

**City of New Bern
Board of Aldermen Virtual (Electronic) Meeting
Conducted Via Zoom Platform
December 08, 2020 – 6:00 P.M.
City Hall Courtroom
300 Pollock Street**

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

Present Electronically by Video Conference: 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 Electronically by Video Conference: Mark Stephens, City Manager; Michael Scott Davis, City Attorney; and Brenda Blanco, City Clerk.

Mr. Stephens reviewed legislation that was passed regarding remote meetings. NCGS §166A-19.24 requires a member of the Governing Body to identify themselves when they speak or vote.

- 3. Request and Petition of Citizens.**

Kevin Bryant of 1611 Pembroke Avenue stated he attended the Stanley White Recreation Center (“SWRC”) Advisory Committee meeting last night, during which time he felt a lot of underlying issues were brought up. He said multiple people pointed out that maintenance was lacking in the Duffyfield area. People also expressed concern that they were not aware of the SWRC meetings. He expressed a desire to see the gap between miscommunication linked. In response to Mr. Bryant’s comments, Mayor Outlaw said he would have the Director of Public Works call Mr. Bryant regarding cleanups and other things that have taken place in the Duffyfield area.

Talina Massey of 202 Trappers Trail thanked Alderman Best, Alderwoman Harris, the New Bern Post, and New Bern Now for being proactive during the COVID-19 pandemic. She said Craven County leads in death toll for the 8-county region. Gov. Cooper will be issuing a curfew on Friday due to the explosion of the pandemic. She did not see things getting better until community leaders deliver a cohesive message to the public and there is mass testing and more concern. She felt leadership was giving mixed messaging, and she expressed concern about public events that do not enforce masks.

Consent Agenda

4. Consider Adopting a Resolution to Call for a Public Hearing to Rezone 3498 Martine Drive from I-2 Industrial District to I-1 Industrial District.

MMJH, LLC requested to rezone a 2.36-acre parcel located at 3498 Martin Drive from I-2 Industrial District to I-1 Industrial District. The parcel is further identified as Tax Parcel ID 8-208-147. The Planning and Zoning Board unanimously approved the rezoning request at their December 1, 2020 meeting.

5. Consider Adopting a Resolution to Temporarily Close Portions of Specific Downtown Streets.

A request was received to further extend some of the previous street closures in the downtown area. Additionally, specific streets need to be closed to facilitate the New Year's Eve bear drop. The closures include:

- the 200-300 block of Middle Street and 300 block of Pollock Street on December 11, 2020 from 11 p.m. through December 12, 2020 at 5 p.m. and December 18, 2020 at 11 p.m. through December 19, 2020 at 5 p.m.;
- the 200 block of Middle Street on December 12, 2020 from 11 p.m. through December 13, 2020 at 5 p.m.;
- the 200-300 block of Middle Street, 300 block of Pollock Street, and 200 block of Craven Street from Morgan's Tavern and Grill to Pollock Street on December 31, 2020 at 5 p.m. until January 1, 2021 at 1 a.m.; and
- the 200 block of Pollock Street from the parking lot entrance at the Dunn Building to Craven Street and the 300 block of Craven Street from the city parking lot to Pollock Street from 5 p.m. on December 31, 2020 until 1 a.m. on January 1, 2021 for the annual Bear Drop.

6. Approve Minutes.

Minutes from the November 24, 2020 meeting were provided for review and approval.

Alderman Harris made a motion to approve Items 4-6 of the Consent Agenda, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 6-0.

7. Appointment of Mayor Pro Tempore for 2021 and Administration of Oath.

Section 2.4 of the City's Charter provides that at the first meeting in December, the Board of Aldermen will choose one of its members as Mayor Pro Tempore to serve a one-year term. The Mayor Pro Tempore performs the duties of the Mayor during his absence or disability as prescribed by the Charter and the General Statutes.

Alderman Aster made a motion to appoint Alderman Barbara Best as Mayor Pro Tempore, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-0.

Commenting that the Board was a team, Alderman Best expressed appreciation. The oath of office was administered to Alderman Best, following approval of Item 8.

(Alderman Kinsey joined the meeting at 6:16 p.m.)

8. Consider Adopting a Resolution Approving a Second Amendment to the Lease Agreement with the New Bern/Craven County Area Farmers' Market.

The New Bern/Craven County Farmers' Market entered into a 5-year lease with the City effective July 1, 2017 for the property located at 421 South Front Street. The lease provides for monthly rental payments of \$500. After receiving a request from the Farmers' Market, the Board approved an amendment to the lease on April 28, 2020 to waive lease payments for the months of July through December 2020 because of the economic impact from COVID-19. The Market subsequently requested an additional amendment to further waive payments for January through June 2021.

Alderman Bengel made a motion to adopt a resolution approving a second amendment to the lease agreement with the New Bern/Craven County Area Farmers' Market, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

(As noted earlier, an oath of office administered to Alderman Best.)

9. Consider Adopting a Resolution Approving a Pipeline Agreement with North Carolina Railroad Company and Norfolk Southern Railway Company and a License Agreement with North Carolina Railroad Company for Construction-related Activities Associated with the Duffyfield Wetlands Project.

As part of Phase I of the Duffyfield Wetlands Project, the discharge pipe under the railroad tracks will be enlarged from 4 inches to 12 inches. To facilitate this work, a Pipeline Agreement is needed between the City, North Carolina Railroad and Norfolk Southern, and a License Agreement is needed between the City and North Carolina Railroad.

Alderman Best made a motion to adopt a resolution approving a Pipeline Agreement with North Carolina Railroad Company and Norfolk Southern Railway Company and a License Agreement with North Carolina Railroad Company for construction-related activities associated with the Duffyfield Wetlands Project, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

Items 10 and 11 were voted on collaboratively as indicated under Item 11.

10. Consider Adopting a Resolution Authorizing the City Manager to Execute Contract Documents for the Hurricane Florence Category A Drainage Ditch Project Within the North Glenburnie, Renny's Creek and Downtown Drainage Basins.

The City has been working with FEMA over the past two years on a project to remove sediment and debris from 66 miles of drainage ditches throughout the City. The work to address the North Glenburnie, Renny's Creek and downtown drainage basins was put out to bid, and Trader Construction Company submitted the lowest bid at \$309,880. It was requested the City Manager be authorized to execute a contract with Trader Construction for this portion of the project, along with any change orders within the budgeted amount.

11. Consider Adopting a Resolution Authorizing the City Manager to Execute Contract Documents for the Hurricane Florence Category A Drainage Ditch Project Within the Jack Smith Creek Drainage Basin.

Like the previous item, this work will address the Jack Smith Creek drainage basin. After requesting bids, Trader Construction Company submitted the lowest bid at \$382,650. It was requested the City Manager be authorized to execute a contract with Trader Construction for this portion of the project, along with any change orders within the budgeted amount.

Mayor Outlaw indicated these projects were a rare opportunity to establish through drone aeriels, as-builts, etc. a systematic means for future maintenance. He felt it important that the Board make strategic plans for addressing problematic areas in the future to avoid the inability to reach those areas due to growth.

Alderman Best made a motion to adopt a resolution authorizing the City Manager to execute contract documents for the Hurricane Florence Category A drainage ditch project within the North Glenburnie, Renny's Creek and downtown drainage basins and a resolution authorizing the City Manager to execute contract documents for the Hurricane Florence Category A drainage ditch project within the Jack Smith Creek drainage basin, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

12. Appointment(s).

No appointments were made.

13. Attorney's Report.

The City Attorney had nothing to report.

14. City Manager's Report.

- Mr. Stephens announced the City recently completed all its work for acceptance into the National Flood Insurance Program's Community Rating System ("NFIP CRS"), which is the national flood prevention program. A lot of work was put into this by Matthew Boswell, Chief Building Inspector, and Jeff Ruggieri, Director of Development Services. Acceptance into the program will assist with helping reduce flood insurance rates for New Bern residents. Alderman Bengel requested the City Manager issue a memo that the Board could share with its constituents.
- At a recent meeting, the Board discussed sidewalks in the Pembroke area. Bids were sought, and the lowest bid received was \$243,203 to place sidewalks along the western side of Country Club Road. Staff also requested a quote for a potential add-on to extend the project from Country Club Road by an additional 1,040 feet to Hartford Street. That quote came in at \$36,456, which would bring the total project to \$279,659 if the extension were included in the project. The amount budgeted for sidewalks was \$250,000. Matt Montanye, Director of Public Works, proposed taking the additional funds of \$29,659 from the Street Division's operating budget. As a side note, Mr. Stephens said the estimate to complete sidewalks from Hartford to the City limits (approximately one-half mile) would cost around \$90,000. Mayor Outlaw commented that he would be more interested in completing the sidewalks if that could be done without dipping into the City's reserve funds. He felt completing the sidewalks would encourage Trent Woods to install sidewalks to meet and join those installed by the City's.
- With respect to COVID-19 testing offered by the City, the first testing was held yesterday in conjunction with Greene County Healthcare Incorporated. The next two testing dates are December 14th and 16th from 11 a.m. until 3 p.m.
- Twenty-five nonprofits received \$2,000 each in COVID grant funding made available through the City. The total award was \$50,000 plus a small administrative fee of approximately \$2,500 charged by Business Expansion Funding Corporation ("BEFCOR"). Mary Hogan, Director of Finance, announced the grant checks would be mailed on Friday, December 11, 2020, and that the administrative fee was only \$1,500. Alderman Best thanked Aldermen Harris and Bengel for their work on the grant program and the Board for its approval of the program.

15. New Business.

Mayor Outlaw

Echoing Alderman Best's earlier comment about the Board being a team, Mayor Outlaw expressed appreciation for what each Board member has been doing. He stated he looked forward to the year ahead and continued input from citizens.

Alderman Odham

A Merry Christmas and Happy New Year was wished to everyone.

Alderman Best

Noting a recent report from staff indicated Development Services would be working with Rebuild NC, Alderman Best asked for details. Mr. Ruggieri explained his department reached out to the Office of Resiliency to request that the applications that did not get funded be kept and transferred to another program for consideration. Staff has not yet received a response to the inquiry or request. Everyone was wished a Merry Christmas and encouraged to be safe and take precautions.

Concern was again expressed about stormwater issues in Ward 5.

Alderman Kinsey

A Merry Christmas and Happy New Year was wished to all.

The question was asked as to where the City stands with keeping the community and staff safe and protected. Alderman Kinsey asked if employees' temperatures could be monitored. Mr. Stephens noted City facilities are still open to the public, but that decision may be reassessed. He also announced internal protocols had been established for staff. Governor Roy Cooper's newest Executive Order ("EO") put into place a stay-at-home order for 10 p.m. to 5 p.m. until January 8, 2021.

Alderman Aster

To keep employees safe during this time, Alderman Aster stated he wanted to do whatever was necessary, even if that meant closing offices to the public again.

A Merry Christmas was wished to everyone.

Gratitude was expressed to the Board for allowing him to serve as Mayor Pro Tem during 2020.

Alderwoman Harris

Considering the Governor's latest EO, it was questioned whether the City was taking the initiative to cancel events such as the street cafes, Beary Merry Christmas, the parade, and the New Year's Eve bear drop. She also asked if the police would enforce the EO with respect to restaurants that may not be adhering, whether employees could be tested on City time at one of the City's three testing sites, and whether employees were receiving hazard pay. She suggested the Board have a conversation about hazard pay before the end of the year. Alderwoman Harris expressed concern about the message being relayed by the City when it sponsors testing sites, but allows events to continue. She stated such action was counterproductive. Mayor Outlaw noted that scheduled events were in compliance with the EO at the time they were approved. He was not sure that any future events would go beyond 10 p.m. Alderman Bengel stated the Bear drop was the only event that would be impacted by the Governor's EO, and it would need to be cancelled. Mr. Stephens noted the bear drop had already been scaled back this year and would not include a concert or children's entertainment. It would not be promoted as a "closed-street" event, although patrons may step out of local establishments to view the activity. Mr. Stephens suggested the bear drop could still take place and be video streamed online for viewing; although, staff would be willing to cancel the drop, if the Board chooses. With respect to restaurants, he stated the EO did not allow patrons to be in a restaurant eating after 10 p.m.

However, take-out could remain available for consumption offsite. Police Chief Toussaint Summers confirmed that the Police Department enforces the EOs, but noted their enforcement is complaint driven. With respect to hazard pay, Mr. Stephens confirmed the City was not providing this pay. Alderwoman Harris asked why not, noting employees are required to work. Alderman Aster asked Mr. Stephens to poll benchmark cities to see who was providing hazard pay. Everyone was wished a happy holiday, encouraged to wear a mask and get tested to remain safe.

Alderman Bengel

Noting she was not advocating one way or the other, Alderman Bengel voiced the need to move forward with discussing the election process and changes that may or may not need to be made. She made a motion to call for a work session on Tuesday, January 5, 2021, at 4:00 p.m. at City Hall to discuss legislative and charter issues. She asked that at this point the meeting take place in person, although she reserved the right for the Board to change to a virtual meeting as needed in light of COVID-19. After brief discussion, Alderman Bengel amended the motion to start the meeting at 11:30 a.m. instead of 4:00 p.m. The amended motion was seconded by Alderwoman Harris and carried unanimously 7-0.

A goal was expressed for 2021 to be the “year of partnerships”. Alderman Bengel felt it was time to bring different organizations to the table and work together.

A Merry Christmas was wished to all, and everyone was encouraged to reach out to help others and pray for them.

Mr. Stephens announced the open meeting would procedurally remain active while the Governing Board, City Manager, City Attorney, and City Clerk went into closed session. At the completion of the closed session, everyone would rejoin the open meeting to take action, if needed, and conclude the meeting.

16. Closed Session.

Alderman Bengel made a motion to go into closed session pursuant to NCGS §143-318.11(a)(6), seconded by Alderman Aster. The motion carried unanimously 7-0, time being 7:14 p.m.

17. Adjourn.

Alderman Odham made a motion to adjourn, seconded by Alderman Aster. The motion carried unanimously 7-0, time being 7:46 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: January 12, 2021

A handwritten signature in cursive script, appearing to read "Dana E. Outlaw", written above a horizontal line.

Dana E. Outlaw, Mayor

A handwritten signature in cursive script, appearing to read "Brenda E. Blanco", written above a horizontal line.

Brenda E. Blanco, City Clerk