

**City of New Bern
Board of Aldermen Special Meeting
June 15, 2020 – 6:00 P.M.
City Hall Courtroom
300 Pollock Street**

Mayor Outlaw opened the meeting with prayer. The pledge of allegiance was recited.

Roll Call: Mayor Dana Outlaw; Aldermen Sabrina Bengel, Jameesha Harris, Robert Aster, Johnnie Ray Kinsey, Barbara Best (arrived at 6:04 p.m.), and Jeffrey Odham. Absent: None. A quorum was present.

Also in Attendance: Foster Hughes, Acting City Manager; and Brenda Blanco, City Clerk.

Mayor Outlaw read the letter that was sent to the City Clerk requesting and noticing this special meeting for the purpose of discussing the Stanley White Recreation Center.

1. Discussion Regarding the Stanley White Recreation Center. (An opportunity for public comment will not be available at this meeting.)

Mr. Hughes began the discussion by sharing a PowerPoint to depict the flooding that took place at Stanley White Recreation Center (“SWRC”) and Henderson Park following Hurricane Florence. The presentation also included a map to establish that SWRC fell within the parameters of a 100-year flood zone. A picture of the Center with markings on the side of the building was also shared to demonstrate where the foundation would be if the building were rebuilt at the current site and 11 feet above sea level.

Tripp Eure, Architect with MBF Architects, recapped the cost estimates that were compiled to secure FEMA grant funding. These estimates were previously provided in a report, and the analysis was performed on the current site, not an alternate site. The estimate for a replacement building was approximately \$285 per square foot, plus soft costs. The cost alone to elevate the building was projected at \$420,617. If the building did not have to be elevated, this money could be used to build an additional 1,500 square feet onto a new structure. Alderman Bengel questioned whether some of the amenities at Henderson Park would be eliminated because of the need to incorporate stormwater ponds. Mr. Eure confirmed the ponds would impact the park and that some of the features would need to be relocated.

Alderman Aster asked Mr. Hughes if he had reached out to anyone in North Carolina to inquire about the average cost per square foot to build a new recreation center. Mr. Hughes said there were two recreation center projects, one of which is currently in process and the other having just been completed. Neither of those projects, which are in Pinehurst and Garner, had to be elevated. The cost of the

facilities was approximately \$240 per square foot. The projected cost for SWRC is \$285 per square foot (plus soft costs).

Cory Spaulding, Project Manager with Disaster Relief Services, confirmed that FEMA obligated funding for SWRC and transferred those funds to the State. The required conditions to rebuild the facility at its current location include, in part:

- Maintaining \$8 million of flood insurance coverage (or an amount equal to the cost to rebuild the facility within the special flood hazard area ["SFHA"]). This coverage would be approximately \$500,000 from the National Flood Insurance Program ("NFIP") and \$7.5 million in excess coverage. While staff did not have an idea of the cost for that amount of coverage, Mr. Hughes said \$500,000 in flood insurance would cost \$12,085 annually for the current site. Insurance for the alternate location would be \$2,300 annually, and flood insurance would not be required since the location is outside of a floodplain. Flood insurance rates went up this year about 30-35%, and the City will likely see the increase next year. Mr. Spaulding cautioned that flood insurance would be a perpetual expense if the structure were rebuilt in its current location. Alderman Odham asked about an estimate for \$8 million in flood insurance, and Mr. Spaulding estimated it at slightly less than \$180,000 annually.
- All construction must occur in the existing footprint with the same design and configuration as the present building; the City would not be allowed to build a larger facility at the current site. It could, however, shift the location of interior walls.
- If any environmental issues occur at the site or any historical artifacts are found onsite, construction must cease immediately, FEMA must be notified, and necessary measures taken to remediate or monitor what is going on. When this occurs, it brings in a host of other environmental issues and assessments, as well as archeological issues.
- Acceptance of federal funding requires compliance with all federal, state, and local rules and regulations. Compliance with Executive Order 11988 ("EO11988") is also mandatory. FEMA requires a minimal amount of disturbance in a floodplain. This project was submitted with fill, and for reasons unknown, FEMA approved it. Mr. Spaulding explained the main purpose of EO11988 is to require the agency disbursing the federal funds to do everything reasonably possible to minimize the amount of federal dollars that go into a SFHA. The Executive Order contains an 8-step process. One of the most important steps is determining whether an alternative location exists outside of the flood area to accomplish the same function. Step 3 of the 8-step process requires FEMA to evaluate alternatives. When FEMA was making the determination for SWRC, the City was asked about an alternative location. At that time, the City was not aware of any alternative locations and that was communicated to FEMA and was the information upon which FEMA made its determination. However, the determination is still conditional upon the City's compliance with EO11988. Alderman Aster noted that after the application was submitted,

the City considered the Days Inn site and the church property, but citizens were concerned about those locations. Subsequently, an alternate site was identified. From edge to edge of the closest points, Alderman Odham said the alternative property is 175 feet from the current property. Mr. Hughes also pointed out the center of the existing facility's door to the edge of the alternative property was around 1,000 linear feet.

Alderwoman Harris asked whether the City was required to notify FEMA of an alternate location, and Mr. Spaulding confirmed the requirement to notify FEMA of the reasonable, alternative location. The funding level would not change since the City elected to pursue the 428-grant program, which allows the most versatility. Alderwoman Harris asked for the date information was provided to FEMA, and Mr. Spaulding said information was submitted from the architect well over a year ago. Through the process, the paperwork was sent back to the City on a couple of occasions for modification and there were also requests for additional information during the review process.

Alderwoman Harris inquired about the ability to use FEMA funds for the alternative site considering the City had already purchased the land. Mr. Spaulding confirmed that the City could change the scope of the work to identify the alternative location, and FEMA could then approve a portion of the grant funding to be used to pay for the land purchase. If FEMA denied the modification in the scope of work, the money could not be utilized to purchase the land. He also expanded to explain that if the City were to rebuild at the current site and money was left over, the leftover funds could only be used for certain expenditures. Alderwoman Harris then asked how the City paid for the property. Mayor Outlaw said the purchase was made from the General Fund, and Mr. Hughes specified fund balance was utilized. Mr. Spaulding noted the City did receive \$500,000 in flood insurance proceeds and there was flexibility with those funds as no conditions were attached. Alderman Best inquired about the amount of time for it would take FEMA to review the modified scope of work, and Mr. Spaulding indicated it would likely be 30-60 days or a little longer.

Mayor Outlaw asked Mr. Eure what kind of rise would be required to build and elevate at the current location, and Mr. Eure said it would equate to approximately 12 steps with a ramp one foot in length for every inch in elevation.. Mayor Outlaw said that meant a ramp would be about 70 feet long. The Mayor noted that during Hurricane Florence, citizens were transported to Ben Quinn, Trent Park or Brinson Elementary Schools because there wasn't a nearby shelter. When schools needed to reopen, residents were not ready to leave and did not have a new homestead to which they could go. Some citizens have asked if SWRC could be rebuilt to meet Red Cross standards to serve as a shelter. To rebuild at the current location would mean the elderly would need to maneuver 12 steps or a lengthy ramp. A facility with that number of steps would not likely be Red Cross qualified, per Mr. Eure. If the facility were rebuilt at Henderson Park, it would be rebuilt on a hill and surrounded by water, so those taking refuge there would not be easily accessible. Alderwoman Harris felt one of the reasons SWRC flooded so badly

was because the Jack Smith Creek pump was not working, although the City has now received some funds to mitigate that issue.

Alderwoman Harris asked if citizens would be given an opportunity to provide input on whether they wanted SWRC to function as a shelter. Alderman Aster said the idea of the shelter came from him, as he recognized the need for a community shelter so neighbors could locate out of the danger of a hurricane. Alderwoman Harris rebutted that consideration should be given to the fact that the facility was not a shelter to begin with. Alderman Aster felt it was ridiculous to construct a new building without meeting the standards of a shelter. While there are other shelters available, they do not have a generator, air conditioning or a means to cook; shelter conditions are terrible after a week or 10 days. A building with backup generator power would be nice. Alderwoman Harris questioned whether Broad Street was considered part of Duffyfield. Mr. Hughes displayed a map depicting a boundary outline, which did include Broad Street in the Greater Duffyfield area. Alderman Best said if the facility were rebuilt, she would love to see a Red Cross shelter in place. A lot of citizens were bused out of the City and have not returned. It would be a plus to have a shelter in the black community where there is a dire need. She said she hoped there would be a compromise and that others could see the big picture and support the people of the black community. Alderman Aster said it becomes a burden on emergency management and staff when citizens change their mind about going to a shelter after a hurricane hits and they find themselves in knee-deep water. First responders evacuated hundreds of people after Hurricane Florence.

Alderman Odham asked Mr. Eure if his pricing factored in a generator and commercial kitchen, and he responded no. Alderman Aster announced that he contacted Emergency Management and that they would assist the City in locating funds to obtain a generator. Alderwoman Harris asked whether the City's old warehouse facility could be used as a shelter since it has the needed amenities, and Aldermen Odham and Bengel reminded her that Craven Community College has a lease on the property.

Alderman Aster asked whether FEMA was required to look at reasonable alternatives. Mr. Spaulding said per EO11988, the City and FEMA are required to determine if there are any reasonable alternative locations. If there is a reasonable alternative to locating the project in a floodplain, then FEMA is required to move the funding out of the floodplain. The purpose of EO11988 is to discourage the use of federal dollars in a floodplain.

Alderwoman Harris questioned the use of FEMA funding on the downtown convention center. Alderman Bengel said she recently spoke with Gene Hodges, Assistant County Manager, who told her the value of the convention center was \$8,000,616. The cost to repair the structure was \$2,063,563, which represented 25% of the value and was well below the 50% threshold. The facility was closed for so long because there were problems when it was originally built, and Craven County decided to fix those issues. The structure was built to flood specifications when it was initially built.

Alderwoman Harris asked if the amount funded by FEMA would have been different if the City's application had indicated that an alternative location was available, and Mr. Spaulding responded no. She then asked about the square footage requirements, and Mr. Spaulding again noted that a facility at the current location could not exceed the existing square footage. However, at an alternate location, the City would not be constrained to the current square footage and could build as large as it desired.

Alderwoman Harris made a motion to open the floor for discussion to citizens who had a follow-up question. The motion died for lack of a second. Alderman Best made a motion that the public be allowed to have one spokesperson come forward to ask questions, seconded by Alderwoman Harris. The motion failed 3-4 with Mayor Outlaw and Aldermen Aster, Kinsey and Odham voting against it.

Alderman Best questioned if the facility were rebuilt at its current site and elevated to 11 feet and a hurricane struck and flooded the area, and there was no shelter at SWRC whether that would eliminate receipt of any future funding from FEMA. Mr. Spaulding said the technical answer was yes.

Alderwoman Harris asked if the City were to meet all the conditions whether it would be able to rebuild in the same location. Mr. Spaulding said if there was a reasonable alternative to locating the project outside of the floodplain, the City and FEMA were required to not put federal funds back in a floodplain and to put the money in an alternative site. Mayor Outlaw asked Mr. Spaulding how long he had been in his line of work, to which Mr. Spaulding responded 32 years. Mayor Outlaw then asked Mr. Spaulding if he objectively thought the alternative site was a good idea. Mr. Spaulding said if the facility could be moved outside of the SFHA and serve the same purpose then his answer was yes. He felt FEMA would approve of the alternative site.

In response to an earlier question from Alderwoman Harris, Mr. Hughes stated paperwork was submitted to FEMA in April 2019, and the final submission was submitted in January 2020. On March 14, 2020, the project was accepted by FEMA, and funds were obligated on May 12, 2020. Alderwoman Harris asked why the City did not update the application by March 14th since it possibly knew about the potential new location at that point. Alderman Aster said the funds were in the process of being obligated. Knowing that if the City purchased an alternate site, a simple change in the scope of work was all that would be needed. Alderman Odham pointed out the matter of site control; the City did not own the property on March 14, 2020, as it just closed on the parcels last week. Alderwoman Harris questioned whether the City would have pressured the owners and condemned the property if they did not sell it to the City. Mayor Outlaw noted the purpose of the meeting was to discuss the SWRC and an alternative location, not for legal discovery. Alderman Aster reiterated the City could not ask for a change in the scope of work if it did not own the property. Alderwoman Harris said there was tension between the community and the Board of Aldermen because the Board purchased property that is viewed by the residents to be outside of their

community. Alderman Bengel asked why these questions were not brought up during the April 13, 2020 meeting between herself, Alderwoman Harris, Alderman Best, and Mr. George when the piece of property was presented to them. Mr. Wallace came in at the end of the call, and they agreed that the property should be viewed and spoken to by more people. Subsequently on April 22, 2020, an electronic meeting took place whereby Alderwoman Harris, Alderman Best, and Mayor Outlaw participated along with Mr. George, Mrs. Sampson, Ms. Massey, Ms. Boskey, and a total of about 10 people. During that electronic meeting, the property was shown, maps and the distance were displayed, and questions were answered. Before Tuesday evening, Alderman Bengel said she never heard any issues. Alderwoman Harris acknowledged everyone agreed it was a great plan B that should be presented before the entire community. Mr. George asked the City to present the information, but the City's response was that the information must be kept quiet since the City was purchasing the alternate site and did not want to alert people as to what was going on. Alderman Aster questioned why concerns were not expressed during the closed session when the Board discussed purchasing the property, and he noted it was Alderwoman Harris who made the motion to buy the property. She responded she had to make the motion because it was her ward and that she was always going to make a motion for her ward.

Alderman Odham said a decision had obviously not been made, and the architect confirmed he had not done any work on the new site. A Request for Qualifications ("RFQ") has been issued for services to engage the public. It was made clear by the Board at Tuesday's meeting that \$8,006,649 would be used for SWRC. Assuming the grant allows this, Option A is to put the facility back at the exact same location with the same amenities, footprint, and square footage as the current facility, with 12 steps and a 70-foot ramp. Alternatively, there is a different site outside of the flood zone that would not require payment of potentially more than \$100,000 in annual flood insurance premiums. That site would possibly allow for additional amenities since more funding would be available for the building instead of going into the dirt. At this point, Alderman Odham said he felt it was up to the future consultant and SWRC Advisory Committee to meet with the public and report their findings to the Board so that the Board could make a decision.

(Mayor Outlaw left the meeting at 7:17 p.m., at which time Alderman Aster assumed his role as Mayor Pro Tem and presided over the remainder of the meeting.)

Alderman Bengel asked about the process for Henderson Park and if funds would be used to improve the park if the recreation facility were relocated. Mr. Hughes explained Henderson Park would never be sold by the City, as the City received a land-water fund conservation grant many years ago that requires the land forever be used as an outdoor park. A road cannot be constructed through the park, per the National Park Service. Once a consultant is selected, the consultant will obtain input from the public as to what amenities they would like. A sketch was displayed showing staff's ideas for potential park enhancements.

Mayor Pro Tem Aster asked the Board to give the Acting City Manager direction to prepare necessary bid documents for demolition of the existing SWRC and to

prepare the necessary documentation for a change in the scope of work to relocate the SWRC out of the floodplain and into an area that is not in a flood zone at the location bordering Third, Broad and Gaston Boulevard. Alderwoman Harris said she would rather have a motion, and Mayor Pro Tem Aster explained the Board could only give direction at this meeting and could make a motion at a later meeting. Alderman Bengel pointed out that regardless of the location, the demolition process had to be started. She then asked whether the SWRC Advisory Committee was still intact, and Alderwoman Harris confirmed it was and that a meeting was scheduled for June 30, 2020.

While SWRC could be rebuilt in the same location, Mayor Pro Tem Aster noted it would cost a lot more to do that and the City could get twice the building if the facility were moved 130 feet. Alderwoman Harris suggested another meeting be held where information and drawings on a Plan A and Plan B are shared with the community, and the community could decide based on that information. Mayor Pro Tem Aster noted everything from demolition to site preparation to construction had to come back before the Board for approval. The recommendation he made was only to give the City Manager direction, not move forward with anything else. Alderwoman Harris reiterated the desire to first have another meeting and questioned why there was a rush to proceed.

Mr. Hughes noted the pending RFQ process would include renderings of the proposed facility, and he would hate for the renderings to be unrealistic. He further stated the SWRC Advisory Committee would be involved with interviewing and choosing the firm after all the applicants had been culled down. Alderwoman Harris asked whether there was a timeframe in which the current facility must be demolished, and Mr. Hughes replied that was up to the Board. Alderman Best voiced a desire to move forward with tearing it down so the City could start the process of rebuilding without prolonging that further.

Alderman Odham stated he could see both sides with respect to demolishing now versus waiting. If the building could not be rebuilt in its current location, he questioned whether the existing concrete slab could be repurposed for something like a basketball court. He felt there were a few questions such as this that needed to first be answered. While he appreciated the desire to expeditiously move forward, he said he did not see any harm in having community input, like that obtained for the design of Martin Marietta Park. Knowing that the facility must eventually be demolished, Alderman Odham noted there was no foul in issuing a Request for Proposal ("RFP") now for those services, so as to avoid any delays when it is time to move forward with that process.

Mayor Pro Tem Aster again asked about giving direction to change the scope of work to identify the alternate site. Alderman Odham confirmed with Mr. Spaulding that there was an obligation to notify FEMA that a parcel is available outside of the flood zone. Mr. Spaulding said there was a need to follow the rules and that the City should notify FEMA of the viable alternate location.

(Alderman Kinsey momentarily stepped out of the room at 7:30 p.m.)

Alderwoman Harris asked for the Board to be copied on the notification to FEMA regarding the alternate site.

Alderman Odham said he had not received one email or phone call from the community regarding SWRC. He announced an email address had been created (StanleyWhite@newbernnc.gov) for citizens to communicate their comments and that all comments would automatically be sent to the entire Board. He suggested all the comments be compiled and provided to the consultant as well.

Mayor Pro Tem Aster reiterated his recommendation for the Board to direct the Acting City Manager to start preparing the necessary bid documents for demolition of the existing SWRC, while taking into consideration the potential use of the concrete pad for a basketball court, etc. and also ask the consultant to prepare a change in the scope of work to relocate SWRC to the new alternate site. Although this was direction and not a motion, a roll call was requested. Prior to the roll call, it was clarified that the contract to perform the demolition would need to be presented to the Board at a later meeting for consideration. Direction regarding the demolition is simply to move forward with obtaining bids.

(Alderman Kinsey returned to the room at 7:35 p.m.)

Upon a roll call, the Board unanimously agreed to give the direction that was recommended by Mayor Pro Tem Aster.

2. Adjourn.


Alderwoman Harris made a motion to adjourn, seconded by Alderman Odham. The motion carried unanimously 6-0, time being 7:38 p.m.

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: July 14, 2020.



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk