

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
JULY 27, 2021 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

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

Present: Mayor Dana Outlaw, Alderman Sabrina Bengel, Alderwoman Jameesha Harris (electronically via Zoom), Alderman Robert Aster, Alderman Johnnie Ray Kinsey, Alderman Barbara Best (arrived at 6:01 p.m.), and Alderman Jeffrey Odham. Absent: None. 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.

Consent Agenda

- 3. Consider Adopting a Resolution to Close the 500 Block of Metcalf Street for a Block Party.**

Lorelei Schaffhausen, a resident of Metcalf Street, requested the 500 block of Metcalf Street be closed from New Street to the intersection of Johnson Street on Saturday, October 2, 2021, from 1 p.m. until 9 p.m. for a block party. A rain date of Sunday, October 3, 2021, was sought.

- 4. Consider Adopting a Resolution to Close Certain Streets for the Craven County Back to School Parade.**

Craven County Schools requested to close the 400-600 blocks of Fort Totten Drive, 1300-1400 blocks of Trent Boulevard, 400 block of First Street, 300-1200 blocks of Broad Street, 200-300 blocks of Craven Street, and the 200 block of South Front Street on August 21, 2021 from 9 a.m. until 2 p.m. for a Craven County Back-to-School Parade.

- 5. Approve Minutes.**

Minutes from the June 29, 2021 work session, which was recessed until June 30, 2021 and July 1, 2021, and the regular meeting on July 13, 2021 were provided for review and approval.

Alderman Odham made a motion to approve Items 3-5 of the Consent Agenda, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

6. Update on Public Safety.

After noting a national increase in recent crime, Police Chief Patrick Gallagher shared a PowerPoint presentation to review New Bern's year-to-date crime statistics in comparison to 2019 and 2020. Chief Gallagher announced the Police Department is working with the Craven County Sheriff's office to reinstate Crime Stoppers. At the conclusion of his presentation, he shared information on National Night Out events that are scheduled for August 2nd and 3rd. A total of 14 neighborhoods will be participating.

7. Presentation on Equal Opportunity Employment Policy and Recruiting Practices.

At its July 13, 2021 meeting, the Board requested information on the City's equal opportunity employment policy and recruiting practices. Mr. Davis explained the difference between affirmative action and equal employment opportunity. Following his explanation, Sonya Hayes, Director of Human Resources, made a presentation on the City's equal opportunity employment policy and thoroughly reviewed its recruitment practices. She spoke about removal of certain job requirements that posed as a barrier for applicants, such as educational requirements. At times, an employee is given a grace period in which to satisfy requirements of a job, like obtaining a CDL license.

Mrs. Hayes reviewed the City's action in 2019 to "Ban the Box". From May 01, 2019 to July 16, 2020, the City hired 118 employees. Of those, 54 were required to have a criminal record check and 64 were not.

Alderman Odham asked whether the City continues to pay for Basic Law Enforcement Training ("BLET") for new officers and if the officers are obligated to the City after their training. Mrs. Hayes confirmed the City does hire trainees and sponsors BLET students. Those officers are required to sign an agreement committing to work with the New Bern Police Department for a specified time.

After pointing out the City is already advertising with national minority organizations, Alderman Bengel asked how the City could increase its diversity and hire more people of color, women, etc. Mrs. Hayes said Human Resources is looking at its applicant tracking portal to see how it can better capture data that could objectively assist with helping applicants meet requirements. Mrs. Hayes did not have an answer as to why there is not a bigger pool of diverse applicants for upper management positions. Alderman Kinsey asked for a report back in six months as to what steps Human Resources is taking to increase the pool of applicants.

8. Consider Adopting a Resolution Authorizing the Submission of a CAMA Grant Application.

Parks and Recreation was invited to apply for a NC Public Beach and Coastal Waterfront Access grant that will be used to extend the marshwalk at Lawson Creek Park. The extension will be approximately 300 feet in length and will create a fishing/observation platform. The cost of the project is estimated at \$147,745.50. Grant funds would cover \$110,809.12, and the remaining \$36,936.38 would be a 25% match from the City. Funds are budgeted annually for grant matches, and Mr. Hughes confirmed funds are available for this match.

Alderman Aster made a motion to adopt a resolution authorizing the submission of a CAMA grant application, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

9. Consider Adopting a Resolution Approving the Sale of 135 Hillmont Road.

After receiving an offer of \$6,750 from Sandra Rodgers, the Board adopted a resolution on June 08, 2021 to initiate the upset bid process for 135 Hillmont Road. The offer was advertised, but no upset bids were received. The property is a vacant .380-acre lot with a tax value of \$13,500 that 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 sale of the property is approved, the City is projected to receive \$2,901.42 and the County is projected to receive \$3,848.58 from the proceeds.

Alderman Best made a motion to adopt a resolution approving the sale of 135 Hillmont Road, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

10. Consider Adopting a Resolution Approving a Deed Conveying 908 Bloomfield Street to the Redevelopment Commission of the City of New Bern.

At its June 22, 2021 meeting, the Board expressed a desire to convey 908 Bloomfield Street to the Redevelopment Commission. The Commission discussed this at their July 14, 2021 meeting and adopted a resolution to accept the property and use it as a healthcare and community resource center.

Alderman Aster made a motion to adopt a resolution approving a deed conveying 908 Bloomfield Street to the Redevelopment Commission of the City of New Bern, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

Note: Items 11 and 12 were voted on collaboratively as noted under Item 12.

11. Consider Adopting a Budget Ordinance Establishing the 2021 Make Ready Public Infrastructure for Broadband Service Providers Project Fund.

Charlie Bauschard, Director of Public Utilities, discussed the MetroNet project at the Board's work session on June 15, 2021. As a follow-up to that discussion, Mr. Bauschard provided an update on the project and reviewed the request to establish the 2021 Make Ready Public Infrastructure for Broadband Service Providers Project Fund in the amount of \$7,200,000. He announced a utility pole attachment agreement would be finalized with MetroNet and presented to the Board in the near future for approval. Forecasts for project expenditures and revenues were reviewed in some detail. While the project will last approximately three years, the addition of staff will be permanent. It is anticipated the first customers will be connected in March or April of 2022.

Alderman Odham asked Kim Ostrom, Interim Director of Finance, to provide the Board with electric's current days' cash on hand and what that would be reduced to once roughly \$3,000,000 is transferred to help fund the project. Alderman Aster asked if Mr. Bauschard could encourage MetroNet to begin the project in the Bluewater Rise community, which currently has no internet service.

(Alderwoman Harris disconnected from Zoom at 7:20 p.m. and was not in attendance for the rest of the meeting.)

12. Consider Adopting a Resolution Approving a Declaration of Intent to Reimburse for the 2021 Make Ready Public Infrastructure for Broadband Service Providers Project Fund.

This resolution relates to the previous item that establishes a project fund for broadband service providers. Pursuant to IRS regulations, a Declaration of Intent to Reimburse must be adopted prior to or within 60 days of payment of the project expenditures that are to be reimbursed.

Alderman Aster made a motion to adopt a budget ordinance establishing the 2021 Make Ready Public Infrastructure for Broadband Service Providers Project Fund and a resolution approving a declaration of intent to reimburse for the 2021 Make Ready Public Infrastructure for Broadband Service Providers Project Fund, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0. Of note, Alderwoman Harris had disconnected from the meeting, thus technically yielding an affirmative vote.

13. Consider Adopting a Resolution to Amend the Classification Pay Plan for Fiscal Year 2021-22.

This item is also relative to the project fund identified in Item 11. As detailed by Mr. Bauschard in his memo and presentation, three positions will be added to the Classification Pay Plan. Those positions are a Utility Locator at a grade 11, Utility

Locate Coordinator at a grade 13, and Utility Coordinator at a grade 20. The resolution and classification pay plan detail the minimum, midpoint, and maximum salaries for all three positions and grades.

Alderman Aster made a motion to adopt a resolution to amend the classification pay plan for Fiscal Year 2021-22, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0. Alderwoman Harris had disconnected from the meeting, thus technically yielding an affirmative vote.

14. Consider Adopting a Budget Ordinance Amendment for the FY2021-22 Operating Budget.

This budget ordinance amendment appropriates \$227,000 for the purchase of the NC Railroad property on the corner of Hancock and South Front Streets. It also appropriates \$7,300 for the PEG cloud-based video backup storage project and \$3,065,000 for costs associated with the 2021 Make Ready Public Infrastructure for Broadband Service Providers Project Fund. Grants funds of \$25,000 are acknowledged from the Governor's Highway Safety Program and \$5,000 from Walmart for National Night Out and the Fire Department's purchase of water rescue equipment. No matches are required for any of these grants. Lastly, the MPO grant fund is amended to reflect the actual amount of \$230,532 approved by the NC Department of Transportation ("NCDOT"), which is a decrease of \$25,888 from the previous projection.

Alderman Bengel made a motion to adopt a budget ordinance amendment for the FY2021-22 operating budget, seconded by Alderman Aster. Alderman Odham asked for clarification that the purchase of the railroad property would come out of Municipal Service District funds. Mrs. Ostrom said the proposed amendment shows the amount would be taken from special appropriations. Alderman Bengel then amended her motion to adopt a budget ordinance amendment for the FY2021-22 operating budget that provides the funds for the railroad property on the corner of Hancock and South Front Streets come from MSD taxes, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0. Alderwoman Harris had disconnected from the meeting, thus technically yielding an affirmative vote.

15. Consider Adopting a Resolution Approving the Addition of a Streetlight on 8th Street.

Mary Traina of 212 8th Street requested additional streetlighting on 8th Street. The area was evaluated and determined to not meet the City's light standard. Staff recommended one streetlight be installed at an estimated cost of \$702.57. The monthly utility charge to be paid by Public Works will be \$8.44.

Alderman Bengel made a motion to adopt a resolution approving the addition of a streetlight on 8th Street, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0. Alderwoman Harris had disconnected from the meeting, thus technically yielding an affirmative vote.

16. Appointment(s).

Mayor Outlaw made a motion to appoint Candace Sullivan to the Historic Preservation Commission, seconded by Alderman Odham. The motion carried unanimously 7-0. Alderwoman Harris had disconnected from the meeting, thus technically yielding an affirmative vote. Ms. Sullivan will fill seat 9 previously held by Joe Klotz, and her term will expire June 30, 2024.

Alderman Odham made a motion to reappoint Julian Tripp and Leander "Robbie" Morgan, Jr. to the Redevelopment Commission, seconded by Alderman Bengel. The motion carried unanimously 7-0. Alderwoman Harris had disconnected from the meeting, thus technically yielding an affirmative vote. Both appointees will serve another 5-year term to expire on August 13, 2026.

Alderman Aster made a motion to appoint Karen May to the Police Civil Service Board, seconded by Alderman Odham. The motion carried unanimously 7-0. Alderwoman Harris had disconnected from the meeting, thus technically yielding an affirmative vote. Ms. May will fill the seat previously held by Victor Taylor and will serve a 2-year term to expire on June 30, 2023.

17. Attorney's Report.

The City Attorney had nothing to report.

18. City Manager's Report.

- At the last meeting, a discussion took place about streetlight outages. Information on reporting outages is being displayed on the City's social media accounts and website. Mr. Hughes referred the Board to visuals that had been placed at their seats showing what information to provide when making a report. Staff from the Police Department and Parks and Recreation will be on alert for outages when they are making evening rounds. Alderman Odham suggested staff check into a QR code to make it easier to report outages.
- The Fire Department was congratulated on its national accreditation. The City now has three accredited departments: Fire, Police, and Parks and Recreation.
- A United Badges Blood Drive will be held tomorrow at the Knights of Columbus. One hundred and sixty-five people have registered to donate.
- FEMA has scheduled a public meeting to review the Stanley White Recreation Center Environmental Assessment on Thursday, July 29th, from 7-9 p.m. at the Omega Center, 800 Cedar Street. An overview of the plan will be reviewed, and the public will have an opportunity comment and ask questions.
- Mr. Hughes reported on the costs to repair and upgrade City Hall following Hurricane Florence. The total amount spent to date is \$397,472.82, of which \$272,600.00 was covered by FEMA and insurance. There are still several items of repair that will need to be addressed. Alderman Odham pointed out the building is not sealed well, which is obvious from the water penetration

already evident on a corner wall in the courtroom. With respect to waterproofing City Hall, Craven County is in the same situation with its courthouse. The Historic Preservation Commission follows federal and state guidelines, and John Wood, the State Preservation/Restoration Specialist, advises historic buildings cannot be sealed. Alderman Odham felt there was some opportunity to seal buildings with new technology, but stated Mr. Wood disagrees. Alderman Bengel suggested the City appeal to a higher level, such as Tim Simmons, NC's Senior Preservation Architect, and then federal officials in Washington DC.

- Mr. Hughes also provided an update on the elevator project. The architect discovered issues with the building's electrical infrastructure, which will push the project back by roughly six months.
- Kim Ostrom, Accounting Manager, was appointed as Interim Director of Finance at the Board's last meeting, and Mr. Hughes recommended a 15% temporary salary increase while she serves in that capacity. Alderman Aster made a motion to approve a 15% salary increase for Mrs. Ostrom while she serves as Interim Director of Finance, seconded by Alderman Odham. The motion carried unanimously 7-0. Alderwoman Harris had disconnected from the meeting, thus technically yielding an affirmative vote.

19. New Business.

Alderman Bengel

A group of citizens have contacted Alderman Bengel about a store on Eubanks Street that is basically falling in the street, the roof is caving in, and it poses an eminent danger to others. Mr. Davis explained the legal process which limits the City's ability to tear up and take private property. A due process is required that involves noticing the owner and allowing them time to repair any defects. This property has been in that process for many years. Government cannot tear down a property that is deteriorated, but once it is declared dilapidated it can proceed with demolition. Until the roof recently caved in, this property was declared deteriorated. The owners love the property and want to restore it and have sought grant funds to do that. Since the roof has collapsed, the classification has changed to dilapidated. One of the owners is hospitalized now. The City must give 30 days' notice to the owner to demolish the building themselves or repair it. Such an order has been issued, and it will expire next week. If the owner does not demolish the structure, the Board may issue an order to do so. There is a statute that allows for government to demolish properties that pose an eminent threat. In the 1990's, the City demolished hundreds of properties that fell into this category. The question was called in the early 2000's, the case went to the Court of Appeals, and the Court of Appeals reminded local government the meaning of "eminent" threat – a threat that is "now" and not theoretically or conceptually. Thus, the law is very narrow when it comes to eminent threats and favors property owners. While expressing concerns about waiting another week to take action, Alderman Odham asked when the order would expire and if a special meeting could be called for the following day. Mr. Davis announced the order would expire August 2nd, and he would circulate an email to the Board about a special meeting. Jeff Ruggieri, Director of Development

Services, clarified that the building would not be demolished as quickly as the following day, as the structure contains asbestos that must first be addressed.

Alderman Aster

Mrs. Ostrom was thanked for stepping in as Interim Director of Finance. Congratulations was expressed to Mrs. Blanco for receiving General Code's 2021 Municipal Clerk Honor Roll designation. A round of applause was given.

Mayor Outlaw

Tiffany Askew, Executive Director of the New Bern Housing Authority, was recognized as being in attendance.

At the request of Mayor Outlaw, Alderman Bengel recognized the Leadership Craven class in attendance.

Litter is rapidly becoming the number one complaint, now that Suddenlink has started addressing its issues. George Chiles, Interim Director of Public Works, announced NCDOT will now let the City know a few weeks in advance of their mowing so that Public Works can plan cleanups from Glenburnie Road to the Trent River prior to DOT's scheduled work.

An update on all drainage projects was requested. Mr. Chiles reported three projects are still ongoing, and he provided a status of each.

Alderman Best

Congratulations was echoed to the Fire Department on its accreditation.

Numerous complaints have been received about the mobile home situated at 208 Daniels Street, which really needs to be demolished. The property is owned jointly between the City and County. The Board gave Mr. Davis direction to reach out to Craven County about the demolition.

It was suggested an open house be planned for the general public to view the courtroom renovations. Alderman Bengel suggested an open house on a regular basis, maybe quarterly.

Alderman Kinsey

National Night Out will be observed by the 4th Ward starting at 3 pm on Tuesday, August 3rd.

At the request of Mayor Outlaw, Chief Boyd approached the podium to comment on the Fire Department's accreditation. Chief Boyd noted the process began in 2016 with a strategic plan, followed by the official accreditation being achieved on July 19, 2021. Accreditation establishes standards that must be met by the department.

20. Closed Session.

A closed session was not held.

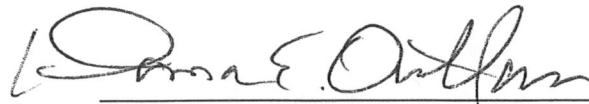
21. Adjourn.

Alderman Odham made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously 7-0, time being 8:01 p.m. Alderwoman Harris had disconnected from the meeting, thus technically yielding an affirmative vote.

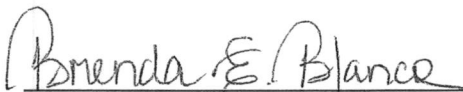
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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: August 10, 2021



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk