

**City of New Bern  
Board of Aldermen Meeting  
October 13, 2020 – 6:00 P.M.  
City Hall Courtroom  
300 Pollock Street**

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer by Alderman Jeffrey Odham. Pledge of Allegiance.**

- 2. Roll Call.**

Present: Mayor Dana Outlaw, Alderman Sabrina Bengel, Alderwoman Jameesha Harris (by telephone), Alderman Robert Aster, Alderman Barbara Best, Alderman Johnnie Ray Kinsey, and Alderman Jeffrey Odham. Absent: None. A quorum was present.

Also Present: Mark Stephens, City Manager; Michael Scott Davis, City Attorney; and Brenda Blanco, City Clerk.

- 3. Request and Petition of Citizens.**

Scotty Canady of 502 Craven Street stated he utilized a skateboard as a means of exercise, recreating, and commuting. He asked the Board to consider amending Section 50-26(c) prohibiting skateboards on downtown sidewalks. He stated skateboards reduce carbon footprints and do not have an impact on the streets. Mayor Outlaw asked the City Attorney to provide guidance, and Mr. Davis stated he would look at the ordinance and discuss it with the First Ward Alderman. Alderman Bengel recalled that ordinance was implemented many years ago because recreational skateboarders were jumping off steps and damaging curbing, etc. She indicated she was happy to review the ordinance with the City Attorney to discuss a possible update.

James Woods, Jr. of 1903 of Country Club Road expressed concern for citizen safety and urged the Board to place sidewalks in the Pembroke Community, especially on Country Club Road. He stated he had seen information that the City received funding of \$480,000 from the State of North Carolina for sidewalks. Alderman Bengel asked Mr. Stephens about the funding, and Mr. Stephens responded he was not aware of such funding. Mr. Woods indicated that he heard an announcement on the news indicating Greenville, Jacksonville and New Bern received the funding. Mr. Stephens stated he would look into this. It was Alderman Bengel's thought that the announcement was referencing CARES Act funding.

Alderman Bengel made a motion to pull Item 4 from the Consent Agenda and place it before Item 7, seconded by Alderman Aster. The motion carried unanimously 7-0.

## **Consent Agenda**

**5. Consider Approving a Proclamation for Hispanic Heritage Month.**

George Hendrix, Advocacy Director with the Association of Mexicans in NC, Inc., requested a proclamation recognizing Hispanic Heritage Month, which is celebrated annually from September 15<sup>th</sup> through October 15<sup>th</sup>.

**6. Approve Minutes.**

Draft minutes from the September 22, 2020 regular meeting and September 29, 2020 special meeting were provided for review and approval.

Alderman Odham made a motion to approve Items 5-6 of the Consent Agenda, seconded by Alderman Best. The motion carried unanimously 7-0.

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**4. Consider Approving a Proclamation Memorializing Joseph “Jay” Mattingly.**

Joseph “Jay” Mattingly, a former City of New Bern Alderman, passed away on September 24, 2020. A proclamation was proposed memorializing his life and service to the citizens of New Bern. Alderman Bengel and Mayor Outlaw reflected upon Mr. Mattingly’s life and his contributions to the City of New Bern.

Alderman Kinsey made a motion to approve the proclamation memorializing Joseph “Jay” Mattingly, seconded by Alderman Bengel. The motion carried unanimously 7-0.

**7. Presentation of Proclamation to HistoriCorps.**

The Board approved a proclamation for HistoriCorps on September 8, 2020, which was read aloud by Mayor Outlaw. At the request of Jeannie Tyson, the proclamation was presented to Jason Whitehead, a representative from HistoriCorps. Mrs. Tyson was in attendance along with Bill McCrae, Executive Director of Tryon Palace. Mr. McCrae described the restoration project that HistoriCorps had undertaken at Tryon Palace.

Noting the historical significance of City Hall, Alderman Bengel asked Mr. Whitehurst whether HistoriCorps would work with the City to address some of the issues at City Hall. Mr. Whitehurst expressed interest.

**8. Presentation by Craven County Alcoholic Beverage Control Board.**

Chip Chagnon, Chairman of the Craven County Alcoholic Beverage Control (“ABC”) Board, shared a PowerPoint presentation to provide a briefing on the ABC Board. He also presented to the City a check in the amount of \$68,100 for its portion of ABC sales.

Alderman Bengel asked if a new store were built in Bridgeton whether that would result in the closure of the store in downtown New Bern; thus, reducing the revenue the City of New Bern receives from the ABC Board. Mr. Chagnon confirmed that action would reduce New Bern's revenue, but he pointed out a public hearing would be held before a recommendation would be made about closing a store. Alderman Bengel encouraged fellow Board members to contact the Craven County Commissioners and lobby against closing the downtown location. Alderman Aster asked whether the James City store would be the location to close instead of the downtown store. Mr. Chagnon felt that was unlikely.

**9. Presentation on Parks and Recreation "Rec Card".**

Foster Hughes, Director of Parks and Recreation, shared a PowerPoint presentation to review the new "Rec Card". He provided information on why the program was being implemented, how it would be utilized, and how citizens could obtain a free card. One of the benefits of the card is that it would make it easier for citizens to register for programs.

**10. Conduct a Public Hearing and Consider Adopting an Ordinance to Amend Section 15-79 for Major Subdivisions of the Land Use Ordinance.**

Staff proposed an amendment to Section 15-79 "Major Subdivision Approval Process" of the Code of Ordinances. The proposed changes would require three 18"x24" and one digital copy of final plats to be submitted to Development Services, and that complete applications with estimates for performance guarantees be submitted to the department three weeks prior to the next regularly scheduled Planning and Zoning Board meeting. Attorney Davis explained these were minor administrative changes that would make it easier for developers and engineers to clearly understand the process. He asked that when the Board entertained the motion to adopt the ordinance that the motion exclude Section 3. That section of was discussed internally, and a decision was made to hold off on pursuing those changes.

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

Alderman Odham made a motion to adopt an ordinance to amend Section 15-79 for the major subdivisions section of the Land Use ordinance, exclusive of Section 3 as listed, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

Mayor Outlaw suggested staff publicize the changes on the City's website, etc. to make sure developers were fully aware of the changes.

At the Mayor's request, Attorney Davis explained the process and requirements of the Mayor with respect to signing off on subdivision maps. Mr. Davis detailed the

objective process. Although there is no harm in asking questions to ensure everything is built according to standards, Mr. Davis noted the Board had no discretionary authority.

**11. Consider Adopting a Resolution to Fund COVID-19 Nonprofit Grant Program.**

As discussed at the October 6, 2020 work session, \$50,000 will be utilized to fund a grant program for nonprofits within the City of New Bern to aid with their efforts to assist citizens who have been impacted by COVID-19. The program will be administered by a third party and will follow guidelines established by the City. Grants will be issued in the amount of \$1,000 each and are on a first-come, first-served basis. Mr. Stephens reached out to Business Expansion Funding Corporation ("BEFCOR") about administering the program. Alderman Bengel noted BEFCOR would likely charge a 2% administration fee for their services. Alderwoman Harris suggested the City absorb the fee and it not be inclusive of the \$50,000. Recognizing that 50 nonprofits may not apply and funds may be available within the \$50,000 to cover the fee, Aldermen Bengel and Aster suggested the fee be taken from the \$50,000. The City could reassess this if 50 nonprofits actually did apply.

Alderwoman Harris made a motion to adopt a resolution to fund a COVID-19 nonprofit grant program, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

**12. Consider Adopting a Resolution Approving a Settlement and Limited Mutual Release with Pike Engineering, LLC.**

During installation of the new transformer at the Trent Road Substation, a dispute arose regarding control system wiring diagrams developed by the utilities engineering consultant. The errant wiring diagram caused \$18,143.18 in damages to utility equipment. Repairs have been completed, and the equipment is in service. The proposed agreement settles the dispute and provides that the utility consultant pay the cost of the associated damages.

Alderman Bengel made a motion to adopt a resolution approving a settlement and limited mutual release with Pike Engineering, LLC, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

**13. Consider Adopting an Amended Resolution Approving a Grant from the NC Governor's Highway Safety Program.**

On August 25, 2020, the Board adopted a resolution approving a grant from the NC Governor's Highway Safety Program in the amount of \$24,995. The grant was actually for \$25,000, and the resolution needed to be amended to reflect the correct amount.

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

(Alderman Kinsey momentarily stepped out of the room at 7:10 p.m.)

**14. Consider Adopting a Resolution Accepting Ownership and Maintenance of Richard Court.**

A request was received for the City to accept ownership and maintenance of Richard Court, located in the Pinecrest Estates subdivision. Public Works performed an inspection and confirmed that the street had been constructed to meet the City's street design standards.

Alderman Best made a motion to adopt a resolution accepting ownership and maintenance of Richard Court, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0. Of note, Alderman Kinsey had momentarily stepped out of the room; thus, technically yielding an affirmative vote.

**15. Consider Adopting an Ordinance to Amend Chapter 70 "Traffic and Vehicles".**

The proposed ordinance to amend Chapter 70 will achieve the following: a) change Nunn Street to a one-way street and remove the existing stop sign at the intersection of Nunn and Main Streets; b) reduce the speed limit along Old Airport Road between Tyler Ryne Trail and the bridge located near Stonewall Circle from 35 mph to 25 mph; and c) designate both sides of South Front Street along the "loop" behind Tryon Palace as a no-parking zone.

(Alderman Kinsey returned to the room at 7:12 p.m.)

Alderman Odham questioned whether Nunn Street should be widened. Matt Montanye, Director of Public Works, indicated there was not enough room to widen the 12-foot street, which is located off George Street near the spray park.

Alderman Aster made a motion to adopt an ordinance to amend Chapter 70 "Traffic and Vehicles", seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

Aldermen Aster and Bengel asked for signage to be placed in the affected areas of Old Airport Road and Tryon Palace Drive to reflect the approved changes.

**16. Appointment(s).**

No appointments were made.

**17. Attorney's Report.**

Attorney Davis said several Board members had reached out to him about derelict vessels in the river. There is no real solution unless the vessels are actually blocking navigable waters. Other cities are also encountering the same problems.

**18. City Manager's Report.**

Mr. Stephens had nothing to report.

**19. New Business.**

Mayor Outlaw

At the request of the Mayor, Mr. Hughes provided an update on Martin Marietta Park. He announced the main gate was opened about a week and a half ago and described the work currently in progress.

Appreciation was expressed for the comments made earlier in the meeting by James Woods with respect to sidewalks. Mayor Outlaw joined in the concerns expressed.

Alderman Best

Commissioner Johnnie Sampson and Mrs. Ethel Sampson are now home from the hospital and progressing slowly.

A local pastor made Alderman Best aware of funding available through HUD and the NC Office of Recovery and Resiliency to assist homeowners in need of home repairs and reconstruction resulting from damages sustained in Hurricanes Florence and Matthew. Those with interest were encouraged to visit [Rebuild.NC.gov](http://Rebuild.NC.gov). She asked if the Board would be interested in an official presentation about the program at its next meeting, and interest was voiced.

Alderman Aster

Agreement was voiced with Mr. Woods' comments regarding the need for sidewalks in Pembroke. Alderman Aster specifically expressed a need to connect the Pembroke Community to the VOLT Center.

Alderwoman Harris

Noting she too had received comments about sidewalks in Pembroke and the need for street repairs, Alderwoman Harris asked if Mr. Montanye could make a presentation at the next meeting to address this.

Early voting starts October 15, 2020.

Alderman Bengel

Residents and a developer in the Queens Point and River Station area expressed concern about building heights. She asked that the Planning and Zoning Board review the residential waterfront overlay, the River Station overlay, and the general R-6 height overlay. Jeff Ruggieri, Director of Development Services, explained that height is measured differently inside the height overlay districts. Also factoring into the matter is the increase in base flood elevation. Alderman Bengel asked for an expeditious review and to be briefed the following week.



Because of COVID-19 and Governor Cooper's lockdown on many small businesses, it has been difficult for small bars and taverns to operate. The Brown Pelican had asked to implement outdoor seating in the rear of their facility, utilizing the city-owned parking lot behind the Chelsea restaurant. Attorney Davis had advised staff would need to review the parking leases to see what time of the day they end. Once that is determined, Alderman Bengel asked if the Board would be amenable to considering a resolution to allow the outdoor seating and utilization of the parking lot.

Bonita Simmons is in the process of renovating a home on Roundtree Street for "My Sister's House", which will house women fresh out of prison. Contributions are being accepted for the project.

**20. Closed Session.**

A closed session was not needed.

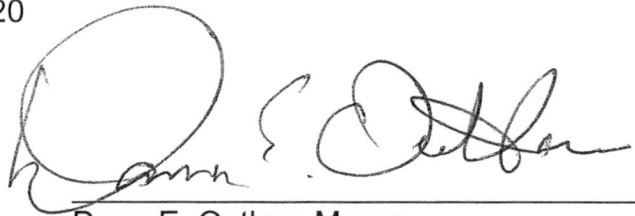

**21. Adjourn.**

Alderman Aster made a motion to adjourn, seconded by Alderman Odham. The motion carried unanimously 7-0, time being 7:40 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: October 27, 2020

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