

**City of New Bern
Board of Aldermen Meeting
February 09, 2021 – 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, Alderman Johnnie Ray Kinsey, Alderman Barbara Best, and Alderman Jeffrey Odham. Absent: Alderman Robert Aster. 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.**

James Woods, Jr. of 1903 Country Club Road thanked the City for the sidewalk work that had begun in the Pembroke community along Country Club Road. He also expressed displeasure with the presentation that would be given this evening on the Stanley White Recreation Center.

Consent Agenda

- 4. Consider Adopting a Resolution to Close Specific Streets for the Black History Month Parade.**

Victor Taylor with Vision Forward requested streets be closed to vehicular traffic on Saturday, February 20, 2021, from 10 a.m. until 2 p.m. for the annual Black History Month Parade, which starts at 12 noon. Those streets are the 400-600 blocks of Fort Totten Drive, 1300-1600 blocks of Trent Boulevard, 400 block of First Street, 700-1200 blocks of Broad Street, 400-600 blocks of George Street, and the 700 block of Cedar Street. In the event of inclement weather, a rain date of February 27, 2020 was requested. Approval of the request will be subject to the NC Governor's Executive Order and NC Department of Health and Human Services' guidelines at the time of the event.

5. Consider Adopting a Resolution to Call for a Public Hearing for the Creation of a Residential Property Periodic Inspection Program per Section 2.1.2 of the Redevelopment Plan.

One of the requirements established in the Redevelopment Plan is the creation of a Residential Property Periodic Inspection Program (“RIPE”). Lengthy discussions by the Redevelopment Commission yielded a unanimous decision to create a RIPE. The program is designed to proactively identify and remediate housing that does not meet the City’s minimum housing code or related ordinances. Enforcement will be conducted by the City’s Minimum Housing Officer. If a property fails an inspection, the officer will meet with the property owner to discuss the deficiencies and establish a reasonable timeframe in which to bring the property up to minimum standards. A public hearing was previously requested for February 9, 2021, but the item was not ready for consideration and approval. Therefore, the hearing is now being called for February 23, 2021.

6. Approve Minutes.

Draft minutes from the January 26, 2021 regular meeting were provided for review and approval.

Alderwoman Harris made a motion to approve Items 4-6 of the Consent Agenda, seconded by Alderman Best. The motion carried unanimously 6-0.

7. Presentation of Comprehensive Annual Financial Report and Audit for Fiscal Year Ending June 30, 2020.

Copies of the June 30, 2020 Annual Finance Report (“CAFR”) and Auditor’s Discussion and Analysis were distributed to the Board prior to the meeting. Alan Thompson, a representative from the firm of Thompson, Price, Scott, Adams and Company, P.A., discussed the findings and answered questions. While there were no significant audit findings, three issues were identified, which were highlighted on the bottom of page 2: 1) ensure revenues are collected for projects with negative fund balances or transfer funds to clear them up; 2) clean up cash accounts; and 3) review accounts receivable balances and adjust those that are not collectible. Mr. Thompson addressed the Board’s questions about these issues and the report.

8. Presentation by CPL on Stanley White Recreation Center.

Reggie Scales and Rachel Nilson, representatives from the architecture, engineering and planning firm of CPL, shared a PowerPoint presentation to provide an update on the public involvement, environmental assessment (“EA”), and design process for the Stanley White Recreation Center project. Last year, the City requested FEMA consider the relocation of the facility from its current site to the site on Third Avenue. There were several reasons for that request, the first being

that the current site is in the floodplain. Being in the floodplain means the facility could not be used as a future shelter, and the cost of insurance would increase. Mr. Scales felt the current site would flood again should a storm similar to Hurricane Florence occur. He noted the needs for a center in the 1970's was much different than the needs for a center today. The goal is to design a facility that is multigenerational and sustainable for more than 50 years. The proposed site plan incorporates an entrance facing Third Avenue. The site connects to Henderson Park where other activities would continue to take place. Additional parking would be provided to accommodate events at the site.

Ms. Nilson explained how the community was engaged and the feedback received regarding their needs and desires for activities and space. The proposed new facility would be 33,000 to 34,000 square feet. Efforts would be made to incorporate something to honor Stanley White. It was anticipated the EA would be complete in a week to 10 days. After thanking CPL for their work and effort, Alderwoman Harris stated she wanted to go on record to state that she was not in agreement with the presentation.

Mr. Stephens stated the next steps would be to continue the EA process and submit it and the geotechnical work to FEMA. At that point, the matter would be in FEMA's hands for assessment of specific criteria. If there is a finding of no significant impact, the alternative site would be considered an appropriate option. Federal rules state the City is to consider an alternative site, if available, versus locating the facility in a floodplain. Mayor Outlaw asked if the Board were to make a motion to approve Item 8 whether that would in any way influence the EA. Mr. Scales stated the Board had already made a passive request and issued approval when it approved funding and requested the relocation of the facility. As far as the EA is concerned, the City is already on record as to its approval, and a motion would not impact the EA.

Alderman Odham asked about the potential uses for the concrete pad at the old site. Mr. Hughes said there were several ideas, but noted a desire to complete the EA before providing conceptual plans for that space. Comments from citizens and the Stanley White Recreation Center Advisory Committee ("Advisory Committee") would be taken into consideration when preparing the plans.

Mayor Outlaw explained he was ready to take action, as he wanted the citizens to have a recreation center. He commented about FEMA's desire to not build back in flood-prone areas, even for residential structures. In the interest of a future Red Cross shelter, insurance premiums, programs, etc., Mayor Outlaw felt the alternative site was in the best interest of the citizens and was within walking distance of the neighborhood. Mr. Scales stated when FEMA received a letter from the City Manager requesting the new location, that was taken as the Board's desire to consider the new site. That letter triggered the EA, and the process is in place and must be played out to leverage FEMA funding. Mayor Outlaw felt FEMA would not act until the Board took leadership and decided where the facility would be built. Alderman Best expressed it had been her thought that the Board would wait for the

outcome of the EA before taking action. Noting Former President Obama's executive order to remove items from floodplains, Alderman Bengel asked about the chance that FEMA would not approve the new site. Mr. Scales explained FEMA would look at whether the proposed site negatively impacts the existing character and fabric of the neighborhood and community.

Stating the community had expressed on several occasions that they wanted the facility rebuilt in the same location, Alderwoman Harris asked if that was documented and would be submitted to FEMA. Mr. Scales confirmed that information would be submitted and had been documented in voice recordings and video tapes. Out of respect for citizens, Alderwoman Harris did not think it would be appropriate to vote on the topic at this meeting considering the agenda referenced a presentation and since the Board indicated earlier that it would wait to make a decision after receiving the EA. She stated the community should be given an opportunity to provide feedback at the first meeting in March.

Alderman Best asked if members of the community had expressed an interest for having the new facility serve as a Red Cross Center. Ms. Nilson confirmed a desire for such was expressed at a community engagement meeting. Alderwoman Harris stated the ability to incorporate a shelter was initially suggested by Alderman Aster.

Alderman Odham asked when the Board could expect a final resolution from FEMA as to Third Avenue being a viable site. Mr. Scales explained the steps to come and speculated that a resolution may be available as early as June and as late as August. Alderman Odham felt the conceptual plan as presented was great, and he voiced support of the plan, which would provide more amenities with the available funds.

Noting her agreement with the Board's previous position to vet the alternative site and have plans prepared based on that site, Alderman Bengel asked for confirmation that the Board was waiting for the EA to be completed, go through FEMA's process, and at that point the City would know whether the site had been approved. Mr. Scales reiterated the City previously submitted a "scoping" letter to FEMA, which started the process for evaluating the Third Avenue site. That is the Board's passive approval of the Third Avenue site, per Mr. Scales, although the Board could make any decision it desired. Alderman Bengel did not feel it would be fair to make a decision until the Board knew whether the City would have FEMA funding. Mr. Stephens explained the City had \$500,000 from insurance proceeds and had been approved for a total of \$8,006,649.05, if the facility were rebuilt in the same location and in the same footprint as before with the same limited number of rooms and one gym. The funding was based upon the building being elevated and built to new codes. Alderman Bengel restated her question to ask if the Board decided at this meeting to build on the Third Avenue property and the alternative site was subsequently not approved, whether the City would not be able to build at that site because funding would not be available. Mr. Stephens said the assumption would be the City would be taking a risk of rebuilding with no funding, although he

did not know for sure. Noting her continued support for the alternative site, Alderman Bengel expressed a desire to see the results of the EA.

Alderwoman Harris wanted the record to reflect that the Advisory Committee was advised the building could be built different and built up on the existing site. If FEMA denies the alternative site, funding would still be available for the facility to be rebuilt at its current location. Mr. Stephens stated the funding would still be available, but based on the architect's drawings the funding would cover the cost of rebuilding a replica of the previous building. Alderwoman Harris noted the approved funding did not involve taxpayer dollars, and there was a possibility that the Board could vote to add funding to that which had already been designated.

Mayor Outlaw suggested a motion to approve the presentation subject to the environmental assessment. He felt FEMA was looking for leadership from the Board and that such action would help move things along. In response, Mr. Hughes suggested a motion in support of the conceptual plan based on the outcome of the environmental assessment.

Alderman Bengel made a motion to support the conceptual plan based on the outcome of the environmental assessment, seconded by Alderman Odham. Prior to the vote, Alderwoman Harris twice reiterated she was not in favor of any type of motion considering tonight's agenda only referenced a presentation. Upon a roll-call vote, the motion carried 5-1 with Alderwoman Harris voting against it.

9. Conduct a Public Hearing and Consider Adopting an Amendment to Sections 15-472, 15-474 and 15-486 of the City of New Bern Land Use Ordinance.

At its October 13, 2020 meeting, the Board of Aldermen asked that the Planning and Zoning ("P&Z") Board review the Land Use Ordinance with respect to height limitations in the residential and commercial waterfront overlay districts and the Riverstation mixed-use overlay district. P&Z discussed these changes at their meetings in November, December and January and voted unanimously to amend the following sections of the Land Use Ordinance: 15-472 "Residential waterfront overlay district established", 15-474 "Required conformity to dimensional regulations", and 15-486 "Establishment of Riverstation mixed-use overlay district; promulgation of use and design standards". Jeff Ruggieri, Director of Development Services, shared a PowerPoint to provide an overview of the regulations and 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 Alderwoman Harris. The motion carried unanimously 6-0.

Alderman Bengel made a motion to adopt an ordinance amending Sections 15-472, 15-474, and 15-483 of the City of New Bern Land Use Ordinance, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-0.

10. Conduct a Public Hearing on Amending the 2020 Annual Action Plan for the Community Development Block Grant Program.

The US Department of Housing and Urban Development (“HUD”) requires Community Development Block Grant (“CDBG”) Entitlement Cities submit an Annual Action Plan summarizing the actions, activities and resources that will be used to address needs and goals identified in the Strategic Plan section of the 2020 Consolidated Plan. Staff sought to amend the Annual Action Plan approved by the Board on September 22, 2020 to include HUD’s third round of CDBG coronavirus (“CDBG-CV”) funds. The latest funds amount to \$194,483, bringing New Bern’s total amount of CDBG-CV funding to \$346,735. Amanda Ohlensehlen, Community and Economic Development Manager, explained the necessity of the hearing due to the latest allocation of funds. The Board will consider adopting a resolution to amend the plan at its February 23, 2021 meeting.

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

- James Woods, Jr. of 1903 Country Club Road announced he had a nonprofit which assisted people and questioned how a nonprofit qualified to administer rent payments and how a homeowner qualified to receive rehabilitation funds. Mrs. Ohlensehlen explained nonprofits were identified from partners that already offered rent and utility assistance. D’Aja Fulmore, Community Development Coordinator, explained the evaluation process for the nonprofits, which take on the role of a subrecipient. Mrs. Ohlensehlen described a needs assessment that is performed annually. Mr. Woods expressed concern that individual citizens were not receiving assistance and that the funding was going to the Redevelopment Commission, which was part of the City. He felt citizens were not being reached, and he reiterated his concern that other nonprofits were not allowed to participate. He felt the plan needed to be tailored more to help the small man and that the City was doing as little as possible to help citizens. Stating he was a landlord, Mr. Woods also felt he should be able to receive CDBG funding. Mrs. Ohlensehlen noted organizations were encouraged to put their names on a nonprofit list maintained by the City. Funds for housing rehabilitation are only available for owner-occupied homes. Stating the Redevelopment Commission would rent out homes, Mr. Woods questioned the difference in giving funding to the Commission versus himself as a landlord. Alderman Odham noted that Mr. Woods, as a landlord, was in it for profit, but the Redevelopment Commission was not. Mr. Woods disagreed. Mr. Ruggieri explained the Redevelopment Commission worked with HUD for about a year and a half to be certified to receive HUD funding as a community redevelopment agency (“CRA”). Mr. Woods could also apply for certification as a CRA through HUD. Mr. Ruggieri further explained the Redevelopment Commission’s motive was not profit, but to rehabilitate homes and create safe, energy-efficient housing. Any profits seen by the Redevelopment Commission must be put back into the community.
- An unidentified gentleman asked why the Annual Action Plan provided general administration funding at 20% and housing at 40%. Mrs. Ohlensehlen explained the costs associated with administering the funds.

Alderman Best made a motion to close the public hearing, seconded by Alderwoman Harris. The motion carried unanimously 6-0.

(Alderman Best momentarily stepped out of the room at 8:20 p.m.)

11. Conduct a Public Hearing and Consider:

- a) Adopting a Statement of Consistency or Inconsistency for 3205, 3207 and 3209 Country Club Road; and**
- b) Adopting an Ordinance to Rezone 3205, 3207, and 3209 Country Club Road.**

Samantha and Wendell Wright and Brian McCracken, the owners of 3205, 3207 and 3209 Country Club Road, sought to rezone the above-described properties from R-15 Residential District to R-10 Residential District. The parcels consist of roughly 1.38 acres and are identified as Tax Parcel IDs 8-056-001, 8-046-035, and 8-046-036. Mr. Ruggieri shared a PowerPoint presentation to review the request.

(Alderman Best returned to the room at 8:23 p.m. Alderman Kinsey momentarily stepped out of the room at 8:23 p.m.)

Alderman Bengel said she had spoken with Alderman Aster, who found the request within the character of the neighborhood.

(Alderman Kinsey returned to the room at 8:26 p.m.)

Mayor Outlaw opened the public hearing, but no one came forward to speak.

Alderwoman Harris made a motion to close the public hearing, seconded by Alderman Best. The motion carried unanimously 6-0.

Alderman Bengel made a motion to adopt a statement of zoning consistency, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 6-0.

Alderman Bengel made a motion to adopt an ordinance to rezone 3205, 3207, and 3209 Country Club Road, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 6-0.

12. Conduct a Public Hearing and Consider:

- a) Adopting a Statement of Consistency or Inconsistency for Tax Parcel ID #8-211-005; and**
- b) Adopting an Ordinance to Rezone Tax Parcel ID #8-211-005.**

Michael Raines, owner of a large parcel near Arcadia Village and Academy Green subdivisions, sought to rezone a 42-acre portion of the land from R-10 Residential District to R-6 Residential District. Mr. Ruggieri displayed an aerial picture of the subject property and described the request.

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

Alderwoman Harris made a motion to adopt a statement of zoning consistency for Tax Parcel ID 8-211-005, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 6-0.

Alderwoman Harris made a motion to adopt an ordinance to rezone Tax Parcel ID 8-211-005, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 6-0.

13. Conduct a Public Hearing and Consider Adopting an Ordinance to Annex 431 Riverside Drive.

Mark and Susan Passaro, owners of 431 Riverside Drive, requested that the 0.575-acre parcel be annexed into the City of New Bern. At the last meeting, a water and sewer use agreement was approved for this property.

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 Kinsey. The motion carried unanimously 6-0.

Alderman Bengel made a motion to adopt an ordinance to annex 431 Riverside Drive, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

14. Appointment(s).

No appointments were made.

15. Attorney's Report.

The City Attorney had nothing to report.

16. City Manager's Report.

Mr. Stephens explained the Fire Department had learned of a FEMA-related grant for SCBA equipment. The grant would cover the cost to replace all SCBA equipment with equipment that was up to new standards. The total cost of the replacement would be \$415,965, and the grant only required a cost share of \$37,815. The lifespan of the equipment was described by Fire Chief Bobby Boyd. After hearing the details, the Board expressed a consensus to move forward with an application.

17. New Business.

Alderman Bengel

Condolences were expressed to the family of Ken Morris on his passing and to Veronica Mattocks on the loss of her mother.

Alderwoman Harris

An update was requested on the lighting for Waters Street. Charlie Bauschard, Director of Public Utilities, was not familiar with the location and stated he would follow up.

An update was requested on the activity at the Omega Center. Mr. Hughes stated staff was gearing up to reinstate programs at the center. He also reported on programs that were gearing up at West New Bern Recreation Center.

Everyone was encouraged to wear a mask, wash their hands, and social distance.

Alderman Best

Condolences were expressed to Veronica Mattocks.

18. Closed Session.

Alderman Odham made a motion to go into closed session pursuant to NCGS §143-318.11(a)(6) to discuss a personnel matter, seconded by Alderman Kinsey. The motion carried unanimously 6-0, time being 9:31 p.m.

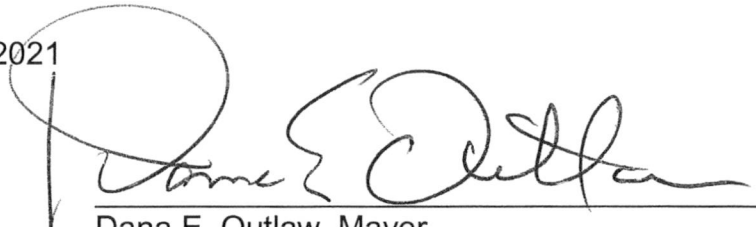
19. Adjourn.

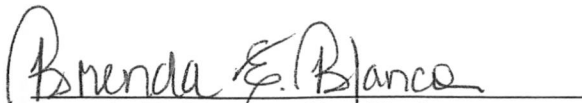
Alderwoman Harris made a motion to adjourn, seconded by Alderman Bengel. The motion carried unanimously 6-0, time being 10:02 p.m.

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: February 23, 2021


Dana E. Outlaw, Mayor


Brenda E. Blanco, City Clerk