

**City of New Bern  
Board of Aldermen Meeting  
May 11, 2021 – 6:00 P.M.  
Craven Community College – Orringer Auditorium  
800 College Court**

- 1. Meeting opened by Mayor Pro Tem Barbara Best. Prayer by Alderman Odham. Pledge of Allegiance.**
- 2. Roll Call.**

Present: Mayor Dana Outlaw (arrived at 6:16 p.m.), 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.

- 3. Request and Petition of Citizens.**

Father Thomas Tully, on behalf of Saint Paul Catholic Church at 3003 Country Club Road, briefly reflected on the life of Levonia Frazier, whose memorial service was held this afternoon. He also shared information on the events that are planned for Saint Paul's bicentennial celebration.

David Beck, II, of 3210 Elizabeth Avenue, requested the Board amend its local ordinance regarding livestock. As the owner of Nigerian dwarf goats, he described the qualities of the goats and asked that they be allowed as pets.

James Woods, Jr. of 1903 Country Club Road stated at the Board's April 13, 2021 meeting it was reported the City would receive about \$6.3 million. He asked for \$750,000 to be set aside for a community center in Pembroke. Noting the City would not be pursuing the farmer's market at the VOLT Center, he suggested the same function take place at a cement slab that exists in Duffyfield. He asked for funding to implement the market.

Alderman Aster made a motion to move Item 14 before Item 10, seconded by Alderwoman Harris. The motion carried unanimously 6-0.

Alderman Bengel made a motion to pull the proclamation honoring the Life of Levonia Frazier from the Consent Agenda to vote on it separately and to allow for the reading of a letter from the CEO of PepsiCo Beverages, seconded by Alderwoman Harris. The motion carried unanimously 6-0.

## **Consent Agenda**

**5. Consider Approving a Proclamation for the 200<sup>th</sup> Anniversary of Saint Paul Catholic Church.**

Saint Paul Catholic Church will be celebrating its bicentennial anniversary and requested a proclamation recognizing its 200 years.

**6. Consider Adopting a Resolution to Close the 800 Block of Cedar Street for a New Bernian Reunion Block Party.**

CeCedrick Scott requested to close the 800 block of Cedar Street on May 29, 2021 from 12 noon until 11:30 p.m. for a neighborhood block party in front of the Omega Center. The event will be a reunion of New Bern natives, families, and friends.

**7. Consider Adopting a Resolution to Close the 900 Block of Pollock Street for the Tap That Craft Beer and Wine One-Year Anniversary Block Party.**

Tap That Craft Beer and Wine requested to close the 900 block of Pollock Street on May 22, 2021 from 3 p.m. until 11:59 p.m. to celebrate its first anniversary with a block party. The portion of the street to be closed is situated between Fleet and Liberty Streets.

**8. Consider Adopting a Resolution to Call for a Public Hearing to Amend Appendix A, Article X, Section 15-146 of the Land Use Ordinance.**

The law firm of Ward and Smith, on behalf of Weyerhaeuser, requested the City amend the table of permissible uses found in Appendix A, Article X, Section 15-146 of the Land Use Ordinance. The amendment would allow use 5.110 for elementary and secondary schools (including associated grounds and athletic and other facilities) in the C-3 Commercial Zoning District as a permissible use.

**9. Consider Adopting a Resolution to Call for a Public Hearing to Annex a Portion of Tax Parcel ID 8-209-13001.**

Clifford Parson, on behalf of Weyerhaeuser NC Company, has requested that a portion of Tax Parcel ID 8-209-13001 consisting of approximately 5.24 acres be annexed into the city limits. The parcel is in the area of the West New Bern development. It was requested a public hearing be held on May 25, 2021 to consider the request.

**10. Approve Minutes.**

Draft minutes from the April 27, 2021 regular meeting were provided for review and approval.

Alderwoman Harris made a motion to approve Items 5-9 of the Consent Agenda, seconded by Alderman Kinsey. The motion carried unanimously 6-0.

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**4. Consider Approving a Proclamation Honoring the Life of Levonia Frazier.**

Levonía Frazier passed away on May 3, 2021 at the age of 93. A resident of River Bend in Craven County, Ms. Frazier made history by being the first African American model for Pepsi. Alderman Bengel reflected upon Father Tully's sermon at Ms. Frazier's service earlier in the day. She was not only a loving mother figure to so many students, but a pioneer in many ways. Alderman Bengel read a letter from Kirk Tanner, CEO of PepsiCo Beverages.

Alderman Bengel made a motion to approve the Proclamation honoring the life of Levonia Frazier, seconded by Alderwoman Harris. The motion carried unanimously 7-0.

**14. Consider Adopting a Resolution Authorizing Transfer of Ownership of Retired Service Animal.**

The City of New Bern Fire Department secured an arson canine through State Farm Insurance in August 2015. The canine, Darby, is now an 8-year-old mixed Labrador who has reached the end of her public service life. It was requested the Board adopt a resolution transferring ownership of Darby to her handler, Fire Marshal Danny Hill, for the sum of \$1 pursuant to NCGS 20-187.4.

Fire Chief Bobby Boyd introduced Fire Marshal Hill, who reflected upon the process of securing an arson dog and introduced Darby to the audience. He stated over 100 fires had been invested with Darby's assistance, resulting in at least five arrests. Inspector Jonathan Gaskins introduced the new arson dog, Bobby, who was also secured through State Farm. Inspector Gaskins will be Bobby's handler.

Alderman Aster made a motion to adopt a resolution authorizing the transfer of ownership of Darby, a retired service animal, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

Mayor Pro Tem Best made a motion to allow anyone who may have arrived after Request and Petition of Citizens to speak if so desired, seconded by Alderwoman Harris. No one came forward.

Mayor Outlaw, who had joined the dais minutes earlier, began presiding over the meeting at this point.

**11. Conduct a Public Hearing on the Proposed Budget for Fiscal Year 2021-2022.**

At the April 27, 2021 meeting, the City Manager presented the proposed budget for Fiscal Year 2021-2022. A budget workshop was held on May 04, 2021. This public hearing was called for and advertised as required by statute.

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

**12. Conduct a Public Hearing on the Rezoning of Tax Parcel ID 8-216-011; and**  
**a) Consider Adopting a Statement of Zoning Consistency or Inconsistency;**  
**and**  
**b) Consider Adopting an Ordinance Rezoning Tax Parcel ID 8-216-011.**

Michelle Lynn, the owner of Parcel ID 8-216-011, requested to rezone the property from C-4 Neighborhood District to C-3 Commercial District. The parcel is approximately 0.76 of an acre and is located on the northern side of Neuse Boulevard just east of Kensington Park Drive. The Planning and Zoning Board unanimously approved the request at their April 6, 2021 meeting, as noted in a PowerPoint presentation shared by Jeff Ruggieri, Director of Development Services. He also reviewed the uses of the C-3 District.

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 7-0.

Alderman Odham made a motion to adopt a statement of zoning consistency, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

Alderman Odham made a motion to adopt an ordinance rezoning Tax Parcel ID 8-216-011, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

**13. Conduct a Public Hearing on the Rezoning of 431 NC Hwy. 55 W.; and**  
**a) Consider Adopting a Statement of Zoning Consistency or Inconsistency;**  
**and**  
**b) Consider Adopting an Ordinance Rezoning 431 NC Hwy. 55 W.**

On behalf of the City of New Bern, Foster Hughes, Director of Parks and Recreation, requested that 431 NC Hwy. 55 W. be rezoned from R-20 Residential District/A-5 Agriculture District to C-4 Neighborhood Business District. The parcel is approximately 7.43 acres and is located on the southern side of NC Hwy. 55 W. and the western side of Hillmont Road. It is the future site of the Pleasant Hill Community Center. Mr. Ruggieri shared a PowerPoint reviewing the uses of the C-4 district. The Planning and Zoning Board unanimously approved the request at its April 6, 2021 meeting.

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 Alderwoman Harris. The motion carried unanimously 7-0.

Alderman Best made a motion to adopt a statement of zoning consistency, seconded by Alderwoman Harris. The motion carried unanimously 7-0.

Alderman Odham made a motion to adopt an ordinance rezoning 431 NC Hwy. 55 W., seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

## **15. Discussion of and Request for Services for Juneteenth.**

As a follow-up to her presentation at the Board's February 23, 2021 meeting, Talina Massey, one of the event organizers, provided an update on the scheduled plans and announced the organizers were still in the process of raising funds. It was requested that the City assist with street closures, the mobile stage, public safety, and fireworks. The Board was provided a copy of the event application and a summary of the cost of services.

Alderman Kinsey asked for clarification as to whether Ms. Massey was asking that the event become a city-sponsored event or if she was seeking assistance with just portions of the event. Ms. Massey stated a partnership was sought and that the event would become a nonprofit next year. Alderman Bengel asked for clarification as to whether assistance was sought for all scheduled events or just those occurring on Saturday, and Ms. Massey responded just those events that would take place on Saturday. Alderwoman Harris said the Juneteenth coalition had partnered with the Young Urban Professionals ("YUP"), and she reiterated and described the services sought from the City. After those services were reviewed, Foster Hughes, Director of Parks and Recreation, confirmed the four additional utility services needed would cost \$600 each. Organizers expressed a desire for minimum police presence, as it wanted the community to provide community policing.

Alderman Kinsey asked if another group has a vision and seeks the City's assistance, how would the costs and request for assistance be handled by the City. Mr. Hughes said the City ordinance established in 2012 provides for in-kind services at approximately 14-16 events. Requests for in-kind services are not often received, but must be considered by the Board on a case-by-case basis. The Wall That Heals was the last event for which in-kind services were provided, and that equated to around \$600. The cost of the requested services for Juneteenth is around \$22,000. That amount may change when the organizers reconvene for a meeting this week. When asked, Mr. Hughes did not have an estimate for the cost associated with MumFest.

Alderman Odham asked whether the light posts along Broad Street had flag holders and suggested the organizers consider selling sponsorship flags to help offset event costs. Alderman Aster asked about the cost to rent the stage. Mr. Hughes stated the ordinance provides a rental fee of \$2,000 a day plus the cost of staff.

Alderwoman Harris asserted the organizers were doing the foundation work in hopes that the City would eventually make Juneteenth a city-sponsored event. She stated a petition was circulating securing signatures of those in support of the event.

Alderman Odham questioned whether Alderwoman Harris should be recused from the discussion or vote on the item since she was a YUP member and a Board member. Mr. Davis said that was not necessary if there was no profit involved. Alderman Bengel noted her only issue was with the request for fireworks, as that would require an expenditure from the City. All other requests involve in-kind services. A discussion ensued about the potential of using raised funds and savings from in-kind services to cover the cost of the fireworks.

Alderwoman Harris made a motion to utilize the mobile stage for the Juneteenth Festival of New Bern on June 19, 2021, seconded by Alderman Best. During the discussion, Mr. Davis noted the request was asking the Board to waive the fee for the stage, which is contrary to the fee schedule and raises an issue as to how to “square that”, for which he did not yet have an answer. Mayor Outlaw described a scenario for which a local group wanted to use the mobile stage at Easter and had to rent one elsewhere since the City had not established a fee in its ordinance. He was in favor of using the stage anytime it could be utilized to lift up fellow New Bernians. Mr. Davis said the Board may consider amending the fee schedule to have an exception for events that are open to the public and not ticketed. Upon a roll-call vote, the motion carried unanimously 7-0.

**16. Consider Adopting a Resolution Approving the Sale of 115 Hillmont Road.**

At the March 09, 2021 meeting, the Board adopted a resolution to initiate the upset bid process for 115 Hillmont Road after receiving a bid of \$7,500 from Sandra Rodgers. The parcel is a vacant ½-acre lot with a tax value of \$15,000. The property was acquired by the City and County in May 2019 through tax foreclosure. The unpaid taxes at that time were \$6,349.65. The offer from Ms. Rodgers was advertised, but no upset bids were received. If the property is sold for the initial bid, the City is projected to receive \$3,244.62 and the County is projected to receive \$4,255.28 from the proceeds.

Alderman Best made a motion to adopt a resolution approving the sale of 115 Hillmont Road, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

**17. Consider Adopting a Resolution Authorizing the City Manager to Negotiate and Execute a Contract with Withers Ravenel for Resiliency Consultant Services.**

The City received a \$328,500 grant from the NC Office of Recovery and Resiliency (“NCORR”) to provide support related to resiliency, community recovery, and mitigation in the wake of Hurricane Florence. A Request for Qualifications (“RFQ”) was issued on March 17, 2021 for consultant services to aid the City with the resiliency, recovery, and mitigation projects. Five responses were received and

scored. Withers Ravenel was identified as the most qualified firm, and it was proposed the City Manager be authorized to enter into negotiations and execute a contract with the firm.

Mayor Outlaw asked if the group would in any way help with the community rating system. Amanda Ohlensehlen, Economic and Community Development Manager, responded the firm would help staff execute all the recommendations made in the resiliency plan. Moffitt and Nichol is the lead on the resiliency plan, and that contract is now being completed. Withers Ravenel will likely begin work on portions of the plan being produced by Moffitt and Nichol. Mayor Outlaw felt the one thing lacking was the funding and ability to assist citizens with retrofitting their homes in order to get their insurance rates down.

(Alderman Aster momentarily stepped out of the room at 7:18 p.m.)

Mrs. Ohlensehlen stated the funding thus far would not help with that. Rolling out resiliency toolkits is one of the next steps to be implemented in an effort to target the most distressed and vulnerable neighborhoods. Mayor Outlaw asked Jeff Ruggieri, Director of Development Services, to elaborate on encapsulated crawlspaces. In response, Mr. Ruggieri stated one of the alternative options is to waterproof.

(Alderman Aster returned to the room at 7:23 p.m.)

Alderwoman Harris made a motion to adopt a resolution authorizing the City Manager to negotiate and execute a contract with Withers Ravenel for resiliency consultant services, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

**18. Consider Adopting a Resolution to Approve the 2021-2022 CDBG Annual Action Plan.**

The Community Development Block Grant (“CDBG”) Annual Action Plan serves as the City’s application for funding under the Entitlement Cities Program. It also provides a summary of the actions, activities, and specific federal and non-federal resources that will be used to address the priority needs and specific goals identified in the Strategic Plan section of the Consolidated Plan for Fiscal Year 2021-22. The draft Annual Action Plan was made available for public inspection, and a public hearing was conducted in the Office of Development Services on March 1, 2021 to receive comment on priority community needs. The Board also conducted a public hearing at its April 27, 2021 meeting, but no one came forward to speak. The City will receive \$264,866 in entitlement funds. Mrs. Ohlensehlen explained the proposal to use \$52,973 (20%) for administration, \$125,000 for housing rehabilitation, and \$86,893 for the Duffyfield Stormwater Project.

Alderman Bengel made a motion to adopt a resolution approving the 2021-2022 CDBG Annual Action Plan, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

**19. Consider Adopting a Resolution to Approve a Contract with Thompson, Price, Scott, Adams and Co., P.A., for the Fiscal Year 2021 Audit.**

The Board previously selected Thompson, Price, Scott, Adams & Co. to perform the City's audit. The firm has performed the audits for FY2019 and FY2020, and the proposed contract is for FY2021. The cost for their services will not exceed \$34,500, which includes all major programs and is the same as last year's costs. This is the final year of the contract, which will be rebid next year.

Alderman Odham made a motion to adopt a resolution approving a contract with Thompson, Price, Scott, Adams and Co., P.A. for the Fiscal Year 2021 audit, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

**20. Consider Adopting a Resolution Approving a Contract with Craven County Board of Education for School Resource Officers at Specific Elementary Schools.**

On February 25, 2020, the Board approved a contract with the Craven County Board of Education to provide School Resource Officers ("SROs") at JT Barber Elementary School and Oaks Road Academy School for the period of January 1, 2020 through December 31, 2020. The SROs have remained in place for the second half of the school year, and a contract is needed to acknowledge the period of January 1, 2021 through June 30, 2021.

Alderman Best made a motion to adopt a resolution approving a contract with the Craven County Board of Education for SROs at specific elementary schools, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

Alderwoman Harris wanted the public to know that moving forward the Craven County Sheriff's Department would assume the responsibility of providing SROs.

**21. Consider Adopting a Resolution to Approve a Change Order with Trader Construction Company for the Trent Village Hurricane Florence Category D Project.**

The Board adopted a resolution on February 23, 2021 authorizing the City Manager to execute a contract with Trader Construction Company for the Trent Village Hurricane Florence Category D Project. During the five months between the bid date and the issuance of the award, the cost of construction steel increased. A change order is requested to increase the contract by \$13,455 to cover the rise in cost for steel sheet piles.

Alderwoman Harris made a motion to adopt a resolution to approve a change order with Trader Construction Company for the Trent Village Hurricane Florence

Category D project, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

**22. Appointment(s).**

Mayor Outlaw made a motion to appoint Alderman Jeffrey Odham to the Tourism Development Authority Board, seconded by Alderwoman Harris. The motion carried unanimously 7-0. Alderman Odham will replace Mr. Stephens on that Board and will serve a three-year term for the period of July 1, 2021 through June 30, 2024.

**23. Attorney's Report.**

The City Attorney had nothing to report.

**24. City Manager's Report.**

- Mr. Stephens announced the City Hall Courtroom would not be available for the Board's meeting on May 25<sup>th</sup>. Alderman Bengel made a motion to hold the May 25, 2021 meeting at West New Bern Recreation Center beginning at 6 p.m., seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.
- Some guidance has been issued with respect to the American Rescue Plan ("ARP") funding. Mary Hogan, Director of Finance, will provide an update to the Board at its May 25, 2021 meeting. Mrs. Hogan will also have an item on that agenda for the Board to consider funding a certain portion of Other Post-Employment Benefits.
- The Board was advised to closely review the packet of information on the elections status and to plan to act at the May 25, 2021 meeting. Mayor Outlaw asked Mr. Davis for his legal opinion if the State does not take any action. Mr. Davis said the City factually knows that its wards will not be properly adjusted, so the City cannot legally hold an election based on the current wards. This is founded on information from staff, the preliminary census data, and the City's growth, all of which indicate the wards will have to be realigned. If the City were to hold an election without adjusting the wards, the election results could be contested. Alderwoman Harris asked what action the City should take. Mr. Davis said the best-case scenario is that the State will give the City an option as to how move forward and stage an election for next year. The second-best scenario is the City will request a local bill to request an election be held next year. If neither of those happen, people will have to elect to run for office in July. When the Census data comes out in late summer, staff will scramble to readjust ward boundaries and will have to accommodate the candidates who filed for office to ensure that they stay in the same ward in which they live when the boundaries are realigned. Noting Friday is a deadline to submit an item to the General Assembly, Alderman Bengel asked if the City would have to attach to another municipality's local bill. If so, the Board would need to know what "flavor" options are available. She asked for confirmation that if an election is not held in 2021 that the City would still have

to hold an election in 2025. Mr. Davis confirmed that and explained the current state statute provides that local government elections are held on odd years. At this point, the City is too late to submit a request for its own local bill and will need to tag on to another city's local bill. Although he wants to be equitable, Mayor Outlaw felt the Board would be derelict not to proceed with a regular election if the census data could drag on for two to three years. Mr. Davis said he would reach out to the state legislature to learn what has been submitted to them to ascertain all the possible "flavors".

## **25. New Business**

### Alderman Bengel

George Chiles, Interim Director of Public Works, was asked to provide an update on the gas situation and how it impacts the City. Mr. Chiles said the City is attempting to conserve fuel, although it expected a shipment tomorrow. Currently, departments are fueling offsite to conserve the City's supply. The Sheriff's Department and Craven County vehicles have also been fueling offsite. But at their request, the amount of fuel they are allotted by agreement has been opened up for their consumption. Alderwoman Harris announced the Governor issued a state of emergency. She asked for people to be cautious and only purchase the amount needed.

### Alderwoman Harris

The Governor has set aside \$3.2 billion to help with monthly internet bills. Information on this is available at [governor.nc.gov](http://governor.nc.gov) and on her Facebook page. A meeting is still needed to discuss financing of capital improvement projects. The Pembroke community submitted a letter requesting funds. With all the requests that will be received from areas within the City, the Board should go back to a system where each individual ward has a portion of the ARP funds to appropriate for project requests from communities within their ward. She used the example of providing \$250,000 to each ward and noted the Aldermen knew the needs of their respective wards. Alderman Best said she somewhat agreed, but suggested each ward could donate their ward funding to another ward should they not have a need for all or some of their designated funds. She again suggested a homeowners' repair program be established outside of the CDBG program to address affordable housing. Alderwoman Harris reiterated the need for help with the Pembroke community center.

### Mayor Outlaw

Excitement was expressed about the plans of Saint Paul's Catholic Church in celebration of their 200<sup>th</sup> Anniversary.

### Alderman Best

Piggybacking off Alderwoman Harris' comments about funding to help rehab homes, Alderman Best voiced the need to assist homes that are not in the area of the Redevelopment Commission. She stated there were individuals outside of that area who need help.

**26. Closed Session.**

Alderman Odham made a motion to enter into closed session pursuant to NCGS 143-318.11(a)(6) to discuss a personnel matter, seconded by Alderwoman Harris. The motion carried unanimously 7-0, time being 7:52 p.m.

Prior to going into closed session, Alderman Bengel noted it was Mr. Stephens' last meeting and thanked him for his service. She wished him and his family the best in future endeavors. A round of applause was extended by all.

Open Session

The meeting returned to open session at 8:09 p.m. Alderman Odham made a motion to appoint Foster Hughes as Interim City Manager with a 25% increase in his base salary, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

Mr. Davis noted interest had been expressed in hiring a lobbyist to assist the City in acquiring funding. Alderwoman Harris made a motion for the Interim City Manager to negotiate a contract with Old North Strategies to bring before the Board at its May 25, 2021 meeting for consideration, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

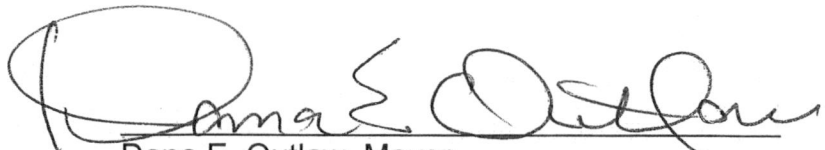
**27. Adjourn.**

Alderwoman Harris made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously 7-0, time being 8:14 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: May 25, 2021



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk