

**City of New Bern
Board of Aldermen Meeting
June 08, 2021 – 6:00 P.M.
West New Bern Recreation Center
1225 Pinetree Drive**

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

Present: Mayor Dana Outlaw, Alderman Sabrina Bengel, Alderwoman Jameesha Harris (arrived at 6:01 p.m.), Alderman Robert Aster, Alderman Barbara Best, and Alderman Jeffrey Odham. Absent: Alderman Johnnie Ray Kinsey. A quorum was present.

Also Present: Foster Hughes, Interim City Manager; Michael Scott Davis, City Attorney; Jaimee Bullock-Mosley, Assistant City Attorney; and Brenda Blanco, City Clerk.

- 3. Request and Petition of Citizens.**

James Woods of 1903 Country Club Road reiterated his request for funds for the Duffyfield and Pembroke communities, but increased the request to \$850,000. Mr. Woods also expressed a desire to be included on a panel to select the next City Manager, citing the need for diversity.

Jamara Wallace of 1601 Hazel Avenue, Chairman of the Greater Duffyfield Residents Council, expressed a request on behalf of the Council and Duffyfield residents to have a room dedicated at Stanley White Recreation Center for use by the Council and residents. It should also be a place to display items of local Duffyfield history and heritage.

David Beck of 3210 Elizabeth Avenue repeated an earlier request for an existing ordinance to be amended to allow miniature goats as permissible pets in the city limits. He distributed information on the breed.

Consent Agenda

- 4. Consider Adopting a Resolution Approving Specific Street Closures for Daytime Outdoor Dining.**

Swiss Bear requested the closure of the 200-300 blocks of Middle Street, 300 block of Pollock Street, and the 200 block of Craven Street from Morgan's Tavern & Grill to Pollock Street from 10:00 p.m. on Friday, June 11, 2021, until 4:59 p.m. on Saturday, June 12, 2021, and from 4:59 p.m. on Friday, July 9, 2021, until 4:59 p.m.

on Saturday, July 10, 2021. The closure is to provide for daytime outdoor dining. Additionally, the organization requested the use of 304 and 308 South Front Street, which is known as the “Talbot’s lot”. The lot will be used as a location for staging food trucks. Both weekends are designated camp drop-off weekends, and the desire is to provide additional dining options.

5. Approve Minutes.

Minutes from the May 25, 2021, regular meeting were provided for review and approval.

Alderman Best made a motion to approve Items 4-5 of the Consent Agenda, seconded by Alderman Bengel. The motion carried unanimously 6-0.

6. Conduct a Public Hearing and Consider Adopting an Amendment to Article XXI – New Bern Historic District of the City Code of Ordinances.

The Planning and Zoning Board unanimously approved changes to the Historic District Guidelines at their May 4, 2021, meeting. Two additional guidelines were proposed with respect to foundations. Matt Schelly, City Planner, shared a brief PowerPoint to review the current guidelines and the proposed guidelines, which are only applicable to the downtown and Riverside historic districts. It was noted that the parcels closest to the river along North Craven Street were not located within the historic district.

Mayor Outlaw opened the public hearing, and the following came forward to speak:

- Sharon Bichaukas of 1009 N. Craven Street asked about the minimum height requirement. Mr. Schelly replied the required height is based on the flood ordinance, which requires 2 feet above the base flood elevation. Base elevation is not above ground, but above sea level.
- Charles Skinner of 1203 National Avenue stated his question pertained to the Maola property. Mayor Outlaw pointed out that property was not within the historic district; thus, it was not relative to the public hearing. Mr. Skinner asked who he could speak with about the potential of “beach-style” homes being erected on the Maola property. Mr. Davis advised Mr. Skinner to speak with Jeff Ruggieri, Director of Development Services.

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

Noting a desire to protect citizens and their property, Alderman Bengel expressed a concern as to how burdensome the proposed changes would be to citizens. At Mayor Outlaw’s request, Mr. Ruggieri explained the velocity zone only impacts three or four structures. However, it does have its own construction standards. Two foot above freeboard is not common, according to Mr. Ruggieri. The standard

is usually one foot. The 2-foot requirement did minimize the impact of flooding during Hurricane Florence, however. Alderman Bengel asked about the reasoning behind the proposed changes. Mr. Schelly stated recently a string of houses were being elevated, and the Historic Preservation Commission did not have any written guidance. Mayor Outlaw asked if the new guidelines would negatively impact the community rating the City had worked so hard to achieve. Mr. Ruggieri replied it would not.

Alderman Bengel made a motion to adopt a resolution approving historic district guidelines referenced in Article XXI – New Bern Historic District of the Code of Ordinances, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 6-0.

- 7. Conduct a Public Hearing and Consider Adopting an:**
- a) Ordinance Amending Section 15-24 of Part II – Planning and Zoning Board of the Land Use Ordinance;**
 - b) Ordinance Amending Part IV – Appearance Commission of Article III of Appendix A of the Land Use Ordinance; and**
 - c) Ordinance Amending Section 15-419 – Historic Preservation Commission of Article XXI of Appendix A of the Land Use Ordinance.**

After conducting a public hearing, the Board was asked to consider adopting three separate ordinances that would: a) amend Section 15-24 of Part II of the Planning and Zoning code to conform with NC General Statute Chapter 160D, as well as eliminate two extraterritorial jurisdiction (“ETJ”) seats; b) discontinue the Appearance Commission; and c) clarify appointee’s terms to the Historic Preservation Commission (“HPC”) will expire on June 30th.

Mr. Davis explained the amendments were part of a 12-year project to primarily organize the boards and commissions to ensure that all terms end on June 30th. This will help in making appointments and keeping track of the terms. The land-use ordinance also requires an amendment to coincide with changes in state statute. Mr. Davis explained the ETJ seats and why those seats were originally added to the P&Z Board. Since that time, the City’s base population has increased to around 30,000, but the population of the ETJ areas of Rocky Run, Sandy Point, and the Hwy. 70 South corridor is only around 530. To bring the representation on the P&Z Board into better alignment, it was suggested that the ETJ seats be reduced from three to one.

With respect to the Appearance Commission, Mr. Davis stated that commission was created in the mid 1980’s to help with beautification and to regulate trees. Since that time, considerable resources have been added to address beautification, litter control, and nuisance abatements. The City now has a full-time arborist on staff as well. With these added resources, the Appearance Commission has little to do. Therefore, the staff time and effort spent to govern and address the commission would be better spent on other issues.

The HPC's terms currently expire in mid-May of each year. Mr. Davis explained some of the issues that had occurred over the years with staggering the terms, and the need to get the HPC on a June 30th term expiration. The change will not negatively impact anyone who is currently serving.

Mayor Outlaw opened the public hearing, and the following came forward:

- Travis Oakley, a member of the P&Z Board, said P&Z had extensive discussion of the three items, and he saw this as an opportunity to clean up some of those issues. He stated there was no longer a need for the Appearance Commission and there was no need for the ETJ to be overrepresented on the P&Z Board. Staggering terms on boards so that they expire on June 30th will ensure there is regulatory control.
- James Woods of 1903 Country Club Road asked how those in the ETJ areas would be represented if two of the seats were removed. Mr. Davis explained residents of ETJs who did not have a representative on the Board could reach out to members of the P&Z Board or staff directly. Law requires that at a minimum there must be one representative from an ETJ and representation must be proportionate. It was noted representatives from the ETJ are appointed by Craven County, not the City.

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

Alderman Odham made a motion to adopt an ordinance amending Section 15-24 of Part II – Planning and Zoning Board, an ordinance amending Part IV – Appearance Commission of Article III of Appendix A, and an ordinance amending Section 15-419 – Historic Preservation Commission of Article XXI of Appendix A of the Land Use Ordinance, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-0.

8. Presentation by NBAMPO on Bike Pedestrian Plan.

The New Bern Area Metropolitan Planning Organization (“NBAMPO”) voted unanimously to designate \$50,000 in funding to update the City's 2007 Bicycle and Pedestrian Plan. Alta Planning + Design developed such plans for River Bend and Bridgeton, and the MPO reached out to them about updating New Bern's plan. No funding from the City will be required. Kim Maxey, MPO Administrator, stated the update would work to identify and close gaps in connectivity and would establish primary and secondary networks that could be built upon. At least one public involvement session will be included in the plan update, and the plan will take approximately eight to nine months to complete. Implementation of any projects within the plan would require a 20% investment from the City. Having a comprehensive plan will make the City more eligible for grants and other funding opportunities.

After confirming the need for sidewalks and bike paths, Alderman Bengel stated transportation was a bigger need. She voiced strong support for there to be a focus

on transportation. Ms. Maxey explained the limitations of the MPO with respect to the local CARTS program, which is operated by Craven County.

At the request of Alderman Odham, Ms. Maxey noted the MPO's budget is under \$250,000. Designating \$50,000 for this plan is significant. The plan for both River Bend and Bridgeton cost around \$20,000 combined.

Mayor Outlaw recognized Bill Sadler and Mack Flythe, active cyclists who were in the audience. Mr. Sadler, a resident of River Bend, stated he was appointed by the New Bern Outdoor Adventure Club to be part of the group that put together the existing bike plan. The plan was not a waste of time or money, because it did identify the opportunity, need, and cost to have bike paths. Mr. Sadler expressed a desire to see the current plan reviewed and updated, and he noted simple steps could be taken at little cost to implement components such as adding bike chevrons to the pavement to identify bike routes for both motorists and cyclists. Mr. Sadler also reflected upon the economic benefits of promoting and encouraging cycling in New Bern.

Alderman Bengel suggested Mr. Sadler provide an interview for City3TV to discuss bicycling safety, signals, etc. Alderwoman Harris suggested some of the Board meet with Craven County and the MPO to discuss the importance of affordable and safe transportation in the area.

Alderman Best asked about plans for the community college area. Ms. Maxey stated the MPO had funded improvements to the Glenburnie interchange. The project stretches from Elizabeth Avenue to the Greenbrier subdivision and will include infrastructure for bicyclists and pedestrians. Stakeholders will be involved in that project.

Ken Perkins, who is not a City resident but frequents the roads as an avid cyclist, stated he was an advocate for plans. However, he suggested the Board take a practical approach. There are five main avenues into and out of the City: the bridge from Bridgeton, Glenburnie Road, Martin Luther King Jr. Boulevard, Trent Road, and Country Club Road. A big plan is not needed to tell you that these are the major avenues and that they are heavily traveled by cyclists. Cyclists who want to safely enter the City use Trent and Country Club Roads. The condition of those roads is not good. Mr. Perkins stated two feet of additional berm would be a matter of life and death, and he urged the Board to look at road improvements apart from the plan.

Ms. Bichaukas said a nice wide bike lane attaches Simmons Street to Neuse Boulevard, but the area is never kept clean, so no one knows it is there. While bike lanes are wonderful for connectivity, they need to be maintained. After questioning by Alderman Best, Ms. Bichaukas clarified that the bike lane was on Glenburnie Road from Oaks Road to Neuse Boulevard. Simmons Street does not have a bike lane.

Alderman Odham announced a friendly banter had been ongoing with Craven County regarding CARTS. The County essentially owns and operates CARTS, and Alderman Odham explained the funding for the system. He also noted he thought the County's recommended budget encompassed funding to color code the buses to identify routes. He suggested a conversation be held with Carteret County about their CCATS public transportation service. Alderman Odham noted Craven County had done a good job by recently adding a route to the Industrial Park. A tremendous benefit of updating the bike and pedestrian plan will be the opportunity to present it to the citizens and have them vote on it by ballot.

9. Consider Adopting a Resolution to Initiate the Upset Bid Process for 135 Hillmont Road.

Sandra Rodgers submitted an offer of \$6,750 to purchase the vacant .380-acre lot at 135 Hillmont Road. The tax value of the property is \$13,500, and the offer represents 50% of the value. The property was acquired by the City and County in May 2019 through tax foreclosure. The unpaid taxes at that time were \$6,182.47. If the property is sold for the initial bid, the City is projected to receive \$2,901.42, and the County is projected to receive \$3,848.58 from the proceeds. At the time she placed her bid, Ms. Rodgers indicated she had spoken with Development Services about her plans for the property.

Alderman Best questioned if a city-owned parcel does not pass a soil test, whether the City has regulations and conditions that are placed on the property to prohibit development. Mr. Ruggieri stated the properties sold through the upset bid process do not have conditions attached, nor are promises made regarding the properties. All the properties are essentially offered as "buyer beware". The City does not perform any environmental testing on the lots.

Alderman Best made a motion to adopt a resolution to initiate the upset bid process for 135 Hillmont Road, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

10. Consider Adopting a Resolution Approving a Lease Agreement with the Area Day Reporting Program for Youth for 500 Fort Totten Drive.

The Area Day Reporting Program for Youth requested renewal of the lease agreement for the property located at 500 Fort Totten Drive. The lease is for a 12-month period beginning July 1, 2021, at a rate of \$1.00 a year.

Alderman Aster asked what determined the rate of the lease. Mr. Davis stated prior boards had determined that surplus property is leased for generally one-year terms at a \$1 a year, if the property is used for a public purpose. The tenant pays for insurance, all utilities, and general maintenance, but the City covers major maintenance and repairs.

Alderwoman Harris made a motion to adopt a resolution approving a lease agreement with the Area Day Reporting Program for Youth for 500 Fort Totten

Drive, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 6-0.

11. Consider Adopting a Resolution Approving a Lease Agreement with State Employees Credit Union for the ATM Located in the Parking Lot at 302 Craven Street.

The State Employee's Credit Union requested renewal of the lease agreement for the ATM currently located in the City's parking lot at 302 Craven Street. This ATM provides a needed service for those who live and work in the downtown area. The proposed lease term is for a period of 12 months beginning July 1, 2021, at a rate of \$225.00 a month.

Alderman Bengel made a motion to adopt a resolution approving a lease agreement with State Employees Credit Union for the ATM located in the parking lot at 302 Craven Street, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-0.

12. Consider Adopting a Resolution Approving a Lease Agreement with Promise Place for 408 Hancock Street.

Promise Place contacted the City in July 2020 regarding its need to temporarily store items that would be donated to citizens during the height of the COVID pandemic. A lease just shy of 12 months was approved by the Board on July 28, 2020, for the use of the City-owned property located at 408 Hancock Street at a rate of \$1.00 for the term of the lease. The property is the site of the old fireman's museum. Promise Place recently expressed interest in an additional one-year lease through June 30, 2022.

Alderman Bengel said originally when this item was brought to the Board, the facility was to be used for a distribution center. The facility is now basically being used as a storage bin and does not seem to be providing a service to the public. She noted there are other organizations, such as the African American Heritage Group, that would want to use or rent the space. Alderman Bengel voiced concern about the building being used for storage and noted Mr. Hughes had pictures that he could share with the Board, if desired.

Alderwoman Harris made a motion to table this item to the next meeting to allow her an opportunity to reach out to Promise Place, seconded by Alderman Odham. The motion carried unanimously 6-0.

13. Consider Adopting a Resolution Approving a Lease Agreement with Habitat for Humanity of Greater New Bern for 920 George Street.

Habitat for Humanity of Craven County NC requested renewal of the lease agreement for a portion of the property located at 920 George Street. The proposed lease term is for a period of 12 months beginning on July 1, 2021, at a rate of \$1.00 a year.

Alderman Bengel stated the City had been working with Religious Community Services (“RCS”) for more than three years to donate the annex building to RCS. There have been issues with the title, and Alderman Bengel spoke with Zeb Hough, Executive Director of RCS, earlier in the day for a status update. Mr. Hough indicated RCS now has attorneys working on the title issue. It was agreed that the City would give RCS a 6-month lease instead of a 12-month lease to push completion of the title work.

Alderwoman Harris questioned whether the lease would be with Habitat or RCS. Alderman Odham recalled that the lease was originally between the City and Habitat, but Habitat determined it no longer needed the property. RCS then expressed a desire for the property since it was adjacent to their existing property. However, the lease has remained with Habitat until the property could be transferred.

Alderman Bengel made a motion to table this item, seconded by Alderman Aster. The motion carried unanimously 6-0.

14. Consider Adopting a Resolution Approving a Lease Agreement for 1602 and 1604 High Street.

The two lots located at 1602 and 1604 High Street were acquired by the City in 2002 and 2003 through the FEMA buyout program. As a result, the lots are bound by FEMA restrictions that prohibit future development and require the property be used for recreational space. To reduce the cost and labor associated with maintaining city-owned lots, staff has negotiated a 10-year lease with the adjacent property owner, David Dawson of 1600 High Street, at a rate of \$1.00 per year. The lease restricts the property to recreation/open-space use and requires Mr. Dawson to maintain the property.

Alderwoman Harris made a motion to adopt a resolution approving a lease agreement for 1602 and 1604 High Street, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

15. Discussion of Options for Gaston Boulevard/Broad Street Properties.

Scott Davis, City Attorney, reviewed the options for the structures located on the properties at 602 Gaston Boulevard, 1308 Broad Street, and 1312 Broad Street. The Redevelopment Commission has expressed interest in relocating the little brick house at 602 Gaston Boulevard for a public purpose, and the Commission will vote on that topic tomorrow. If approved by the Commission, there will be an item on the Board’s next agenda to transfer title to the house.

The Ghent Sandwich shop at 1308 Broad Street will need to be demolished or relocated. There has been some interest expressed in trying to relocate the structure, as well as interest in demolishing it. Mr. Davis suggested the Board direct staff to prepare a Request for Proposal (“RFP”) to accept bids to remove the

structure from the site. Proposals may be received for the cost to demolish the property or for payment to buy it.

Staff has expressed a desire to relocate the Black Swan house at 1312 Broad Street to city-owned property near the old Eleanor Marshall School. The estimate to move the structure is \$110,000. Once the house is reestablished on a foundation, bids can be accepted for someone to renovate and restore the house on the vacant lot. The other option is to also pursue a RFP for the demolition or relocation of the structure. The Black Swan house is structurally sound and in good condition, except for the porch, which would need to be reconstructed.

Mr. Hughes said the in-house cost for staff to demolish the Ghent Sandwich shop was estimated at \$10,000, and the Black Swan was estimated at \$32,000.

Alderman Aster said he was in favor of doing whatever was necessary to save the old house. Alderman Odham was in favor of salvaging the house and relocating it to a parcel that would generate tax revenue, but he wanted the City to do its due diligence to ensure it would be cost effective for someone to buy the house on the new lot and restore it. He would not want the City to spend money for the move that it may not recoup. A brief discussion ensued.

The consensus of the Board was to move forward with an RFP for the removal of the Ghent Sandwich Shop, one way or another, and to obtain additional information on the Black Swan house. Alderwoman Harris asked what would happen with any profit obtained from the properties, and Alderman Odham suggested improvements be made to the infield at Henderson Park.

16. Appointment(s).

Alderman Bengel made a motion to appoint Dr. Amy James to the Police Civil Service Board, seconded by Alderman Odham. The motion carried unanimously 6-0. Dr. James will serve a two-year term to expire on June 30, 2023.

Alderman Odham made a motion to appoint Lesley Hunter to the Police Civil Service Board, seconded by Alderwoman Harris. The motion carried unanimously 6-0. Ms. Hunter will serve a two-year term to expire on June 30, 2023.

17. Attorney's Report.

The City Attorney had nothing to report.

18. City Manager's Report.

- Mr. Hughes provided an update on the timeline for the City Hall elevator. Construction should begin the first of October with the project complete by the end of June 2022. An increase in the cost estimate is not anticipated at this time.

- A meeting was held last week with MetroNet. The goal is for MetroNet to start their work the first of October, and new customers should be online by April 2022. MetroNet will likely make a brief presentation before the Board at the second meeting in August.
- The Board was asked if they would like to schedule a work session to initially discuss redistricting. Potential dates were discussed. Alderman Odham made a motion to conduct a work session at 6 p.m. on June 29, 2021 at West New Bern Recreation Center to discuss redistricting, seconded by Alderwoman Harris. The motion carried unanimously 6-0.

19. New Business.

Mayor Outlaw

Birthday wishes were expressed to Alderman Bengel. Alderman Bengel wished Mayor Outlaw a happy birthday as well, noting both of their birthdays were on the following day.

Alderman Bengel

While she and the Mayor were touring some areas of Ward 1 today, they noticed three to four broken windows at the McCotter House. Staff was asked to address this.

A citizen of North Craven Street is still unhappy about speeding on that street. Police Chief Gallagher stated he spoke with the residents, who were passionate about the issue. Officers set up radar stations, but did not encounter a lot of speeders. A speed monitor was installed from April 26th – May 2nd. Data showed the average speed in both directions of the street was 27 mph. There were only two instances where speed exceeded 41-45 mph. There is no data to support the comments provided by the residents. Alderman Bengel asked for a written copy of the information to be emailed to her so she could share it with the residents.

Chief Boyd's staff will be cleaning hydrants in the downtown area tonight. Water may be brown in the morning, which would indicate a need for residents to run the water before use.

Tiffany Askew was recently named as the new Executive Director of the Housing Authority of the City of New Bern, and Alderman Bengel officially welcomed her to the position. Alderman Bengel expressed a desire to have Ms. Askew introduce herself before the Board at some point.

Alderwoman Harris

Juneteenth festival activities were reviewed. A blood drive will be held, and CarolinaEast will be offering COVID vaccinations.

Alderman Aster

The Board was thanked for the support given to the Fire Department last year. A major structure fire occurred a couple of days ago in the Hardee's Farm subdivision and involved more than one residence. The additional staff made a difference in the response. Alderman Aster reported on the fire and a job well done.

Congratulations was expressed to Capt. Tony Roberg, Capt. Danny Jackson, Capt. Buddy Williams, Fire Specialist Ricky Weems, and Fire Specialist Robert Locklear on their retirements this month.

Airport Road work is officially finished as of today.

The ditch project is coming along well.

Alderman Best

Mr. Hughes was asked to make sure that employees who work outside are alert with respect to heat exhaustion.

Workplace violence is at a high. If an employee presents a complaint, please listen and investigate it. Alderman Best described three instances where employees spoke to her about stress at work. One indicated they were glad that they did not have a mental issue or they would have "gone postal", the second indicated they were "about ready to go postal", and the third employee stated they followed the chain of command, but nothing was done. Mr. Hughes stated he would reemphasize to the Department Heads and staff the need to listen and investigate employee complaints. With respect to heat, Mr. Hughes announced that the Safety Officer had proactively sent out information on the subject before Memorial Day, but he would reiterate the need to take shade and stay hydrated.

20. Closed Session.

A closed session was not needed.

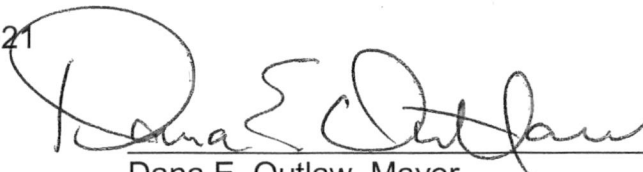
21. Adjourn.

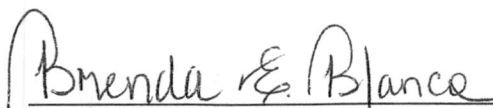
Alderman Odham made a motion to adjourn, seconded by Alderman Aster. The motion carried unanimously 6-0, time being 8:30 p.m.

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: June 22, 2021


Dana E. Outlaw, Mayor


Brenda E. Blanco, City Clerk