

**City of New Bern  
Board of Aldermen Meeting  
August 25, 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 (by telephone from 6:00 p.m. to 6:30 p.m.; joined in person at 6:30 p.m.), 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.

**Consent Agenda**

- 3. Consider Adopting a Resolution Calling for a Public Hearing on the 2020-2021 CDBG Draft Annual Action Plan.**

The Annual Action Plan serves as the City's application for funding under the Entitlement Cities Program. The plan provides a summary of the actions, activities, and specific federal and non-federal resources that will be used to address the priority needs and specific goals identified in the Strategic Plan section of the Consolidated Plan for the year 2020. The FY20-21 CDBG draft Annual Action Plan will be on display for public inspection beginning August 28, 2020.

- 4. Approve Minutes.**

Draft minutes from the August 11, 2020 meeting were provided for review and approval.

Alderman Bengel made a motion to approve the Consent Agenda, seconded by Alderman Aster. The motion carried unanimously 7-0.

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**5. Conduct a Public Hearing and Consider Adopting an Ordinance for Overlay Language for the Redevelopment Area.**

Establishing an overlay district for the Greater Five Points redevelopment area will provide new standards to guide the physical development of the area, as detailed in the Redevelopment Commission's plan that was adopted by the Board on February 11, 2020. A new section will be added in the Code of Ordinances to establish Article XXIV-B Section 15-487 for the Greater Five Points Redevelopment Overlay District. Jeff Ruggieri, Director of Development Services, shared a PowerPoint presentation to review the proposed standards.

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

Alderman Bengel made a motion to adopt an ordinance to establish overlay language for the Redevelopment Area, seconded by Alderman Aster. Upon a roll-call vote, the motion carried 6-1 with Alderwoman Harris voting against it.

**6. Submission of Tax Collector's Annual Settlement for Tax Year 2019.**

NC General Statute §105-373 requires the Tax Collector to furnish to the Board an annual settlement of property taxes. Ron Antry, Craven County Tax Administrator, provided a statement revealing the total 2019 amended tax levy was \$14,167,346.17. As of June 30, 2020, \$14,024,086.67 of this had been collected, which represents a 98.99% collection rate. The amount delinquent as of that date was \$143,259.50. In addition, the 2019 amended tax levy for the Municipal Service District was \$188,089.09. As of June 30, 2020, \$187,833.64 of this had been collected, which equates to a collection rate of 99.86%. The amount remaining delinquent as of June 30<sup>th</sup> was \$255.45.

Alderman Odham made a motion to accept the 2019 tax year settlement reports, seconded by Alderman Aster. The motion carried unanimously 7-0.

Alderman Best asked the Director of Finance to provide a list of delinquent taxpayers to the Board. She also inquired about Craven County's time period for pursuing forced collection, and Mr. Stephens responded he would check with the County.

**7. Consider Adopting a Resolution Approving a Declaration of Intent to Reimburse.**

The adopted budget for FY20-21 included the purchase of vehicle and equipment capital items. Pursuant to IRS regulations, it is necessary to adopt a Declaration of Official Intent to Reimburse prior to incurring expenses for the purchases. Doing so allows the City to pay itself back for items paid for prior to obtaining financing.

Alderman Aster made a motion to adopt a resolution approving a declaration of intent to reimburse, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

**8. Consider Adopting an Ordinance Amending the Schedule of Fees and Charges.**

This item was tabled from the August 11, 2020 meeting to allow staff an opportunity to confirm changes that need to be made to the Schedule of Fees and Charges. The Schedule was previously amended on June 9, 2020 to reflect fees that were to be effective July 1, 2020. That amendment inadvertently omitted changes to be implemented in Section 11 for Electric Utilities. Those changes, which are relative to disconnects and repair fees for underground utilities, were reviewed, confirmed by staff, and added to the schedule.

Alderman Odham made a motion to adopt an ordinance amending the Schedule of Fees and Charges, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

**9. Consider Adopting a Resolution Approving a Lease Agreement with Craven Community College for 128 Rhem Street.**

This lease agreement with Craven Community College is for the City-owned property at 128 Rhem Street. The College intends to utilize the facility as an expansion of the VOLT Workforce Training Center to house a police simulator for law enforcement training. The lease is for a period of 10 years and calls for an initial payment of \$50,000 at the time of execution and \$1.00 for each additional year. As a condition of the lease, the City agrees to make upgrades to the existing facility as outlined in Exhibit B of the lease.

As previously discussed, the total cost of the simulator project is anticipated to be \$250,000. A \$50,000 grant was secured from the Harold H. Bate Foundation, and \$50,000 will be received from the College upon execution of the lease. The Board will have to consider funding for the remaining \$150,000.

(Alderwoman Harris joined the meeting in person at 6:30 p.m.)

Alderman Aster made a motion to adopt a resolution approving a lease agreement with Craven Community College for 128 Rhem Street, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

**10. Consider Adopting a Budget Ordinance Amendment for FY20-21.**

This budget ordinance amendment will transfer \$150,000 from Contingency to the Grant Fund for costs related to the preparation of the VOLT Center Simulator building. It also recognizes \$50,000 in grant funds from the Harold H. Bate Foundation, \$50,000 from the lease agreement with Craven Community College, and a General Fund transfer in the amount of \$150,000.

Alderman Aster made a motion to adopt a budget ordinance amendment for FY20-21, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

**11. Consider Adopting a Resolution Approving a Mutual Aid Agreement for 911 Communications and Dispatch Backup PSAPs with Craven County.**

NC General Statutes required all Public Safety Answering Points (“PSAP”) to have an emergency back-up plan on file with the 911 Board by July 1, 2016 or risk loss of funding. As a result, the City entered into a mutual aid agreement on July 14, 2015 with Craven County for 911 communications and dispatch backup PSAPs. That agreement was for a period of five years and just recently expired. The new agreement will continue from year to year until it is terminated by one of the parties.

Alderman Odham made a motion to adopt a resolution approving a mutual aid agreement for 911 communications and dispatch backup PSAPs with Craven County, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

**12. Consider Adopting a Resolution Approving a Grant from the NC Governor’s Highway Safety Program.**

The New Bern Police Department has been filling the role of Law Enforcement County Coordinator since 2012 and has been offered the position of regional Law Enforcement Liaison. In part, the liaison would coordinate and organize highway safety activities and work with participating agencies in the region to coordinate safety-related traffic events. The position would also host quarterly meetings, work closely with the Governor’s Highway Safety Program (“GHSP”) to determine what equipment is made available to agencies in the state, and assist GHSP with events such as conferences, campaign kick-offs, and the state fair. The position comes with a \$24,995 grant, which requires no match. The grant will cover all expenses for travel, training, and equipment for the position.

Alderman Kinsey made a motion to adopt a resolution approving a grant from the NC Governor’s Highway Safety Program, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

**13. Consider Adopting a Resolution Approving Engineering Amendment No. 3 for the Township 7 Sewer Improvements Phase III Project.**

The Township 7 Sewer Improvements Phase III project addresses sewer capacity needs south of the Trent River. One of the major components of the project will be to relocate sewer pump station No. 10 from the bank of Lawson Creek to 201 Eden Street. Since the new site is in a historical district, the Office of State Archaeology determined that in-depth archaeological work would need to be performed to mitigate any potential adverse impacts on the site. This additional work will increase the project’s engineering costs. Rivers and Associates proposed a lump

sum price of \$53,450 for completion of the additional work. The existing engineering agreement will need to be amended to reflect this increase. Jordan Hughes, City Engineer, explained the City had received a \$500,000 grant that would be used for the demolition of the existing pump station and construction of the new pump station.

Alderman Bengel made a motion to adopt a resolution approving engineering amendment No. 3 for the Township 7 Sewer Improvements Phase III project, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

**14. Consider Adopting a Resolution Approving a Utility Preliminary Engineering Agreement with NCDOT for the Area of US 70/Neuse River Bridge.**

The NC Department of Transportation (“NCDOT”) requested the City relocate its overhead and underground electric utilities to facilitate highway construction in the area of US 70 in James City and near the Neuse River Bridge. The preliminary engineering costs are estimated at \$419,220. The agreement recognizes and establishes that estimate and the terms for reimbursement from NCDOT. The balance of reimbursable engineering and construction expenses will be forthcoming as a separate agreement. Mayor Outlaw asked that the Board be kept apprised of the expenses that would be reimbursed to the City. Charles Bauschard, Director of Public Utilities, stated the repositioning of electric lines would be reimbursed at 100%, but relocation of fiber would not be reimbursable.

Alderman Aster made a motion to adopt a resolution approving a utility preliminary engineering agreement with NCDOT for the area of US 70/Neuse River Bridge, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

**15. Consider Adopting a Resolution Approving a Utility Relocation Agreement with NCDOT for the Dr. Martin Luther King, Jr. Boulevard – Neuse Boulevard Roundabout.**

NCDOT requested the City relocate overhead and underground electric utilities for the purpose of constructing a roundabout at Neuse Boulevard and Dr. MLK Jr. Boulevard. The cost of such relocation is estimated at \$225,760, and the agreement establishes the estimate and terms for reimbursement from NCDOT. Although the agreement was being established, it was noted that this project had been put on hold by NCDOT.

Alderman Odham made a motion to adopt a resolution approving a utility relocation agreement with NCDOT for the Dr. Martin Luther King, Jr. Boulevard – Neuse Boulevard roundabout, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

**16. Consider Adopting a Resolution Approving the Addition of Street Lights on Phillips Avenue.**

Phillip Williams, a resident on Phillips Avenue, requested additional street lighting in the area of 1310 Phillips Avenue. The Department of Public Utilities evaluated the area and determined the current lighting does not meet the City's light standard. The estimated installation cost for two lights was \$1,165.35, and the monthly utility charge for service will be \$16.88.

Alderman Kinsey made a motion to adopt a resolution approving the addition of streetlights on Phillips Avenue, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

**17. Appointment(s).**

No appointments were made.

**18. Attorney's Report.**

The City Attorney had nothing to report.

**19. City Manager's Report.**

The City Manager had nothing to report.

Mayor Outlaw asked for an update on Stanley White Recreation Center. Mr. Stephens announced the Stanley White Recreation Center Advisory Committee had held two meetings to date. Foster Hughes, Director of Parks and Recreation, reported on the committee's recent meeting. He announced the first public input meeting would be held Monday, August 31, 2020, and public input sessions would continue through October. As reported at the last Board meeting, Mr. Stephens stated FEMA requires an environmental assessment of the property, and Mr. Hughes confirmed FEMA would be involved in every step of the environmental assessment.

The Mayor also asked for an update on drainage. Mr. Stephens stated there had been no tremendous change since the last report. Mayor Outlaw asked for staff to look at the area of Monterey Circle to see if drainage in that area could be quickly improved.

Noting the Board had budgeted \$200,000 for sidewalks in FY2020-21, Mayor Outlaw expressed a desire to see that work begin. He also voiced a desire for the Board to consider funding the purchase of modular port-a-johns. Mr. Stephens stated quotes were being obtained for the modular units, and he reported the City spent approximately \$15,000 on port-a-john rentals over the last three years.

## 20. **New Business.**

### Alderman Best

Comments have been voiced on social media and within the community about issues with a particular member of the New Bern Housing Authority (“NBHA”). Citizens are asking that the individual resign. Alderman Best stated she watched some of the videos and was a little alarmed by comments made by the member of the NBHA. She stressed that it was the Governing Board’s responsibility to protect all citizens of New Bern and treat individuals with dignity and respect.

### Alderman Kinsey

Mr. Bauschard was asked to provide an update on the AMI system. In response, Mr. Bauschard explained all electric meters had been installed with the exception of approximately 200. Installation should be finalized by the end of the year. Installation of water meters has been delayed due to vendor delays. After all water meters are installed, there will still be roughly 3,000 meters that will need to be read. The benefits of an AMI system were briefly highlighted.

The Police Department was asked to explain how the 2020 National Night Out would be conducted considering COVID-19. Police Chief Toussaint Summers stated the national organization had moved the event from August to October and further changes may be forthcoming. If the event is still held, large gatherings would not be recommended. To be safe, communities may choose to forgo a gathering and instead simply display a sign indicating their community’s support of National Night Out and the Police Department.

### Alderman Aster

George Chiles, Public Works Staff Engineer, was thanked for his assistance with Old Airport Road.

### Alderwoman Harris

In conjunction with Alderman Best’s comments, Alderwoman Harris voiced concerns about an appointee to the NBHA. Although the appointments are the responsibility of the Mayor, she suggested that the Mayor discuss his appointments with the Governing Board. She expressed disgust with a particular appointee, noting the appointee told the Interim Housing Authority Director in an open meeting that she was a failure and he also commented twice that drag queens were pedophiles. She felt the Mayor’s appointment displayed a lack of leadership, and she asked the Mayor to reconsider the appointment or request a resignation. She also questioned what other three aldermen recommended that the Mayor appoint that person. Mayor Outlaw said he had a lot of concerns about housing and the units at Trent Court and The Towers. He described how the appointee had been successful in addressing unhealthy and unsafe issues within the public housing, and stated he was satisfied with the appointee’s performance. Mayor Outlaw stated each time he made an appointment to the Board that he had intentionally appointed people whom he thought would be beneficial, such as a former Police Captain and a School Principal. Mayor Outlaw expressed respect for Alderwoman Harris and her comments, and he offered to meet with her and the appointee.

Alderwoman Harris responded that a meeting would not take place with her and the individual. She further voiced concern about the inability of the public to attend NBHA meetings or view and participate in their electronic meetings. Alderman Bengel stated she attends every meeting and continues to be dissatisfied with the NBHA and what she sees at the meetings. She confirmed she had discussed the potential of bringing the NBHA under the Redevelopment Commission because she felt the residents deserved the very best, She explained the City does not have a “hand” on the properties and is unable to do anything since the properties do not fall under the City. She noted she had not received any phone calls from people expressing concerns or complaints. Alderman Bengel offered to meet with Aldermen Harris and Best, if they desired. With respect to their meetings, Ward and Smith advised the NBHA that the electronic meetings did not have to be recorded. Alderman Bengel encouraged NBHA to hold their meetings at a location where the public could attend, which is why the last meeting was at the Omega Center. Alderwoman Harris asked about the money that was raised in the aftermath of Hurricane Florence for tiny houses. Alderman Bengel offered to provide contact information for the organization that could explain what happened with those funds. Alderwoman Harris asked the City Attorney about the process for removing the appointee from the NBHA board. Mr. Davis explained the Mayor could file a charge, and a public hearing would be held for the appointee to defend themselves with the assistance of their lawyer. In essence, it would be like a trial.

#### Alderman Bengel

Parking enforcement was suspended in downtown New Bern after the onset of COVID-19. The Downtown Business Association had expressed a desire for the resumption of parking enforcement to coincide with Phase 3 of the COVID restrictions. Knowing Phase 3 may linger for several months, Alderman Bengel asked if enforcement of two-hour parking could be reinstated on September 14, 2020. It was suggested input be sought from the Downtown Business Association. Alderman Bengel stated the association’s next meeting was scheduled for Thursday, and she would report back with their response at the Board’s September 8<sup>th</sup> meeting. If the formal decision is to suspend two-hour parking, the Board would need to vote on that action. It was suggested if parking enforcement were suspended that the issuance of warning tickets also be suspended.

Alderman Best requested to attend any meeting that Mayor Outlaw may have with Alderwoman Harris and others regarding the NBHA.

#### **21. Closed Session.**

A closed session was not needed.

#### **22. Adjourn.**


Alderman Odham made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously 7-0, time being 7:34 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: September 8, 2020



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk