

**City of New Bern
Board of Aldermen Meeting
November 10, 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 Robert Aster, Alderman Barbara Best, and Alderman Jeffrey Odham. Absent: Alderman Johnnie Ray Kinsey. A quorum was present.

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

Alderman Aster made a motion to pull items 6 and 7, seconded by Alderman Odham. The motion carried unanimously 6-0.

Alderman Bengel made a motion to read a proclamation in memory and honor of Craven County Commissioner Johnnie Sampson, Jr., seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0. After reflecting upon Mr. Sampson, Mayor Outlaw then read the proclamation. Alderman Bengel thanked Mayor Outlaw for the direction to lower City flags in memory of Mr. Sampson, and she thanked the Police and Fire Departments for the assistance they would provide during the funeral service.

- 3. Request and Petition of Citizens.**

Pastor Hazel Royal of 1601 New Bern Avenue, on behalf of the faith community, requested a one-year employment extension for Police Chief Toussaint Summers, who had tendered a letter of resignation. Pastor Royal expressed concern that introducing a new Chief of Police during this time would be disruptive to the City's tranquility. She described Chief Summers' work over the last five years to foster harmony and goodwill. Other pastors who were in attendance stood in support of the request.

Rev. Luther Hill of 2606 Country Club Road echoed Pastor Royal's comments and stated he would love for Chief Summers to stay for another year. He expressed gratitude for the Chief's willingness to show up when the community called upon him and for encouraging officers to have an attitude of professionalism and inclusivity. The Board was encouraged to entice Chief Summers to stay with a salary increase.

Rev. John Pierce of 499 Alexis Drive stated Chief Summers rallied the church, its members, and the City together in peace and unity, which was something the church had been unable to do. Rev. Pierce stated it would behoove everyone to encourage and almost insist that Chief Summers stay with the City during the transition.

Rev. Thomas Tully of 3005 Country Club Road also spoke in favor of retaining Chief Summers.

Kevin Yates of 208 Wingate Drive shared a brief PowerPoint presentation on Wreaths Across America, which is scheduled to take place on December 19, 2020. The details of the ceremony were provided, and a request was made for the City to provide two dumpsters for the cleanup in January.

Pam Woods of 1903 Country Club Road commented on social media's treatment of Alderwoman Harris. She asked the Board to acknowledge that a problem existed and to work on a course of action to address the issue. Mrs. Woods referenced the letter she sent to the Mayor and Board from the Craven County NAACP, and she offered to meet with them to discuss the issue further.

Consent Agenda

4. Consider Adopting a Resolution Approving Street Closures for the Annual Christmas Parade on December 5, 2020, Pending the Governor's Executive Orders.

The Craven County Jaycees requested street closures for the annual Christmas parade on December 5, 2020. The streets to be closed from 1 p.m. to 6 p.m. are the 300-800 blocks of George Street, 300-600 blocks of Broad Street, and the 200-300 blocks of Middle Street. It was also requested that the south side (eastbound) lane of Broad Street be closed to parking from 12 a.m. until the parade concluded. While approval of the street closures may be granted, the event will be dependent upon the NC Governor's Executive Order and the NC Department of Health and Human Services' guidelines that are in place as of December 5th.

5. Consider Adopting a Resolution Authorizing the City Manager to Sign a Contract with MBF Architects, PA for Architectural Services for the City Hall Elevator Project.

A Request for Qualifications ("RFQ") was issued for the design and construction administration associated with the proposed City Hall Elevator and Annex. After reviewing the responses, MBF Architects, PA ("MBF") was selected as the most qualified firm. On October 6, 2020, the Board directed staff to move forward with the design plans for an elevator and restrooms, but not the annex. The cost will be \$253,050 for the design phase and \$93,449 for construction administration, for a total of \$346,500. The resolution authorizes the City Manager to execute a contract with MBF for these services.

6. Consider Adopting a Resolution Authorizing the City Manager to Execute a Contract with Jymco Construction Company for the Trent Road / Red Robin Lane Category D FEMA Ditch Project.

Since Hurricane Florence, the City has been working with FEMA to make repairs within the City's drainage system. The proposed contract is for repairs of the drainage ditch at the intersection of Trent Road and Red Robin Lane. The lowest responsive bidder was Jymco Construction Company at a price of \$181,855. While the CAT D projects have not yet been obligated by FEMA, staff is confident that the obligations are forthcoming based on a meeting between FEMA and the City's consultants, Disaster Recovery Services.

7. Consider Adopting a Resolution Authorizing the City Manager to Execute a Contract with Pintail Oil Services, LLC for the Waters Street Hurricane Florence CAT D Drainage Repairs.

Similar to the previous item, the City has been working with FEMA since Hurricane Florence to make repairs within the City's drainage system. The proposed contract is for repairs of the drainage ditch off Waters Street. The lowest responsive bidder was Pintail Oil Services at a price of \$293,113. Again, it is worth noting that while the CAT D projects have not yet been obligated by FEMA, staff is confident that the obligations are forthcoming based on a meeting between FEMA and the City's consultants, Disaster Recovery Services.

8. Consider Adopting a Resolution in Support of Traffic Light at Racetrack Road and Neuse Boulevard.

As requested at the Board's October 27, 2020 meeting, a resolution was prepared encouraging the NC Department of Transportation to install a traffic signal at the junction of Racetrack Road and Neuse Boulevard. The area is heavily traveled, and a signal would enhance public safety.

9. Approve Minutes.

Minutes from the October 27, 2020 regular meeting were provided for review and approval.

Alderman Aster made a motion to approve the Consent Agenda minus Items 6 and 7 which were pulled, seconded by Alderman Best. The motion carried unanimously 6-0.

10. Presentation of K-9 Vests.

After noting the vests for the police canines were close to expiration, Police Chief Summers announced County Commissioner ET Mitchell and husband, Champ Mitchell, purchased four K9 vests for donation to the Police Department. Two

canines were in attendance with three of the handlers, and the canines were wearing the newly donated vests.

Mr. Mitchell voiced support of Chief Summers. Commissioner Mitchell thanked the Chief, Police Department, faith community, and the community as a whole. Officer Gregory Salen provided a description of what the canines were trained to do.

Noting Commissioner Mitchell was adamant during her tenure as an Alderman about pursuing a police simulator, Alderman Odham announced CarolinaEast Medical Center had made a \$50,000 donation toward the cost.

11. Presentation on Rebuild NC Program.

Nimasheena Burns, External Relations Liaison with the NC Office of Recovery and Resilience, introduced Hailey Pfeiffer Hayes, Chief of External Affairs, who made a virtual presentation on the Rebuild NC homeowner recovery program. The program provides assistance to repair, reconstruct, replace or elevate homes or reimburse homeowners for completed repairs related to damages sustained in Hurricane Florence or Matthew.

12. Presentation by Habitat for Humanity of Craven County.

Mike Williams, Executive Director of Habitat for Humanity of Craven County, shared a presentation to highlight the homes constructed on the lots donated by the City.

After the presentation, Alderman Bengel reflected upon and thanked Mr. Williams for his leadership, and Alderman Best thanked Habitat for their partnership with the Redevelopment Commission.

13. Presentation by Neuse Riverkeeper.

At the request of the Board, Lower Neuse Riverkeeper, Katy Hunt, discussed the fish kills in the Neuse River. Her PowerPoint presentation included an explanation of the cause of the fish kill, what was known about the algae species, and what could be done to prevent the problem.

(Alderman Bengel momentarily stepped out of the room at 7:10 p.m., returning at 7:12 p.m.)

Alderman Aster asked what the City had done to reduce the nutrients in the river. Jordan Hughes, City Engineer, explained the collaboration between the City of New Bern and other cities. He also provided information on where the City's treated water is discharged. On behalf of Sound Rivers, Ms. Hunt offered to partner with the City on addressing stormwater runoff.

Alderman Aster questioned whether the City should prepare a resolution to the State legislators encouraging funding for better enforcement. Mayor Outlaw felt it would be a good idea to work with Ms. Hunt to craft a letter to the state.

14. Presentation on Parks and Recreation’s Reaccreditation.

The New Bern Parks and Recreation Department was nationally accredited by the Commission for Accreditation of Park and Recreation Agencies in 2015. Agencies are accredited for five years and must apply for reaccreditation, if desired. Mr. Hughes announced that the Department was recently notified of its reaccreditation and was recognized as one of the “Best of the Best”. Currently, there are 186 accredited agencies nationwide, only 13 of which are located in North Carolina.

15. Conduct a Public Hearing and Consider Adopting a Resolution to Amend the Historic District Guidelines.

The Historic Preservation Commission approved changes to the Historic District Guideline, and the Planning and Zoning Board recommended approval. The guidelines were recently amended on July 14, 2020, but the new revisions address unique issues that have arisen due to a modern subdivision with 17 vacant lots on the edge of a residential area in the Downtown Historic District. Matt Schelly, City Planner, briefly reviewed the changes.

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

Alderman Bengel stated she had several concerns, two of which were the narrow lots and density of the area. She also asked if there would be a future request to change height restrictions. Mr. Schelly said the planned unit development was created in the early 2000’s shortly after the new Urban Design Plan was implemented. With the narrow lots, there would be no driveways from the streets. The alleys would allow for wider structures that could accommodate porches. The thought was this pattern would be pedestrian friendly, encourage walking, and would build a community atmosphere through interaction between pedestrians and those on the porches. Mr. Schelly explained neither the guidelines nor the Historic Preservation Commission would address height, as that was a zoning issue.

Alderman Bengel made a motion to adopt a resolution to amend the Historic District Guidelines, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 6-0.

16. Conduct a Public Hearing on the Rezoning of 3205 County Club Road from R-15 to R-10;

- a) **Consider Adopting a Statement of Zoning Consistency or Inconsistency; and**
- b) **Consider Adopting an Ordinance Rezoning 3205 County Club Road.**

Samantha and Wendell Wright requested to rezone 3205 Country Club Road from R-15 residential district to R-10 residential district. The property is a vacant 0.45-acre parcel. The Planning and Zoning Board unanimously approved the request at their October 6, 2020 meeting.

Mayor Outlaw noted the map reflected area properties were zoned R-15. He expressed slight concern with rezoning the parcel as R-10. Jeff Ruggieri, Director of Development Services, provided further explanation on the residential zones and structural allowances.

(Alderman Best momentarily stepped out of the room at 8:08 p.m., returning at 8:11 p.m.)

Alderman Odham questioned whether notices were mailed to property owners within a certain distance, and Mr. Ruggieri confirmed notices were sent, although he was not sure whether notices were sent to residents of Trent Woods.

Mayor Outlaw opened the public hearing, and the following spoke:

- Brian McCracken, owner of two adjacent lots, said the applicant's intent was to split the lot in half and build a 1,500-1,800 sq. ft. house and have a lot available to build a residence for their mother or mother-in-law.

In response to Mr. McCracken's comments, Mr. Ruggieri said R-10 would not permit two lots to be created, but would allow the construction of a duplex.

Attorney Davis felt the applicant would be better served by the Board closing the public hearing, staff reaching out to the applicant to discuss this further, and the Board tabling the rezoning decision.

Alderman Bengel made a motion to close the public hearing seconded by Alderman Aster. The motion carried unanimously 6-0.

Alderman Bengel made a motion to table this item until the next meeting in November, seconded by Alderman Aster. The motion carried unanimously 6-0.

17. Consider Adopting a Resolution to Transfer Properties to the Redevelopment Commission.

This item was on the Board's previous agenda and was tabled until this date after a question arose about the maintenance of the properties. At the Redevelopment Commission's ("Commission") meeting on October 28, 2020, a motion passed unanimously to seek a partnership with the City of New Bern Public Works Department for it to continue maintaining the parcels that are to be transferred to the Commission. The motion also included a desire for Public Works to continue to assist with community cleanups. The Commission also voted unanimously to recommend that the Board of Aldermen petition the US Marshal to amend or remove the restriction placed on the "McCotter House" property at 908 Bloomfield Street. The Commission would like to utilize the property to provide community health and wellness services, housing support services, and educational resources.

Alderman Aster expressed a desire to ask the US Marshal to remove or amend the deed restriction. With respect to maintenance of the lots, Alderman Odham

questioned whether all the lots being transferred were buildable. Mr. Stephens explained some of the lots may be used for stormwater retention ponds and some may be consolidated into a bigger lot that would permit development. Mr. Ruggieri further explained how having adjacent lots could be leveraged for use.

Alderman Bengel made a motion to send a resolution to the US Marshall to ask for a change in the deed restriction for the McCotter House and to adopt a resolution to transfer properties to the Redevelopment Commission with the City assisting in the maintenance of the properties, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 6-0.

Prior to voting on the motion, Alderman Best questioned why the McCotter house could not be used as a “revenue” (rental) property for the Commission. Mr. Ruggieri reiterated the terms of the deed restriction, and said the request is to have the restriction lifted or amended to allow other uses that would serve the community in a broader form.

18. Consider Adopting a Resolution Approving Additional Streetlights on Old Airport Road.

The section of Old Airport Road between Taberna and Evans Mills subdivisions was acquired by the City in 2018. The Public Works Department subsequently requested additional street lighting in the area. The Department of Public Utilities evaluated the area and determined the current lighting did not meet the City’s light standard, and it recommended the addition of 31 lights. The installation of the lights will cost \$23,491.12, and the monthly utility charge for service will be \$261.64 (\$8.44 for each light).

Alderman Aster made a motion to adopt a resolution approving additional streetlights on Old Airport Road, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 6-0.

Items 19, 20 and 21 were voted on collaboratively as noted under Item 21.

19. Consider Adopting an Ordinance for the Demolition of 561 NC Hwy 55 West.

Staff requested to demolish the structure located at 561 NC Hwy. 55 West. The home is in a dilapidated state, and a letter was mailed to the owner on January 7, 2020 advising as to the minimum housing code violations. No response was received. A follow-up letter was mailed on May 19, 2020, and again no response was received. A hearing was held before the Building Inspector on July 14, 2020, which the owner did not attend. An order was issued at that time giving the owner 60 days to repair the home and comply with minimum housing standards. To date, no permits have been applied for, and the structure remains noncompliant and unsafe. Of note, this property and the properties in the next two items are owned by the same person.

20. Consider Adopting an Ordinance for the Demolition of 563 NC Hwy 55 West.

Staff requested to demolish the mobile home located at 563 NC Hwy. 55 West. The mobile home is in a dilapidated state, and a letter was mailed to the owner on January 7, 2020 advising as to the minimum housing code violations. No response was received. A follow-up letter was mailed on May 19, 2020, and again no response was received. A hearing was held before the Building Inspector on July 14, 2020, which the owner did not attend. An order was issued at that time giving the owner 60 days to repair the home and comply with minimum housing standards. To date, no permits have been applied for, and the structure remains noncompliant and unsafe.

21. Consider Adopting an Ordinance for the Demolition of 565 NC Hwy 55 West.

Staff requested to demolish the structure located at 565 NC Hwy. 55 West. The home is in a dilapidated state, and a letter was mailed to the owner on January 7, 2020 advising as to the minimum housing code violations. No response was received. A follow-up letter was mailed on May 19, 2020, and again no response was received. A hearing was held before the Building Inspector on July 14, 2020, which the owner did not attend. An order was issued at that time giving the owner 60 days to repair the home and comply with minimum housing standards. To date, no permits have been applied for, and the structure remains noncompliant and unsafe.

Alderman Best made a motion to adopt ordinances for the demolition of 561 NC Hwy. 55 West, 563 NC Hwy. 55 West, and 565 NC Hwy. 55 West, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

22. Consider Adopting an Ordinance Amending the Fee Schedule.

The fee schedule amendment was last adopted on August 25, 2020. The schedule was revised to add overnight parking fees under Section 4 to provide for afterhours parking from 5:30 p.m. to 7 a.m. and to add additional fees under Section 6 related to certificates of occupancy. Additionally, it would reestablish Section 8 of the fee schedule pertaining to public assembly for parades and festivals, which was inadvertently omitted from the schedule adopted in August.

Alderman Bengel made a motion to adopt an ordinance amending the schedule of fees and charges, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0.

23. Consider Adopting a Budget Ordinance Amendment for the FY20-21 Operating Budget.

This budget ordinance amends the General Fund by appropriating \$25,000 for the design of the Racetrack Road project and establishes a \$1,503,895 budget for the city-wide radio project. It also amends the Grants Fund by recognizing \$6,783 from the Department of Justice's 2020 Bulletproof Vest Partnership grant, which requires

matching funds that were provided for in the budget. Additionally, it recognizes a \$25,000 grant from the 2021 Governor's Highway Safety Program and \$10,754 from the Department of Justice's 2020 Edward Byrne Memorial Justice Assistance grant.

Alderman Aster made a motion to adopt a budget ordinance amendment for the FY20-21 operating budget, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 6-0.

24. Discussion of Streets Division Capital Purchase of a 12" Brush Chipper.

Public Works' approved budget for FY2021 included the purchase of a flatbed pickup truck that was flooded during Hurricane Florence. Staff subsequently learned that insurance would cover the replacement of the vehicle. Since that vehicle had now been replaced, it was requested that the \$58,000 budgeted for the truck be utilized to purchase a woodchipper that was scheduled for replacement in FY2022. This change would not have a negative impact on the existing budget. Once all approved capital items have been purchased, there will be a total savings of \$35,567.

Noting information was provided from one price source, Mayor Outlaw questioned whether staff felt that was the best price. Matt Montanye, Director of Public Works, explained during the budget process staff did not obtain formal bids but did get several quotes, and this was the lowest quote.

Alderman Aster made a motion to approve the purchase of a 12" brush chipper, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 6-0.

25. Appointment(s).

No appointments were made.

26. Attorney's Report.

The City Attorney had nothing to report.

27. City Manager's Report.

The City Manager had nothing to report.

28. New Business.

Alderwoman Harris

Condolences were expressed to the family of Craven County Commissioner Johnnie Sampson, Jr.

Mayor Outlaw

The support expressed for Chief Summers was reflected upon, and the Mayor thanked the Chief for a good job.

Alderman Best

Congratulations were expressed to the President and Vice-President elects. Alderman Best stated she felt empowered as a woman to know that the second highest position in this country would be held by a female.

A flyer was distributed regarding a citywide giveaway to take place on November 14, 2020 from 11 a.m. until 2 p.m. The location was changed to the Omega Center because of the forecasted rain.

Alderman Best said it was evident the community and faith-based community desired for Chief Summers to stay around another year.

Alderman Odham

When he was first elected, the City Attorney advised the Board not to get involved with personnel issues. Having received that advice, Alderman Odham reflected upon the comments made about Chief Summers and wished him the best in whatever he decided to do.

Alderman Bengel

Complaints about Suddenlink are still being received. Alderman Bengel suggested a Town Hall meeting with River Bend, Fairfield Harbor, etc. to discuss other potential options. Alderwoman Harris also expressed frustration with Suddenlink. Alderman Aster commented that a lot of residents in his neighborhood were changing to CenturyLink.

29. Closed Session.

Alderman Odham made a motion to go into closed session pursuant to NCGS §143-318.11(a)(5) to discuss potential acquisition of property, seconded by Alderman Bengel. The motion carried unanimously 6-0, time being 8:59 p.m.

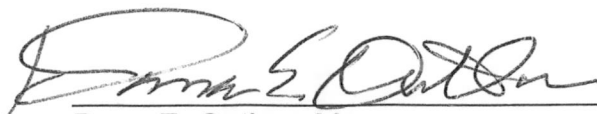
30. Adjourn.

Alderman Bengel made a motion to adjourn, seconded by Alderman Aster. The motion carried unanimously 6-0, time being 9:17 p.m.

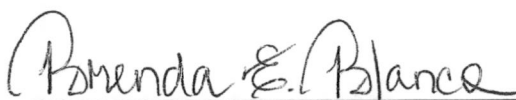
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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: November 24, 2020



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk