

**City of New Bern
Board of Aldermen Meeting
July 28, 2020 – 6:00 P.M.
City Hall Courtroom
300 Pollock Street**

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

Present: Mayor Dana Outlaw, Alderman Sabrina Bengel, Alderwoman Jameesha Harris (by telephone), Alderman Barbara Best, Alderman Johnnie Ray Kinsey, and Alderman Jeffrey Odham. Absent: Alderman Bobby Aster. 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 Call for a Public Hearing on an Amendment to Appendix A of the Land Use Ordinance Amendment for Short-Term Rentals.**

In the fall of 2019, the Planning and Zoning Board (“P&Z”) established a subcommittee to review short-term rentals. The subcommittee consisted of P&Z members, citizens, and members of the Governing Board. The committee conducted biweekly meetings to discuss and develop recommendations, which were unanimously approved by P&Z at their July 7, 2020 meeting. It was requested a public hearing be scheduled for August 11, 2020 to consider an amendment to the Land Use ordinance to incorporate the recommended changes.

- 4. Approve Minutes.**

Draft minutes from the July 14, 2020 meeting were provided for review and approval.

Alderman Odham made a motion to approve Items 3-4 of the Consent Agenda, seconded by Alderman Kinsey. The motion carried unanimously 6-0.

- 5. Conduct a Public Hearing and Consider Adopting an Ordinance to Annex Tax Parcel ID 8-029-13001 in West New Bern.**

Clifford Parson, on behalf of Weyerhaeuser NR Company, requested Tax Parcel 8-209-13001 be annexed into the City. The parcel is an approximate 11.02-acre tract

of land located in the West New Bern development (formerly known as Craven 30). A public hearing was called for this date and properly noticed.

Mayor Outlaw opened the public hearing, but no one came forward to speak. Alderman Kinsey made a motion to close the public hearing, seconded by Alderman Odham. The motion carried unanimously 6-0.

Alderman Kinsey made a motion to adopt an ordinance to annex Tax Parcel ID 8-029-13001, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 6-0.

6. Presentation of Radio System Upgrade.

In 2011, the City purchased a radio system that has been used citywide since that time. With the system being 8 years old, it needs a major upgrade. Each year that the upgrade is delayed, there is risk of significant or catastrophic failure to the system. Support for the radio consoles ceased in November 2019. The cost to upgrade the consoles is \$227,377.15, and the cost for upgrading the radios to the current platform is \$1,276,518.02. There is an additional cost of \$64,104.44 to purchase a minimum of 25 portable radios. The total cost of the project will be split between several departments.

Police Captain Marquie Morrison Brown shared a PowerPoint presentation to provide an overview of the upgrade. The Phase 2 system will allow for twice the call volume and will lower the maintenance costs. Funding for the console upgrade will come from the 911 Board.

A discussion ensued in which Mayor Outlaw expressed concern about the cost ultimately increasing once the upgrade is implemented. Alderman Kinsey asked about the potential of partnering with other agencies, such as the Craven County Sheriff's Department and 911 Center, to save money. Alderman Bengel expressed concern that the entire system would need to be replaced in the year 2025. Police Chief Toussaint Summers stated the goal is be P25 compliant before that date, which means the entire system would not need to be replaced in 2025.

(Alderman Kinsey momentarily stepped out of the room at 6:18 p.m.)

Alderman Bengel voiced a strong desire to join forces with Craven County and Havelock.

(Alderman Kinsey returned to the room at 6:20 p.m.)

Alderman Odham asked about the procurement process. Mary Hogan, Director of Finance, stated the purchase could be sole-sourced since it is an upgrade to existing equipment. Financing would require approval from the Local Government Commission. To consider a different vendor, Chief Summers explained the entire system would need to be discarded and replaced, which he estimated to cost at

least \$8 million. Fire Chief Bobby Boyd talked about the critical need of having a reliable system, especially during a hurricane.

Noting there is always an argument that there will be a savings on maintenance costs, the City tends to approve purchases without subsequently analyzing the true cost savings. Alderman Odham asked for numbers to support the savings on major purchases such as the Munis software, radio system, etc.

Mrs. Hogan provided additional information on the proposed debt financing. The loan would be designed so that the first payment would not be due until July 2021. Mr. Stephens said there was some concern stemming from the FY2019 audit, but since then some FEMA reimbursements have been received and additional reimbursements are due. Mr. Stephens said he felt confident about the City's financial position.

(Alderman Bengel announced the audio was not working on Facebook or CityTV3. The Public Information Officer was working on the issue.)

Danny Meadows, former Public Works Director, was in the audience. Mayor Outlaw asked for his thoughts on the radio upgrade. Mr. Meadows said for staff to do their work, they need to be able to communicate.

Alderman Odham made a motion to table a decision on Item 6 until the August 11, 2020 meeting, seconded by Alderman Kinsey. The motion carried unanimously 6-0.

7. Consider Adopting a Resolution Approving the Sale of 1705 Wilmington Street.

After receiving an offer of \$3,580 from Ashley Boyd for the purchase of 1705 Wilmington Street, the offer was advertised, but no additional bids received. The tax value of the small, vacant 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 has indicated a desire to potentially place a tiny house on the property.

Alderman Best made a motion to adopt a resolution approving the sale of 1705 Wilmington Street, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-0.

8. Consider Adopting a Resolution to Extend Downtown Dining Street Closures through October 10, 2020.

On May 12, 2020, the Board adopted a resolution permitting closures of one side of the 200-300 blocks of Middle Street, the 300 block of Pollock Street, and the 200 block of Craven Street from 5 p.m. until 11 p.m. for the purpose of accommodating

street cafes on specified dates between May 22, 2020 and August 1, 2020. Lynne Harakal, Executive Director of Swiss Bear, requested that the street closures be extended through October 10, 2020. The proposed resolution allows for continued weekend closures from August 7th through October 10th.

Alderman Bengel made a motion to adopt a resolution to extend downtown dining street closures through October 10, 2020, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

9. Consider Adopting a Resolution to Approve a Lease with Promise Place for 408 Hancock Street.

As discussed at the July 14, 2020 meeting, Promise Place contacted the City regarding its need to store shipments of items that will be donated to citizens. A lease just shy of 12 months is proposed for the City-owned property located at 408 Hancock Street at a rate of \$1.00 for the term of the lease.

Alderman Bengel made a motion to adopt a resolution approving a lease with Promise Place for 408 Hancock Street, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 6-0.

10. Consider Adopting an Amendment to Section 6.14 “Dangerous or Potentially Dangerous Dog” of Chapter 6 of the Code of Ordinances.

The current ordinance pertaining to dangerous dogs provides that a veterinarian licensed to practice in the State of North Carolina and having a clinic in Craven County shall determine a dog’s status as dangerous or potentially dangerous. A separate group of persons would be appointed to an appellate board to hear any appeals of that determination. It is proposed that the ordinance be revised to allow the Chief of Police or his designee to make the determination. The appellate board would continue to exist and consist of three members who are either a veterinarian licensed in the State of North Carolina, a professional dog obedience trainer with 5 years of service, or a registered veterinary technician.

Alderman Bengel asked for clarification of the designee who would make the determinations. Chief Summers said his plan was to designate the supervisors who oversee the Animal Control Officers. He explained his expectations were for the supervisors to rely on the expertise of the Animal Control Officers. The current process is not efficient, as it sometimes takes weeks after a dog bite for a determination to be made as to the dog’s status. The proposed change is more in line with other jurisdictions, and it is also in line with state law.

Alderman Odham made a motion to adopt an amendment to Section 6.14 “Dangerous or Potentially Dangerous Dog” of Chapter 6 of the Code of Ordinances, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 6-0.

11. Consider Adopting an Amendment to Article III of Chapter 26 of the Code of Ordinances Relative to Noise.

The existing noise ordinance has been updated and modernized to include the use of sound meters for amplified sound and music. These changes will be applicable citywide.

Alderman Bengel said she preferred to have some discussion about the item and then table the vote until the next meeting to allow citizens an opportunity to speak under Request and Petition of Citizens. Mr. Davis explained the main objectives of the noise ordinance. An overwhelming majority of cities converted to a decibel system, per Mr. Davis. New Bern is in a small minority of cities that take the decibel reading at the property line, not at the complaining party's property. By imposing the limit at the property line, the decibels drop by 10-15 at the complainant's property.

Alderman Bengel made a motion to table the item for a vote until the August 11th meeting when the public can make comments under Request and Petition of Citizens – not under the item, seconded by Alderman Odham.

(Alderman Kinsey momentarily stepped out of the room at 7:17 p.m.)

Upon a roll-call vote, the motion carried unanimously 6-0. Of note, Alderman Kinsey had stepped out of the room, thus technically yielding an affirmative vote.

12. Appointment(s).

No appointments were made.

13. Attorney's Report.

The City Attorney had nothing to report.

14. City Manager's Report.

- The United Badges blood drive will be held on July 29th from 8:30 a.m. to 6:00 p.m. at the Knights of Columbus on Pinetree Drive.
- Craven County recently notified the City it would receive \$497,477 from the Coronavirus Relief Fund. This share is based on the City's population. There are stipulations as to how the money can be spent. Funds must be used primarily for recovery and expenditures related to COVID-19.

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

- The Police Department received a \$50,000 grant from the Bate Foundation for the simulator project. Staff has also been informed the Craven Community College Foundation has awarded a \$50,000 grant as well. The total project is estimated to cost between \$200,000 to \$250,000, and additional grants will be

sought. The terms of the lease are being discussed with Craven Community College. Once the lease is finalized, the simulator can be received within 2-3 months.

- The Police Department has received a donation of a military-armored vehicle referred to as a MRAP. The only caveat is the City must transport the piece of equipment to New Bern at a cost of \$10,600 and upfit it to incorporate the City's vehicle graphics. The Board's consensus was to move forward with the expenditure.
- Mr. Stephens reminded the Board that on April 28, 2020 it voted to table for 90 days a resolution approving a contract with MBF Architects for architectural services for the City Hall Annex Building. The 90-day period was now at hand. The consensus of the Board was to further delay consideration until a financial update is provided to the Board in October.
- Alderman Bengel asked for an update on the Stanley White Recreation Center ("SWRC") Advisory Committee's recent meeting. Mr. Davis attended the first meeting to provide an explanation of rules and procedures, the Committee's purpose, and to provide an update on the process. FEMA has been notified of the availability of the alternative site, and environmental and other assessments will likely be needed. Alderwoman Harris read a letter from Michael Sprayberry, NC Director of Emergency Management, regarding the environmental assessment. Mayor Outlaw stated the assessment may take 6-9 months, and he expressed concern with delaying the project for that additional amount of time. Mr. Stephens reminded everyone the City had still not received the \$8 million in FEMA funds; those funds will be received through reimbursements after monies are expended. Alderwoman Harris asked whether FEMA would hold community meetings, and Mr. Stephens said FEMA would have a part in that process, although one of the roles of the consultant is to initiate public engagement. Alderman Odham volunteered to work with staff and other Board members to answer some of the questions that were posed in Mr. Sprayberry's letter.
- Mayor Outlaw asked for an update on some Parks and Recreation items. Mr. Stephens said the docks at Union Point were finished today and would be ready to open after the final inspection tomorrow. Foster Hughes, Director of Parks and Recreation, said staff had been speaking with three vendors to obtain cost estimates for modular bathrooms and were still waiting for that information.

(Aldermen Kinsey stepped out of the room momentarily at 7:52 p.m.)

- Alderman Bengel said she was getting a lot of complaints about Suddenlink's service, which has peaked because of the need for internet service for remote learning. Mr. Stephens explained at some length why the City cannot offer and does not have a voice in services such as telecommunication, cable, internet.

(Alderman Kinsey returned to the room at 7:54 p.m.)

At Alderman Odham's request, Mr. Stephens explained why the State's MCNC fiberoptic network could not be sold or made available for personal use. That network is primarily for educational purposes. The City and County also have

installed fiberoptic lines that are used solely for governmental services. Mr. Stephens also detailed the steps taken by the developer of Carolina Colours to build their own fiberoptic network and require the property owners to use service from a select vendor. Because the developer had bundled all the internet service, it could market and essentially sell the development as one large customer to a vendor.

15. New Business.

Alderman Bengel

Mr. Stephens was asked to provide an update on the latest Executive Order (“EO”) issued by the Governor late this afternoon. Although he had not read the entire EO, Mr. Stephens said it did provide that restaurants must cease the sale of alcohol at 11:00 p.m. beginning Friday of this week. Additionally, schools will be virtual for the first nine weeks. Mr. Stephens stated he would have the Public Information Officer disseminate the information about alcohol sales.

Condolences were expressed to the family of Sonny Dove.

Alderman Kinsey

The life of Sonny Dove was reflected upon, and condolences were expressed.

Alderman Best

Sympathy was also expressed to the family of Sonny Dove.

Concern was expressed about employees who work in the heat. Mr. Stephens said safety protocols are in place for when the heat index reaches a certain point.

Alderman Odham

It was noticed the mobile stage had been set up at Lawson Creek Park. Mr. Hughes expressed excitement about the stage and announced staff had been trained in assembly and disassembly. Alderman Odham noted the recent movie in the park was sold out. Mr. Hughes was happy to report the series of drive-in movies had been going very well.

Mr. Davis was asked to provide information regarding solicitation. Mr. Davis said local governments cannot regulate solicitation, but can regulate the process by having solicitors register at no charge. Individuals can post signs on their property to prohibit solicitation, and any violations would be a civil matter. The Police Department cannot enforce a “no solicitation” sign. Vendors cannot sell from the street, although they can solicit from the street.

16. Closed Session.

A closed session was not needed.


17. Adjourn.

Alderman Odham made a motion to adjourn, seconded by Alderman Bengel. The motion carried unanimously 6-0, time being 8:10 p.m.

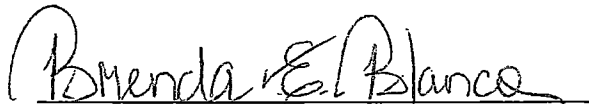
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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 August 11, 2020



Dana E Outlaw, Mayor



Brenda E Blanco, City Clerk