

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

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

Present: Mayor Dana Outlaw, Alderman Sabrina Bengel, Alderwoman Jameesha Harris (arrived at 6:02 p.m.), Alderman Barbara Best, and Alderman Jeffrey Odham. Absent: Aldermen Robert Aster and Johnnie Ray Kinsey. A quorum was present.

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

Alderman Bengel announced that Alderman Aster was at the hospital with his wife, who had undergone surgery earlier in the day.

- 3. Request and Petition of Citizens.**

James Woods of 1903 Country Club Road expressed concern about Item 8 on the agenda. Prior to the pandemic, he requested a turn signal for travelers trying to make a left onto Hwy. 70 from Country Club Road. He said that request fell on deaf ears, yet the Board was entertaining the idea of changing the speed limit on a four-lane thoroughfare because some drivers could not use a turn signal. He wondered if that was because residents of his community did not have “money influence”. Alderman Best assured Mr. Woods that his request for a left turn signal did not fall on deaf ears, and she wished something could have been done about that.

Bill Stafford of 2001 Clubhouse Drive also spoke about Item 8. He stated in 2018 and 2019, the community forwarded petitions to the City in an attempt to get the speed limit lowered. Several residents had been hit at the intersection near the college because of drivers’ difficulty with seeing the stoplight. Mr. Stafford stated he understood the City could not make any changes, but he hoped NCDOT would take stock in the City’s support of a change. Changing the light would make it safer for everyone who travels that area.

Mandy Chew of 109 Oak Hill Lane stated, as a resident of Greenbrier, she was aware of six Greenbrier residents who were involved in accidents on Glenburnie Road. She suggested other options may include a turn signal or warning lights to advise drivers of the stoplight ahead. She stated some cars travel over 60 mph and cannot stop in time for the light change.

## **Consent Agenda**

### **4. Approve Minutes.**

Alderwoman Harris made a motion to approve Item 4 of the Consent Agenda, seconded by Alderman Bengel. The motion carried unanimously 5-0.

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### **5. Presentation by Craven County Alcoholic Beverage Control Board.**

Chip Chagnon, Chairman of the Craven County ABC Board, shared a PowerPoint presentation to provide an annual briefing. New Bern's portion of sales for fiscal year ending June 30, 2021 was \$108,713.

### **6. Appointment of Mayor Pro Tempore for 2022 and Administration of Oath.**

Section 2.4 of the City's Charter provides that at the first meeting in December the Board of Aldermen will choose one of its members to serve a one-year term as Mayor Pro Tempore. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability as prescribed by the Charter and the General Statutes.

Considering the election delay, Alderman Bengel questioned the need to change the charter with respect to appointing a Mayor Pro Tem. Mr. Davis stated he would not change the charter, and he explained the provisions of the charter versus those in the statute. In compliance with the charter, he recommended the Board appoint someone tonight who would serve to the extent they are on the board for the entire year. He would give thought as to whether a new board could keep that person in place for the full year or if it would need to appoint a new Mayor Pro Tem. It may be smoother to keep the same person, if they are reelected. If they are not reelected, the incoming Board would need to make a new appointment.

Alderman Bengel made a motion to reappoint Barbara Best as Mayor Pro Tempore, seconded by Alderman Odham. Alderman Best said although it was an honor and privilege to serve in such a capacity during the last year and considering everyone on the Board except Alderwoman Harris had served in that manner, she nominated Alderwoman Harris. Mayor Outlaw explained there was a motion and second on the floor. Alderwoman Harris confirmed she would like an opportunity to serve as Mayor Pro Tem. Mr. Davis confirmed with Alderman Best that she was refusing the nomination and declining the opportunity to serve. Procedurally, her refusal terminated the motion on the floor.

Alderman Best made a motion to appoint Alderwoman Harris to serve as Mayor Pro Tempore, seconded by Alderwoman Harris. Upon a roll-call vote, the motion failed 3-2 with Mayor Outlaw, Alderman Bengel, and Alderman Odham voting against it.

Alderman Bengel asked if the appointment could be revoked on in January. Mr. Davis preferred the vote take place in December since the charter calls for such, and he recommended the appointment be made at this meeting.

Alderman Bengel then remade the motion to appoint Alderwoman Harris as Mayor Pro Tempore, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried 3-2 with Mayor Outlaw and Alderman Odham voting against it.

Alderwoman Harris was administered an oath of office by Ms. Blanco.

**7. Discussion of Development of 925 Broad Street.**

The Redevelopment Commission has discussed the development of 925 Broad Street and reviewed preliminary concepts for the property. Theresa Lee, Chairman of the Commission, issued a memo announcing the Commission's unanimous vote on November 10, 2021 to recommend that the Governing Board consider proposals for developing the property. This information was provided so at a future meeting the Board may offer recommendations to staff on how to proceed.

Alderman Bengel stated she attended the meeting when ColeJenest's vision was presented to the Redevelopment Commission. She expressed a desire for the proper process to be followed, including the issuance of a Request for Proposal ("RFP") to learn about available options. Once proposals are received, a work session could be held to review the responses. Alderwoman Harris said she supported anything that would bring housing and economic development. Alderman Best asked if the parcel would include low-income housing. Jeff Ruggieri, Director of Development Services, said the details of the development would be up to the Board of Aldermen to determine.

Mr. Hughes stated he would have staff start working on an RFP, which could be presented to the Board in late January or the first of February.

**8. Consider Adopting a Resolution in Support of a Speed Limit Change on a Portion of South Glenburnie Road.**

Greenbrier residents requested a reduction in speed limit from 45 mph to 35 mph along the portion of South Glenburnie Road from the overpass to Martin Luther King, Jr. ("MLK") Boulevard. There have been numerous wrecks, particularly at the entrance of the Greenbrier community, and a reduction in speed should enhance public safety. The proposed resolution signifies the City's support of the request and, if adopted, will be forwarded to the NC Department of Transportation.

Alderman Odham announced that he started getting emails in November of 2014 and had received several in the last few years. What spurred the recent discussion is a severe accident that occurred a few weeks ago. He stated while he understood the concerns expressed by Mr. Woods, the area from the overpass to MLK was a dangerous track of highway. Had the Highway 43 connector been installed several years ago as was intended, a lot of the problems would have been alleviated.

Alderman Odham made a motion to adopt a resolution in support of a speed limit change on a portion of South Glenburnie Road, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 5-0.

**9. Consider Adopting a Resolution Approving the 2021 Local Government Agencies General Records and Program Records Retention and Disposition Schedules.**

In accordance with Chapters 121 and 132 of the NC General Statutes, the NC Department of Cultural Resources issues schedules establishing the minimum amount of time records must be retained by local governments. Once issued, the City approves and adopts the schedules, thus agreeing to comply with the retention periods established. Updated schedules were issued on October 1, 2021 and consist of a general records schedule covering correspondence, fiscal documents, personnel records, etc., as well as a program records schedule that addresses law enforcement, animal services, planning and development (including Redevelopment Commission records), and other programs.

Alderman Bengel made a motion to adopt a resolution approving the 2021 Local Government Agencies General Records and Program Records Retention and Disposition Schedules, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 5-0.

**10. Consider Adopting a Resolution to Initiate the Upset Bid Process for 506 Darst Avenue.**

Mary Peterkin approached the Redevelopment Commission ("Commission") about the property located at 506 Darst Avenue that is located within the redevelopment boundary and owned jointly by the City and Craven County. The Commission determined it did not need the parcel and voted unanimously to recommend the Governing Board deem the property as surplus and accept a bid from Mrs. Peterkin to initiate the upset bid process. Mrs. Peterkin owns the property at 904 Queen Street, which is adjacent to the Darst Avenue property.

An offer of \$2,000 was submitted for the vacant .055-acre. Although GIS indicates the parcel contains a structure and has a total tax value of \$18,290, staff has confirmed the parcel is a vacant tract with a tax value of \$4,000 for the land. The offer represents 50% of the land value. The property was acquired by the City and County through tax foreclosure in March of 2018.

Alderman Bengel stated this parcel was not transferred to the Redevelopment Commission since was jointly owned with the County. The reason the City transfers properties to the Commission is because the Commission can attach conditions to the property, and the City cannot. Alderman Bengel suggested this item be tabled so the City could ask if the County would release its interest in the property. This would enable the City to transfer the parcel to the Commission, which could in turn put conditions on the property. Mr. Hughes noted he had spoken with the County

Manager and would be speaking with him again at the first of the year regarding jointly-owned properties. Alderwoman Harris agreed with the suggestion but felt since this item was already in motion that the Board should move forward with the bid. Alderman Odham wanted to make sure the topic of jointly-owned properties was placed on a January agenda.

Alderwoman Harris made a motion to adopt a resolution to initiate the upset bid process for 506 Darst Avenue, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 5-0.

**11. Consider Adopting a Resolution Approving an Amendment to an Encroachment Agreement for the Elks Building.**

The “Elks Building” located at 309 Middle Street includes an underground basement area that encroaches into and under the public right-of-way of Pollock Street and a sprinkler hydrant. The building also includes columns that encroach into the public right-of-way of Pollock Street. The Board approved an Encroachment Agreement in August 2017, the term of which will be modified by the proposed amendment to expire on December 31, 2121.

Alderman Odham made a motion to adopt a resolution approving an amendment to an encroachment agreement for the Elks Building, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 5-0.

**12. Consider Adopting a Resolution Supporting the Submission of a 2021 Edward Byrne Memorial Justice Assistance Grant Application.**

In July of this year, the New Bern Police Department applied for the 2021 Edward Byrne Memorial Justice Assistance Grant (“JAG”) Program. Funding of \$12,108 was sought for the purpose of subscribing to tip411, a web-based tool that helps law enforcement engage with the community by enabling anyone with a cellphone to text anonymous tips to authorized personnel within the agency. Notification of the grant award has been received, and no matching funds are required. The grant requires official support from the Board, as well as the opportunity for the public to comment on the application and use of funds. The public comment period has been initiated and will remain open through December 20, 2021. The three-year subscription to tip411 will enhance public safety within the community.

Alderman Bengel made a motion to adopt a resolution supporting the submission of a 2021 Edward Byrne Memorial Justice Assistance Grant Application, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 5-0.



**13. Consider Adopting a Budget Ordinance Amendment for FY2021-22.**

This budget ordinance amendment recognizes the \$12,108 grant funds from the Edward Byrne Memorial JAG program. It also allocates \$24,230 for the holiday gift cards approved for City employees.

Alderwoman Harris made a motion to adopt a budget ordinance amendment for FY2021-22, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 5-0.

Alderman Odham asked if the total cost of the gift cards would come from the general fund. Mr. Hughes confirmed with Kim Ostrom, Interim Director of Finance, that the amendment allocates the full amount from the general fund. Alderman Bengel asked if the cost could be split with the enterprise funds, and Mr. Hughes responded yes. Noting the gift card was a symbolic gesture to employees, Mayor Outlaw said he would be okay with the general fund bearing the full cost, although he is normally a stickler when it comes to the enterprise funds. Based on last year's handling, Mrs. Ostrom felt the auditors would be okay with the full allocation coming from the general fund.

**14. Consider Adopting an Ordinance to Amend the Entitlement Cities Community Development Block Grant Fund.**

Several years ago, the City was granted status as a Community Development Block Grant Entitlement City with the US Department of Housing and Urban Development ("HUD"). As an entitlement city, the City receives annual funding. The initial award for Fiscal Year 2021 was allocated at \$264,866, but HUD increased the allocation to \$268,768. This amendment acknowledges the additional \$3,902.

Alderman Odham made a motion to adopt an ordinance to amend the Entitlement Cities Community Development Block Grant Fund, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 5-0.

**15. Appointment(s).**

Alderman Bengel made a motion to reappoint Bo Wernersbach to the New Bern-Craven County Library Board, seconded by Alderwoman Harris. The motion carried unanimously 5-0. Mr. Wernersbach will serve a six-year term to expire in December 2027.

**16. Attorney's Report.**

The City Attorney had nothing to report.

**17. City Manager's Report.**

- Mr. Hughes said NC Rail Road advised that the crossing at National Avenue and George Street would be closed for maintenance on December 21, 2021

beginning at 8:30 a.m. until approximately 5:30 p.m. on December 22, 2021. This announcement has been posted on the City's social media page.

- The 4<sup>th</sup> annual New Year's Eve block party is scheduled for December 31<sup>st</sup> beginning at 5:30 p.m. It will take place at the intersection of Pollock and Craven Streets and will last until approximately 12:30 a.m. on January 1<sup>st</sup>. Festivities will include a band, DJ, street performers, children's activities, food, etc. A bear cub drop will take place at 9 p.m. followed by the big bear drop at midnight.
- The Board was reminded that staff is trying to find an amenable date for the ARP workshop.

## **18. New Business.**

### Alderman Bengel

Heartfelt condolences were expressed to the people of Kentucky. She and Mayor Outlaw spoke about potentially being a repository for gift cards, money, food, and goods that could be sent to a reputable person. Several people around the state did that for the New Bern when it was struck by a Hurricane Florence. The Board was in favor of being a repository for collections.

A desire to pursue a streetlight at Middle and Broad Street was voiced. Downtown citizens have expressed concern about the lack of a traffic light. It is difficult to make a left turn, and several pedestrians have almost been struck despite the installation of a pedestrian signal. Alderman Bengel had heard the cost for a traffic light would be \$170,000.

The Board had a prior discussion about putting basketball courts at Henderson Park and was advised that would require a change in the scope of work. Alderman Bengel asked Mr. Hughes to reach out to Cory Spaulding, Project Manager with Disaster Relief Services, about preparing a change to the scope of work. Having such amenities would be a benefit to the community.

An update on bids for the Stanley White Recreation Center was sought. Mr. Hughes announced four proposals had been received and ranked by staff. This information would be brought before the Board at a January meeting.

Alderman Bengel requested that the topic of extraterritorial jurisdiction ("ETJ") be placed on a January agenda, and Mr. Davis stated he would do that.

This is now the longest-serving Board in the history of New Bern.

### Alderwoman Harris

Thanks was expressed to Mr. Ruggieri and the Redevelopment Commission for the conversation held with Dr. Caldwell regarding a housing project.

Employees were thanked for their hard work, and a happy holiday was expressed to all.

### Alderman Best

There were a couple of items Alderman Best stated she intended to bring up, but decided not to do so. She will meet with Mr. Hughes to discuss a few issues that have been addressed with her.

Alderman Best stated she did not think the Board realized how important the \$50 gift card has been to employees, so many of whom have expressed sincere

gratitude. A desire was reiterated to establish funding for gift cards in each year's budget.

Alderman Best thanked the Board, stating it had been nice working with everyone even through ups and downs. She further thanked Mayor Outlaw for extending a helping hand and reaching out to her. She encouraged the Board to continue to communicate and work together for the betterment of the city.

Alderman Odham

Everyone was wished a Merry Christmas.

**19. Closed Session.**

A closed session was not needed.

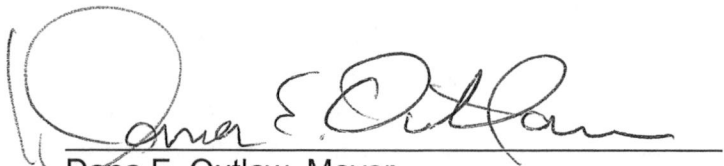
**20. Adjourn.**

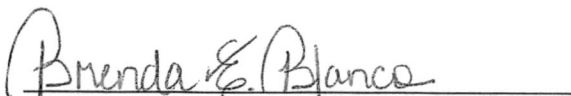
Alderman Odham made a motion to adjourn, seconded by Alderwoman Harris. The motion carried unanimously 5-0, time being 7:12 p.m.

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: January 11, 2022

  
Dana E. Outlaw, Mayor

  
Brenda E. Blanco, City Clerk