

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
MARCH 08, 2022 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer by Alderwoman Harris. 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.

- 3. Request and Petition of Citizens.**

Lorelei Schaffhausen of 511 Metcalf Street thanked the Mayor and Aldermen for removing Union Point Park from the Memorandum of Understanding with the Kessler Group. She read an email that was sent to the Governing Board last week to request the Board legally take steps to protect the park from future development.

Dustin Canestorp of 3204 Thatcher Court also spoke about Union Point Park, stating additional research on his part revealed the Kessler Group would expand the public walkway, provide public restrooms, and maintain all of Union Point Park. If that is true, he said he may need to revise his position on developing the park as that would free up tax revenue for other uses. Though citizens reached out to the Board on the topic, the response was very cold. He stated he had given most of his life (as a member of the armed services) sacrificing for the institution of a democracy, which did not hold true in this scenario. He asked the Board to be impeccable with its word and transparent. He encouraged them as elected officials to listen to the people and vote how the people desire them to vote, not vote for what they want.

Edwin Vargas of 119 Randomwood Lane in Riverbend said elected officials must be true to their word. The local airport is proposing an economic impact statement to widen Williams Road. He spoke about potential savings if the City and County were to partner on projects. He suggested City officials consider attending the County's meeting to see if there are opportunities to partner and share responsibilities.

Consent Agenda

4. Consider Adopting a Resolution to Close Specific Streets for the Tap That 2nd Annual Block Party.

In conjunction with Religious Community Services, Tap That Craft Beer and Wine will be holding its second annual block party. A request was received to close the 900 and 1000 blocks of Pollock Street to vehicular traffic on May 21, 2022, from 10 a.m. until 11:59 p.m. The organizers have also requested use of the public parking lot at 925 Broad Street, which is the back of the old Days Inn site, to set up a food truck and entertainment. A rain date of June 4, 2022, has been designated.

5. Consider Adopting a Resolution to Call for a Public Hearing to Amend the Land Use Ordinance Section 15-80 – Endorsements on Major Subdivision Plats.

Staff in Development Services is recommending an amendment to Section 15-80 of the Land Use Ordinance regarding Endorsements on Major Subdivision Plats. The amendments are in accordance with NCGS §47-30. The Planning and Zoning Board reviewed the amendment and unanimously approved it at their February 1, 2022, meeting. It is requested a public hearing be called for March 22, 2022, to receive comments on the proposed changes.

6. Consider Adopting a Resolution to Call for a Public Hearing on the Resiliency Plan.

Staff has been working with consultants to develop a multiphase, long-term Resiliency Plan that will allow the City, residents, and businesses to be better prepared for and able to respond to situations arising from extreme storms. The draft plan will be presented before the Board on March 22, 2022, and it is requested a public hearing be held at that time to receive comments and input from the public.

7. Approve Minutes.

Minutes from the February 11, 2022, retreat and February 22, 2022, regular meeting were provided for review and approval.

Alderwoman Harris made a motion to approve Items 3-7 of the Consent Agenda, seconded by Alderman Bengel. The motion carried unanimously 7-0.

8. Consider Adopting a Resolution Approving a Memorandum of Understanding with the US Department of Justice Marshal Service.

For several years, the New Bern Police Department has participated in the Task Force Officer (“TFO”) program with the US Department of Justice Marshal Service.

Through this partnership, the Marshal Service has engaged in numerous operations throughout New Bern and Craven County to hunt down wanted fugitives. In the fourth quarter of Fiscal Year 2021, 307 warrants were served in our region and 179 fugitives arrested. The proposed Memorandum of Understanding (“MOU”) provides that the US Department of Justice will pay the Police Department an amount not to exceed \$10,000 for overtime of a sworn officer who assists with this program.

Alderman Aster made a motion to adopt a resolution approving a MOU with the US Department of Justice Marshal Service, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

9. Consider Adopting a Resolution Authorizing the City Manager to Execute a Contract with James L. Cayton and Associates, Inc. for the FY22 Water and Sewer Improvements Project.

Bids were sought for the FY22 Water and Sewer Improvements Project that involves Court Street and portions of High Street, River Road, and Washington/Raleigh Street. The project will eliminate deteriorated mains and service lines, increase reliability of the domestic water supply, and reduce potential sewer backups in the project area. A total of four bids were received, with the lowest bid submitted by James L. Cayton Utilities, Inc. for \$758,550. The proposed resolution authorizes the City Manager to execute a contract with James L. Cayton and any change orders within the budgeted amount.

Alderman Best made a motion to adopt a resolution authorizing the City Manager to execute a contract with James L. Cayton and Associates, Inc. for the FY22 Water and Sewer Improvements Project, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 7-0.

10. Consider Adopting an Ordinance to Amend Article V. Trucks and Trailers of Chapter 70.

This ordinance will amend Article V of Chapter 70 of the Code of Ordinances to clearly define trucks and trailers and establish width and lengths of same. It also expands the parking restrictions to prohibit overnight truck and trailer parking along the portion of National Avenue between Dunn Street and North Avenue.

Alderman Bengel commented the Riverside Association contacted her regarding an abatement issue with cars and trucks parking on a side street. After being fined, the violator then began to move their vehicles to National Avenue. National Avenue was previously a state-owned street, so the City’s ordinance did not address parking restrictions for that street. Now that it is owned by the City, there is a need to amend the ordinance.

Alderman Bengel made a motion to adopt an ordinance to amend Article V. Trucks and Trailers of Chapter 70, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

Note: Items 11-15 were voted on collaboratively as indicated under Item 15.

11. Consider Adopting an Ordinance to Close the COPS MORE 98 Grant Fund.

This item and the next four are matters of clean-up. The Board adopted an ordinance on November 10, 1998, to establish the COPS MORE 98 Grant Project Fund. The grant ended on June 30, 2000, and the proposed ordinance will formally close out the program in the City's financial system.

12. Consider Adopting an Ordinance to Close the Garage Relocation Project Fund.

In 2018, the Board established the Garage Relocation Project Fund in the amount of \$850,000. The project is now complete and has a remaining fund balance of \$15,996.19. This ordinance will transfer the fund balance from the project to the General Fund, and it will also close out the project fund.

13. Consider Adopting an Ordinance to Close the 2017 Water Improvements Project Fund.

This water improvements project from 2017 is now complete. The proposed ordinance will formally close out the project fund.

14. Consider Adopting an Ordinance to Close the Water Resources Relocation Project Fund.

On May 09, 2017, an ordinance was adopted to establish the Water Resources Relocation Project Fund. The project is now complete and needs to be closed.

15. Consider Adopting an Ordinance to Close the 2017 Sewer Improvements Project Fund.

This sewer improvements project from 2017 is now complete. The proposed ordinance will close out the project fund.

Alderman Harris made a motion to adopt ordinances to close the COPS MORE 98 Grant Fund, the Garage Relocation Project Fund, the 2017 Water Improvements Project Fund, the Water Resources Relocation Project Fund, and the 2017 Sewer Improvements Project Fund, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

16. Discussion of City Hall Elevator Project.

Tripp Eure, with MBF Architects, explained plans and specifications for the City Hall elevator project were provided to 39 licensed contractors of various trades. A pre-bid conference was held on February 10, 2022. Four bids for the project were opened on February 24, 2022. These bids are valid for 30 days. The lowest bid was \$3,929,000, which far exceeded the architect's estimated budget of

\$2,160,000. The increase is primarily due to the pandemic, supply chain issues, and inflation in the overall economy.

Alderman Bengel said the City had been working on an elevator for 35 years, and the can has been kicked down the road for years. Although she was astonished by the bids, she expressed concern that waiting to pursue the project would mean the cost would only increase. She felt an elevator was necessary.

Alderman Aster asked what type of interest rate may be available to finance the project. Kim Ostrom, Director of Finance, said she reached out to a bank today and was quoted an interest rate of 2.86% on a \$3.9 million loan and 2.69% on a \$3 million loan for 10 years. The annual payment on a \$3.9 million loan at 2.86% for 15 years would be \$350,000-370,000. Alderman Aster was in favor of financing the entire amount and saving the American Rescue Plan ("ARP") funds for other projects. Alderwoman Harris asked whether 15 years was the longest term available. Mrs. Ostrom said the project could be financed for up to 20 years, but the bank was not able to provide a quote on that term by the end of the day.

Alderman Kinsey inquired about the value of the building and the cost to fix the stairs leading to the third floor. Mr. Hughes replied the value could be anywhere between \$3 million to \$12 million, but an appraisal would be needed to determine that. He also noted the cost to fix the stairs was estimated at \$50,000. Mr. Hughes pointed out the exterior of City Hall would be repointed at a total cost of \$400,000, with half being paid by FEMA and the other half by the City.

At Alderman Odham's request, Mr. Eure described the entire project, pointing out it would satisfy a number of code requirements and would make the building ADA compliant. Alderman Odham also asked if just an elevator shaft would be added whether code requirements would mandate other facilities inside the building to be ADA compliant. Mr. Eure did not think so, but noted the bigger problem was the lack of capacity or space to make the other improvements within the building's current footprint. Currently, the plan will remove two of three bathrooms. The proposed plan is the best scenario to achieve what is needed while also addressing code issues.

Alderman Best concurred with Alderman Aster about financing the full project. Alderman Aster said he was in favor of continuing with the project and having the Director of Finance find the best financing solution and bring that information before the Board so it could make a decision about using ARP funds. Alderwoman Harris asked whether the City's fund balance was healthy enough to cover the payments if the funding was extended as long as possible, and Mrs. Ostrom responded yes. Mrs. Ostrom further commented that debt would be coming off in the next couple of years, and the City was in a good position.

Alderman Aster reminded everyone that the bids are only good for 30 days. Mr. Eure said he could use direction as to whether to award the contract or not. If awarded, that would need to be done by March 25th. The contractors are aware there is some urgency to push the project forward and have been asked to be

prepared to sign a contract within 10 days of Board direction to move forward. Once contracts are in place, Mr. Eure could schedule a preconstruction conference shortly thereafter. Construction will take about a year, and the contract will contain a general provision for completion of the project within that time.

Alderwoman Harris asked about the possibility of having financing quotes in time to place the matter on the March 22nd agenda. Mrs. Ostrom reminded the Board that approval would be needed from the Local Government Commission (“LGC”), and it will take approximately 45 days to achieve that. Alderman Bengel asked if the LGC approval would hold up the award of a contract, and Mrs. Ostrom responded no. The direction from the Board was to move forward with the project.

17. Appointment(s).

Two commissioners recently resigned from the Redevelopment Commission. Alderman Bengel made a motion to appoint Stephanie Lovick to fill the remainder of Maria Cho’s term and Julis Parham to fill the remainder of John Young’s term, seconded by Alderman Aster. During discussion, Alderwoman Harris voiced a desire to appoint Barbara Sampson to the Commission, noting Ms. Sampson attends the meetings and the importance of having someone on the Commission who is directly in the community. Alderman Bengel noted Ms. Lovick is a mental health counselor and would bring a lot to the table since mental health is a concern in the community. Ms. Lovick is also young and would be a good motivator to get young people involved. Mr. Parham has been in the community for many, many years. Alderwoman Harris stated she would support the appointment of Ms. Lovick to fill Mrs. Cho’s term, if Alderman Bengel could meet in the middle to allow Ms. Sampson to be appointed to serve until this August when Mr. Young’s term will expire, and then consider either reappointing Ms. Sampson or making a new appointment. Alderman Best agreed to include people who live in the community. Alderman Bengel said that could be considered if her motion on the floor failed. Upon a roll-call vote, the motion carried 5-2 with Aldermen Harris and Best voting against it.

Alderman Odham announced with the departure of Amanda Ohlensehlen there is a vacancy for the City’s liaison to Allies for Cherry Point’s Tomorrow (“ACT”). Alderman Odham made a motion to appoint Marvin Williams, Assistant City Manager, as the city’s representative for ACT, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

18. Attorney’s Report.

The City Attorney had nothing to report.

19. City Manager’s Report.

- The grand opening of Martin Marietta Park will take place on March 25, 2022 at 11 a.m.

- The Fire Department will hold an open house on March 26th at the main fire station. The day will start off with a fire truck pull to raise funds for the Muscular Dystrophy Association.
- A memo was distributed today regarding ARP funds and recommended projects. The City was awarded \$6,704,351 in funding, with half being received last year and the remainder expected in May. The funds must be obligated by December 31, 2024. Two workshops have been held to date, and staff is ready to move forward at any time the Board is ready to act and provide direction.

Considering the discussion earlier in the evening about the elevator project, Alderman Best suggested removal of the \$1 million in ARP funds for the elevator. She stated she had issues with the proposed uses outlined in the memo and questioned how much would be used for stormwater and how much was designated for sidewalks. Mr. Hughes recalled during the workshop a little over \$2 million was indicated for that, but staff would be happy to follow the Board's direction. Until the Director of Finance reports back on financing options for the elevator, Alderman Aster felt it was too early to know whether it would be desirable to contribute \$1 million in ARP funds to the project. He and Alderman Best stated they were not given an opportunity to voice their opinions on the desired use of ARP funds.

Mayor Outlaw explained two workshops had been held, but no movement had been made by staff nor elected officials. Therefore, he requested a meeting with himself, the Mayor Pro Tem, City Manager, and Assistant City Manager to discuss some uses to be presented to the Governing Board.

Alderman Aster questioned why designate \$1 million for the Stanley White Recreation Center ("SWRC") until staff could get construction prices. Mayor Outlaw said based on the elevator costs, it is known it will cost more than \$8 million to build the facility. Noting a new Board would be seated in about 60 days, Alderman Aster suggested waiting to see if that Board had thoughts and ideas on how to spend the funds. Alderman Odham said it was great to take initiative, but he felt it prudent to take money off the table that has not yet been received. Also, he did not think it advisable to allocate money for projects which the City does not have a price estimate. A budget has been established for SWRC. If the project comes back with a higher estimate, then the project needs to be adjusted to fit the budget. He will take the information provided in the memo and send Mr. Hughes his thoughts in the next week.

Alderman Best said she respected both opinions, but at the last work session there were \$2 million in drainage deficiencies. Those are serious issues that need to be addressed. The list does not contain an allotment for stormwater and that is an issue for her. Sidewalks are also needed. Alderman Bengel said it was her understanding the \$2 million referenced in the memo was for stormwater, and the \$450,000 was for sidewalks. Alderman Best said she could not see putting \$1 million in Martin Marietta Park ("MMP") since citizens do not live in a park. That is funding that could be put toward stormwater.

Alderman Aster asked about the suggested \$250,000 for housing rehabilitation. Mr. Hughes said that funding would be for low-income homeowners to rehabilitate their homes. Alderman Aster said another good use would be to give money to the Redevelopment Commission to let them rehab homes within their boundary. Alderman Aster said MMP is the one project on the list that he was in favor of. He again reiterated the need to wait for a new Board to see if they have any desired projects on which to use the money.

Alderwoman Harris said it was her suggestion to allocate \$250,000 for housing rehabilitation and \$250,000 for nonprofits, noting nonprofits perform a lot of work that the City cannot. She supported funding the rehabilitation of the McCotter House through the Redevelopment Commission, suggested the funding for Henderson Park, and was in favor of funding MMP. If the desire is to give the next Board an opportunity to select projects, she felt the current Board could make decisions about how to spend the funds that have already been received. She agreed with Alderman Odham's suggestion that the Board provide feedback to Mr. Hughes and possibly bring this up again at the next meeting. She voiced appreciation for the Mayor taking initiative on the topic.

Alderman Best did not agree with the incoming Board making a decision since the current Board will still be seated in May when next funds are received. She noted some of the projects listed in the memo take priority over others. Mayor Outlaw asked if there was one project the Board could agree to move forward on, and several were in favor of pursuing the \$2 million for drainage. Alderman Best was concerned the \$2 million for drainage included areas outside of the North Hills community, Simmons Street, and Hazel Avenue. She wanted to know how much funding it would take to start a drainage project on the North Hills and Duffyfield side. George Chiles, Public Works Engineer, announced the City received a letter of intent this week from the State to fund the North Hills study.

Alderwoman Harris made a motion to allocate \$2 million to drainage from the ARP funds that have been received and for it to be included on the next agenda, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

Alderwoman Harris suggested the Board agree to allocate \$250,000 for housing rehabilitation since that is an immediate need. She stated she would support the funds being restricted for the Redevelopment Commission if that was the desire. Alderman Best recalled the Board previously approving \$150,000 in Community Development Block Grant ("CDBG") funds for the Redevelopment Commission. Alderman Bengel explained that was done because of the restrictions on the funds and the inability to use the money anywhere else. The Commission is using those funds to rehabilitate the house that was moved from Gaston Boulevard to Bloomfield Street. Alderman Bengel said for months she had been working with the Redevelopment

Commission and Habitat for Humanity to bring all partners to the table. Habitat only assists homeowners. The amount of homeownership in the Choice Neighborhoods Initiative ("CNI") area is not great, and rental properties need attention. The CDBG funds will not help renters. She expressed concern about writing a check to Habitat and felt there was a need to establish some criteria. With ARP funds, the City can set up its own guidelines. Alderwoman Harris asked about the possibility of discussing this at the Redevelopment Commission's meeting on the following day and to have Habitat present at the meeting. Mr. Davis said staff could suggest to the Board criteria to establish a program that would assist citizens.

Alderman Aster felt it necessary to consider funding the Redevelopment Commission so it could renovate the McCotter house and help with wellness. Alderman Bengel pointed out the figure in the ARP memo was just a number and that she was concerned about the house and ADA compliance. She had no issue with earmarking money for the project if the amount could be revised after receiving cost estimates from the Redevelopment Commission. Alderman Odham said he, Alderman Best, and the Assistant City Manager visited the house. An adjacent property owner expressed a willingness to donate land to help with parking. Alderman Odham felt \$250,000 would go a long way with rehabilitating the structure. Aldermen Bengel and Harris suggested the Commission come back with an estimate. The Board expressed agreement with moving forward on the McCotter House.

Alderwoman Harris asked if funding could be allocated to sidewalks. Before discussing that, Mayor Outlaw asked for an update on Henderson Park. Mr. Hughes announced the basketball goals were scheduled to be installed next week, followed by the court. A change in the scope of work has been submitted to FEMA to include lights, the basketball court, a shelter adjacent to the court, bleachers, concrete games, upgrades to the parking lot, and changing out the fitness trail. A new set of restrooms is also being installed. Staff is waiting to hear from the FEMA about the change in scope. Aldermen Aster and Bengel felt the City should wait to hear from FEMA before moving forward on the project. Alderman Bengel voiced a need to consider spending money on the drainage issues in Henderson Park before adding a basketball shelter. The children cannot play when it is too wet. Alderman Aster said from his experience, FEMA frowns upon bringing in fill dirt to build something on a site that has been declared substantially damaged.

Mr. Hughes called Al Cablay, Director of Public Works, to the podium for an update on sidewalk projects. Mr. Cablay believed all estimates for sidewalk projects had been received, and he anticipated a contract soon. The estimates and contract would not include Garden Street. Mayor Outlaw said when people are going to the Omega Center that there is a lot of foot traffic and parking on George Street and the sidewalks by Cedar Grove Cemetery. That sidewalk runs out, and people then must walk on the road. Sidewalks should be performing at their optimal, per the Mayor. Mr. Cablay noted the entire \$250,000 budgeted for sidewalks in FY2022 would be spent. He will

need to approach the Board about the \$75,000 estimate for the Garden Street sidewalks. Mr. Hughes said staff would obtain an estimate to possibly tie Garden Street into Chapman Street. Alderman Odham reminded everyone the Metropolitan Planning Organization (“MPO”) was in the process of updating the bike and pedestrian plan, which will be presented in May. He felt the Board should wait to see that strategic plan. Alderman Best felt the MPO would not address Duffyfield and if the Board did not pursue the sidewalks in that area, then they would not get done. Alderman Bengel said she agreed and disagreed with that comment, saying the plan would likely address connectivity issues.

(Alderman Kinsey momentarily stepped out of the room at 7:37 p.m.)

With respect to sidewalks, Alderman Bengel said she would like to see what staff proposes for next year’s budget. Then the Board could look at ARP funds for sidewalks. Alderman Aster asked whether all existing sidewalks were ADA compliant. Mr. Chiles explained new sidewalks are ADA compliant and those being repaired are brought into compliance. There are existing sidewalks that are not compliant, and Alderman Aster said he was in favor of making the existing ones compliant.

(Alderman Kinsey returned to the room at 7:42 p.m.)

Alderwoman Harris asked the Board to give direction to pursue the Garden Street and Chapman Street connectively. Mr. Hughes asked for an opportunity for staff to first obtain a quote for connecting the two, as the estimate of \$75,000 did not include the entire connectivity. Direction was given to provide a quote at the next meeting to tie Garden Street into Chapman Street.

20. New Business.

Alderman Best

Thanks was expressed for the installation of trash cans on Garden Street, which have resulted in a tremendous difference. Two more cans were requested for Main Street.

An update was sought on Lincoln Street with respect to the trees being taken out and street being reverted to two lanes. Mr. Chiles believed all trees that were encumbering the shoulder had been removed, which should open travel. Staff can look at “nipping” the street to expose pavement that has been overgrown.

Mayor Outlaw asked Mr. Williams what Havelock did to handle trash. Mr. Williams said they never had any major problems. However, they did set aside certain weekends for citizens to clean up. Mayor Outlaw noted it is more of an issue along major highways where the large trucks travel. Alderman Bengel said the issue is fines are not stringent enough or there is not enough enforcement. While there is trash in different parts of the City, trash along Hwy. 70 is unbelievable. A request was made for the street sweeper to run down Bern and Main Streets.

Alderman Best expressed hope that cemetery shelters would be included in the new budget.

Alderman Kinsey

A lot of the trash trucks have screens that are torn. If people get the truck numbers and call the company to report them that should help. Alderman Bengel said she would like stiffer penalties for repeat offenders.

Alderman Aster

Residents in his neighborhood have posed questions about landscaping around utility boxes and possibly hydrants. Charlie Bauschard, Director of Public Utilities, said the department has guidance that it can provide.

Alderwoman Harris

Tryon Palace will be presenting Pathways to Freedom: The Underground Railroad Symposium on Saturday, May 21, 2022, from 7 a.m. to 5 p.m.

International Women's Day was acknowledged.

After commenting her daughter toured the main fire station and wants to be a firefighter, Alderwoman Harris expressed full support for replacement of the self-contained breathing apparatus ("SCBA") equipment. Firefighter safety is very important. Fire Chief Bobby Boyd said he expected to know in the next month if the City received a grant for the equipment.

21. Closed Session.

A closed session was not needed.

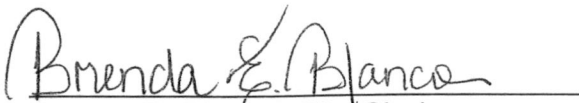
22. Adjourn.

Alderman Aster made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously 7-0, time being 7:55 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: March 22, 2022


Dana E. Outlaw, Mayor
Brenda E. Blanco, City Clerk