. Griffin not to support legalization.

6. Presentation on Police Department's CALEA Reaccreditation.

The New Bern Police Department was first accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. ("CALEA") in 2004. Currently, the Department is reassessed every three years. The most recent assessment took place last year, after which the department was deemed eligible for reaccreditation. Sgt. Zerby and Sgt. Sneed were recognized by Police Chief Toussaint Summers for their work on the reaccreditation process. Jeffrey Smythe, a representative from CALEA, briefly reviewed the history of accreditation and its standards, noting less than 1,000 departments nationwide are accredited. He then presented the Police Department with its sixth accreditation certificate, which was accepted by Mayor Outlaw, Mr. Stephens, Sgt. Zerby, Sgt. Sneed and Chief Summers.

NOTE: Pursuant to the earlier motion, Item 10 was the next item of business called for consideration.

10. Consider Adopting a Resolution Supporting the Legalization of Medical Cannabis.

Since October 8, 2019, multiple citizens have voiced under the Request and Petition of Citizens forum a desire for medical marijuana to be legalized in the State of North Carolina. In response, Alderwomen Harris and Best asked for a resolution to be placed on the agenda indicating New Bern's support of the legalization and encouraging the State to adopt legislation legalizing medical cannabis.

Alderman Bengal said in her first term of office an item similar to this was presented before the Board that should not have been, as the Board had no jurisdiction. She also felt this issue should not be before the Board as the City has no legal jurisdiction, nor does it have the needed expertise. While she supported use of marijuana for patients in need, she did not like the resolution as written and said she would like to see it specify support for those who truly need medical marijuana to receive it under the control of a licensed physician and dispensed by a licensed pharmacist. She also wanted to see the resolution call for physicians in the state to study the issue and provide data to state legislators. She noted she was not in support of recreational marijuana and was concerned legalization may lead to such use. She applauded Max Oglesby for his efforts, but felt he should have initiated his efforts at the state level.

Alderwoman Harris thanked Mr. Oglesby and the others for speaking, including Mr. Griffin for expressing his view. She thanked Mrs. Blanco for drafting the resolution and spending weeks pulling the information together. Alderwoman Harris named several conditions for which marijuana would benefit patients. Alderman Best reiterated her support of the resolution and felt the distinction of use should be made at the state level. She commented if God put the plant on earth and it could be used to medically help someone, then she was all for it.

Alderman Aster felt there could be a place for medical marijuana, but physicians needed to weigh in on the topic. He reiterated the fact that the issue should be addressed at the state level. After outbursts from Max Oglesby and another gentleman in the audience, Mayor Outlaw called for order and asked a police officer to escort out of the room anyone who did not remain quiet during the Board's discussion. Alderwoman Harris said even if a resolution is not adopted, she suggested the City send a letter to the state in an attempt to assist Mr. Oglesby in approaching and having a conversation with a state legislator.

Alderman Bengal asked if the Board could make a motion instead of adopting a resolution, and Attorney Davis confirmed a verbal motion was possible. Alderman Bengal then made a motion to put in writing support for medical marijuana to be under the control of a licensed physician and dispensed under the control of a licensed pharmacist and that Mr. Oglesby take the letter to Raleigh and the federal government, noting the City has no control over what happens in the City of New Bern, seconded by Alderwoman Harris. Alderman Bengal then amended her to motion to put in writing from the City, for signature by any board member who wishes to sign it, support of medical marijuana to be dispensed under the control of

a licensed physician and dispensed under the control of a licensed pharmacist and that Mr. Oglesby take the letter to Raleigh and the federal government, noting the City has no control over what happens in this City, seconded by Alderwoman Harris. Upon a roll-call vote, the motion failed 3-4 with Mayor Outlaw and Aldermen Aster, Kinsey, and Odham voting against it.

Alderwoman Harris made a motion to adopt the resolution supporting the legalization of medical cannabis as the resolution was written, seconded by Alderman Best. Upon a roll-call vote, the motion failed 2-5 with Mayor Outlaw and Aldermen Bengel, Aster, Kinsey, and Odham voting against it.

Alderwoman Harris made a motion for a five-minute recess, seconded by Alderman Best. The motion carried unanimously, time being 7:21 p.m.

The meeting resumed at 7:32 p.m.

- 7. Conduct a Public Hearing on Initial Zoning of 618 W. Thurman Road;**
 - a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and**
 - b) Consider Adopting an Ordinance for the Initial Zoning of 618 W. Thurman Road.**

Property located at 618 W. Thurman Road was recently annexed into the City. The owners, Charles and Dana Riddick, requested an initial zoning designation of R-20 Residential District for the roughly 6-acre parcel. The parcel is further identified as Craven County Parcel ID 7-109-15001. The request was considered and unanimously approved by the Planning and Zoning Board at their January 7, 2020 meeting. Jeff Ruggieri, Director of Development Services, shared a brief PowerPoint presentation outlining the zoning request.

Mayor Outlaw opened the public hearing, and the following spoke:

- A resident from 617 Thurman Road approached the podium and asked why she received a letter about the issue. Mr. Ruggieri explained the ordinance requires property owners within 100 feet of the subject property be notified of the action. The woman asked if the City planned to annex her property, and Mr. Ruggieri replied the City did not and he explained the property owners at 618 W. Thurman asked to be annexed. Mayor Outlaw explained that the City made a moratorium years ago that it would not annex anything south of the river without voluntary request of the citizens.
- Cassandra Davis of 611 W. Thurman Road asked for explanation as to why one parcel across the street was in the City and the other in the County. Attorney Davis explained property would only be in the City if the owner asked to be annexed.
- An unidentified gentleman who resided in Brandywine Estates asked for confirmation that the zoning would not have any effect on him at this time, and Mr. Ruggieri confirmed that the subject lot was being zoned residential, not commercial.

- Lindburgh Davis of 611 W. Thurman Road expressed concern and questioned whether the State would be taking his land next year, stating it is no secret that the government takes what it wants. Noting the citizen mentioned the State, Mayor Outlaw clarified that he was probably referring to the City or County. Attorney Davis explained there is a state law that precludes New Bern from annexing property south of the Trent River. Mr. Lindburgh Davis said things change without residents knowing about it. Mayor Outlaw said staff would be glad to make copy of the document that precludes the City from annexing property south of the Trent River without the voluntary request of the property owner.

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

Alderwoman Harris asked for a copy of the notice that was sent to property owners within 100 feet of the subject property. She questioned whether the letter needed to be worded better to alleviate fears that others' properties would be annexed. Mr. Stephens summarized the content of the letter, but Alderwoman Harris reiterated a desire to receive a copy of the letter to read it for herself.

Alderman Aster made a motion to adopt a statement of zoning consistency for 618 W. Thurman Road, seconded by Alderman Odham. The motion carried unanimously 7-0.

Alderman Aster made a motion to adopt an ordinance for the initial zoning of 618 W. Thurman Road, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

8. **Conduct a Public Hearing on the Rezoning of 524 Rountree Street;**
 - a) **Consider Adopting a Statement of Zoning Consistency or Inconsistency;**
 - and**
 - b) **Consider Adopting an Ordinance Rezoning 524 Rountree Street.**

Tried by Fire Inc. requested to rezone 524 Rountree Street from R-6 Residential District to C-5 Office and Institutional District. The parcel is 0.14+/- acres and is further identified as Craven County Parcel ID Parcel ID 8-008-047. The request was considered and unanimously approved at the Planning and Zoning Board's January 7, 2020 meeting. Mr. Ruggieri shared a brief PowerPoint describing the zoning request.

Mayor Outlaw opened the public hearing. The following spoke on the topic:

- Bonita Simmons, on behalf of the petitioner Tried by Fire, spoke about her desire to establish a halfway house for women coming out of prison.
- Deidra Durocher of 1704 High Street spoke in favor of the project, stating it would serve those in need as well as preserve the structure on the property.

- Craven County Commissioner Johnnie Sampson encouraged the Board to approve the rezoning.
- An unidentified gentleman, who indicated he was an architect, spoke in favor of the project, noting he would be assisting Ms. Simmons.

Alderman Bengel made a motion to close the public hearing, seconded by Alderwoman Harris. The motion carried unanimously 7-0.

Alderman Kinsey asked Chief Summers if the nearby convenience store or the general area had many problems. Chief Summers said calls are received about Rountree Street, and Alderman Kinsey expressed concern with placing a halfway house on that street.

Alderwoman Harris thanked Ms. Simmons for her desire to help those who are exiting the prison system. She commented the property was given to Tried by Fire. However, she understood Alderman Kinsey's concern about activity in that neighborhood. Alderman Best commended Ms. Simmons for taking on the endeavor, and Alderman Bengel also thanked her.

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

Alderman Bengel made a motion to adopt an ordinance to rezone 524 Rountree Street, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

9. Conduct a Public Hearing and Consider Adopting a Resolution Approving the Redevelopment Commission's Plan.

The City of New Bern Redevelopment Commission drafted a proposed Redevelopment Plan to facilitate rebuilding and rehabilitation in the boundaries of the Redevelopment Commission, which encompasses a total of 1,899 parcels located within 474 acres of land. The Plan is designed to reverse the overall decline of neighborhood character and create a functional transportation network that supports economic growth and public welfare. The proposed plan was initially considered at the Planning and Zoning Board's December 3, 2019 meeting and was continued to their January 7, 2020 meeting. At the January meeting, the plan was approved by a vote of 7-3. Mr. Ruggieri shared an in-depth PowerPoint to review the components of the plan.

Theresa Lee, Chair of the Redevelopment Commission, introduced the members of the Commission who were in attendance and who would be sharing information: Jaimee Bullock-Mosley, Robbie Morgan, Kip Peregoy, Beth Walker, and Maria Cho. Mrs. Lee said the Commission had conducted a public hearing, as well as met with the Phoenix Group, some of the Duffyfield residents, and other citizens. She then turned the podium over to those members of the Commission to comment on various aspects, including nuisance abatement, housing, stormwater flood mitigation, blight, and community health:

- Mrs. Bullock-Mosley explained the deliberative process that went into creating the plan. She stated the Greater Duffyfield area had suffered for years from disinvestment and neglect, and the plan would address housing, infrastructure, drainage, transportation, etc.
- Mr. Morgan noted he was not only a member of the Commission, but also a homeowner and resident of Duffyfield. He said the redevelopment area consisted of 1,899 parcels of land, of which 893 were vacant lots. The vacant lots invite trash, extensive overgrowth of brush, debris, snakes, etc. The desire of the Commission is to make people homeowners and not just renters. Seventy-nine percent of the redevelopment area is renter occupied. Mr. Morgan stated Duffyfield is the worse-looking area in the City and that it had been neglected far too long. He stated the residents needed to take back control of their community by policing its own community and helping the Police Department. He talked about addressing nuisance abatement in the community, working to promote unity, and instilling pride in the neighborhoods.
- Mrs. Lee relayed the housing stats for residents of the Greater Duffyfield area, noting only 25% of the residents were homeowners. The Commission desires to improve the appearance and quality of the homes and be proactive in addressing abatement issues. She stated 1,790 of the homes in the redevelopment area were cost-burdened, which meant the residents were paying more than 30% of their income for housing. The median income for Craven County is approximately \$63,000, the City's is approximately \$45,000-\$46,000, but in the redevelopment area, it is only \$18,000. Mrs. Lee stated the Redevelopment Plan was needed now and could not wait until 2038.
- Kip Peregoy spoke about the need for stormwater management in the area.
- Beth Walker spoke on the acquisition of blighted parcels suitable for development. The parcels could be used for housing, stormwater control, economic development, recreation, and community health and welfare. This objective is important because the number of vacant parcels makes up 47% of the redevelopment boundary area. In no other area of the City is there that much vacancy or empty parcels. This is not only an eyesore, but it brings down property value. The vacant lots are an opportunity to consolidate small parcels for development, etc.
- Maria Cho spoke about the need for health equity. Gaps in health equity occur because of poverty, structural racism, and discrimination. Chronic diseases such as asthma, diabetes and hypertension are disproportionately higher among public-housing residents when compared to the City's general population. The plan will focus on community health and wellness by increasing access to medical services, promote recreational options, and preventative care and education. She spoke of the need to achieve health equity and steps to identify and lead to that equality.
- Steve Strickland addressed the transportation aspect of the plan. He stated the extension of Third Avenue shall not interfere with plans for rebuilding Stanley White Recreation Center ("SWRC").

(Alderman Bengel momentarily stepped out of the room at 8:48 p.m.)

Walking trails and a pedestrian trail to the hospital area were also proposed. Fifty percent of the residents in the Greater Duffyfield area do not have access to a vehicle. The Commission contacted the Craven Area Rural Transit System ("CARTS"), and the end result is to work with CARTS to improve routes and stops.

(Alderwoman Bengel returned to the room at 8:50 p.m.)

Mr. Strickland explained the implementation timeline, referring the Board to page 28 of the plan. As required by statute, a Statement of Cost is reflected on pages 32 and 33 of the plan. The plan is long-term and could take up to 20 years to complete. The timeline can change significantly based on available funding streams. One-time and recurring funding will be sought from local, state and national programs, and the Commission will also work with development partners. Street work and focus areas one and two of the plan can be accomplished for as little as \$150,000 to \$200,000 per year by utilizing rents generated from properties previously rehabbed. This would entail the Redevelopment Commission acting as a developer or co-developer on open or procured properties and reinvesting the proceeds back into more rehabs and constructions, which will create a snowball effect that generates cash flow for years so the work can continue into the future. However, the process can be expedited quicker if more funding is available.

Mayor Outlaw opened the public hearing, and the following individuals spoke:

- James Woods of 1903 Country Club Road said he was not against the plan, but did not like some of the components. He stated he did not have comments or statements, but questions about the plan. In response, Mayor Outlaw stated staff was not prepared to answer questions, and the forum was for citizens to make comments. The Mayor then asked the Board if they wanted to deviate from the normal process and take questions. Alderman Bengel suggested all the questions be documented and answered at the end of the public hearing. Mr. Woods questioned whether the City would become a landlord, how many of the 839 vacant lots were FEMA lots, and if Biddle Street is supposed to handle 5 inches of rain, how 6-7 inches of rain would affect the plan.
- Pam Woods of 1903 Country Club Road said the Commission indicated it had been working with nonprofits. She asked if that meant nonprofits were actually working with the Commission or if they had just tendered input. She questioned how the housing dimensions were derived, what type of housing was proposed since HUD manufactured homes would not be allowed, what the homes would look like, and the purpose of opening Third Avenue to Main Street. She stated she would have appreciated some photos of the vacant lots, etc. She suggested economic development and healthcare be addressed earlier in the plan. Mrs. Woods voiced concern that the Commission had worked hard for a year and a half without listening to the public.

- Barbara Sampson of R149 Craven Terrace said the issue is not that the residents do not want anything good in their neighborhood; the problem is the Commission does not listen to them. She said the residents were not concerned about recreational needs since that would be resolved when SWRC is renovated. She expressed concern about routing a road through Henderson Park and stated the intent was to separate the residents.
- Charles Venton of 1101 LaGrange Street expressed concern about running a road through an area where children play.
- Samuel Sugg of 1310 Hunters Road questioned the street that was proposed to run through the park. He asked if a study had been obtained to show how much traffic would result on Main Street and what would happen if a fire truck needed to come in from the opposite end. As the owner of a business on Queen Street, he expressed concerns about traffic in the area and the lack of performing research.
- Robert Benjamin, a resident of the North Hills area, stated he grew up in Duffyfield and owns several houses in that community. He questioned the road that was proposed to go through the park and asked why not use the existing Chapman Street instead of building a new street.
- Rev. Robert Johnson of 716 Bern Street stated he was part of a group from the Duffyfield Community who wanted to express their views and voice. Prior to the group making a PowerPoint presentation, Rev. Johnson prayed over the presentation and deliberations. The following members of the group spoke:
 - Bernard White of 1811 Durham Street shared a little history on the Duffyfield area. He said the City became divided during the Jim Crow era and is still feeling the effects of that division today. He referenced the mass grave of blacks, buildings in need of repair, overgrown lots, and concerns with stormwater. Mr. White said Duffyfield had not been treated the same as other neighborhoods in the City and its residents felt neglected. Stating the group had a proposed plan, he asked the Board to take it seriously and give it fair consideration.
 - Anne Schout of 201 Johnson Street, Chairman of the Duffyfield Phoenix Project (“Group”), said the Duffyfield residents appreciated the Commission’s work, but believed their plan should include additions to address some of the community’s main problems. The Phoenix Project has a revised plan that offers viable solutions to the roots of the community’s problems. Parts of the revised plan were brought to the attention of the Commission, but it appears their concerns were not heard. Duffyfield residents are concerned with the lack of cooperation and feel like they have no control over their destiny. In conclusion, Mrs. Schout said the residents wanted to work with the Commission.
 - Terry Holloway of 1001 Main Street said the following additions were needed to the Commission’s plan: a) devise a way to help residents bring their homes up to code; and b) explore flood mitigation alternatives. The Phoenix Group has a proposed alternative goal that was put together by its engineers. Mr. Holloway said one question that needed to be asked is why Duffyfield is located where it is; it is a

racial question going back to the reconstruction era that is separate but equal to that of Jim Crow. He stated 70% of Duffyfield is in a flood area and suggested relocating some tenants, which is not a consideration offered by the Commission. Other suggestions offered by Mr. Holloway include: a) putting the natural topography to work; b) instead of cutting Henderson Park in half, keep it together and improve it; c) make Miller, Chapman and West Streets main scenic streets; d) the idea of extending Third Avenue makes no sense; instead let it lead to an amenity; and e) obtain a study and work with engineers to create a unique flood solution; possibly create a lake instead of small ponds.

- Jamara Wallace of 1601 Hazel Avenue, Apartment D, said he represented roughly 3,000 residents in the Duffyfield community. He recommended removal of Objective T.1 from the Commission's plan and suggested redeveloping Broad Street. Mr. Wallace made additional recommendations with respect to proposed lot sizes, the plan's timeline, the need for a flood-basis study to be a top priority, adjustment of the redevelopment focus area, and formation of a 7-9 member advisory group made up of Duffyfield residents to partner with the Commission about their decisions. He questioned how a plan could be created without the input of the residents.

(Alderwoman Harris momentarily stepped out of the room at 9:35 p.m.)

Alderman Odham made a motion to close the public hearing, seconded by Alderman Best. The motion carried unanimously 6-0. Of note, Alderwoman Harris had stepped out of the room, thus technically yielding an affirmative vote.

(Alderwoman Harris returned to the room at 9:40 p.m.)

Mr. Stephens reviewed the questions that had been asked during the public hearing:

- 1) Will the City of New Bern be a landlord? Mr. Ruggieri stated the City would not be a landlord, and Alderman Bengel explained the Commission would be the landlord. Alderwoman Harris then clarified if the Commission were dissolved that ownership of the lots would revert to the City, which Attorney Davis confirmed.
- 2) How many lots in the redevelopment area are FEMA lots? Mr. Ruggieri responded approximately 25. Mr. Stephens explained most of the FEMA lots would be used in the wetland areas.
- 3) The ability of the Biddle Street ponds to handle 5 to 6-inch rain events? Mr. Ruggieri indicated the project called for the Biddle Street pond to be dug out and made larger, larger pipe installed underneath, and the pumps would be enlarged, all of which would handle a 5" to 6-inch rain event. Matt Montanye, Director of Public Works, said the pond would meet or exceed standards.

(Alderman Odham momentarily stepped out of the room at 9:44 p.m.)

- 4) Did nonprofits work with and provide input to the Commission? Mrs. Lee said nonprofits did go before the Commission, and the Commission spoke with several nonprofits. She stated the Commission would work with them once the plan is approved. Alderman Bengel asked whether the Commission met with the Group, and Mrs. Lee stated members of the Commission attended the Group's meeting and met with some of their members several times. The Phoenix Group was not invited to make a presentation before the Commission. However, the Group indicated it had information for a presentation, and in turn, the Commission told them that they were welcome to make that presentation. The Group, however, was not ready. Mrs. Bullock-Mosely noted the Commission did speak with Habitat for Humanity at length.
- 5) One speaker expressed difficulty with the website. Mr. Stephens stated staff would look at that and try to work through that problem.
- 6) How were the dimensions of houses and lots determined? Mr. Ruggieri said the smaller lot sizes represented a minimum of what would be allowed, and the size creates the flexibility to build smaller, more-affordable homes.

(Alderman Odham returned to the room at 9:48 p.m.)

Smaller lots are good for empty nesters, elderly adults, those with disabilities, etc.

(Alderman Bengel very briefly stepped out the room at 9:48 p.m. to ask for assistance from the Public Information Officer, returning to the room just seconds later.)

Pictures of a tiny-house community were displayed on the overhead, at the request of Alderman Bengel. A tiny-house community has been built in Durham and is in the process of being built in Rocky Mount. The homes range from 950 to 1,000 square feet.

- 7) What type of housing is proposed? No specific housing is proposed, according to Mr. Ruggieri. The plan's flexibility provides for a wide range of housing. Any new housing would be substantially similar to the housing around it, however. New homes would look like the existing housing, but would be newer and more efficient.
- 8) Why is Third Avenue opened up to Main Street? The Third Avenue extension is proposed as an economic development tool for the community and creates the backbone for further development. It will have a vibrant, main-street look and feel and will provide a safe, attractive, and controlled access into the community. It is an attempt to create energy and excitement in the center of the community.
- 9) Will HUD-regulated mobile homes no longer be allowed on the lots? Mr. Ruggieri confirmed this was correct. He explained that there are two types of mobile homes: those regulated by HUD and those regulated by the North Carolina Building Code that are considered modular homes. Modular homes would be allowed.
- 10) Why will a street go through Henderson Park? Mr. Stephens noted this question was addressed under question 8.

11) How would the proposed one-way street impact fire trucks getting down the street? Mr. Ruggieri said a one-way actually creates more space.

Alderman Aster asked if the Group's alternative goal, identified on their handout as Addition 1 under Goal 3, had been shared with the Commission. Mrs. Bullock-Mosely answered no and said tonight was the first time she had seen a compilation of the data. Alderman Aster further asked if a licensed engineer presented the proposed plan. Mrs. Schout asked for an opportunity to answer the question, but the public hearing had been closed. Mr. Montanye noted Mrs. Schout's husband had spoken with George Chiles, an engineer in the Public Works Department, but he did not know if the plans were from an engineer. Staff has not seen a "sealed" plan.

Alderman Aster also asked if the Third Avenue extension would affect the ballfields or anything at SWRC. Mr. Ruggieri said the road would go through the practice field. There are plans to relocate the field on the other side, which could be a bigger field in a drier area. Alderman Aster said someone also commented that Chapman Street is already a through street to Main Street, and Mr. Ruggieri confirmed that. Mr. Stephens explained the issue with Chapman Street is drivers are required to make a stop and then a turn.

Since this was the first time the Commission had seen the proposed lake and drainage plan, Alderman Odham asked if there was anything that would prohibit the Commission from exploring that plan in the future. Attorney Davis said that would not be prohibited. In fact, the plan evolves as more data is provided.

Alderman Kinsey said the Commission had done a great job, but he questioned why the Group's information had not been incorporated into the plan since it had the same objectives as the Commission. He stated the Group felt things were not communicated well to them. Mrs. Bullock-Mosely said the Commission was a public body and statute every meeting was open to the public. There have been 17 public comment periods from November 2018, including the one slated for tomorrow. The draft plan has been available to the public since November 7, 2019. The Group has not shown to the Commission the pieces of paper that it presented at this meeting. Mrs. Bullock-Mosely said she did not know from where the breakdown of communication came. Alderman Kinsey asked if it was true that the public had an inability to view the plan online, and Mrs. Bullock-Mosely pointed out that the draft plan was handed out at the Clinton Chapel meeting on October 9, 2019 and was made available in the offices of Development Services. Alderman Kinsey stated he also heard there was like a fight between the two organizations with respect to working together and that no one wanted to share information. In response, Mrs. Bullock-Mosely said the Commission honored the request extended by the Group to attend a meeting at the Omega Center and offer information. She felt the Commission had lived up to the obligation to be public and transparent. There is always room to improve communication, although she did not feel it could be said that the Commission did not try to participate in conversations with the Group or others in the community.

Alderman Best asked if the Group's request to have an advisory committee could be incorporated into the Commission. Attorney Davis said he did not have an answer, although the Board has the authority to form any committee it wants. He expressed concern about the intended objectives of the committee, noting it would only be ceremonial since the legal authority rests with the Commission. An advisory group would have no more rights than a citizen.

Alderman Aster asked if the plan were adopted whether the Commission would have to come back before the Board before it completes major items, like extend Third Avenue, make Main Street a one-way street, etc. Attorney Davis confirmed the Commission would, and he commented that the plan is only a playbook and that the Board would have to approve things.

Alderman Kinsey asked Mrs. Bullock-Mosely if she could work with the Group and share information, to which Mrs. Bullock-Mosely responded absolutely. She said that is part of the Commission's charge under statute and that there is opportunity for conversation. She, however, noted there was a difference between consultation, conversation and agreement.

Commenting the plan was overall a good, but noting seven residents spoke against the Third Avenue extension, Alderman Best asked why the extension of the street could not be removed from the plan.

(Alderman Kinsey momentarily stepped out of the room at 10:13 p.m.)

Attorney Davis explained the Commission only has the authority given by the statute to visualize and conceptualize plans and acquire properties. That is separate and apart from the City's land-use plan that must be complied with also. Any street plan must go through the process of being reviewed by staff, engineers, and the Board. The Commission must follow the same approval process as a private developer would follow when building a new subdivision.

(Alderman Kinsey returned to the room at 10:15 p.m.)

Alderwoman Harris asked if the Board was interested in letting the public speak again even though the public hearing was closed. Alderman Aster said he was ready to call the question. Alderwoman Harris thanked the Commission for their hard work. She expressed concern that the project is a redevelopment of Duffyfield and the community was basically crying out that their thoughts and feelings were not heard. She attended the meeting at Clinton Chapel Church, but the attendees were told that was not a question and answer meeting. Alderwoman Harris said she would not be okay with someone going into her community and telling her the size of her home and suggesting tiny homes in a neighborhood that already feels reduced, or the fact that trailers would not be allowed. She stated she was also concerned with plans that may interfere with SWRC. She expressed a desire to make sure that everyone was working with the community. She expressed concern that the Board may vote for the plan anticipating a future change in the plan, but future boards may not support those changes. She

commended Duffyfield for their list of additions, noting some of those should be reviewed by the Commission. She stated she could not vote for the plan as written and expressed unease that the citizens did not get to voice their opinion as much as they felt was needed.

Alderman Best said she fully agreed with Alderwoman Harris. She would not vote to approve the plan unless stipulations could be made or things removed from the plan. Alderman Best made a motion for Bernard George to speak before the Board, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried 5-2 with Aldermen Odham and Aster voting against it.

(Alderman Best momentarily stepped out of the room at 10:23 p.m.)

Bernard George of 1822 Beaufort Street spoke about SWRC and all of the comments made by Duffyfield residents regarding the center. He said the 2013 Parks and Recreation plan stated the importance of SWRC to the community. Putting a road through the SWRC property would be disrespectful to the Duffyfield residents. He stated the road to Main Street was not important, but Broad Street was the important commercial corridor. The area has been there for 150 years, and emergency vehicles have not had an issue with access during those years. These are the reasons residents see a conspiracy.

Mr. Woods approached the podium, and Mayor Outlaw clarified that the Board did not reopen the public hearing. Mr. Woods asked Mrs. Blanco to confirm the motion, and she responded it was to allow Mr. George to speak.

(Alderman Best returned to the room at 10:26 p.m.)

Alderwoman Harris made a motion to open a public comment period, seconded by Alderman Best. Upon a roll-call vote, the motion carried 5-2 with Aldermen Aster and Odham voting against it.

Mr. Woods addressed the Board again and commented that the Third Avenue extension would go nowhere and made no sense. If that were taken out of the plan, citizens would be happy. This suggestion was shared previously with the Commission, which stated it would take the request under advisement.

(Alderman Kinsey momentarily stepped out of the room at 10:29 p.m.)

He said the decisions are about the citizens' children and grandchildren. The reason New Bern does not have any young people is because the City does not care about them.

(Alderman Kinsey returned to the room at 10:31 p.m.)

Mr. White also readdressed the Board stating he now understands how people feel about politics. Residents met with the Commission, but their input to leave out the Third Avenue extension was not taken into consideration. He confirmed the

Commission did ask about the Group's engineering consultant, but he questioned why the Group should share information when the Commission was not being fair to them. He commented the Commission did what they wanted to do and expected the citizens to just be listeners to what the Commission wanted.

Mr. Morgan said he wanted to go on the record to say the road going through SWRC was not a unanimous decision amongst the commissioners. He suggested one of the Aldermen make a motion to take the road out, and Alderman Kinsey made such a motion. As a matter of order, Mayor Outlaw noted the public comment period was still in progress.

An unidentified man said the Commission advised them during the meeting at the Omega Center that the Commission had already approved a plan. Thus, citizens were advised that before they had an opportunity to give input. He apologized to Mr. Morgan for speaking negatively about him when he was not at that meeting.

Mrs. Woods asked if the Commission was formed to give the Governing Board a guideline of what to do in that area, but without input from the people of that area. She asked if that was how the Commission worked and if what it put on paper was just "done". Attorney Davis said citizens are fully entitled to all the input they wanted to give. He explained there had been 17 chances for input and stated there was a misunderstanding as to input versus the ability to make decisions. Mrs. Woods thanked the Board for listening to the citizens this evening and giving feedback, and stated the citizens had not seen that reaction from the Commission.

Elijah Brown felt the Commission had done a great job. He indicated his cry and plea was with respect to SWRC. Putting a road through Henderson Park posed a safety concern. He commented that when Alderman Aster asks for something for fire personnel, he expects it to pass. Likewise, citizens are asking for something, and they want it to pass; the Group was only asking for the road to be taken out of the plan. Mr. Brown stated he was hurt by the citizens being brushed off, and he reminded the Board that they were voted into their seats.

Alderwoman Harris made a motion to close the public comment, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

Alderman Bengel apologized to Mr. Morgan for the comments made about Duffyfield residents not being involved, noting he was a resident who sat on the Commission. She said engagement is a two-way street, but no one called her other than the Sampsons. Alderman Bengel said she worked diligently to initiate the Commission because she felt Duffyfield and the area of the Choice Neighborhoods Initiative ("CNI") was the most neglected area in the City of New Bern.

Alderwoman Harris asked the public to pay attention to the individuals who sit on the Board and state they will support certain things, but do not. She noted the next election would be in 2021. She then commented that she respectfully would not be voting for the plan.

Alderman Kinsey made a motion to adopt the plan and strike all references throughout the plan that refer to the extension of Third Avenue, seconded by Alderman Best. Upon a roll-call vote, the motion carried 6-1 with Alderwoman Harris voting against it.

(Alderwoman Harris momentarily stepped out of the room at 10:49 p.m.)

Alderman Bengel made a motion to take a two-minute recess, seconded by Alderman Best. The motion carried unanimously 7-0, time being 10:51 p.m. Of note, Alderwoman Harris had stepped out of the room, thus technically yielding an affirmative vote.

Mayor Outlaw called the meeting back to order at 10:54 p.m., and Alderwoman returned with the rest of the Board at that time.

Note: As noted earlier, the agenda was amended to move Item 10 before Item 7.

11. Consider Adopting a Resolution Authorizing the City Manager to Negotiate and Execute a Contract with Moffat & Nichol to Develop a Resiliency and Hazard Mitigation Plan.

The City issued a Request for Qualifications ("RFQ") on December 11, 2019 for services to develop a Resiliency and Hazard Mitigation Plan. Nine qualified responses were received, with each response reviewed and ranked by a four-member review committee that looked at seven requirements. After ranking the responses, Moffat & Nichol received the highest score, and it is recommended the City Manager negotiate and enter into a contract with that firm.

Mayor Outlaw asked how the plan would be financed. Mr. Stephens said staff felt confident that the plan would be fully funded. Confirmed funding of \$88,000 is available, and staff feels the rest will also be available.

Alderman Bengel made a motion to adopt a resolution authorizing the City Manager to negotiate and execute a contract with Moffat & Nichol to develop a resiliency and hazard mitigation plan, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

Items 12-15 were voted on collaboratively as noted under Item 15.

12. Consider Adopting a Resolution Approving a Preliminary Engineering Contract with the NC Department of Transportation for Project R-4463A for NC 43 Improvements.

The NC Department of Transportation ("NCDOT") is making improvements to the Highway 43 corridor, which is situated between Highway 70 and Highway 17. Several existing water and sewer lines will need to be relocated to accommodate the highway construction. NCDOT will include the engineering work in their project,

after which the City will reimburse NCDOT a portion of the actual costs as required by NC General Statutes. The estimated cost of engineering services is \$7,718.37.

13. Consider Adopting a Resolution Approving a Utility Construction Agreement with the NC Department of Transportation for Project R-4463A for NC 43 Improvements.

Similar to the item above, NCDOT is making improvements to the Highway 43 corridor that requires existing water and sewer lines to be relocated. NCDOT will include the construction work in their project, after which the City will reimburse them a portion of the actual costs as required by NC General Statutes. The estimated cost of construction services is \$293,749.27.

14. Consider Adopting a Resolution Approving Amendment #2 to the Engineering Contract for the Township No. 7 Sewer Force Main Improvements – Phase III.

Phase III of the Township No. 7 Sewer Improvements will address the capacity needs of the City's sewer systems located south of the Trent River. Preliminary engineering work began in 2016. Since that time, several challenges have presented with respect to adequate pipe alignment through some of the more congested areas of James City. It is apparent that additional adjustments in alignment of the force main route will be necessary to coordinate with the Highway 70 improvements. Rivers and Associates has proposed a price of \$27,000 to provide additional engineering services for the realignment.

15. Consider Adopting a Resolution Approving Amendment #1 to the Engineering Contract for the West New Bern Water Project.

The West New Bern Water Project addresses capacity needs for the water systems on the western side of the City. Engineering work began in 2016, but the project was put on hold in 2018 to prevent conflict with the Highway 43 corridor. Future development plans now require that the proposed tank site and pipe alignment be adjusted from the original plan. These changes will increase the scope of the original project, and Rivers and Associates has proposed a price of \$38,500 for this additional work.

Alderman Odham made a motion to combine Items 12-15 and approve the respective resolutions approving contracts and contract amendments, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

16. Appointment(s).

Alderman Bengel made a motion to appoint Sam Carter to the New Bern-Craven County Public Library Board, seconded by Alderwoman Harris. The motion carried unanimously 7-0. Mr. Carter will serve the remainder of Stacey Lee's term, which expires in December 2024. Ms. Lee resigned from the Board.

17. Attorney's Report.

The City Attorney had nothing to report.

18. City Manager's Report.

The City Manager had nothing to report.

19. New Business.

Alderman Bengel

The Black History Month parade will take place Saturday, and Art Walk is Friday evening.

Alderwoman Harris

Thanks was expressed to everyone who attended the Board retreat on February 7, 2020. Fire Chief Robert Boyd was commended for his passion.

In light of it being Black History Month, respect was paid to former Mayor Leander Morgan, Sr., and former Alderwoman Barbara Lee.

Mayor Outlaw

Staff was thanked for their hard work on the retreat.

Alderman Best

The Veterans Stand-Down will take place February 21, 2020 at West New Bern Recreation Center and on February 22, 2020 in Havelock.

Thanks was expressed to the Board for its patience, understanding and ability to address the citizens' concerns during tonight's meeting.

Alderman Odham

Early voting starts Thursday, February 13, 2020. Primary election day is March 3, 2020.

20. Closed Session.

A closed session was not needed.

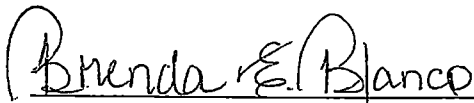
21. Adjourn.

Alderman Aster made a motion to adjourn, seconded by Alderwoman Harris. The motion carried unanimously 7-0, time being 11:03 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 10, 2020


Dana E. Outlaw, Mayor
Brenda E. Blanco, City Clerk