

**City of New Bern
Board of Aldermen Meeting
March 23, 2021 – 6:00 P.M.
Craven Community College – Orringer Auditorium
800 College Court**

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

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

Consent Agenda

- 3. Consider Adopting a Resolution to Call for a Public Hearing on the 2021 CDBG Annual Action Plan.**

The US Department of Housing and Urban Development requires Entitlement Cities to submit an Annual Action Plan detailing their intended use of Community Development Block Grant (“CDBG”) funding for the 2021 program year. New Bern’s allocation is \$264,866, and the Annual Action Plan details how the funding will be utilized. A public hearing must be held to receive comment on the proposed plan, and it was requested that hearing be called for April 27, 2021.

- 4. Approve Minutes.**

Minutes from the March 09, 2021 meeting were provided for review and approval.

Alderman Aster made a motion to approve Items 3-4 of the Consent Agenda, seconded by Alderman Best. The motion carried unanimously 7-0.

- 5. Introduction and Pinning of Chief of Police.**

As publicly announced on March 3rd, Patrick Gallagher was hired as New Bern’s new Police Chief. Chief Gallagher, a native of Virginia Beach, holds a Bachelor of Science in Criminal Justice, a master’s degree in Public Administration and is a

graduate of the FBI National Academy, Police Executive Leadership Institute, and the Senior Management Institute for Police. His career in law enforcement exceeds 30 years. It first started in the United States Army Military Police Corp in 1983, followed by more than 20 years with the Virginia Beach Police Department, where he began as a patrol officer and worked his way up to the position of Deputy Chief. It is with great honor to introduce Chief Gallagher, who was officially sworn in on Saturday, March 20, 2021.

Mr. Stephens read a statement as to the significance of the pinning of a badge. Chief Gallagher was joined on stage by his wife, Millicent Gallagher, who pinned his badge. Afterwards, Chief Gallagher addressed the audience. He recognized family, friends, and a former colleague who were in attendance. He also expressed gratitude for his new position and vowed to do the finest job he could to engage in community outreach and policing efforts.

6. Presentation by Davenport and Company, LLC on Future Financing Options.

Ted Cole, Senior Vice President and Co-Head of Public Finance for Davenport & Co, LLC, will discuss financing options for future City projects. Options include four primary types of financing: a) general obligation bonds; b) installment purchase agreements, limited obligation bonds, certificates of participation; c) revenue bonds; and d) special obligation bonds, all of which were explained by Mr. Cole. He also described the funds that comprised the total fund balance, noting the unassigned funds are those that are mostly considered by the Local Government Commission, lenders, and rating agencies, since those funds are less restricted, and the Board has discretion over them. He provided samples of debt capacity that the City could afford under various scenarios and reviewed proposed debt service for the Electric Fund. After the presentation, questions from the Board were addressed. Mr. Stephens stated the next step would be for the Board to determine what projects it wanted to pursue so staff could prepare a total cost estimate. The Board offered three suggestions for moving forward: hold a workshop to discuss potential projects, involve the public if a tax increase is considered, and consider placing the battery bank in the budget. It was also suggested that some of the projects to be considered could include further development of Martin Marietta Park, construction of a new fire station, installing sidewalks throughout the City, and addressing drainage and street maintenance.

By Tuesday, March 30th, each Board member is to submit their top three project choices. This will allow staff an opportunity to prepare cost estimates.

Alderman Bengel made a motion to hold a special work session on Friday, April 16, 2021 from 9 a.m. until 12 noon at Development Services to discuss capital projects, seconded by Alderman Aster. The motion carried unanimously 7-0.

7. Consider Adopting a Resolution Temporarily Closing Portions of Middle, Pollock and Craven Streets for Street Cafes.

Like last year, Swiss Bear requested to temporarily close portions of Middle, Pollock, and Craven Streets to accommodate the operation of street cafes. The requested dates are every Friday and Saturday from April 2, 2021 to November 27, 2021 from 5 p.m. until 10 p.m. Alderwoman Harris asked if someone had spoken with the business owners, and Alderman Bengel stated the businesses were concerned that the streets would be closed during the day. However, Alderman Bengel clarified that the streets would only be closed on Friday and Saturday evenings.

Alderman Bengel made a motion to adopt a resolution temporarily closing portions of Middle, Pollock, and Craven Streets for street cafes, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

8. Consider Adopting a Resolution Authorizing the City Manager to Execute Contracts for the Hurricane Florence Category A Drainage Ditch Project Within the Brice's Creek and Wilson Creek Drainage Basins.

Over the past two years, the City has been working with FEMA on a project to remove sediment and debris from 66 miles of drainage ditches throughout the City. The work to address the Brice's Creek and Wilson Creek drainage basins Category A project was put out to bid, and Carolina Cleaning and Restoration, LLC submitted the lowest bid at \$345,680. It was requested the City Manager be authorized to execute a contract with Carolina Cleaning and Restoration for this portion of the project, along with any change orders within the budgeted amount. Alderman Odham asked if this basin would cover Red Robin Lane. George Chiles, Staff Engineer, confirmed it was included. Additionally, Matt Montanye, Director of Public Works, confirmed all basins had now been obligated for funding by FEMA.

Alderman Aster made a motion to adopt a resolution authorizing the City Manager to execute contracts for the Hurricane Florence Category A Drainage Ditch Project within the Brice's Creek and Wilson Creek drainage basins, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

9. Consider Adopting a Resolution Approving an Interlocal Agreement with Craven County for Fiber.

As the Board is aware, the NC Department of Transportation ("NCDOT") has requested the City relocate fiber utilities to accommodate the construction of the US 70 James City project. The fiber is jointly used by the City and Craven County. Staff recommends abandoning the old fiber cable and installing new fiber cable that will bypass the limits of the NCDOT project. The cost of this will be shared equally between the City and County, and the work will be performed by the City's Public Utilities electric workers. By providing the labor, the material costs will be offset, and staff estimates a net zero impact on the City's expenditures. Any unexpected

costs would be absorbed through the NCDOT project fund. The interlocal agreement will establish each party's responsibilities with respect to the new cable.

Alderman Harris made a motion to adopt a resolution approving an Interlocal Agreement with Craven County for fiber, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

10. Consider Adopting a Resolution Authorizing the City Manager to Negotiate and Enter Into an Agreement with Fund Development LLC for Grant-Writing Services.

The City issued a Request for Qualifications ("RFQ") for grant-writing services and received five qualified responses. After reviewing and scoring the responses, two firms were tied as the highest ranking. Staff reviewed the hourly rate structure for both of those firms and selected the lower cost. It is recommended the City Manager enter into contract negotiations with the selected firm, Fund Development, LLC.

Alderman Aster made a motion to adopt a resolution authorizing the City Manager to negotiate and enter into an agreement with Fund Development LLC for grant-writing services, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

11. Consider Adopting a Resolution Approving Streetlights on Beach Street.

Charles McSorley of 310 Beach Street requested additional streetlighting on Beach Street, which is in the Bridgeton area. The area was evaluated and determined to not meet the City's light standard. The street is not maintained by the City of New Bern, but is located within the city limits. The City will reach out to Duke Energy, the electric provider, for lighting options and recommendation of three fixtures. While Public Utilities will not incur installation costs, Duke Energy may charge an installation fee. The monthly cost was estimated between \$7.33 and \$11.94 per fixture, which would be paid through Public Works' budget.

Noting this was the second request for lighting in that area, Alderman Bengel suggested a policy be established with respect to approving additional streetlights. Alderman Harris asked if it would be conducive for staff to evaluate lighting needs instead of waiting for citizens to request additional lights. Mr. Stephens stated staff could evaluate the needs, but that may result in a significant increase in the lighting budget, which is currently around \$450,000. Charlie Bauschard, Director of Public Utilities, stated it would be a significant undertaking for staff to evaluate lighting needs and felt it would be more favorable to let the market drive the requests.

Alderman Bengel made a motion to adopt a resolution approving streetlights on Beach Street, seconded by Alderman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

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

The last Schedule of Fees and Charges was adopted on November 10, 2020. An amendment was proposed to include fees associated with rental of the mobile stage.

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.

13. Consider Adopting an Ordinance to Amend Chapter 50 Regarding Restraint of Animals in Parks.

To address the issue of animals running loose in City parks, staff sought to add a new section to Chapter 50 of the code of ordinances. Section 50-33 will require all animals to be under the physical control of a person and restrained by a chain, leash, or harness. Dog parks would be exempt from this requirement, as would trained service animals and working police dogs.

Alderman Aster questioned whether cemeteries should be included. Mr. Hughes stated a current ordinance would prohibit dogs from running loose in cemeteries.

Alderwoman Harris made a motion to adopt an ordinance to amend Chapter 50 regarding restraint of animals in parks, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

14. Consider Adopting an Ordinance Amending Section 26 “Protection of Property” of Article II of Chapter 50 Regarding Self-Propelled Vehicles.

In response to citizen concerns, it was requested Section 50-26 of the City ordinances be amended to allow all self-propelled vehicles to travel on public streets in certain areas of downtown. This will permit the operation of skateboards and in-line skates on designated streets.

Alderman Bengel pointed out the proposed ordinance listed Station 3 on National Avenue, and Mr. Davis indicated the ordinance could be approved with that exception. Alderman Odham suggested the ordinance indicate city-owned property instead of listing the properties, and Mr. Davis suggested moving forward with proposed ordinance with the removal of Station 3 and considering a further revision later.

Alderwoman Harris made a motion to adopt an ordinance amending Section 26 “Protection of Property” of Article II of Chapter 50 regarding self-propelled vehicles with the removal of Station 3 listed, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

15. Appointment(s).

No appointments were made.

16. Attorney's Report.

The City Attorney had nothing to report.

17. City Manager's Report.

The City Manager had nothing to report.

18. New Business.

Alderman Odham

Everyone was welcomed to the Craven Community College end of town.

Alderman Aster

Thanks was voiced to those in the Old Airport Road area for their patience during the road construction.

Alderwoman Harris

Project Restore is working with the Pembroke Community for a cleanup from 10 a.m. until 2 p.m. this Saturday.

On April 3, 2021, at 1p.m. Broad Street Christian Church is dedicating a unity youth sculpture.

Continue to wear masks, social distance, and be safe.

Alderman Best

Thanks was expressed to Craven Community College for allowing the City to hold its meetings at Orringer Auditorium.

Alderman Bengel

Several people have asked why their utility bills have increased. Mr. Bauschard explained the City has not raised its rates. Changes in normal billing amounts would be reflective of usage, and recent weather has been colder than normal. Alderwoman Harris announced State and County funding is still available to assist those who need assistance paying their bills.

There will be a short window for cities to apply for American Rescue Plan Funding. Mr. Stephens stated staff was on top of it and announced New Bern was slated to receive about \$6.5 million, with the initial allocation of \$3.2 million being received around the first of May. The City will have until 2024 to spend the funding. Alderman Bengel asked that the Board be kept abreast of the status. Mr. Stephens stated he would have the Director of Finance make a presentation at the next meeting to share information on restricted use of the funding.

Birthday wishes were expressed to her father, who turned 90 today.

Mayor Outlaw

It was encouraged the City do anything it could to make sure citizens were getting vaccinated and aware of the opportunities for such.

Dr. Bill Wingard, Pastor of Calvary Baptist Church, passed away this week. The Mayor and Alderman Bengel briefly reflected upon his life and time at the church. Alderman Bengel was asked to provide an update on City Hall. In response, she shared that the water intrusion in the courtroom was much worse than anticipated. Water has likely been penetrating the wall for years. It may be another four weeks before the room is ready for use again.

An update was requested on the elevator project. Mr. Montanye said the architectural firm would make a presentation before Historic Preservation Commission this month.

19. Closed Session.

A closed session was not needed.

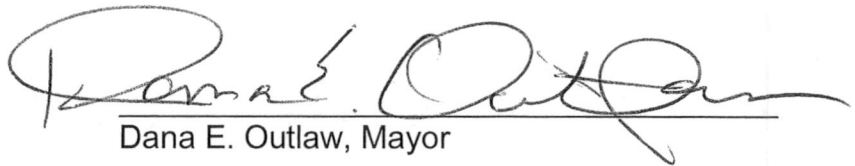
20. Adjourn.


Alderswoman Harris made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously 7-0, time being 8:10 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: April 13, 2021


Dana E. Outlaw, Mayor


Brenda E. Blanco, City Clerk