

**City of New Bern  
Board of Aldermen Meeting  
June 23, 2020 – 6:00 P.M.  
City Hall Courtroom  
300 Pollock Street**

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer by Alderwoman Harris. Pledge of Allegiance.**
- 2. Roll Call.**

Present: Mayor Dana Outlaw, Alderman Sabrina Bengel, Alderwoman Jameesha Harris, Alderman Robert Aster, Alderman Johnnie Ray Kinsey, Alderman Barbara Best, 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.

**Consent Agenda**

- 3. Consider Adopting a Resolution to Close Specific Streets for a Peaceful Demonstration and March.**

Natalie Standifer is organizing a peaceful demonstration and march and has requested specific streets be closed to vehicular traffic to accommodate this event on Saturday, June 27, 2020 beginning at 12 p.m. The streets to be closed are a portion of Broad Street from the old Days Inn site to East Front Street and East Front Street to South Front Street. The march will end at Union Point Park, and streets will reopen as the march rolls through. According to the application, the demonstration and march will conclude by 3 p.m. A rain date of Saturday, July 18, 2020 has also been requested.

- 4. Approve Minutes.**

Draft minutes from the June 09, 2020 meeting were provided for review and approval.

Alderman Aster made a motion to approve Items 3-4 of the Consent Agenda, seconded by Alderwoman Harris. The motion carried unanimously 7-0.

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- 5. Presentation of GIS Annual Report.**

The Board adopted a GIS Strategic Plan in 2015. The plan recommends that an annual report be provided to the Board of Aldermen to relay the status of

implementing the plan's recommendations. Alice Wilson, GIS Coordinator, shared a PowerPoint presentation to demonstrate some of the GIS applications and advise of future projects and goals.

- 6. Conduct a Public Hearing on the Rezoning of 2409 Oaks Road; and**  
**a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and**  
**b) Consider Adopting an Ordinance Rezoning 2409 Oaks Road.**

After originally being noticed for April 14, 2020 and continued twice due to the restrictions imposed by the Governor's Executive Order relative to the COVID-19 pandemic, a public hearing was held on June 9, 2020. Three residents voiced concern about the rezoning, and the Board continued the public hearing and consideration of the rezoning request until now to allow the applicant an opportunity to attend the hearing and address the Board.

The request from Nasr Algaradi is to rezone a 0.25-acre parcel located at 2409 Oaks Road from R-6S Residential District to C-4 Neighborhood Business District. His previous request in 2019 to rezone the property as C-3 Commercial District was denied by the Board of Alderman due to the perceived impacts a vape/tobacco shop would have on the surrounding neighborhood. Mr. Algaradi subsequently amended his plans to utilize the property as a convenience store. He now seeks to have the property rezoned as C-4 Neighborhood Business District. The Planning and Zoning Board unanimously approved this request at its March 3, 2020 meeting.

Mayor Outlaw reopened the public hearing, and the following came forward to speak:

- Peter Townshend of 403 Harbor Drive again spoke in opposition of the rezoning. He shared several photos of the neighborhood to depict its residential character. He also shared a photo of the small parking lot on the subject property and a drive-thru window that had been installed on the building. He stated convenience stores sell beer, wine, alcohol, and tobacco, and take resources out of the community. Rezoning the property would have a negative impact on the surrounding homes, according to Mr. Townshend.
- Trawick Stubbs, Attorney for Nasr Algaradi, confirmed the previous plans were to use the structure as a tobacco shop. After meeting with the City Attorney and Director of Development Services, plans were modified to use the structure as a convenience store. There are elderly people who live in the community, and a neighborhood convenience store would allow them the opportunity to walk to the store to purchase bread or other goods. There are concerns about the property being used as a hangout for drinking, but onsite drinking is not permissible at a convenience store. Mr. Algaradi joined Mr. Stubbs at the podium and stated a convenience store would be good for the area. He stated the outside of the property would be well maintained, and he noted that he owns two other convenience stores in New Bern.

- James Woods of 1903 Country Club Road expressed concern about spot zoning. He stated while he was not against businesses, convenience stores are problem areas.
- Mr. Townshend again approached the podium to say while an emphasis had been placed on milk, bread, and eggs, convenience stores sell tobacco, beer, wine, and lottery tickets.

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

Alderman Aster asked if the property's parking lot would be adequate, whether the drive-thru window was permissible, and whether the property had always been commercial. Mr. Stephens stated the Board needed to consider C-4 zoning, not the expressed use at this time. At the last meeting, Jeff Ruggieri, Director of Development Services, indicated that a drive-thru window would be considered on a case-by-case basis. Nadia Abdul-Hadi, Planner I, stated the property was previously used commercially, but then it ceased operating for more than six months which prohibited it from continuing to be used in a commercial capacity. Alderman Aster also asked about the anticipated hours of operation, and Mr. Algaradi responded the hours would be 8 a.m. to 8 p.m.

Alderman Best asked Police Chief Summers if there were a lot of issues with Mr. Algaradi's other locations on Watson Avenue and Glenburnie Road. Chief Summers said there were a fair number of incidents.

If the property is rezoned, Mr. Davis cautioned the Board that the applicant could change his use to any allowable use under C-4. The Board could not make a decision based on the anticipated use, hours of operation, etc.

Alderman Odham asked about the elevation of the structure and whether it had previously flooded. One of his concerns was that the structure was on a concrete slab and did not resemble a house, which was indicative of its former use in a commercial manner. He asked whether a driveway permit was obtained, and it was noted that the concrete driveway was preexisting. If the property is rezoned, Mrs. Abdul-Hadi confirmed a sidewalk would need to be installed. Alderman Odham also asked if there were a limit on the percentage of alcohol that a convenience store could sell versus other goods. Potential C-4 uses were reviewed, and additional discussion ensued about the zoning process.

Alderman Best made a motion to adopt a statement of zoning inconsistency, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried 4-3 with Aldermen Harris, Aster, and Odham voting against it.

7. **Conduct a Public Hearing on the Rezoning of 1001 and 1003 S. Glenburnie Road; and**
- a) **Consider Adopting a Statement of Zoning Consistency or Inconsistency; and**
- b) **Consider Adopting an Ordinance Rezoning 1001 and 1003 S. Glenburnie Road.**

John Delk requested to rezone 1.28 +/- acres located at 1001 and 1003 South Glenburnie Road from R-6 Residential District to C-3 Commercial District. The parcel contains two structures. The Planning and Zoning Board heard this petition at their June 2, 2020 meeting and unanimously approved the request. Mrs. Abdul-Hadi shared a PowerPoint presentation to display pictures and maps of the property, describe the existing and proposed zoning uses, and give an overview of the surrounding zones.

Mayor Outlaw reopened the public hearing, and the following came forward to speak:

- Ernest Hill of 2801 Oakland Avenue expressed concern that area residents were not sent information on the zoning request. Mr. Hill stated a lot of people in the area were unable to attend this evening because of their age, COVID-19, etc. At the Mayor's request, Ms. Abdul-Hadi explained the noticing requirements that were met prior to the hearing. Mr. Hill asked about the intended use of the property, and Mrs. Abdul-Hadi responded by stating she did not have that information. Mr. Hill also questioned whether he would incur additional taxes because of the rezoning, and Mr. Stephens explained the rezoning would not affect Mr. Hill's property.
- Tony Bryant, the owner of 903 S. Glenburnie Road, asked the Board to keep the current zoning. He expressed concerns about an increase in area traffic that will come with the development of Martin Marietta Park and with spot zoning. He noted the applicant is currently using the property as an antique store, and Mr. Bryant felt he could continue to do that.
- Tina Metts stated she owned the adjacent property and a parcel just down the road (1005 and 1011 S. Glenburnie Road). She was concerned about stormwater issues and runoff if the property were rezoned commercial, as the area has a history of flooding. She was not in favor of the rezoning.

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

Alderman Odham asked about the building that was being used commercially and whether it was a nonconforming. Mr. Davis stated the portion of the property that was being used commercially could continue to be used in that matter so long as that use does not stop for a period of six months. If the rezoning were approved, stormwater would be addressed during the site-planning stage. Alderwoman Harris said the property has already been operating commercially, and she supported the owner trying to rectify the nonconforming use by rezoning the property. Noting a lot of homes in that area flooded during Hurricane Florence, Alderman Best

expressed concern that the business may have an impact on area stormwater issues.

Alderman Best made a motion to adopt a statement of zoning inconsistency, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried 6-1 with Alderwoman Harris voting against it.

(Alderman Kinsey momentarily stepped out of the room at 7:12 p.m.)

- 8. Conduct a Public Hearing on the Rezoning of 4416 South US 17 Hwy.; and**  
**a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and**  
**b) Consider Adopting an Ordinance Rezoning 4416 South US 17 Hwy.**

Corey Thomas requested to rezone a 0.46+/- parcel located at 4416 South US 17 Hwy. from R-10 Residential District to C-3 Commercial District. The Planning and Zoning Board heard this petition at their June 2, 2020 meeting and unanimously approved the request. Mrs. Abdul-Hadi shared a PowerPoint presentation to display pictures and maps of the property, describe the existing and proposed zoning uses, and give an overview of the surrounding zones.

Mayor Outlaw reopened the public hearing, and the following came forward to speak:

- Constance Simmons of 4412 Hwy. 17 South expressed strong opposition to the rezoning. She stated several years ago the Board of Aldermen approved a business being located between her residence and her neighbor, which is a predominantly black neighborhood. She and her neighbors do not want another business in close proximity, as they are concerned about increased noise and the lack of control about the type of businesses established in the community. She expressed concerns about businesses bringing strangers into the neighborhood.
- Latisha Fields of the Rocky Run community spoke against the rezoning. She said the community is losing its rural status and voiced fears of increased property taxes and continued commercial growth in the area. Ms. Fields said the community had lost its park to the City.
- Noting the community was family oriented, Amanda Hurst expressed concerns about safety and traffic that would be driven into the community if the business were allowed. She stated the rezoning would not be a healthy move.

(Alderman Kinsey returned to the room at 7:20 p.m.)

- Jekera Holmes of 201 Rocky Run Road said she was speaking on behalf of herself and her mother who lives at 4418 Hwy. 17 South, which is about 20 feet from the subject property. Ms. Holmes spoke against the rezoning and expressed concern about not knowing who would be entering their community.

- An unidentified resident of 4612 Hwy 18 South asked the Board to leave the zoning as is.

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

As a point of clarity, Alderman Odham said the property was not located in Ward 6, but is actually in the Extraterritorial Jurisdiction (“ETJ”), and he asked Mr. Davis to describe the purpose of an ETJ. Mr. Davis explained most cities have the ability to enact zoning and minimum-housing regulations beyond their city limits for the purpose of blending the parameter of the city with adjoining areas. As another point of clarity, Alderman Odham pointed out that the community park was not a City park, but one of the county’s parks. He also noted there are businesses currently located in the Rocky Run area.

Aldermen Harris and Bengel noted their opposition to the rezoning since the property is not currently zoned commercial. Alderman Odham said he felt differently because the area was on a major four-lane highway where there is a lot of commercial business along the corridor.

Alderman Odham made a motion to adopt statement of zoning consistency for the rezoning of 4416 S. US Hwy. 17. The motion died for lack of a second.

Alderwoman Harris made a motion to adopt a statement of zoning inconsistency for 4416 S. US Hwy. 17, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried 5-2 with Mayor Outlaw and Alderman Odham voting against it.

Alderwoman Harris made a motion to take a brief recess, seconded by Alderman Aster. The motion carried unanimously 7-0, time being 7:31 p.m. The meeting resumed at 7:42 p.m.

### **Additional Discussion of Item 6**

Mr. Davis explained that during the break it was brought to his attention that Alderman Kinsey misunderstood the motion for zoning inconsistency regarding the Oaks Road rezoning request. He thought his vote was in favor of the rezoning. Since the meeting is still in session, Mr. Davis advised the Board could again take up the matter of the statement of zoning consistency or inconsistency. Mayor Outlaw said as a point of etiquette, he felt a formal motion and approval of the process should be considered. Mr. Davis said he felt it was important to get the vote accurate, although he noted there was no good solution and expressed concern that the citizens who spoke in opposition of the matter were no longer in attendance to see the re-vote. Mayor Outlaw asked Alderman Kinsey to give his personal statement as to what transpired. Alderman Kinsey said he thought he was making a decision for the applicant to have his business.

Alderman Bengel said during the process, the Board stopped to allow Alderman Best to explain her motion and the City Attorney clarified the motion. Alderman Bengel expressed concern that during the break an Alderman may have spoken with others and changed their mind. She voiced her protest and stated the rezoning was debated, the

motion explained, and that now someone wants to change their mind about their vote. Alderman Kinsey said he did not speak to the audience, but spoke to a board member during the break. Alderman Bengel said that was still not acceptable. Alderman Aster asked if the matter could go back on the agenda, and Mr. Davis said it would be very awkward to start the entire process again. However, it could be added to an agenda if the Board desired that instead of resolving the matter tonight. Alderman Best said she had a problem with going through the entire process again and did not think the Board should discuss it or vote again, and she too noted the attorney explained the motion. Alderwoman Harris said even with her GPA of 3.8, she was not sure of the motion and had to ask for clarification.

Alderwoman Harris made a motion to put the item back on the agenda for the Board to discuss at the next meeting, seconded by Alderman Kinsey. Alderman Best said she felt Alderman Kinsey should have asked questions before voting. Alderman Odham expressed concern about the Mayor signing documentation following the passing of the earlier motion and then re-debating the zoning request at a later meeting. Mr. Davis explained implicit in the motion is that the earlier action would be stayed to give the Board a chance to re-vote. Mr. Davis said a better motion would be to rescind the earlier vote on the statement of zoning inconsistency and table the discussion on that decision until the next meeting, although he felt it was best to deal with mistakes in the current, live meeting than roll it to the next meeting and try to untangle it. He stated it was not improper to go back and correct a misunderstanding.

Alderwoman Harris withdrew her motion on the floor and made a new motion to rescind Alderman Best's motion to adopt a statement of zoning inconsistency, seconded by Alderman Kinsey. Alderman Bengel noted everyone who spoke was against the rezoning; no one was in favor of it except the applicant. For the Board to deny their requests to reject the rezoning would be wrong, and Alderman Bengel said she was upset and quite concerned by that. Alderwoman Harris said no other applicant indicated their intended use for the properties, and she questioned whether the votes were based on the rezoning request or the intended use as a convenience store. Alderman Best said she voted on the fact that commercial zoning was requested, not the intended use. She also said it was unfair to the residents who were previously in attendance and saw the Board vote against the rezoning, but now the Board was trying to rescind that action and vote again. Alderwoman Harris called the question. Upon a roll-call vote, the motion to rescind Alderman Best's motion to adopt a statement of zoning inconsistency carried 4-3 with Mayor Outlaw and Aldermen Bengel and Best voting against it.

Alderwoman Harris then made a motion to adopt a statement of zoning consistency for 2409 Oaks Road, seconded by Alderman Kinsey. Alderman Bengel commented it was not fair to consider a statement of zoning consistency since the public was no longer in attendance, and she desired to see it postponed to the next meeting. Mr. Davis said now that the original motion had been rescinded, the matter could be tabled to the next meeting, although the public hearing was closed. Alderwoman Harris withdrew her motion to adopt a statement of consistency. Alderwoman Harris made a new motion to table the matter to the next agenda, seconded by Alderman Aster. Upon a roll-call vote, the motion carried 6-1 with Alderman Best voting against it. Mayor Outlaw noted he voted in favor of the motion only because concerned citizens will have an opportunity to

voice their concerns during Request and Petition of Citizens. Alderman Bengel stated she voted in favor of the motion because she wanted the vote to take place in front of the citizens.

**9. Consider Adopting a Resolution Approving an Audit Contract for Fiscal Year Ending June 30, 2020.**

After issuing a Request for Proposal and receiving responses, the Board selected the firm of Thompson, Price, Scott, Adams & Co. to perform the City's audit for Fiscal Year Ending June 30, 2019. A new contract was presented for the firm to also perform the audit for Fiscal Year Ending June 30, 2020. The cost for their services will not exceed \$34,500, which includes all major programs. This fee does not represent an increase from the amount charged for the June 30, 2019 audit.

Alderman Odham made a motion to adopt a resolution approving an audit contract for Fiscal Year Ending June 30, 2020, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

NOTE: Items 10, 11 and 12 were voted on collaboratively as noted under Item 12.

**10. Consider Adopting a Resolution Approving a Lease Agreement with State Employees Credit Union for the ATM Located in the Parking Lot at the Corner of Pollock and Craven Streets.**

The State Employee's Credit Union requested renewal of the lease agreement for the ATM currently located in the City's parking lot at 302 Craven Street. This ATM provides a needed service for those who live and work in the downtown area. The lease term is for a period of 12 months beginning July 1, 2020, at a rate of \$225.00 a month.

**11. Consider Adopting a Resolution Approving a Lease Agreement with the Area Day Reporting Program for Youth for Property Located at 500 Fort Totten Drive.**

The Area Day Reporting Program for Youth requested renewal of the lease agreement for the property located at 500 Fort Totten Drive. The lease is for a 12-month period beginning July 1, 2020, at a rate of \$1.00 a year.

**12. Consider Adopting a Resolution Approving a Lease Agreement with Habitat for Humanity of Craven County NC for Property Located at 920 George Street.**

Habitat for Humanity of Craven County NC requested renewal of the lease agreement for a portion of the property located at 920 George Street. The lease term is for a period of 12 months beginning on July 1, 2020, at a rate of \$1.00 a year.

Alderman Odham made a motion to adopt resolutions approving lease agreements with the State Employees Credit Union for the parking lot at the corner of Pollock



and Craven Streets, with Area Day Reporting Program for Youth for property at 500 Fort Totten Drive, and with Habitat for Humanity of Craven County NC for the property located at 920 George Street, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

**13. Consider Adopting a Resolution to Initiate the Upset Bid process for 1705 Wilmington Street.**

Ashley Boyd submitted an offer of \$3,580 to purchase the vacant lot at 1705 Wilmington Street. The tax value of the small 0.09-acre lot is \$7,160, and the offer represents 50% of the value. The property was acquired by the City in October of 2008. The bidder is aware of the current zoning and states she has spoken extensively with Development Services about the potential uses and restrictions associated with the property. She indicated a desire to potentially place a tiny house on the property.

Alderman Best made a motion to adopt a resolution to initiate the upset bid process for 1705 Wilmington Street, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

**14. Consider Adopting a Resolution Approving Administrative Guidelines and Policies for the City of New Bern Hazard Mitigation Grant Programs.**

The Hazard Mitigation Grant Program ("HMGP") assists with implementing long-term mitigation measures following a Presidential Disaster Declaration. This program supports cost-effective, post-disaster projects and is the longest running mitigation program among FEMA's three grant programs. Grant funding of \$191,472 has been approved for the City to acquire and demolish three residential structures that were substantially damaged during Hurricane Florence and which are in the Special Flood Hazard Area. It is required that the Board approve administrative guidelines and policies associated with the HMGP.

Alderman Bengel made a motion to adopt a resolution approving administrative guidelines and policies for the City of New Bern Hazard Mitigation Grant Programs, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

**15. Consider Adopting a Resolution Approving a Financial Management Plan for the City of New Bern Hazard Mitigation Grant Programs.**

Like the previous item, the Board must approve a Financial Management Plan establishing that the Director of Finance will serve as the Grant Finance Officer for the HMGP. The plan also confirms that funding will be deposited in the City's bank account at First Citizens Bank.

Alderman Bengel made a motion to adopt a resolution approving a financial management plan for the City of New Bern Hazard Mitigation Grant Programs,

seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

**16. Consider Adopting a Budget Ordinance Amendment for Fiscal Year 2019-20 for Various Funds.**

To ensure all projected expenditures have a sufficient budget and to realign revenues to equal appropriations, amendments must be made to the Fiscal Year 2019-20 budget. The Electric, Water and Sewer Funds will be amended to align with the Payment in Lieu of Taxes ("PILOT") and funds will be reallocated within the various divisions to accommodate transfers. The Grants Fund will be amended to recognize grants that rolled from Fiscal Year 2018-19 and to acknowledge a new grant of \$37,014 awarded to the Police Department by the Department of Justice.

Alderman Odham made a motion to adopt a budget ordinance amendment for Fiscal Year 2019-20 for various funds, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

**17. Consider Amending the Grant Project Ordinance for the Hurricane Florence Fund to Establish a Stanley White Recreation Center Project Within the Fund.**

A grant project ordinance was adopted on October 9, 2018 to establish the Hurricane Florence Fund. The proposed amendment will recognize estimated revenues of \$15,000,000 that have been obligated by FEMA for damages sustained during the hurricane. The amendment also creates within the fund an \$8,006,649 project for the Stanley White Recreation Center ("SWRC"). Funds designated for SWRC are comprised of \$7,506,649 from FEMA and \$500,000 from insurance proceeds.

Alderman Best asked for clarification on the estimated revenues of \$15,000,000. Mrs. Hogan explained that amount represents funds received to date. Alderman Odham questioned whether the City had received the \$8,006,649 for Stanley White. Mr. Stephens explained the City received the insurance proceeds, but FEMA funds have not been received and would come through grant reimbursement.

Alderwoman Harris made a motion to adopt an amendment to the grant project ordinance for the Hurricane Florence Fund to establish a Stanley White Recreation Center Project within the fund, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

NOTE: Items 18 and 19 were voted on collaboratively as noted under Item 19.

**18. Consider Adopting an Amendment to the Capital Project Ordinance for the Township 7 Sewer Improvements Project Fund.**

A capital project ordinance was established on December 10, 2015 for the Township 7 Sewer Improvements Project Fund. During Hurricanes Matthew and Florence, a sewer lift station located adjacent to the Trent River was flooded. The

City applied for and received a \$500,000 grant from the Golden Leaf Foundation to assist with mitigating sewer overflows and other hazards. The grant funds will be used toward the cost of relocating the sewer lift station out of the floodplain. This amendment acknowledges the \$500,000 in grant revenues.

**19. Consider Adopting an Ordinance Amendment to Close the City Market – Workforce Development Training Center Grant Project Fund and the Neuse River Gateway Grant Project Fund.**

Grant project funds were created for the City Market – Workforce Development Center and the Neuse River Gateway Project. Both projects are now complete, and the proposed ordinance amendment will formally close out the projects.

Alderwoman Harris made a motion to adopt ordinance amendments for the Township 7 Sewer Improvements Project Fund and to close the City Market – Workforce Development Training Center Grant Project Fund and the Neuse River Gateway Grant Project Fund, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

NOTE: Items 20 and 21 were voted on collaboratively as noted under Item 21.

**20. Consider Adopting an Ordinance to Amend Chapter 66 “Streets, Sidewalks and Other Public Places” with Respect to Sidewalk Cafes.**

Chapter 66 of the Code of Ordinances makes provision for sidewalk cafes. Those cafes were previously limited to restaurants, but the amendment expands the operation of a sidewalk café to include any business that holds an ABC permit.

**21. Consider Adopting an Ordinance to Amend Chapter 66 “Streets, Sidewalks and Other Public Places” with Respect to Street Cafes.**

Chapter 66 of the Code of Ordinances makes provision for street cafes. Those cafes were previously limited to restaurants, but the amendment expands the operation of a street café to include any business that holds an ABC permit.

Alderman Bengel made a motion to adopt ordinances to amend Chapter 66 “Streets, Sidewalks and Other Public Places” with respect to both sidewalk and street cafes, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

**22. Appointment(s).**

Alderman Best made a motion to reappoint Ross Beebe to the Board of Adjustment, seconded by Alderman Odham. The motion carried unanimously 7-0. Mr. Beebe will serve a three-year term to expire on June 30, 2023.

## **23. Attorney's Report.**

The City Attorney had nothing to report.

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

a) Mr. Stephens stated the estimate for engineering services for the Racetrack Road project was \$29,725. If the Board wishes to proceed, it can direct staff to put a budget amendment on the next agenda. Alderman Odham asked if the funds could be pulled from street resurfacing, and Matt Montanye, Director of Public Works, responded yes if the funds are taken from next year's budget. Mayor Outlaw expressed concern about taking \$30,000 from street resurfacing. Mr. Stephens stated he and Mr. Montanye could look at professional services line items to see if funding is available through those accounts. Mayor Outlaw asked to be on a committee with Alderman Kinsey and one other Board member to review the study. Mr. Montanye said the feasibility study would look at six options:

- a uniform 22-foot-wide roadway for the length of the project to include two 11-foot travel lanes:
  - With no sidewalk;
  - With sidewalk on one side;
  - With sidewalk on both sides.
- provide a 32-foot-wide roadway for the length of the project to include two 11-foot travel lanes and a 5-foot bike lane on each side:
  - With no sidewalk;
  - With sidewalk on one side;
  - With sidewalk on both sides.

Alderman Odham made a motion to move forward with the budget amendment, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

b) Chief Summers was called forward to discuss the police simulator. He explained the previous Governing Board had asked what would be of future benefit to the Police Department ("PD"), and the choice was a simulator. Captain Marquie Morrison-Brown shared a PowerPoint presentation about the project that has been in the works for the past four years. After a lot of meetings and planning, a location has now been identified to house the 360-degree simulator. The simulator can invoke several different scenarios based on the officer's responses. The training will be used to highlight implicit bias, reaffirm the department's commitment to fairness, and taking action to deescalate a situation. The Department has been applying for grant funds to cover the simulator, as it feels strongly about the need for the equipment.

Craven County Commissioner E.T. Mitchell said four years ago when she was an Alderman, she asked the Chief about the one thing that could be done to preserve and protect citizens and officers' safety. The response she received was that officers needed better training through a simulator. A simulator is not

a point-and-shoot video game, but a virtual reality system that could be programmed for various surroundings and scenarios. When people are in a high stress situation, they tend to overreact or freeze. This response is human nature and is why several industries run employees through simulators. The plan is for area law enforcement agencies to also use the simulator. Commissioner Mitchell applauded New Bern for taking the lead in implementing this training. Chief Summers noted most simulators involve target practice and use of firearms; however, this system incorporates use of all tools (taser, pepper spray, baton, etc.).

Alderman Bengel noted the system would be owned and operated by Craven Community College ("CCC") and hopefully located at the City's property on Rhem Street. Mr. Stephens said there would be some financial obligation from the City to upfit the facility. At that point, a lease arrangement would be established with the College to allow them to house the device in the City's facility. Mr. Stephens thought the County's obligation would be toward utilities and operations. Commissioner Mitchell said she did not want to speak on behalf of the County as it has not voted on the issue. She did, however, confirm that CCC will purchase the equipment and administer the training. Like any other community college building, the County would cover utilities and the operational costs.

Alderman Odham said in any professional experience, employees get better with practice. The PD does not have opportunity to make mistakes, and the City must do the most it can to prepare its officers. Alderman Odham expressed disappointment that neighboring agencies have not stepped up to partner on this project, although several agencies want to use the simulator. The City of New Bern is taking the lead on this project. Staff was encouraged to reach out for grant opportunities, especially in today's climate and the willingness of corporations to step up and help with police and community relationships. Alderwoman Harris also voiced the importance of moving forward with the project, especially in light of current times.

Mr. Stephens reiterated that the equipment would be leased, maintained, and paid for by CCC. Commissioner Mitchell said the simulator could be purchased for approximately \$400,000 or leased for \$70,000 the first year and \$40,000 to \$45,000 in subsequent years. Chief Summers noted the major expense is the location. Upfitting the City's building will cost approximately \$250,000. One grant has been applied for and others are being researched. Mayor Outlaw said he and several Aldermen met with the Chief last week and looked at the system, and the simulator is the number one priority at this time. Mr. Stephens expressed a need to enter into agreements with CCC and Craven County if the Board wanted to move forward. It was his understanding that this partnership would work similarly to the VOLT Center; the City would apply for grants, administer the grant funds, and upfit the building while CCC would operate the programming, and all funding for operations and utilities would come through the County's funding the college programming. He cautioned about upfitting the building at \$250,000 without having a commitment from the County and CCC.

Alderman Bengel said CCC already has state funding in its equipment budget to cover the simulator lease, and the College is ready to move forward according to her conversation with Dr. Staats. The College needs a building to lease, which is why the City needs to commit to move forward with retrofitting the building. Commissioner Mitchell said the next step is to sit down with CCC for a discussion. Earlier today, she asked Mrs. Blanco to set up a meeting between her, Mayor Outlaw, Alderman Odham and Dr. Staats to discuss the project as soon as possible.

(Alderman Aster momentarily stepped out of the room at 8:59 p.m.)

Alderman Best said she wanted to know how the County felt about the project, and Commissioner Mitchell said there had not yet been anything to submit to the County, as the issue of location was being addressed. Mayor Outlaw noted a lot of things are happening in high-density urban areas, but he expressed concern with waiting another four years to move on the project.

(Audio recording failed at this point. Video recording is available.)

Alderwoman Harris asked what was needed to move forward and indicated a need to do so whether others supported the project or not. In response, Mr. Stephens said CCC is on board per Alderman Bengel, the City has the facility, and the question is now whether the City partners with the County on the capital costs, or does the City move forward on its own? Alderwoman Harris felt the City should move forward with upfitting the building.

(Alderman Aster returned to the room at 9:05 p.m.)

Mayor Outlaw felt if the City took the leadership role and moved forward that other agencies would come to the table later with a desire to partner on the project. Upon inquiry from the Mayor, no one voiced opposition with moving forward with upfitting the building and scheduling a meeting with Dr. Staats to discuss the details of the project.

- c) Mr. Stephens called Charlie Bauschard, Director of Public Utilities, forward regarding unpaid utility balances under the Governor's Executive Order 124 ("EO"). Mr. Bauschard said the total financial exposure as of early morning was \$415,000. After making robocalls and running the numbers in the afternoon, \$97,000 had been collected. From last week, exposure had decreased by \$124,000. Robocalls, public messaging and customer education seems to be effective. About 2% of total customers have a payment plan and 2.5% are past due and do not have a payment plan, which equates to roughly 4.5% utilizing the EO in some format. Total customers past due was 643 (596 residential and 47 nonresidential). Staff will wait until the EO is expiring before proactively placing residential customers on a payment plan.
- d) Foster Hughes, Director of Parks and Recreation, was called forward to discuss the purchase of a mobile stage. Quotes and photos of options were distributed

to the Board. Proceeds from insurance funds are in place for the purchase. The purchase price does not include speakers and lights, as the sound company furnishes those items for concerts. Alderman Bengel made a motion to move forward with purchasing a mobile stage from Progressive, seconded by Alderwoman Harris. The motion carried unanimously 7-0.

- e) The City is still proceeding with fireworks on July 4<sup>th</sup>. The public was asked to practice social distancing during the event by staying in or near their vehicle.
- f) Mayor Outlaw asked for an update on the boardwalk under the bridge. Mr. Stephens said work resumed today, after a delay from the NC Department of Environmental and Natural Resources ("DENR") due to some items that were unearthed. The boardwalk should be complete within a matter of weeks.

**25. New Business.**

Alderwoman Harris

Thanks to those who supported the Juneteenth celebration.

The first Stanley White Recreation Advisory Committee is set for June 30<sup>th</sup> at 6 pm at City Hall

**26. Closed Session.**

A closed session was not needed.

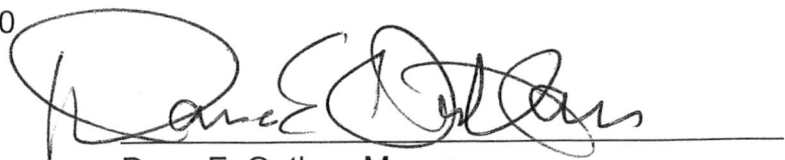
**27. Adjourn.**

Alderman Aster made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously 7-0, time being 9:22 p.m.

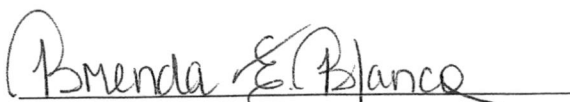
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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

Minutes approved: July 14, 2020



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk