

**CITY OF NEW BERN  
BOARD OF ALDERMEN MEETING  
FEBRUARY 08, 2022 – 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, Alderman Robert Aster, Alderman Johnnie Ray Kinsey, Alderman Barbara Best, and Alderman Jeffrey Odham. Absent: None. 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.

Mayor Outlaw asked anyone who desired to speak under Request and Petition of Citizens regarding Item 11 to not repeat comments that are made by others, but instead be concise. Alderman Bengel suggested that those who desired to speak on Item 11 be grouped together and allowed to speak when that item is discussed and after the City Attorney provides information that could address potential questions from the public.

Alderman Bengel made a motion to allow public comments that did not concern Item 11 to approach the podium now, and after those comments are completed to move Item 11 up after the Consent Agenda and for public comment associated with Item 11 to be heard at that time, seconded by Alderman Odham. The motion carried unanimously 7-0.

- 3. Request and Petition of Citizens.**

Barbara Sampson of 480 NC Hwy. 55 in the Pleasant Hill Community said she wanted to keep her parents' dream and vision alive. She had not planned to attend more meetings since the City broke her spirit over the Stanley White Recreation Center. Now that she's seeing potential changes to Union Point Park, she felt this would be a good time for the City to have a diversity plan. She also commented that she preferred for MetroNet to ask to go into her yard instead of telling her they would.

Edwin Vargas of 119 Randomwood Lane in River Bend said other counties have an ordinance for beggars and panhandlers. He noted Sec. 46-10 of New Bern's ordinances also address panhandling. He did not understand why the New Bern Police Department did not enforce it, nor did he understand why the City did not

have the same restrictions as the state. For years, someone has been playing an instrument and collecting money outside of a downtown establishment, but a blind eye has been turned. Mr. Vargas stated no one is above the law, even an elected official. He felt the Police Department needed to step up their game and uphold the law.

Mr. Hughes announced the meeting was not being broadcast on the website or Facebook due to technical difficulties. However, it was being broadcast on CityTV3.

James Woods of 1903 Country Club Road stated he was in mourning because of a black man that was killed by police while in his own home. He asked that the City do away with no-knock warrants, if they had any. Mr. Woods stated he was pro police and understood their job. However, the gentleman killed was not named on the warrant, and the police intel was wrong, as he saw it. He was glad to see Sheriff Hughes in attendance as he planned to go to the County to also make the same request. Mr. Woods stated he was not against the Police Department, but there is a need to do better for citizens.

Christina Belcher of 107 Stony Branch Road began to question the traffic impact of the proposed downtown developments. Mayor Outlaw asked her to hold her comments until those are sought under Item 11.

**11. Consider Adopting a Resolution Approving a Memorandum of Understanding with New Bern Historic, LLC.**

At Mayor Outlaw's request, Mr. Davis explained a Memorandum of Understanding ("MOU") is a commitment to work together in good faith to develop a binding contract. This MOU address three separate projects: two primary and one secondary. The primary projects are the rehabilitation and development of the Elks Building and the development of the Talbot's lot. The developer wants to tackle both at the same time, as that is more economical. The secondary project may not happen for a lot of reasons. The developer has not requested a particular "ask" at this point. What they have asked for is a commitment to work towards and use City resources to identify grants, state and federal funds, or other incentives to help mitigate their costs. The preliminary budget for the Elks project is \$25 million. There are traffic, parking, offsite, and infrastructure issues to untangle. The developer is also asking that the City work with them to identify those issues and to the extent possible, help them with resources to do so. Those resources may include a period of tax abatement or tax contribution to rebate and offset some of their costs. That is a very typical and traditional type of project. The increase in tax base and incremental revenue generated from the investment is shared with the developer to offset costs. Under the law, you can only do that if the Board finds that the project will increase the population, job opportunities or business opportunities in the city. That decision will be made at the end of the process.

The second project at the Talbot's lot is a proposed first-floor retail establishment with upper-level luxury apartments. The preliminary budget for this project is \$15 million. The ask for this project is the same as the first, along with the City

contributing the land as part of the incentive for the project. The two primary projects would be combined as one package. To convey land as part of an economic incentive, the City would have to have the land appraised and verify that the value the City is contributing to the project would result in increased jobs, tax base, and business for the City. The City would not move forward with deeding the land until certain things are in place.

The secondary project involves the bathroom section of Union Point Park ("UPP"), which is the land to the left of the South Front Street entrance into the park. There are several obstacles with this project. The first practical obstacle is the developer may not want to move forward if the first two primary projects are not successful. Also, there are several legal obstacles. Many years ago, the City received a grant to acquire the property, which imposed restrictions. The property cannot be converted for any other use, at this time. If it is converted, it must go through a rigid process with the State and National Park Service. The City would be required to show it has found and acquired a comparable public park to offset the space that is being converted. That process is an 18 to 24-month project. There is also a practical problem of identifying and getting under contract a suitable property that meets or exceeds the same conditions that exist on the current parcel. There is no version where the public's waterfront rights would be released. Other issues involve restrooms and parking. Mr. Davis said he would assume the City would want to maintain access to 24-hour restrooms. It's necessary to start thinking about all the conditions that the City and developer may each want met. The secondary project may never come to pass, but the City will never know until it starts the process to see what is possible.

Alderwoman Harris asked Mr. Davis to enlighten the public as to why they are just now hearing about the projects. Mr. Davis explained state statutes allow local governments to have economic development agreements. Generally, those binding contracts are negotiated in closed session because they are negotiations. The Board cannot discuss its "wants" in public or on television in front of the negotiating partner. Once there is a meeting of the minds, statute requires a public hearing, after which the Board can choose whether to adopt the contract. There is no requirement whatsoever to have a MOU, but a MOU is the most transparent way to go through the process. City officials had to start in closed sessions to understand as a Board the City's "wants". If City officials decided it did not want to consider the proposals, then there would be no more closed sessions and no MOU.

Alderman Best asked Mr. Davis to clarify that New Bern Historic, LLC has nothing to do with the New Bern Historical Society. Mr. Davis explained New Bern Historic, LLC is just a name the developer chose, and it is not associated with the historical society.

Mr. Hughes shared some slides to view the proposed properties. He reviewed the estimated ad valorem taxes for each of the projects and the number of jobs each project is estimated to create.

Mayor Outlaw opened the floor for Request and Petitions of Citizens related to this item, and the following spoke:

- Katy Hunt of 1116 National Avenue, who is also the Neuse Riverkeeper, felt there were transparency issues and that the City had already made up its mind. UPP would be a problematic site for development because the area is prone to flooding. She stated the Talbot's lot was one of the few remaining greenspaces, and creating more impervious surface would add to the flooding and stormwater problems once the project is built out. Public access is also an issue. UPP is unique in that it provides both greenspace and river access. Ms. Hunt stated two of the three projects were of big concern to her from an environmental standpoint, and she asked that the MOU not be accepted without hearing more from the public.

Alderswoman Harris pointed out the Board never approved the Consent Agenda. Mayor Outlaw asked Alderman Bengel if it was her intent when she made the motion that the Consent Agenda would be voted on after Item 11, and Alderman Bengel replied yes and suggested that Item 11 move on.

- Tammy Smith of 2774 Neuse Boulevard said UPP is the most beautiful place to take a dog for a walk or meet friends. To take away part of UPP would be awful, and to build more things on the waterfront would destroy the beautiful river views. She was saddened that more views of the river may be lost.
- Lynne Harakal, Executive Director of Swiss Bear and a resident of 602 Middle Street, spoke about the importance of ongoing investment and development in downtown New Bern. Swiss Bear promotes development of a viable downtown that continues to grow and thrive. The organization recognizes the importance of open greenspaces for recreational opportunities, as well as the importance of investment tax that leads to an increased tax base, additional employment opportunities, and the economic wellbeing of the City so that all wards can benefit. Bicentennial Park was developed in the 1980's and is now the site of the convention center and the DoubleTree. Thoughtfully planned, future downtown projects that result in increased revenues, business development, and opportunities for the City and region will enable the City to remain vibrant. Mrs. Harakal encouraged the Board to support continuing discussions and exploration of the proposed options. The MOU outlines a plan for further evaluation without committing either party to the projects. She stated she was advocating for full and open exploration of the possibilities outlined in the MOU. Swiss Bear will support the City in realizing its full potential. No one will know what can be done until one looks at things with an open mind. Thanks was expressed for the City's leadership and vision.
- Carl Mischka of 502 Clubhouse Drive said he relocated here in 2006 from Newport Beach, California. The vision of Swiss Bear and many people in the room have increased the livability of New Bern. He expressed concern about transparency and asked for more open forums. He voiced an appreciation for the developer's willingness to invest in the city, but said the developer had an ulterior motive, which is profit. Last Friday, the Supreme Court issued a ruling about redistricting. Chief Justice Paul Newby stated the Supreme Court had



usurped the will of the people; the majority of the court had ruled. Mr. Mischka asked that the Governing Board be very cognizant of the will of the people who the Board serves.

- Kevin Roberts noted he is not a resident of the City of New Bern, but spends most of his days in New Bern as Director of the Chamber of Commerce. Mr. Robert said last summer a gentleman found himself in New Bern and fell in love with it. The difference is this gentleman has means and wants to invest over \$100 million and create jobs and tax revenue. Mr. Roberts said there was a need to be proud that the gentleman fell in love with this market. He stated anyone could look at other cities where the gentleman has developed properties to see how well he did. Mr. Roberts stated he read the MOU, and he encouraged others to read it if they had not. At the end, the MOU provides an option to walk away, if desired. The MOU is just a conversation with the developer. Lastly, he noted many people are in meetings talking about creating good-paying jobs, economic gains for this market, etc. He questioned if officials do not have the conversation and discussions with this developer how they could seriously say they are talking about economic gain or improvements for citizens.
- Maxwell Oglesby of 2506 Montgomery Court tried to book a downtown hotel room while on his way to downtown and noticed the hotel was not at 100% capacity. Yet, there is a desire to build one right beside the hotel he contacted. In 1981, New Bern became a Main Street City and North Carolina was one of six states to receive the pilot program. For over 35 years, New Bern has been a national example of how successful the Main Street program is and how historic preservation can be the foundation for sustainable economic development. Some of the Board wants to throw that out the window and just leave their mark on the City. He questioned if it was a business move for the City or a business move for some of the officials. Mr. Oglesby questioned how much Alderman Bengel stood to gain from the tourism generated by the developments and how much her downtown businesses would gain. Mayor Outlaw cautioned Mr. Oglesby about belittling anyone on the Board and advised that he would be escorted out if he continued. Mr. Oglesby was doubtful that the new hotel would allow park attendees to use their restroom, and he expressed concern about the construction process impeding the park. He said the new hotel would create 109 jobs, but 109 jobs could be found in the City now. He also questioned affordable housing that was not built back after Hurricane Florence and asked if the Board was going to mull over that. Putting tourism over the care of citizens is not correct. He stated the Board did the same thing in the matter of the Stanley White Recreation Center. Mr. Oglesby stated the City really needed affordable housing and did not need to tear down any other waterfront communities. He questioned how citizens could afford to live in North Carolina if people were being priced out of it. Mr. Oglesby asked if the Board was making decisions based on what was best for them or the City? Since Hurricane Florence, the community has asked for funds for redevelopment, medical facilities, Stanley White Recreation Center, etc., and the Board has said no. He stated this was a matter of cash over community; not anyone bringing the citizens together.

- Melissa Riggle, Executive Director of the Craven County Tourism Development Authority ("TDA"), said the TDA serves to promote and develop Craven County as a travel destination. One of its four missions is to promote conventions aimed at increasing occupancy rates and the development of local lodging options. That said, the most current and critical need is a full-service convention hotel. Conventions require a hotel with 120-150 rooms. In Craven County, the current hotel inventory cannot accommodate those needs. This is a challenge to the Riverfront Convention Center, History Center, and other venues in the market. This year alone, \$618,607 has been lost due to a lack of hotel accommodations for group business. This is a negative impact on restaurants, retail, small businesses, etc. The TDA also places emphasis on public parks. Ms. Riggle stated the Kessler Group understands the importance of community collaboration, and she did not believe Kessler was interested in hindering or destroying skylines, natural beauty, or public assets. Noting she had toured their work on the Savannah riverfront, she stated the Kessler Group elevated the appeal and charm of that district and created access to greenspace through public-private partnerships. Kessler is aware of the passion New Bern's citizens have for the downtown area and New Bern as a whole. To foster continued growth and support for New Bern, Ms. Riggle expressed the TDA's support for the three projects outlined in the MOU.
- Peggy Broadway of 214 Change Street stated development had greatly increased over the past several years, resulting in a decrease in access to the Neuse and Trent rivers. New Bern's one remaining public access to the Neuse River is at UPP. The park is used for special events such as movie night, musical events, boating events, the chrysanthemum festival, etc. It is also used daily for walks, feeding the ducks, family outings, an occasional wedding at the gazebo, etc. The City is considering giving away the one and only area on the Neuse that is open to the public. She stated New Bern was much less in need of another hotel than the loss of the green park. As she recalled, UPP was started by a group of women who realized river access by residents was critical to the health of the community. She strongly urged the Board to reconsider the decision to sell one-fourth of UPP. She felt confident that any loss of taxes from the proposed development would be well compensated by the grateful residents of New Bern and Craven County.
- Mike Vaughn of 314 Metcalf Street said he did not disagree that New Bern needed to grow, but he did not agree with taking away public parks to make that happen. His interpretation of the MOU was that the developer would not do anything with the Elks building unless the City allowed it to pursue other projects. Noting a hotel used to sit north of the Galley Store and that the property had not been touched in 20 years, he questioned why that area was not being considered. He felt there were other options the City had not considered. Mr. Vaughn said most people heard about the MOU this morning. Stating the Board represents the citizens, he questioned why the citizens were just now hearing about the project. He expressed support for transferring the Talbot's lot to the developer, but questioned what requirements the developer would have to meet to make sure New Bern maintains its historic look.

Mayor Outlaw asked Mr. Davis if there were any comments he wanted to make based on some of the questions raised. Mr. Davis reemphasized if the Board decides to move forward tonight, it will start a series of public meetings with public comments. Development of parcels are subject to all local ordinances and historic guidelines, all of which are public and require public hearings. Without the first step of the MOU, it is a tremendous expenditure of City resources and the developer's resources if there is no desire to have a conversation about what each are willing to do.

- Joseph Kull of 520 Metcalf Street said everything had been said that he wanted to say. He felt that was a lack of transparency and community involvement and that the timing was atrocious. He seriously urged the Board to sever UPP from the MOU. He urged the Board to continue to involve the public in the project. He stated New Bern was the citizens' town and citizens trust the Board to manage it, but ask that they be included in the process.
- Lorelei Schaffhausen of 511 Metcalf Street said she was very thankful for Kessler's desire to contribute to the community. However, what disturbs her is the third project involving UPP. The park greets visitors who come across the bridge, and to take away from that area would be a big mistake. She was not concerned about giving property to Kessler for a waterfront hotel, but was concerned that it was the UPP property. She asked if anyone had negotiated with the Shriners about their property and questioned the Trent Court area, stating it would be a fabulous area for Kessler to develop. Ms. Schaffhausen pointed out there was also an area in Riverside. UPP is already overcrowded when events are held there. The NY Times ran an article prior to the construction of the cub house that said the major problem in downtown New Bern was a lack of public access to bathrooms; yet, the City wants to take one away. The Doubletree has not been rehabilitated, and she asked how many rooms it had. Ms. Schaffhausen felt it was wonderful for Kessler to develop part of the waterfront, but not "that part".
- Susan Moffat-Thomas of 316 Village Green Drive in Trent Woods said she understood the Kessler Collection had an outstanding reputation in the hospitality community. Everyone was thrilled about their plans for the Elks Building and the development of the Talbot's property. The Talbot's property was purchased with Municipal Service District ("MSD") tax funds in the late 1990's. She felt it was very controversial that Kessler desired to develop on the UPP site and suggested that needed to be well thought out. In the mid 1980's, that 3-acre site was an abandoned tank farm and gas station and was acquired through the efforts of Swiss Bear. Texaco listed the property for sale at \$80,000, and Swiss Bear lobbied Texaco officials citing the importance of the property to the redevelopment of UPP. Thus, Texaco donated 2.2 acres to the City and Swiss Bear bought 2/10's of an acre for \$15,000 to expand the park. The City's plan to use the payback money from a \$1.6 million Urban Development Action Grant made the Sheraton project possible in the mid 1980's. The City found there was not enough grant funds to move forward with phase 1 of the redevelopment of UPP. Swiss Bear then organized a fundraising campaign and raised over \$350,000. The City completed both phases of the project, including new bathrooms. Mrs. Moffat-Thomas said she

hoped citizens could be reassured that whatever is designed and developed would be in their best interest.

- Greg Fahy of 273 Scott Farm Lane said the locals did not want the UPP project and did not want anything built there unless it was a playground. He felt the \$16-17 wages offered by Kessler were ridiculous and suggested that needed to be increased to \$24.
- Gary Curry stated although he lived outside of New Bern, he owned a business at 221 S. Front Street. Hospitality partners in this town do not just participate in tourism, but also handle the commerce. Hospitality is bigger than hotels. Mr. Curry described how he worked his way up to a hotel General Manager and noted that he was a member of Swiss Bear and had previously served as the Chair of the Craven County TDA. He is also one of the partners in the redevelopment of the Harvey Mansion. He requested the Board consider moving forward with the MOU. In 2016, the TDA decided to have a feasibility study performed on the convention center. The findings determined more hotel rooms were needed within walking distance of the convention center. As the General Manager of a hotel across town, he assured everyone that most convention travelers would only stay within walking distance of a convention center. Due to Hurricane Florence, the Doubletree has been operating at limited capacity. Even if all the rooms were on the market, New Bern would still have a hotel deficit. Despite the loss of hotel rooms following the storm, tourism and commerce have thrived. There is a need to meet a larger demand for hotels in this area. Mr. Curry stated he had been pushing his leadership to work together to find hotel developers to build or redevelop properties in this area so that they could offer the highest level of hospitality in North Carolina. Having the Kessler Group invest in New Bern is a good thing for New Bern. The Kessler Group is the premiere hospitality company in the southeast. Their expertise and investment in our market will create the kind of competition that elevates each property in New Bern. To support the regional tourism economy, convention center, downtown businesses, and the future success of his business, Mr. Curry requested that the Board move forward with the MOU as requested.
- Joy Rudman of 202 8<sup>th</sup> Street said the Elks building has been an eyesore. She used to have a bakery in the building and would probably still be in business had the building not deteriorated. She agreed with everyone who said do not touch UPP. Coming over the bridge, UPP sells everyone on New Bern.
- Cindy Papia of 1317 Spencer Avenue said she agreed with the Elks building project, but not the UPP development.
- David Blythe of 704 Westward Court in Trent Woods noted he was a third-generation business owner in New Bern, third-generation member of the Swiss Bear Board, and past chairman of the Craven County TDA. He loves New Bern and this county, and he thinks the Kessler Group is exactly what is needed in New Bern. He understands how Kessler needs the City's assistance to try to find grant money and needs the City to contribute to the development, which is common practice especially with historic properties. He also voiced agreement with the need for additional hotel rooms, but said there is also a need to keep parking and public access areas open. Mr. Blythe stated everything he had heard about Mr. Kessler is that his group is "A1". Other



developers have come into town, but the City did not accommodate them as it needed to. Development in New Bern will bring jobs, higher tax base, etc. and this is a grand opportunity. However, he wanted to see UPP stay as it is, and he suggested the MOU be modified to exclude UPP project. He encouraged the Board to invite the Kessler Collection to develop the Elks Building and Talbot's lot.

- Ray Stickel of 219 New Street said he found New Bern by accident, fell in love with it, and retired here. He has spent a lot of money in Savannah at the Bohemian and he loves the Kessler Group. With respect to the MOU, he thinks transparency is an issue in most minds. He suggested the second part of the project be separated from the MOU to allow a lot more discussion.
- Chip Marchetti of 202 Metcalf Street stated he did not understand why the primary and secondary projects could not be separated. He believed the first two properties were needed, but he did not want UPP touched. He asked if all three properties were tied together and if Kessler would not come if he did not get to develop all three.
- Dustin Canestorp of 3204 Thatcher Court voiced favor for the Elks and Talbot's projects, but suggested having separate MOUs. He was not in favor of the UPP project. He founded Beer Army in 2008 and has discovered one of the biggest problems with holding events in New Bern is a lack of hotel rooms. Mr. Canestorp announced he is the father of four teenagers. His oldest is looking to move because there is not much opportunity in this area. The Board was encouraged to be impeccable with their word – "mean what you say and say what you do". He said if any elected official benefits directly or indirectly from a development then that should be disclosed, and that person should not have a say in voting.
- Bailey Evans of 1332 Gurten Street said while it is understood that the MOU is not a commitment, but a step toward negotiations, citizens do not trust the Governing Board to negotiate on their behalf. The public is worried the Board will give away the waterfront. She felt it was worth the investment to receive community feedback before moving forward, as that would build public trust.
- Dan Roberts of 301 South Front Street complimented the community for giving input. Growing up, he used to play in Bicentennial Park, which is now the location of the Doubletree Hotel. Mr. Roberts stated he was not saying he was for or against the project, but if the newspaper published an article that someone wanted to bring money, tax revenue, and jobs to the town and elected officials did not investigate it then the officials would be out of a job. He encouraged the Board to take on the MOU so that he could see the opportunities before the City. The development may produce better parks for the City. As someone who spends a lot of time on the water, Mr. Roberts noted those who use the UPP boat ramp could find it real expensive if they do not know what they are doing. There could be better places for a ramp. If the City does not enter into the MOU, then it will never know if it can obtain better parks. He voiced a desire to see the plans for UPP.
- Christina Belcher of 107 Stony Branch Road said she did not agree with proceeding with the MOU. She did not feel like the City should give a company that could afford millions of dollars a free plot of land at the Talbot's lot. Noting a hotel was being built by the mall, she questioned how much affordable



housing was being built. With respect to creating \$15-an-hour jobs, the Taco Bell in Morehead City has a sign advertising \$15-an-hour jobs. There are jobs everywhere. If the developers have already bought the Elks building, she questioned the motivation to give them a free piece of land. Ms. Belcher also questioned the impact on traffic, environment, and the people living downtown. She expressed a hope for more open forums, noting she only heard about this meeting through the Nextdoor app. She questioned how many public officials may have a vested interest in the project and asked if that could be disclosed. She asked why the City could not start a conversation without any strings attached and why things had to move forward so fast.

Alderman Odham asked if there was a document the Governing Board could sign and disclose that they have no financial interest in the project. Mr. Davis said he would be happy to provide the Board with such a document, and he pointed out the Board has adopted rules of ethics and that the Board is subject to at least three criminal statutes that preclude elected officials or their immediate family members from having an undisclosed financial interest in a project. There is a legal obligation to disclose any such interest. Alderman Odham asked if the Board was willing to have that document circulated and voluntarily signed. Several Board members voiced their willingness to sign. Alderwoman Harris clarified that some of the concern is that there are people who own businesses in downtown and benefit from tourism. Mr. Davis said that is the nature of living in a town; anyone who owns businesses or property will benefit when the Governing Board does its job well and the tax base increases. Mayor Outlaw asked if Mr. Davis was aware of scenarios in which Board members had ever sought to be recused based on justifiable reasons. Mr. Davis said to be excused from voting one must have a direct financial benefit. If that exists, you disclose that and ask to be recused. Additionally, you can disclose a reason that makes you uncomfortable in voting on an issue. The legal problem with this latter situation is that the vote is counted as a vote in favor of the matter.

- Albert Lee Edwards of 183 Saints Delight Church Road in Bridgeton said the center of Craven County was UPP. He takes his grandchildren and church members there. To deface that beauty would be a kick in the butt. He suggested that UPP be scratched from the MOU. The most beautiful sunrise is at UPP. Unrelated to the MOU, Mr. Edwards described an issue with noise from late-night fireworks at Lawson Creek, and he suggested the noise be kept to a minimum after 10 p.m.

Alderman Bengel commented that she was not from here or born here. She got married and moved here in 1980. She has put her heart and soul in the community, working seven days a week. She stated she was tired of being accused of something that is the furthest thing from the truth. She offered to meet with Mr. Oglesby in private to discuss and prove she has nothing to hide. She stated she had no business or connection to the Kesslers. She has downtown businesses that profit because she is working with her colleagues for a better way to do business. Not only did she profit, but so did the other downtown business. There were two restaurants downtown when she first came to New Bern. Through the

work of Swiss Bear, downtown opportunities have continued to be built. Her husband bought a building in downtown in 1983, and they have been invested in downtown ever since. She stated she was not ashamed that she owned businesses in downtown. There are many people who own businesses across town and profit from downtown. She stated New Bern has issues in other sections of town, and she has been trying to put her energy and passion in the choice neighborhood initiatives, stormwater, etc. This increase in tax base may help the City to get more money to address those issues. She thanked everyone for coming to the meeting and said the Board was trying to be transparent. The meeting agenda was put out as it always has been for the last 40 years. Citizens need to look at the agenda to see what is of interest to them. Alderman Bengel stated she wished citizens would be at the meetings for every issue that the City considers, as there are some important issues for which not even one citizen comes forward. She did not appreciate the people who were making accusations and having misinformation. The City spoke with the Kesslers about other properties, including the Shriners' property. That was the first phone call the Kesslers made, but the Shriners responded no. The City also tried to arrange a conversation between the Kesslers and the owners of the Doubletree, but nothing came of that. The City will continue to look at other places. Although she was not comfortable with signing a contract at this point, Alderman Bengel felt comfortable moving forward with the MOU to have a conversation with the Kesslers. She stated her gut was telling her that the UPP project may not happen because of all the hurdles. She and Greg Smith, former owner of Mitchell Hardware, used to go in the back room of his store and dream about plans for New Bern. The people make New Bern special, not the buildings or greenspace. Alderman Bengel said she believed the right thing to do is to listen and go forward with discussion. When a contract is in hand, it will be a new ballgame.

Alderwoman Harris also thanked everyone who came out. There was talk about the TDA, Swiss Bear, and the Chamber, all with focus on economic development. Swiss Bear is about the Greater Five Points area, but the City is still looking for economic development in that area. She stated it was ironic that a statement was made about walking distance and convenience, because that is the same thing that was said about the Stanley White Recreation Center. Trent Court individuals do not want waterfront property, but want affordable housing. There is a need to talk about affordable housing. She voiced support for UPP to stay the way it is, but she does agree with the other two projects because they will bring jobs and economic development. Alderwoman Harris felt the UPP project should be discussed separately, and she would not be able to support the MOU if UPP was not separated. Noting Mr. Davis discussed rebates and various options to try to make the development work, Alderwoman Harris pointed out there are communities waiting to see how the City can make affordable and market-rate housing work. People are still suffering from Hurricane Florence. If the City can figure out how to make things work, then why not try to make things work in the communities? While she appreciated everyone coming out to speak, she noted agreement with Alderman Bengel that citizens should review the agenda when it is issued the Friday before a meeting. She stated she was in support of certain things during the closed sessions, but she had questions about UPP and expressed concern that there may

be an uproar due to a lack of understanding about the parcel. Some express frustration with upgrades to downtown New Bern, but that is because there is a lot more to New Bern than just downtown. The Board needs to work on that as well.

Two members from the audience attempted to ask a question, but Mayor Outlaw pointed out that the segment for Request and Petition of Citizens had concluded.

Alderman Best said she concurred with a lot of the comments made by Aldermen Bengel and Harris, but she agreed with and will support the MOU because she supports the first project involving the Elks building and the Talbots lot. She expressed concern and reservations about UPP when the Board met with the Kessler Group in a closed session. She would like to see the first project come to fruition because of the revenue and benefits it will bring. She echoed Alderwoman Harris' comments on affordable housing and the need for low-income housing.

Mayor Outlaw explained that the appointed time for public discussion was during Request and Petition of citizens, and citizens were required to fill out a form to speak. A citizen from the audience stated he was informed he could not fill out the form because the meeting had already started when he arrived. Mayor Outlaw confirmed the procedure requires citizens to sign up by filling out the form prior to the start of the meeting. Alderwoman Harris said the Board did table (delay) the public comment period, and Alderman Bengel explained that the Request and Petition of Citizens comment period was over.

Alderman Kinsey thanked citizens for coming out. He cautioned citizens about receiving information based on he-say and she-say and encouraged them to find out the facts. He noted the Board must go through a process to determine if a project can work. The Board is going through that process now, and he thanked citizens for showing up and learning about the process.

Wanting to address transparency, Alderman Odham said he made a post on Facebook that generated 401 comments, 61 shares and numerous emails and phone calls. He stated he did not know how much more transparent he could have been. Maybe the information could have been shared sooner, but he received the agenda on Friday. Rotarians have a four-way test that asks, "is it the truth, is it fair to all concerned, will it build good will and better friendships, and will it be beneficial for all concerned". What he has experienced over the last couple of days is far from some of those beliefs. He has commented before that social media will be the downfall of the country. It can be a very helpful tool, but can also be a very damaging and hurtful tool. Human nature is people want to be liked and want people to agree with them. However, he has learned as an elected official that you will not satisfy everyone. It is important to communicate. Alderman Odham said he admitted that the City failed to communicate the information in the right manner and right time. He agreed that there is some validity in talking to the developer about the project. The first time the Board was made aware of the proposal, almost everyone on the Board gasped at the mention of UPP. The Kessler Group made a presentation in closed session that showed upgrades to UPP with fountains, a stage, brick walkways with lights, etc. The riverwalk will continue if the project

moves forward, but it takes money. No one wants a tax increase. The way to get more money to fund projects, improve infrastructure, hire more police, and build more fire stations is to grow the economy and tax base, not the tax rate. Before all the uproar over the last two days, Alderman Odham had planned to suggest that once the City met its obligations in the partnership that it take all the incremental ad valorem taxes raised through the project and give it to the Redevelopment Commission ("the Commission") to fund their efforts. The Commission has not done a lot because it does not have money. The Board has proven it has done a very good job managing the City with the money it has. The Kessler Group made its presentation before the Board in September or October of last year (October 26, 2021). At this point, he stated his stance was to allow another 30 days to provide more information to the people. He suggested the public be allowed to ask questions in a formal manner, get their answers, and then when the Board votes on the MOU no one could say they did not know about it. He questioned the name calling and the accusation of "lining the pockets". He did not understand what would be wrong with a 30-day delay in signing the MOU, which was a non-binding document.

Alderwoman Harris expressed frustration that when a controversial subject arises a suggestion is made to put the funds toward the Redevelopment Commission. If the Board voted to have a Redevelopment Commission, she did not understand why the Board was not backing the Commission and giving it money to redevelop the community.

Alderman Bengel asked about the possibility of separating the primary projects from the secondary project. Mr. Davis said anyone could make a motion to approve the agreement striking the section regarding UPP. If that motion were to pass, the City would then have a proposal to the Kessler Group and would go back to the drawing board. The motion would be a legal step without going anywhere. If that is the path the Board takes, Mr. Davis said he would direct staff to reach out to the Kessler Group to see if the removal of the UPP project is possible. Alderman Bengel asked at what point could the City say the UPP project does not work for the City. Mr. Davis said once the MOU was signed, the expectation would be to soon move forward in good faith to start answering questions so a contract would follow in a matter of months, not years. A development agreement would spell out all conditions such as approval from the National Park Service. Alderman Odham raised questions about the amount of time it may take for the Park Service to approve an alternative site. Mr. Davis explained the expectation would be that the City could address phase one of the project with great precision while recognizing the secondary project would have more guidelines and standards to be dealt with rather than deliverables. If the primary projects are going to go forward, then the City must find a way to address all projects in some respect while acknowledging the secondary project will not have a level of detail.

Alderwoman Harris confirmed with Mr. Davis that the Kessler Group had purchased the Elks building. If none of the other projects move forward, Kessler still owns the Elks building.



If the City applies to the National Park Service for a waiver and must find suitable replacement property, Alderman Aster questioned whether there would be a requirement for the replacement property to be waterfront. Mr. Davis responded yes and said he felt the Sudan Shriners' property would be the target property as it is the most logical and comparable replacement that he could imagine. He would expect the Park Service would consider that property and would impose a condition that the two parks be connected with pedestrian access. The process would be subject to agreement with the Kesslers, but Mr. Davis said he would imagine a development agreement where all the issues are resolved with respect to the primary projects. At the same time, the parties can start working down the path toward the UPP parcel, if the parties get to that stage. The first stage would be to identify all the steps and obstacles to get to that point with some parameters established with respect to the UPP project. The City would reserve a certain number of feet along the waterfront, ensure restrooms are incorporated, and provide for public access. If it happens, the UPP project would not start until 4-5 years after an agreement is signed.

Alderwoman Harris said she would hope projects one and two would proceed even if the third fell through. If Kessler was not willing to move forward without the UPP project, she questioned whether the group really wanted to create jobs and economically develop New Bern. Alderman Bengel said it would be a business decision; it may be that the economics need to work for all three projects in order to make it work for one. Alderman Bengel pointed out four previous offers were made on the Elks building, but fell through. Those projects involved spending about a total of \$12 million on the building. No one could sustain that. That is why the building has remained vacant for 20 years. The Kesslers paid \$2.25 million for the building and have the funds to rehab the structure and do it right. They will put \$25 million in that project.

Alderwoman Harris said she did not care that it was election season. She would always stand on her morals and truth. The Board is elected by the people, and when the people express their concerns, it is important for the Board to listen. She pointed out that she was a taxpaying citizen who lived in New Bern, and she felt New Bern had a lot of hotels and that one did not need to be directly located on the proposed park site. She felt the work on the Elks building should be able to move forward without the City's decision on UPP.

Alderman Aster said several of New Bern's experts were in attendance: the TDA, Chamber of Commerce, etc. There is a need for hotel rooms. He felt sure that the Kessler Group, who owns 17 Bohemian Grand Hotels, investigated the need of additional hotel rooms in New Bern before deciding to invest here. Alderwoman Harris commented about the existing hotels being half occupied and stated she would love the statistics. Alderman Bengel explained the issue was New Bern could not attract conventions because the conventions cannot get enough hotel rooms. A 500-person convention would require at least 200 rooms, and conventions require that hotels be within walking distance of the convention center. Thus, conventions are choosing other cities in North Carolina such as Greenville, Jacksonville, Wilmington, and others. No hotel will always have 100% occupancy.



Alderwoman Harris said it was concerning to have heavy discussions about businesses coming in, but there are no heavy discussions about the people who are here, suffering, and do not have affordable housing. Alderwoman Harris asked about tabling the MOU or giving staff 30 days to contact the Kessler Group about where they stand.

Alderwoman Harris then made a motion to move forward with approving the MOU removing UPP (option 3) out of the conversation. The motion died for lack of a second.

Mayor Outlaw asked Mr. Davis what would be the difference in waiting 30 days to approve the MOU and taking time to perform due diligence to ask questions of the developer after signing the MOU; could the City not terminate its relationship after signing if it did not like the answers it received? Mr. Davis said if the Board moved forward with approving the MOU at this meeting, started a robust discussion with the developer, and was dissatisfied with any response or condition, then the City could back out the next day. Mayor Outlaw then asked if it would be better from a legal perspective to start the MOU so the City could try to get answers for the public. Mayor Outlaw commented people on the Board would have to lead the City tonight or wait 30 days to lead it.

Alderman Kinsey questioned if the best move would be to proceed with the MOU so the City does not run Kessler away. Mr. Davis said the political question of whether to move forward was one for the Board. Legally, the MOU does not obligate the City to do anything other than to keep talking in good faith. If the City is not happy, it can put a stop to the process. Mayor Outlaw pointed out the developer would need to go through "a lot of hoops" or agencies during the developing process, one of which would be the Historic Preservation Commission, which is not an easy process.

Alderwoman Harris said she did not feel it would be a lack of leadership to hold off for 30 days. She questioned the point of approving a MOU versus just having a conversation. Alderman Bengel said she was okay with approving the MOU if it was not binding and did not keep her from doing her due diligence. If she did not listen to both sides and perform due diligence efforts, then she would not be doing her job.

Mayor Outlaw called for a point of order after a citizen's outburst from the audience. The Mayor reminded the audience there was no public discussion at this time and that the Board was in deliberation.

Alderman Kinsey said he felt the City needed to move forward with the MOU. The City did not know if this opportunity would come forward again.

Alderman Kinsey made a motion to adopt a resolution approving a MOU with New Bern Historic, LLC, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried 4-3 with Aldermen Harris, Aster, and Odham voting against it.

Alderwoman Harris suggested staff talk with the Kessler Group about the possibility of proceeding with projects 1 and 2 without project 3. Alderman Bengel agreed and said she wanted to keep the discussion moving. Alderman Bengel also addressed Chris Segal with the New Bern Sun Journal by stating she was happy to provide him with good information. She felt a lot of what had happened was due to incorrect information. She had to school one of the reporters who was unfamiliar with a MOU by explaining the purpose of such a document.

Alderman Best made a motion to take a 10-minute recess, seconded by Alderman Bengel. The motion carried unanimously 7-0, time being 8:48 p.m. The meeting resumed at 9:01 p.m.

### **Consent Agenda**

**4. Consider Adopting a Resolution to Close Specific Streets for the First Capital Antique Automobile Car Show.**

On behalf of the First Capital Chapter of the Antique Automobile Club of America, Michael Wilson requested the 200-300 blocks of Middle Street, the 300-400 blocks of Pollock Street, and the 300 block of Craven Street be closed to vehicular traffic from 4:30 a.m. until 3:30 p.m. on May 14, 2022 for an annual car show.

**5. Consider Adopting a Resolution to Close Specific Streets for the Neuse River Bridge Run.**

Gary Kenefick, event organizer, requested to close the 200 blocks of East Front and South Front Streets from 4 a.m. until 1 p.m. on April 09, 2022 for the Neuse River Bridge Run. Additionally, he sought the use of Union Point Park on April 08, 2022 from 12 p.m. until 9 p.m. for the Super Kids Fun Run. The Interim Director of Parks and Recreation authorized the closure of the park for the kids' event.

**6. Consider Adopting a Resolution to Close the 1000 Block of Queen Street for the New Bern Autism Awareness 5k Walk/Run.**

Emilio Davis with Davis Distributor, LLC, in partnership with Garden of Edins, Inc., requested that the 1000 block of Queen Street be closed to vehicular traffic from 7 a.m. until 5 p.m. for a New Bern Autism Awareness 5k Run/Walk event on April 23, 2022. A rain date of April 30, 2022 was requested.

**7. Consider Adopting a Resolution to Call for a Public Hearing to Annex 3436 Old Airport Road.**

Eddie and Iris Teachey requested the annexation of property at 3436 Old Airport Road, further known as Tax Parcel ID 7-105-020. The property is a 1.02-acre parcel in Township 7. The Board was asked to call for a public hearing on February 22, 2022, to receive comments and consider the request.

## **8. Approve Minutes.**

Minutes from the January 25, 2022 ARP workshop and regular meeting were provided for review and approval.

Alderwoman Harris made a motion to approve Items 4-8 of the Consent Agenda, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0. Of note, Alderman Best was out of the room, thus technically yielding an affirmative vote.

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## **9. Presentation of Cost Estimates to Construct Roads and Install Utilities on Unimproved Rights of Way in Pembroke.**

This presentation reviewed the 2.37 miles of unimproved rights-of-way in the Pembroke community. The estimated costs associated with design and construction of a 22' wide asphalt road is \$9,700,000, which does not include land acquisitions, relocation of existing utilities, or costs associated with wetlands and regulated drainage ways. Al Cablay, Director of Public Works, reviewed concerns with making improvements, such as drainage issues, encroachment of existing residential structures and outbuildings, underground utilities that are in the area, etc.

Mayor Outlaw requested Danny Meadows, retired Director of Public Works, to approach the podium and provide a history of what was uncovered when staff looked at the unimproved areas in Pembroke following its annexation. Mr. Meadows said Pembroke was annexed around 1990. Upon annexation of any property, the City is required to provide services that are provided to other areas of the city. When reviewing every street in that community, if a resident did not have access to a paved public street, then the City chose to improve those streets. All the improvements were made on public, dedicated rights-of-way, not private streets. Today, there are probably still 20-30 miles of unimproved streets platted in the City of New Bern. New Bern has always had a policy that developers develop streets. The City chose to fund the full cost of building the undeveloped streets in Pembroke. Any other streets that have been built since that time were built by a developer or the residents worked with the City to pay for the paving of a street. According to Mr. Davis' recollection, if there was a home halfway down the block, the City ran a street to the home and stopped there. That is why some of the streets stop short; the City made sure every homeowner had a driveway that connected to a paved street. Anything that was vacant would require a future developer to develop the street. According to his recollection and in his opinion, Mr. Meadows said no residence in Pembroke was missed with respect to their street being paved. Mayor Outlaw asked if there was a dedicated right-of-way whether the City would be obligated to pave that street. The answer was no, and Mr. Meadows explained by general statute a platted street is a platted street until it is developed, improved, and accepted by the City. Mr. Meadows cautioned about the need to be careful

since the general statute provides if the City performs any maintenance in a platted right-of-way then the City could be required to maintain that street.

Alderwoman Harris asked about the possibility of installing sidewalks in Pembroke. In his opinion, Mr. Meadows did not think that was an option since there is no curb and gutter and no place for sidewalks. The policy of the City is not to build sidewalks, but maintain sidewalks that have been built by developers. Pedestrians are just as safe walking on the edge of the road in neighborhoods such as Pembroke where the speed limit low. As a New Bern taxpayer, he would not be in favor of the City spending money to start installing sidewalks. Alderwoman Harris stated the Pembroke community would like sidewalks, and Alderman Aster noted the street on which he lived did not have sidewalks.

Before Mr. Meadows left the podium, Mayor Outlaw asked how the FEMA projects were going. Mr. Meadows responded they were moving along well with two Category D projects currently active. Category A work is almost finished.

Alderman Harris said the cost for sidewalks was not \$9.7 million, but was previously estimated at \$422,000. She stated she would email the previous sidewalk presentation to the Board. Mayor Outlaw noted there are several streets in the historic district that would not have sidewalks if the streets were not one-way. Some streets are so narrow that the only way to have a sidewalk is to make the street one-way.

Alderman Odham announced the Metropolitan Planning Organization ("MPO") had two meetings about updating the bike and pedestrian plan. That plan should be ready sometime this spring. The MPO was asked to tier the plan based on priority. For example, priority one would be an area that has gaps in the sidewalks. The next tier would be neighborhoods that need to be connected to main corridors, and the third would be residential neighborhoods. There are a lot of neighborhoods that do not have sidewalks. Mayor Outlaw said there were some dangerous streets in the Duffyfield area that really needed sidewalks. Alderman Best noted a strong need for sidewalks on Garden Street, and the Mayor concurred. Alderman Bengel said as the Redevelopment Commission acquires properties it will look at making the streets one-way or installing sidewalks.

Mayor Outlaw asked for a doodle poll to schedule a meeting with him, Aldermen Harris and Best, Danny Meadows, and Public Works to discuss the Simmons Street pump station.

**10. Consider Adopting a Resolution Approving a Water and Sewer Use Agreement for 3436 Old Airport Road.**

The owners of 3436 Old Airport Road propose to build a single-family residence on the property, which is currently outside of New Bern's municipal city limits. The development will have a calculated average daily sewer demand of 360 gallons per day. To facilitate the development, a standard water and sewer service connection can be provided to the property without the need for main extensions. Section 74-

74 of the Code of Ordinances requires the property owners to enter into a written agreement with the City for water and sewer use.

Alderman Bengel made a motion to adopt a resolution approving a water and sewer use agreement for 3436 Old Airport Road, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

**12. Consider Adopting a Resolution to Amend the Classification Pay Plan for Fiscal Year 2021-22 to Add Executive Director of Redevelopment Commission.**

After reviewing efficiencies and operational needs relative to the Redevelopment Commission, a desire was identified for a new position that would focus on fulfilling the needs of the Commission. Since its inception three to four years ago, Development Services' staff has been assisting the Commission. Staff has been busy with their own day-to-day duties, and it has been difficult to provide assistance. Prior to the departure of the Director of Development Services, Mr. Hughes had several conversations with him about adding a position that would take the load off staff. Mr. Hughes agreed there was a need and recommended the Pay Plan be amended to add the position of Executive Director of Redevelopment Commission at a pay grade of 27, which is a minimum salary of \$71,763, midpoint salary of \$94,279 and maximum of \$116,795.

Mayor Outlaw said he was in favor of the position, but felt some of the Board would want to be involved with the position's scope of work, communication levels, and relationship between the Commission, Development Services, and the Housing Authority. Alderman Bengel said she wanted to make sure the City hired the best and brightest, someone who has been in the game for a while and can go to work. She did not want to train someone on the job, nor did she want the salary to preclude the City from hiring the best. The issue with the Commission is it has not had full-time leadership. Mayor Outlaw asked Aldermen Bengel, Best, and Harris if they would work with the City Manager to develop a scope of work. Alderman Bengel felt some of the Commission members should be a part of that process as well. Alderwoman Harris preferred the first two job requirements listed under education and experience be scratched. She wanted to make sure the person hired had a master's degree and had worked in planning, engineering and/or architect, and that they have experience in this type of work. She did not want someone hired just because they have pull in the community. Both Aldermen Bengel and Harris stated they were amenable to increasing the pay to ensure the best person was hired.

Alderwoman Harris made a motion to adopt a resolution to amend the classification pay plan for Fiscal Year 2021-22 to add Executive Director of Redevelopment Commission, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.



**13. Consider Adopting a Budget Ordinance Amendment for FY21-22.**

This budget amendment appropriates \$60,000 from the General Fund to cover the new position of Executive Director for the rest of this year. It also appropriates \$6,500 for CradlePoint and antenna installation in nine Fire vehicles, which was approved in FY21, but was not expensed until September. The MSD Fund will appropriate \$30,000 for a survey, trash receptacles, and parking lot signs.

Alderwoman Harris made a motion to adopt a budget ordinance amendment for FY2021-22, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

**14. Update on Sidewalks.**

As requested by the Board, Mr. Cablay provided an update to identify the proposed sidewalk projects to be performed in FY21-22 utilizing the \$250,000 designated for such improvements. He provided visuals to review the project areas. Bids will be sought in the spring with work commencing shortly thereafter.

Since there is sufficient fund balance, Mayor Outlaw felt the City should look at additional funding to create a network to tie in the sidewalks that were installed around J.T. Barber School with the Larksdale area and Garden Street. This would be in anticipation of the improvements at Henderson Park and the new Stanley White Recreation Center. He felt that area should also tie into safe crosswalks to First Street, the Workforce Development Center, and other amenities. Twenty-five percent of the people getting certifications through the Workforce Development Center walk to the program.

Alderman Best expressed safety concerns and a dire need for sidewalks on Garden Street, noting children walk in that area. She requested staff review the street and notify her so she could meet them onsite.

Alderman Aster expressed concern about the brick roadway area in front of Tryon Palace. Mr. Hughes stated said the City has replaced some of the bricks in the crosswalk, and Public Works is working on the area.

**15. Appointment(s).**

No appointments were made.

**16. Attorney's Report.**

The City Attorney had nothing to report.

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

Mr. Hughes reminded the Board that a budget retreat was scheduled for Friday, February 11, 2022, at 12 noon in the Development Services' conference room.

## **18. New Business.**

### Mayor Outlaw

Appreciation was expressed for staff addressing areas of litter. Alderman Bengel announced the Historic Downtown Residents Association ("HDRA") has a cleanup committee that cleans once a month. They reported most of the trash picked up in downtown is cigarette butts. HDRA's volunteers asked about installing containers in visible areas such as UPP for smokers to put out their cigarette butts. Mr. Hughes said historically the containers do not work, but staff could look at installing some.

### Alderman Bengel

On Monday, she and the Mayor met with the City Manager, Assistant City Manager, Assistant City Attorney, Director of Human Resources, and members of the People's Assembly to discuss a job description and duties of a Diversity Equity and Inclusion officer. They would like to give a presentation before the Board, and Alderman Bengel requested they work with staff to put together the information. Some of the steps discussed in the first meeting have already been implemented. Instead of hiring a full-time employee, discussion ensued around the possibility of utilizing a consultant. Alderwoman Harris stated she had the name of a consultant, and Alderman Bengel suggested she provide that information to Mr. Hughes. Alderman Bengel said she was going to back out at this point and let the group work with staff.

Condolences were expressed to the family of Jerry Hobbins, who passed away last week. Alderman Bengel said she had promised him City Hall would have an elevator. Mr. Hughes announced the bid opening for the elevator project would take place next Wednesday afternoon with information brought back to the Board at the following meeting.

### Alderwoman Harris

Gratitude was expressed to Mr. Hughes for notifying her that the chess tables had been installed.

Alderwoman Harris attended a movie premiere in Jones County for D'Aja Fulmore. Ms. Fulmore works full time for the City. Congratulations were expressed to her for creating and producing her own movie.

Someone in the community was disturbed about a Kings Row citizen receiving reimbursement for watering their side lawn. Alderwoman Harris asked why the reimbursement was made, as citizens are not reimbursed for watering their grass. Kim Ostrom, Director of Finance, said a bill credit of around \$400 was given. Alderman Odham explained the FEMA contractor reinstalled sod in the Kings Row area and was supposed to water it. However, they were pulled away to respond to an out-of-state storm. Since the City and the contractor promised the residents that they would water the grass but did not do so, residents watered the grass, which was on the City right-of-way. Reimbursement was sought and approved since the City was responsible for watering the sod. Alderwoman Harris stated even though the grass was on the right-of-way, it was still the resident's grass. Mr. Davis stated the issue was the grass was replaced with new sod that would have died if not watered. Alderwoman Harris asked if a similar situation were to happen, would the

City also reimburse other residents. Mr. Davis said if the facts were the same, the City should provide reimbursement.

Two and a half years ago a deal was brokered to upfit the Omega Center. Children have never been allowed to play basketball at that site. The City has offered a lot of programs since the upfit of the center, but there has not been a lot of traction. Alderwoman Harris did not feel the City got a good end of the deal. Springtime is coming and kids cannot get off the streets to play basketball. Mr. Hughes confirmed there are other programs offered for children, although a lot of the programs have not been successful. Alderwoman Harris asked if thought had been given to partnering with other community members that have afterschool programs. Mr. Hughes said Parks and Recreation was always happy to partner with other agencies.

When the Redevelopment Commission was formed, the Aldermen for Wards 1, 2 and 5 were named as ex-officio members. She does not always attend the meetings unless she is called or needed because she feels it is the responsibility of the Commission to do their jobs. She watched the Commission's last meeting and was disappointed to hear some of the comments about the McCotter House. It is unfortunate that for the last two and a half years, citizens have been told about things the Commission is trying to do, such as turning the McCotter House into a medical facility. A statement was made at the Commission's last meeting that maybe these services should be moved to the Stanley White Recreation Center. Alderwoman Harris stated she did not agree with moving the services as dealing with medical and mental health matters is very private and will take away from use of the recreation facility. The question was raised during that meeting as to where the Commission would get \$125,000 to upfit the McCotter House. Alderwoman Harris hoped the Board would watch the meeting video, and she hoped it would find \$125,000 to give the Commission for the upfit of that building so that the program could take place. Tomorrow's meeting of the Commission has been cancelled, and a special meeting has been set for February 23, 2022. Alderman Odham extended an invitation for Alderwoman Harris to meet him, a constituent, and the Assistant Manager at 3 p.m. on the following day to view the McCotter House, but Alderwoman Harris was unavailable at that time. While it had been indicated that the building was unfit for medical use, Alderman Odham noted either way the structure needed to be fixed. Alderman Bengel said the Commission was set up to include ex-officios because input from the aldermen is needed. That is why she has attended every meeting from the start. Alderman Bengel also said Maria Cho and Reggie Jones broached the subject about using the recreation center since centers across the country are now also used for health and wellness. Since the Stanley White Recreation Center is in the beginning of the design stage, that is why Mrs. Cho asked about including a room or space for health and wellness checks. It was not a desire to abandon the McCotter House. The house is no longer owned by the City, as it was deeded to the Commission. Alderman Bengel said she was not aware of a dollar amount being established to rehab the structure. Alderwoman Harris said the community feels like the idea is to abandon use of the McCotter House for medical services. Alderwoman Harris suggested MERCI Clinic be approached about using the house for a second location if the health department had no interest. Alderman Best said she made the same conclusions as

Alderwoman Harris when she viewed the meeting. Alderman Best expressed a desire to participate in the walk-through of the property at 3 p.m. on Wednesday.

Alderman Aster

An update was requested on the repointing of the City Hall building. Mr. Hughes stated staff met with and obtained a proposal from the consultant that worked on a repointing project for the County. The project will be bid and completed as soon as possible.

He and his wife were walking downtown on Middle Street recently. It was the most enjoyable stroll ever taken. Stores were open, people were talking to each other, etc. Alderman Aster said he felt Alderman Bengel did not get a fair shake and things are said that should not be. Mayor Outlaw said he spoke with Greg Smith when the condos at Bear Plaza were being planned. Greg's thoughts were that the improvements would bring more people. Where there are more people, more streetlights are installed; thus, people feel safer and more comfortable.

Alderman Best

The Black History parade will be held February 19, 2022, beginning at 12 p.m. There is a lot of trash on Garden Street from kids who go to the store and throw their food wrappers on the ground. She inquired about the possibility of installing two to three trash receptacles to see if that would help. Alderman Aster felt the receptacles would not work. Taberna installed them, and people throw trash on the ground beside of the trash bin. Mr. Hughes said staff would check on some temporary options.

Alderman Odham

Lighting on Eden Street beside of Tryon Palace is basically nonexistent and the area is very dark. Alderman Odham was not aware if there were lights along the street and, if so, if it were a case of the trees having grown over them. Charlie Bauschard, Director of Public Utilities, stated he would investigate the area.

**19. Closed Session.**

Alderwoman Harris made a motion to go into closed session pursuant to NCGS 143-318.11(a)(6) to discuss a personnel matter, seconded by Alderman Best. The motion carried unanimously 7-0, time being 10:24 p.m.

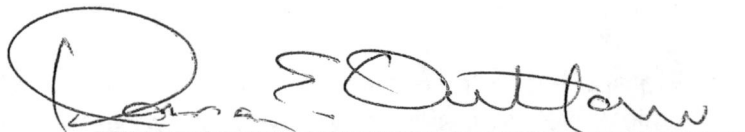
**20. Adjourn.**

Alderman Aster made a motion to adjourn, seconded by Alderman Bengel. The motion carried unanimously 7-0, time being 11:03 p.m.

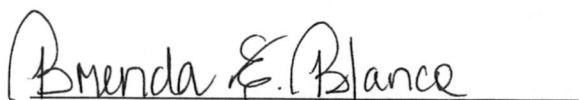
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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: February 22, 2022

A handwritten signature in black ink, appearing to read "Dana E. Outlaw", written over a horizontal line.

Dana E. Outlaw, Mayor

A handwritten signature in black ink, appearing to read "Brenda E. Blanco", written over a horizontal line.

Brenda E. Blanco, City Clerk