

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
SEPTEMBER 14, 2021 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer by Vince Bryant, Animal Control Officer with the City of New Bern. 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: Foster Hughes, Interim City Manager; Michael Scott Davis, City Attorney; Jaimee Bullock-Mosley, Assistant City Attorney; and Brenda Blanco, City Clerk.

Mayor Outlaw welcomed Boy Scout Troop 97 from Beech Grove Methodist Church and Boy Scout Troop 219. Some of the leaders and scouts who were in attendance introduced themselves and shared a little about their troop.

- 3. Request and Petition of Citizens.**

James Woods, Jr. of 1903 Country Club Road spoke about the selection of the City Manager. He felt important decisions were being made behind closed doors and were not transparent to the public. It was a disservice to all citizens for them to learn “in the streets” that Mr. Hughes had been selected for the position. While he felt Mr. Hughes would be an outstanding manager, he was disappointed that only one African American held a leadership position at the City. He had asked to be a part of a committee to select the manager and had suggested that people of color be considered. However, the community was not involved in the process. Mr. Woods stated the Board’s actions spoke louder than words. Alderman Best apologized to Mr. Woods and said he was correct; she should have called him since he had requested to be involved in the process, and he should have had the right to be involved as a taxpaying citizen.

Kurtis Stewart of 1612 York Street said he wanted to address a couple of misunderstandings in the community. The Board of Aldermen unanimously voted to purchase property and change the scope of work for the Stanley White Recreation Center (“SWRC”). Just last week, the Board voted unanimously to move the location of SWRC to the new location approved by FEMA. There has been a lot of confusion and foolishness in the community, and he was very disturbed that the people who caused issues at the Omega Center meeting still voted in favor of moving forward with the new location. If there was an issue with

the new location, those people should have stood their ground and not voted in favor of it. His second concern was the apparent petty differences among the people on the Board and those in the community. The People's Assembly approached the city's leadership to get on an agenda to discuss inclusion of African Americans and the City's hiring process. Unfortunately, because of petty differences, leadership chose not to bring that before the Board. The black community needs new leadership, as the current leadership is not good, and nothing is getting done in the black community. The request from the People's Assembly was a perfect opportunity for the City and community to work together, even if they do not like each other. Mr. Stewart stated he works with people that he does not like sometimes because it is for the common good of the people. Lastly, he commented that he had opened a restaurant six months ago (Broad Street Take Out). Thanks were expressed to Mayor Outlaw, Alderman Bengel and Alderman Odham for attending the grand opening.

Mac Flythe of 5202 Trent Woods Drive, owner of Flythe's Bicycle Shop on Trent Road for the last 40 years, expressed concern about the creek next to his shop. He stated it had been a concern for some time, and he even wrote a letter to Mayor Kimbrell 40 years ago. The ditch has gradually deteriorated over the years. Now that the ditch has been cleaned out and has increased water, it is causing issues to his property. He has had to relocate a HVAC unit, and his building has a crack in it. The City had engineers look at the issue, who reported the issue was drainage from the roof. Mr. Flythe also consulted with engineers, and they stated the issues were a result of the ditch work being performed. Since he helps the community, he expects the City to return the favor by working with him on this.

Consent Agenda

Note: Item 4 was pulled and voted on separately as noted under Item 10.

5. Consider Adopting a Resolution to Close Specific Streets for 2021 MumFest.

Lynne Harakal, Executive Director of Swiss Bear Downtown Development Corp., requested several street closures to accommodate the 2021 MumFest event slated for October 8-10, 2021. The streets to be closed from 5:00 p.m. on October 8th until 11 p.m. on October 10th are the 200-400 blocks of Broad Street, 200-300 blocks of East Front Street, 200-300 blocks of Middle Street, 300 block of Craven Street, and the 300-400 blocks of Pollock Street. In addition, she requested the 200 blocks of Craven and Pollock Street have restricted vehicular access from 6 a.m. on October 9, 2021, until 7 p.m. on October 10, 2021. Swiss Bear also requested use of the city-owned lots known as the "Talbots Lot" located at 304 and 308 South Front Street and the city-owned parking lot on the corner of Craven and Pollock Streets. Union Point Park will be utilized for the event as well, with the approval of the Director of Parks and Recreation.

6. Consider Adopting a Resolution to Close Specific Streets for 2021 MumFeast.

Lynne Harakal, Executive Director of Swiss Bear, requested to close the 200-300 blocks of Middle Street, 200-300 blocks of Craven Street, and 300-400 blocks of Pollock Street from 5 p.m. until 11 p.m. on October 15th and 16th, 2021 for MumFeast. The use of Union Point Park was also requested and will be considered for approval by the Director of Parks and Recreation.

7. Consider Adopting a Resolution to Close the 1300-1400 Blocks of North Craven Street for the Travis Tritt Concert.

White Umbrella Limited requested the 1300-1400 blocks of North Craven Street be closed to vehicular traffic on October 15, 2021, from 12 noon until 10:00 p.m. for a Travis Tritt Concert. The concert was originally scheduled for August 15, 2021, and a street closure was approved for that date. However, the concert was subsequently rescheduled due to illness.

8. Consider Adopting a Resolution to Close the 100 Block of Johnson Street for a Historic District Residential Association Picnic and Social.

Dottie Corning requested the 100 block of Johnson Street be closed to vehicular traffic on October 3, 2021, from 3 p.m. until 8 p.m. for a picnic and social event to be held by the Historic District Residential Association.

9. Consider Adopting a Resolution to Call for a Public Hearing to Annex 4016 E. US 70 Hwy. and 4103 Old Cherry Point Road.

The Turf Club, LLC requested the annexation of property at 4016 E. US 70 Hwy. and 4103 Old Cherry Point Road, further known as Tax Parcel IDs 7-035-002 and 7-035-030. The property is in Township 7. The Board was asked to call for a public hearing to be held September 28, 2021, to receive comments and consider the request.

10. Approve Minutes.

Minutes from the August 24, 2021, meeting were provided for review and approval.

Alderwoman Harris made a motion to pull Item 4 from the Consent Agenda and approve Items 5-10, seconded by Alderman Bengel. The motion carried unanimously 7-0.

4. Consider Approving a Proclamation Memorializing Sister Angela Mary Parker.

Sister Angela Mary Parker was the driving force behind the implementation of Religious Community Services' soup kitchen in 1984. She served New Bern in many capacities, and the proclamation reflects upon her compassion for people and her contributions to New Bern. Alderman Bengel reflected upon Sister Angela

Mary and her work in New Bern. As requested by Rev. Robert Johnson of Ebenezer Presbyterian Church, Alderman Bengel read the proclamation publicly.

Alderman Bengel made a motion to approve the proclamation memorializing Sister Angela Mary Parker, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

11. Consider Adopting an Ordinance Amending Article V. "Recruitment and Employment" of Chapter 54 "Personnel".

This amendment provides an exception to the existing ordinance regarding employees serving in a part-time or seasonal capacity. It ensures a process that prevents any supervisory authority or influence over an immediate family member, including involvement in a disciplinary or termination appeal.

Alderman Aster made a motion to adopt an ordinance amending Article V. "Recruitment and Employment" of Chapter 54 "Personnel", seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

12. Consider Adopting a Resolution Approving an Employment Agreement Between the City of New Bern and Richard Foster Hughes, II.

At the meeting on August 24, 2021, a motion was made and passed to hire Foster Hughes as the permanent City Manager effective September 14, 2021, subject to a mutually agreeable contract. The proposed resolution approves an employment agreement between the City and Mr. Hughes.

Alderman Aster made a motion to adopt a resolution approving an employment agreement between the City of New Bern and Richard Foster Hughes, II, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-1 with Alderwoman Harris voting against it.

13. Administration of Oath for the Position of City of Manager.

Following approval of the previous item, Mrs. Blanco administered the oath of office to Mr. Hughes. His wife, Carla Hughes, held the Bible as he was sworn into the position.

14. Consider Adopting a Budget Ordinance Amendment.

At the August 24, 2021, meeting, the Board also voted to seek a candidate to fill the position of Assistant City Manager. This budget ordinance will appropriate \$137,386 from fund balance for the salary and benefits associated with the position. Additionally, the amendment makes appropriations necessary to reestablish

encumbrances for outstanding purchase orders as of June 30, 2021, and to allocate \$300,000 for the Pleasant Hill Community Center Building.

Alderwoman Harris asked what process would be followed to hire the Assistant City Manager, and Mr. Hughes confirmed the normal hiring process would be observed.

Alderman Best made a motion to adopt a budget ordinance amendment for FY2021-2022, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

15. Discussion of Ward Redistricting.

Scott Davis, City Attorney, announced at the August 24, 2021, meeting that the long-awaited Census data was available. In preparation of redrawing the ward lines, Alice Wilson, GIS Coordinator, shared a PowerPoint to review potential changes. The total population for New Bern was reported at 31,291 and revealed a demographic shift. Possible adjustments to the ward boundaries were reviewed. One of the biggest adjustments anticipated is the placement of all of Ward 3 in Township 7.

After Mrs. Wilson's presentation, questions were taken from the Board about the possible adjustments. It was suggested Trolley Run be included in the same ward as the Ghent neighborhood. Mr. Davis reviewed the timeline and process for adopting the new boundaries. He explained a public hearing could be noticed this evening and held at the next meeting. Alderman Odham questioned the column in the presentation that referred to the percent of deviation and asked about the intended growth in Ward 4 and the development of Belle Oaks in Ward 6. Mrs. Wilson noted the development projects were mapped out, and it was possible that with the next Census cycle that Wards 3 and 4 may need to be split. She also pointed out the Census data revealed Craven County and other municipalities within the county lost population, but New Bern grew by almost 7%.

Mr. Davis suggested Alderwoman Harris and Alderman Bengel review their ward lines within the next week. This would allow for the proposed maps to be made available prior to the public hearing. If a public hearing is held at the end of September, it would be possible to adopt the new district boundaries in October. This would allow the City to meet the first deadline of November 17, 2021, for submission of the newly-established borders.

Alderman Bengel made a motion to schedule a public hearing on redistricting for the next regular meeting on September 28, 2021, at 6 p.m., seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

16. Consider Adopting a Resolution to Extend Construction Hours for JH Batten Design Builder at the U-Haul Project Site.

U-Haul is building a new storage facility at 4134 Dr. MLK Jr. Boulevard. The City's noise ordinance prohibits construction beyond the hours of 7 a.m. to 9 p.m. without

approval from the Board of Aldermen. The construction superintendent finds it necessary to perform certain work, such as drilling, outside of these hours and requested an exemption from the noise ordinance for the period of mid-October 2021 through April 2022. Mr. Davis confirmed a resolution to extend the construction hours could be rescinded by the Board, if any issues arise during the construction phase.

Alderman Odham made a motion to adopt a resolution to extend construction hours for JH Batten Design Builder at the U-Haul project site, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

17. Consider Adopting a Resolution Approving an Amendment to the Covenant of Use for 205 First Street.

An amendment to the Covenant of Use, Purpose and Ownership between the City and the Economic Development Administration for the property at 205 First Street was sought to add approximately 2.5 acres to the project. The initial Covenant of Use approved by the Board on September 26, 2017, did not accurately or fully describe all the property that was intended to be designated.

Alderman Aster made a motion to adopt a resolution approving an amendment to the Covenant of Use for 205 First Street, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-1 with Alderman Best voting against it.

18. Consider Adopting a Resolution Approving the Conveyance of Tax Parcel ID 8-004-004 to Religious Community Services.

As discussed in the past, the City desires to transfer Tax Parcel ID 8-004-004, also known at 920 George Street and the “curb market”, to Religious Community Services (“RCS”). RCS owns the adjacent parcel and can use this additional space in their operations.

Alderman Bengel made a motion to adopt a resolution approving the conveyance of Tax Parcel ID 8-004-004 to Religious Community Services, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

19. Consider Adopting a Resolution Declaring a 1999 Sutphen Aerial Platform as Surplus Property and Authorizing Electronic Sale.

The City owns a 1999 Sutphen aerial platform fire apparatus that is no longer needed. It was recommended the apparatus be deemed surplus and sold via electronic auction. The minimum starting bid will be established at \$45,000. If not received, the Board can lower the starting bid or consider other recommendations. An upfit to the apparatus would cost around \$600,000 and extend the life of the equipment by 10 years, at which point the vehicle would be 50 years old.

Alderman Aster made a motion to adopt a resolution declaring a 1999 Sutphen aerial platform as surplus property and authorizing electronic sale of same, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

20. Consider Adopting a Resolution Approving Additional Streetlights for Margret Court.

A resident requested additional streetlights on Margret Court. Staff evaluated the request and determined the area did not meet the City's light standard and recommended the addition of two streetlights. The installation of the lights will cost \$3,832.34, and the monthly utility charge for service will be \$20.28 per light.

Alderman Aster made a motion to adopt a resolution approving additional streetlights for Margret Court, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

Note: Items 21-24 were voted on collaboratively as noted under Item 24.

21. Consider Adopting a Resolution Approving an Amended Designation of Agents for Hurricane Florence.

FEMA requires the Governing Board designate authorized agents for the purpose of executing and filing applications for federal and/or state assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The previously designated agents for Hurricane Florence were the individuals holding the positions of Accounting Manager and Director of Finance as of October 9, 2018. Those individuals are no longer with the City, and the designation is being amended to name the current Senior Accountant and Interim City Manager.

22. Consider Adopting a Resolution Approving an Amended Designation of Agents for Hurricane Dorian.

Like the preceding item, the previously designated agents for Hurricane Dorian were individuals who held the positions of City Manager and Accounting Manager as of November 12, 2019. Since those designees are no longer employed by the City, the agents will be updated to reflect the names of the current Senior Accountant and Interim City Manager.

23. Consider Adopting a Resolution Approving an Amended Designation of Agents for Hurricane Isaias.

Similar to the previous two items, on January 26, 2021, the Board designated the Accounting Manager and Director of Finance as its authorized agents for Hurricane Isaias. Those individuals are no longer employed by the City, and the amended designation will name the current Senior Accountant and Interim City Manager as authorized agents.

24. Consider Adopting a Resolution Approving an Amended Designation of Agents for COVID-19.

Again, this is like the previous three items. North Carolina received a major disaster declaration to assist the areas affected by COVID-19. On April 28, 2020, the City designated primary and secondary agents to execute and file applications for assistance on its behalf and to represent the City in all dealings with the State and FEMA. Those designees were the Accounting Manager and the Director of Finance, who are no longer with the City. The proposed resolution will update the positions and names of these agents to reflect the current Senior Accountant and Interim City Manager.

Alderwoman Harris made a motion to adopt resolutions approving amended designations of agents for Hurricane Florence, Hurricane Dorian, Hurricane Isaias, and for COVID-19, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

25. Consider Adopting an Ordinance Amending Chapter 70 “Traffic and Vehicles” to Add Article VII. “Golf Carts on Public Streets”.

Interest was expressed in allowing the operation of golf carts on public city streets with a speed limit of 35 mph or less within the golf course communities of Carolina Colours, Taberna, and Greenbrier. This ordinance will amend Chapter 70 to add an article that will allow such operation and establish regulations, enforcement, and a civil penalty for violators. Operators will be required to have a current valid driver’s license, a valid “motor vehicle” insurance policy for the golf cart, and specified safety features on the golf cart. The current exception to allow golfcarts at festivals and special events will not change.

Alderman Aster made a motion to adopt an ordinance amending Chapter 70 “Traffic and Vehicles” to add Article VII. “Golf Carts on Public Streets”, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

26. Appointment(s).

Alderman Kinsey made a motion to appoint Tony Bryant to the Historic Preservation Commission to fill seat 4 previously occupied by Christian Evans, seconded by Alderwoman Harris. The motion carried unanimously 7-0. Mr. Bryant will serve a three-year term to expire on June 30, 2024.

27. Attorney’s Report.

The City Attorney had nothing to report.

28. City Manager’s Report.

- For several years, the City has discussed implementing an introduction to local government program. “New Bern 101” will start at the end of this month. It is

a free, seven-week program that will be open to citizens aged 15 and older. Department Heads and staff will meet with citizens to share information about the functions of each department. Applications are available at City Hall and on the City's website.

- A brief update was provided on the American Rescue Plan funding. The City has received more than \$3 million dollars and will receive another \$3 million next year. The funds must be expended by 2024. Additional guidance should be received in October, and a discussion can be held at that about use of the funds.
- The SWRC Advisory Committee will resume its meetings. Requests for Qualifications ("RFQ") will be issued soon for the rebuild of the center. At the Mayor's request, Mr. Davis explained the difference between the construction manager at risk and design build processes. Staff is recommending the design build process where a construction firm has their architect in house so the design and build can happen at the same time. The RFQ will require the selected contractor to follow all state and federal regulations with respect to utilizing small and minority businesses and women's businesses for portions of the project for which they may be qualified. Alderwoman Harris asked for a copy of the RFQ when it is issued and explanation of the Advisory Committee's responsibilities. Mr. Hughes stated the responsibilities of the committee are outlined in the resolution that established the committee. Alderman Aster announced he had spoken with FEMA late in the afternoon and was told the City can proceed with moving forward and should submit invoices as they are received. Mr. Hughes noted it was three years ago today that Hurricane Florence hit New Bern. It is good to see the progress that has been made in the last three years, and it is exciting to start working on the center's rebuild.

29. New Business.

Alderman Bengel

It is hard to believe Hurricane Florence was three years ago.

Alderman Bengel spoke with Mr. Davis about surplus property and the current process. The list of surplus real property was last updated around 2017 or 2018, and Alderman Best requested the Board update the list and place it on an upcoming agenda.

After recently reviewing lighting requests that have been received, it seems the Duffyfield area has had a lighting issue for years. Alderman Bengel asked about the possibility of Electric assessing all areas and sharing a report of its findings with the Board. Charles Bauschard, Director of Public Utilities, said he receives just as many complaints about too much lighting. He suggested letting the market drive the requests. Alderman Bengel suggested staff be proactive instead of reactive, especially in the Duffyfield neighborhood. Alderman Best concurred with Mr. Bauschard since some constituents do not want more lighting. Alderman Aster reflected upon how unhelpful it was when an attempt to assess lighting was undertaken 25 years ago. He, too, felt citizens would call when they desired additional lighting. Mr. Bauschard pointed out there are two parts to an evaluation. First, streetlights are designed for the roadways and are evaluated on roadway standards. If they satisfy the roadway standard, then the evaluation is referred for

a public safety review. Mr. Bauschard did not believe he had ever had the Police Department reach out to him with safety concerns.

Alderwoman Harris

A meeting was held in the Pembroke Community yesterday. One of the concerns expressed was that Trent Street was not asphalted. The cost to pave the street would be \$90,000. George Chiles, Interim Director of Public Works, explained Trent Street was an undeveloped, platted right of way that was never built. Historically, residents have used the street for a rear driveway. Last year, residents asked if the right of way could be improved to control the dust, so asphalt millings were placed on it. If the street were to be paved, it would be a complete build of a new street. It is situated behind some houses that face another street and have street access from the front. Mr. Chiles said he was leery of going down this path since it has not been the City's policy to develop streets or undeveloped right of ways, but instead to let developers do that. Alderman Best said if the City were going to pave undeveloped roads in Pembroke, then there were other areas in the City that need undeveloped roads paved too, such as Pleasant Hill. Alderman Aster suggested receiving a list of all unimproved roads and the number of residents who live on them. The list can be reviewed during the budget season or considered for a bond. Alderman Best asked for milling to also be placed on East and West Pleasant Hill Drive. Alderwoman Harris stated Pembroke has not gotten a lot of things in their community and paving of this street would be a good faith effort to move forward. She felt the City had sufficient general funds to allocate for the road to be paved this year. Alderman Best agreed all streets in New Bern should be paved, but those that are main streets or "front door streets" for residents should be given priority over a "back door" street. Alderman Aster asked again for list of roads, their length, the number of residents who live on them, and the projected pavement cost. Mr. Chiles said it would take some time to compile the information as some of the streets were platted in the 1920s, 1940s, and 1950s. An initial assessment may be ready in four weeks. Mayor Outlaw suggested looking at whether some of the roads should be undedicated, closed and given to the adjoining property owners.

Alderman Aster

An update was sought on the issue Mr. Flythe brought before the Board. Mr. Chiles said consultants are preparing a report as to whether the ditch is impacting Mr. Flythe's building, and the report should be available in a week or so. The ditch is part of the FEMA Category A work. Since Mr. Flythe's business is in her ward, Alderwoman Harris asked for a copy of the report when it becomes available.

Gratitude was expressed to Mr. Chiles, Mr. Davis, and Jeff Ruggieri, Director of Development Services, for checking on Betty Grisham Lane.

Alderman Best

It was suggested that a larger facility be utilized for the public hearing on the redistricting so citizens can look at the maps, if needed. Mr. Davis suggested the maps be placed online at least a week in advance and hard copies made available at the recreation centers and in the City Hall Executive Conference Room or foyer. Mr. Hughes agreed that the room at West New Bern Recreation Center could be

utilized if that was the desire of the Board; however, the courtroom is a larger space. If the gym at West New Bern is utilized, it will pose acoustic issues.

(Alderman Kinsey momentarily stepped out of the room at 7:43 p.m.)

Alderwoman Harris asked about publishing the maps in the newspapers as well, stating some people do not use social media or get out because of COVID.

(Alderman Kinsey returned to the room at 7:45 p.m.)

Alderman Aster said a press release could be issued to let the public now where the maps are located. Mrs. Wilson confirmed she could generate a list of all addresses affected by the proposed changes, and Alderman Odham proposed a postcard could be sent to those citizens with information on the public hearing. Mrs. Wilson pointed out that this time the changes will not be as significant as the last time the wards were redrawn. She stated she has not had a lot of calls or concerns this time, especially compared to the last time. After additional discussion, it was decided maps could be placed at West New Bern Recreation Center, the Omega Center, etc. for people to view prior to the public hearing. With accessibility to the maps, there would not be a need to relocate the public hearing.

30. Closed Session.

A closed session was not needed.

31. Adjourn.

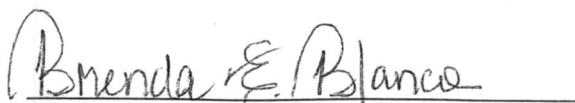
Alderman Odham made a motion to adjourn, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0, time being 7:51 p.m.

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: September 24, 2021


Darla E. Outlaw, Mayor


Brenda E. Blanco, City Clerk