

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
JANUARY 11, 2022 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

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

Present: Mayor Dana Outlaw, Alderman Sabrina Bengel, Alderman Robert Aster, Alderman Johnnie Ray Kinsey, Alderman Barbara Best, and Alderman Jeffrey Odham. Absent: Alderwoman Jameesha Harris. 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.

- 3. Request and Petition of Citizens.**

Edwin Vargas of 119 Randomwood Lane in River Bend expressed concern about the City not requiring masks or social distancing for the 5,000 attendees at the New Year's Eve event. He stated 44% of Craven County residents were not vaccinated. Mr. Vargas suggested the City reach out to health officials for guidance on future large gatherings.

Noting she had almost been involved in two mishaps, Elizabeth Lane of 206 Murdock Way expressed safety concerns about the traffic and congestion at the entrance to the mall parking lot. She stated the issue stems from vehicles backed up because of the Chick-Fil-A drive-through line. When she expressed her concerns to the Police Department, she stated she was told "this is not our problem". She found the response really hurtful. Alderman Odham announced that the mall entrance is owned by Belk; however, the mall has recently acquired the property and has plans to extend the entrance to rework the parking lot. He pointed out this was an issue that had also been of concern to him for the last eight years.

Emmanuel Ruiz of 319 Egret Circle first thanked Mayor Outlaw for meeting with him to discuss local government. He then noted he had spent a lot of time in downtown and suggested that more crosswalks be added to assist pedestrians. After reporting approximately 8% of the City's population is Hispanic, he suggested the City have resources available for those who are Spanish speaking. Specifically, he recommended interpreters and providing written documentation in Spanish. Alderman Odham publicized there are several bilingual Spanish-speaking employees on staff, and Sonya Hayes, Director of Human Resources, indicated the City does have some notices available in Spanish.

Consent Agenda

4. Consider Adopting a Resolution Closing Specific Streets for the Ghent Neighborhood Mardis Gras Parade and Block Party.

Cyndi Papia, event organizer, requested the 1400-1900 blocks of Spencer Avenue be closed to vehicular traffic on February 20, 2022, from 12:00 p.m. to 3:30 p.m. for the Ghent Neighborhood's annual Mardi Gras Parade. She also requested that the 1400-1700 blocks of Spencer Avenue be closed to vehicular traffic from 8:00 a.m. until 6:00 p.m. for a block party.

5. Consider Adopting a Resolution Calling for a Public Hearing to Establish Electric Rate Schedules for Electric Vehicle Charging Stations.

Revisions to the electric rate schedules will be proposed to include service for electric vehicles. It was requested the Board call for a public hearing to be held January 25, 2022, to receive comments on the planned revisions.

6. Approve Minutes.

Minutes from the October 26, 2021, closed session and December 14, 2021, regular meeting were provided for review and approval.

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

7. Discussion of Extraterritorial Jurisdiction.

As requested by the Board, Mr. Davis initiated a discussion on extraterritorial jurisdictions ("ETJ"). A map was displayed to show the existing ETJ areas. Statutes provide the process for establishing such jurisdictions and makes provision for relinquishment, although the statutes do not provide the process for relinquishment. Mr. Davis stated when that occurs, he tends to follow the reverse process. To establish an ETJ area, 30 days' notice is given through publication in the local paper and directly to the affected property owners, followed by a public hearing. Relinquishment of an ETJ is effective the sooner of 60 days after the public hearing or if the county chooses to take over any land-use regulation in the previously designated ETJ area. The City has the option to remove all areas of ETJ, a portion of an ETJ, or just specific ETJs.

The original theory behind ETJs was to allow areas to adapt to a city's regulations prior to annexation. New Bern has not forced annexation on any of its ETJs. When a municipality relinquishes an ETJ, there is no more zoning. The property is then governed again by the county. Municipalities with a population of at least 25,000 have the potential to create an ETJ up to 3 miles outside of their boundary. Municipalities with a population of less than 10,000 can do so within a 1-mile radius.

The Board proposed several questions, to which Mr. Davis responded. Alderman Odham pointed out anything along the north of Craeberne Forest would utilize City utilities, thus requiring the property owners to request annexation. He then emphasized a point made by Mr. Davis regarding the amount of city resources that are employed by staff from an inspections, planning, and zoning standpoint on properties that are not taxable to the City. The Highway 17 and Martin Luther King Boulevard corridor is probably the most commercial corridor in the City, and commercial growth will continue in that area. Alderman Odham suggested eliminating the ETJ to let the market drive that area.

If the Board decides to follow the process to relinquish the ETJ, that process would include notifying everyone in the ETJ area to give them 30 days' notice, followed by a public hearing. The Board would then render a decision after the hearing is held. Alderman Odham felt it would be worthwhile to have the public hearing, and he suggested direction be given to start the process to remove the West New Bern ETJ. Alderman Bengel asked if that would be relevant to just the Rocky Run area or the entire West New Bern area. Attorney Davis confirmed it was possible to specify certain areas and not eliminate the entire ETJ. Alderman Aster expressed concern for the citizens of Craeberne Forest should the ETJ be eliminated, noting such a move would allow property owners to put anything beside of the development, such as a trailer park or pig pen. After hearing this concern, Alderman Odham suggested the Board ingest the information that had been provided and revisit the topic at the next meeting. He also requested a map of other ETJ opportunities, and again pointed out the confusion that an ETJ creates for citizens. Many believe they are part of the City when they are not. Alderman Aster echoed concern about the amount of time that staff spends on ETJ matters preparing documents, conducting hearings, performing inspections, etc. Mayor Outlaw suggested a possibility is to leave the ETJ intact except for a 300-foot depth from the Highway 17 corridor.

8. Consider Adopting a Resolution Authorizing the Execution of a Contract for Architectural-Engineering Services for Stanley White Recreation Center.

After soliciting Requests for Qualifications, the City received four responses from architectural/engineering firms for the construction of the new Stanley White Recreation Center. The responses were reviewed and scored by staff, and the firm of CPL Architects and Engineers received the highest score. Kenneth Mayer, Vice President of CPL, was in attendance. Alderman Aster provided Mr. Mayer the name of a contact with Red Cross and suggested CPL discuss with the contact what requirements must be met for the facility to be an approved shelter. Alderman Aster also asked that he be made aware of the generator size that would be needed, as Alderman Aster would work with the State to see if one could be acquired through mitigation.

Alderman Aster made a motion to adopt a resolution authorizing the execution of a contract for architectural-engineering services for Stanley White Recreation Center, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

9. Consider Adopting a Resolution to Approve a First Amendment to License Agreement with NC Railroad Company for the Union Station Train Depot.

On January 24, 2012, the City entered into a five-year license agreement with NC Railroad for the purpose of rehabilitating the Union Station Train Depot. The agreement has twice been extended, and the latest extension will expire on December 31, 2021. New Bern Preservation Foundation has made significant progress in the preservation and rehabilitation of the depot. A third extension is sought until December 31, 2023, to allow the Foundation to complete the project.

Alderman Bengel stressed the need to continue having discussions with NC Railroad so that two years from now the status is not the same. She thanked the members of the Foundation who raised hundreds of thousands of dollars to restore the property. The goal is to potentially have the Railroad give the building to the City, as it has given other depots across the state to the communities in which those are located.

Alderman Bengel made a motion to adopt a resolution approving a first amendment to the license agreement with NC Railroad Company for the Union Station Train Depot, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0.

10. Consider Adopting a Resolution Approving a Temporary Construction Easement with Craven County.

Craven County is updating a booster pump station that is located on the edge of Lawson Creek Park. As a result, the County needs a temporary construction easement for a period of 36 months to perform the work.

Alderman Aster made a motion to adopt a resolution approving a temporary construction easement with Craven County, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

11. Consider Adopting a Resolution Approving a Permanent Utility Easement with Craven County.

In relation to the preceding item, the County was previously granted a permanent easement for the pump station located in Lawson Creek Park. Considering the impending improvements to the equipment, the County has requested an enlargement of the existing easement. The enlargement will not have any impact on the park.

Alderman Aster made a motion to adopt a resolution approving a permanent utility easement with Craven County, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

12. Consider Adopting a Resolution to Initiate the Upset Bid Process for 2602 New Bern Avenue.

An offer of \$2,500 was received for the purchase of 2602 New Bern Avenue. Although GIS indicates there is a structure on the property, Public Works confirmed the parcel is vacant, as evidenced by the photo provided. The tax value of the 0.110-acre parcel is \$5,000, and the offer represents 50% of that value. The property was acquired jointly by the City and County in November 2017 through tax foreclosure. The unpaid taxes at that time, including interest, penalties, and fees, were \$3,089.68 to Craven County and \$995.90 to the City of New Bern. If the property is sold for the initial bid, the City is projected to receive \$333.99 and the County is projected to receive \$2,166.01 from the proceeds, less the cost to advertise.

This property is in the Pembroke area. Alderman Bengel asked for clarification that any property outside of the boundary of the Redevelopment Commission could be sold without an agreement with the County. Mr. Davis explained an offer could be made on properties outside of the redevelopment area, and the offer would require approval by both governing boards.

Alderman Best made a motion to adopt a resolution to initiate the upset bid process for 2602 New Bern Avenue, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

13. Appointment(s).

Alderman Odham made a motion to appoint Della Wally to the Community Development Advisory Committee, seconded by Alderman Kinsey. The motion carried unanimously 6-0. Ms. Wally will serve the remainder of the term vacated by Lindsay Best, which expires on June 30, 2024.

Alderman Bengel made a motion to appoint Foster Hughes as Second Alternate Commissioner on the NC Eastern Municipal Power Agency's ("NCEMPA") Board of Commissioners, seconded by Alderman Kinsey. The motion carried unanimously 6-0.

14. Attorney's Report.

The City Attorney had nothing to report.

15. City Manager's Report.

- Mr. Hughes announced the Police Department had started a new youth program, the Noble Knights Chess Club. The club will meet at the mall substation, with the first meeting scheduled for January 24th.
- Staff is meeting with a grant writer tomorrow to discuss the CNI grant. Everyone is fully aware of the application deadline, and the City will be moving forward.

- The ARP workshop still needs to be scheduled. Mr. Hughes suggested January 25th or February 8th at 4 p.m., which is just prior to a regularly scheduled Board meeting. Alderman Odham made a motion to call for an ARP workshop at City Hall on January 25, 2022, at 4 p.m., seconded by Alderman Aster. The motion carried unanimously.
- Noting budget season had arrived, retreat dates of February 11th or February 18th were suggested beginning at 12 noon or 1 p.m. Alderman Aster made a motion to conduct the retreat at 12 noon on February 11, 2022, seconded by Alderman Kinsey. The location will either be the West New Bern Recreation Center or Development Services' conference room. The motion carried unanimously 6-0.
- Alfred Cablay has been hired as the new Public Works Director. He will start January 24, 2022.

Alderman Best asked for more information on the CNI grant, stating she thought it fell under the Housing Authority of the City of New Bern. Mr. Hughes explained either the Housing Authority or the City could apply for the grant. After speaking with the Housing Authority, it was agreed the City would take the lead and submit the application. Jeff Ruggieri, Director of Development Services, and Amanda Ohlensehlen, Community and Economic Development Manager, will be working on the grant with the assistance of the grant writer and input from the Housing Authority.

16. New Business.

Mayor Outlaw

Noting the current budget provided funding of \$250,000 for sidewalks, Mayor Outlaw stated he had not seen observed many sidewalk projects and asked for an update at the next meeting. There are plenty of sidewalk needs, even if it is just repairs that are undertaken.

It is nice to see people enhancing homes within the City and making a difference in neighborhoods. Mr. Outlaw stated he rode by the old Rivers Morgan funeral home today and felt great progress was being made. When an owner is making such improvements and reaches out to inquire about vacant government-owned properties, he felt the process should be easier. Mayor Outlaw requested an update on the adjacent property and what, if any, impediments exist. Mr. Hughes pointed out the request to purchase the property was on the Redevelopment Commission's next agenda, which is January 26, 2022. After hearing the interested buyer's presentation, the Commission will then make a recommendation to the Board of Alderman. Mayor Outlaw further stated that when an owner is making considerable renovations and wants to buy an adjoining property that he felt it would be a good business model to allow them to acquire the parcel.

Alderman Bengel

Thanks was expressed to the City Manager and the staff of Public Works, Police, and Parks and Recreation for a great New Year's Eve event. It is a testament to the employees who worked the event when citizens comment that the streets were cleaned by 6 a.m. the following day.

Concern was expressed about abatement issues in Ward 1. Alderman Bengel stated she would work with the City Manager, Assistant City Manager, and City Attorney to tighten up some of the City's regulations.

Auburn Banks, the 15-year-old daughter of Amanda Banks, Coordinator of Beary Merry Christmas, was diagnosed before Christmas with an inoperable brain tumor. Auburn was hospitalized this morning and placed on a ventilator, and the family has requested prayers.

Alderman Aster

A lady who resides in Ward 3 has suggested during the tourist season that no-turn-on-red signs be posted at the Middle Street intersection. The lady was making a turn when several people stepped off the curb into the path of her vehicle.

While at the Harris Teeter near Carolina Colours, Alderman Aster noticed a police officer meandering between cars. Upon inquiry, the officer indicated he was just patrolling. Alderman Aster thanked the Police Department for doing that, stating he has not seen patrol in that area in a long time.

In response to the mass-gathering concerns expressed earlier, the City Manager was asked whether the City follows CDC guidelines for large events. Mr. Hughes confirmed the City does follow the guidelines, as well as the Governor's current Executive Orders.

Alderman Kinsey

There is a need to address sidewalks for the pedestrians walking from Elizabeth Avenue to the community college. Mr. Hughes responded a cost estimate would be obtained for the sidewalk.

Thanks was expressed to Mr. Hughes for the City's continuance in following CDC guidelines.

Gratitude was expressed to Police Chief Patrick Gallagher for being in contact with communities and willing to answer their questions.

Fire Chief Bobby Boyd was thanked for the fire personnel who checked on the home of a citizen in her 90s who reported the smoke alarms in her house were not working. Staff installed new detectors.

Alderman Best

Phone calls have been received about the lot behind Stanley White Recreation Center where the veterans garden was previously located. A lot of trash and debris was left behind, and the lot is an eyesore.

Now is the time for elderly (65 and older), disabled citizens, or veterans to seek exemptions on real property taxes from the Craven County Tax Collector.

Alderman Best voiced a need to take a deeper look into what the City could do for its employees. She suggested larger raises than in the past and noted how hard the employees work. They are the backbone of the City and without them the City could not do what it does.

Alderman Odham

The New Bern Youth Lacrosse League has a program that will allow some youth to play for free and will furnish those youths with equipment. The League has asked for the City's assistance in spreading the word.

On January 22, 2022, at 8:00 a.m. the wreath retirement ceremony will be held at the National Cemetery. Assistance is needed in removing the Christmas wreaths from the graves.

17. Closed Session.

Alderman Odham made a motion to go into closed session pursuant to NCGS 143-318.11(a)(3) to maintain attorney-client privilege, NCGS 143-318.11(a)(5) to discuss potential acquisition of real property, and NCGS 143-318.11(a)(6) to discuss a personnel matter, seconded by Alderman Kinsey. The motion carried unanimously 6-0, time being 7:21 p.m.

Open Session

Alderman Bengel made a motion to appoint Kimberly Ostrom as Director of Finance at a salary of \$111,300, to be reviewed for a 5% raise at the completion of her NC Government Finance Officers Association ("NCGFOA") certification, seconded by Alderman Kinsey. Mayor Outlaw pointed out there was only one level of certification from the NCGFOA as a local government finance officer. The motion carried 5-1 with Alderman Best voting against it.

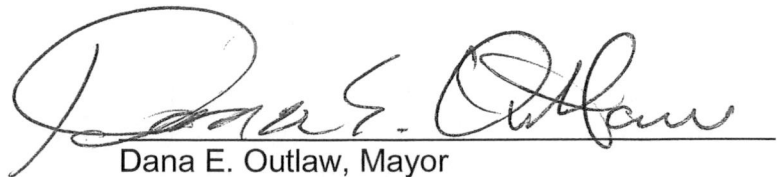
18. Adjourn.

Alderman Aster made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously 6-0, time being 8:39 p.m.

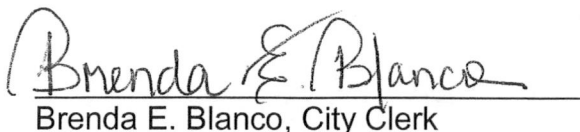
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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: January 25, 2022



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk