

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
APRIL 12, 2022 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer by Police Sargent Kevin Brice. 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 welcomed Scout Troop 13 from Centenary United Methodist Church. Tim Mitchell, Scout Master, said the scouts were working on their Citizenship in the Community merit badge and were in attendance as part of the requirements to earn that badge. Each of the scouts approached the podium to introduce themselves.

Alderman Bengel welcomed the graduates of the New Bern 101 program and noted they would be recognized later in the meeting.

- 3. Request and Petition of Citizens.**

Joe Hofmann, Cubmaster/Assistant Scoutmaster for Scout Troop 97 from Beech Grove Church, thanked the City for allowing the scouts to use Union Point Park during a recent Scout-o-Rama event. He shared pictures from the event, the mission of which was to educate the public about scouting. There are six local packs, and the scouts offered their assistance to the City in any way needed.

Pam Jenkins of 200 Token Court asked that Section 18-15 of the Code of Ordinances be amended to allow flowers to remain at graves beyond one week. As a deed holder of two plots at New Bern Memorial Cemetery, she has encountered several instances where the graves have been defaced. She recalled an instance in March where flowers had been plucked from the graves' planters. She was informed by Veronica Mattocks, Supervisor of Administrative Support Services, that City employees were following the ordinance by removing faded flowers. Ms. Jenkins expressed disappointment that the ordinance only allows flags to be displaced during certain times of the year. She questioned how other items such as curbing, fencing, sundials, etc., are allowed on graves despite being prohibited by ordinance.

Edwin Vargas of 119 Randomwood Lane, Riverbend, read a statement about the City's past financial decisions and voiced concerns about taking funds from the "general fund cushion" without budgeting for the items. He indicated he would review the proposed budget for Fiscal Year 2022-2023 and make recommendations at the budget hearing scheduled for May. He urged other citizens who have concerns to also attend the hearing and let their voice be heard. Alderman Aster asked if the State dictates how the City budgets expenses in line items. Kim Ostrom, Director of Finance, stated yes and no, and explained the State does not have a chart of accounts, but the City does utilize a chart of accounts to separate purchases and supplies. Alderman Aster then commented that Liftavators were previously not rated for commercial buildings, although that may have changed.

Rebecca Tyndall of 1406 N. Pasteur Street expressed concern that Union Point Park was still vulnerable and at risk of being sold by the Governing Board. She recalled the number of people who rallied against the proposed sale and expressed concern that when no one is paying attention the Board may easily add the property back to the Memorandum of Understanding with the Kessler Group. She voiced concern about members of the Governing Board potentially being involved with the Kessler Group and stated the public wanted transparency.

Michael More of 1502 Lucerne Way spoke about the bus shelter location, which is Item 17 on the agenda. The original plans called for five bus shelters, which ultimately was reduced to three and then one. He questioned how the final location at the Utility Business Office ("UBO") was selected and stated a shelter at Craven Terrace or the VOLT Center would have made better sense, in his opinion. He asked the Board to consider relocating the shelter to Craven Terrace. If that is not possible, he requested it be relocated from the west end to the east end of the UBO property.

Alderman Bengel acknowledged members of Leadership Craven who were also in attendance. The attendees stood in recognition.

Alderwoman Harris stated there may have been a discrepancy with the Petition of Citizens. Mayor Outlaw explained those desiring to speak under Request and Petition of Citizens must complete a form prior to the start of the meeting, as per the Board's policy. Lorelei Schaffhausen attempted to speak from the audience, and Mayor Outlaw advised she was out of order.

Consent Agenda

4. Consider Approving a Proclamation for Tourette Syndrome Awareness Month.

Paula Brinkley requested a proclamation acknowledging May 15th – June 15th of each year as Tourette Syndrome Awareness Month.

5. Approve Minutes.

Minutes from the March 22, 2022 regular meeting were provided for review and approval.

Alderwoman Harris made a motion to approve Items 4-5 of the Consent Agenda, seconded by Alderman Aster. The motion carried unanimously 7-0.

6. Recognition of New Bern 101 Graduates.

The second session of New Bern 101 concluded with this Board meeting. Participants in attendance were presented a certificate of completion and a pin by the Governing Board.

7. Presentation on RP3 Electric Award.

After an extensive application and grading process, the American Public Power Association designated the City of New Bern's Electric Utility as a Diamond Level, Reliable Public Power Provider (RP3). This is the third time the City has achieved the RP3 title, which is a 3-year designation that recognizes public utilities for demonstrating proficiency in reliability, safety, workforce development and system improvement. Public power is provided in 2,000 communities across the nation, of which only 275 communities hold the RP3 designation. New Bern has earned the highest designation, the diamond level. Charlie Bauschard, Director of Public Utilities, shared a PowerPoint reviewing the significance of the designation.

8. Conduct a Public Hearing and Consider Adopting a Resolution Approving a Financing Contract with Truist Bank for the City Hall Elevator Project.

Proposals were sought from four banks for the financing of the City Hall elevator project. Truist Bank was the only bank to respond and offered a loan term of 15 years with an interest rate of 2.86% and a term of 20 years at an interest rate of 3.13%. Kim Ostrom, Director of Finance, recommended the 15-year term.

Mayor Outlaw opened a public hearing. Edwin Vargas of 119 Randomwood Lane spoke in opposition of the funding for an elevator. He noted several years ago the City obtained a quote for a vertical platform lift, and he questioned why that option was squashed. The cost for a lift would only be \$28,000 to \$40,000 not including contract work, and it would meet the needs of assisting citizens and staff with reaching the second floor. The elevator is expensive. Savings realized from installing a lift could be used towards a new fire station for West New Bern. Mr. Vargas furnished the Board with cost and product details from Liftavator and closed by stating citizens want their taxes used wisely.

Alderman Aster made a motion to close the public hearing, seconded by Alderman Bengel. The motion carried unanimously 7-0.

Alderman Bengel made a motion to adopt a resolution approving a financing contract with Truist Bank for the City Hall Elevator Project for a 15-year term at 2.86%, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-1 with Alderman Kinsey voting against it.

NOTE: Items 9, 10, and 11 were voted on collaboratively, as indicated under Item 11.

9. Consider Adopting a Resolution Approving the Sale of 506 Darst Avenue.

Upon receiving a recommendation from the Redevelopment Commission to initiate the upset bid process for 506 Darst Avenue, Mary Peterkin submitted an offer of \$2,000 for the vacant 0.55-acre. Mrs. Peterkin owns the property at 904 Queen Street, which is adjacent to the Darst Avenue property. The offer was advertised, and no upset bids were received. The property was acquired by the City and County through tax foreclosure in March of 2018, and the tax value of the land is \$4,000. If the sale is approved, the City is estimated to receive \$182.23 from the proceeds, and the County is estimated to receive \$1,817.77.

10. Consider Adopting a Resolution Approving the Sale of 2602 New Bern Avenue.

After receiving an offer of \$2,500 to purchase a vacant lot at 2602 New Bern Avenue, the Board adopted a resolution on January 11, 2022 to initiate the upset bid process. The bid was advertised, but no upset bids were received. The property was acquired jointly by the City and County in November 2017 through tax foreclosure. The unpaid taxes at that time, including interest, penalties, and fees, were \$3,089.68 to Craven County and \$995.90 to the City of New Bern. If the sale is approved, the City is projected to receive \$480.39, and the County is projected to receive \$2,019.61 from the proceeds.

11. Consider Adopting a Resolution Approving the Sale of 1106 Broad Street.

The Board adopted a resolution on February 22, 2022 to initiate the upset bid process after receiving an offer of \$5,400 to purchase the vacant 0.060-acre lot at 1106 Broad Street. The property was acquired jointly by the City and County in August 2017 through tax foreclosure. The unpaid taxes, interest, and penalties, due to Craven County at that time was \$1,051.77. Unpaid taxes, interest, and penalties due to the City was \$2,455.55, and the City also had attached a demolition lien for \$6,775.86. If the sale is approved, the City is projected to receive \$3,600.29, and the County is projected to receive \$1,799.71 from the proceeds.

Alderman Odham said he did not understand why the City could not advertise or put signage on every developable lot it owns directing interested parties to call the City. The City Attorney stated the Board could direct staff to market and promote the sale of property. Alderman Bengel felt if the City were going to market the

properties, then it needed to look at changing the minimum bid from 50% of the tax value to the full tax value. Alderman Odham expressed concern that the tax value is not always accurate and may reflect a structure that no longer exists. The City Clerk noted that signage was previously placed at all the properties, but the signs were pulled once a “freeze” was placed on the properties located within the boundaries of the Redevelopment Commission. Since then, signage has not been placed on any available properties throughout the City. However, Public Works does have the signage should the Board desire for the signs to be placed. Aldermen Bengel and Harris agreed with placing the signs.

Alderwoman Harris made a motion to adopt resolutions approving the sale of 506 Darst Avenue, 2602 New Bern Avenue, and 1106 Broad Street, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

Mayor Outlaw said he thought originally the Redevelopment Commission had flexibility with marketing properties, which the City did not. He stated he was always looking for maximal opportunities to get the best return for the citizens when selling surplus properties. Mr. Davis confirmed the Redevelopment Commission could place conditions on properties that transfer through the Commission. When the City sells property, it is sold free and clear to the highest bidder with no conditions. Alderman Bengel pointed out two of the properties approved for sale this evening had been presented before the Redevelopment Commission. Mr. Davis explained that was because the titles to the properties were not in the Commission’s name. If the properties had been titled to the Commission, the buyers would not have to go through the upset bid process. While the Governing Board must approve the sale of any properties that are titled to the Commission, it does not have to initiate an upset bid process for those properties.

Mayor Outlaw stated he would be agreeable to accepting less than 50% of the tax value, if a nice improvement were going to be placed on the property within a reasonable amount of time, such as 90 to 180 days.

12. Consider Adopting a Resolution Initiating the Upset Bid Process for 2502 New Bern Avenue (PID 8-037-102).

Lorenza Grist made an offer to purchase 2502 New Bern Avenue for \$5,000.00, which is the full tax value of the vacant 0.107-acre parcel. The property was acquired jointly by the City and County in August 2017 through tax foreclosure. The unpaid taxes due to Craven County at that time, including interest and penalties, was \$3,505.25. Unpaid taxes due to the City, along with interest and penalties was \$212.33. If the property is sold for the initial bid, the City is projected to receive \$609.46, and the County is projected to receive \$4,390.54 from the proceeds.

Alderwoman Harris made a motion to adopt a resolution initiating the upset bid process for 2502 New Bern Avenue (PID 8-037-102), seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

NOTE: Items 13 and 14 were voted on collaboratively, as indicated under Item 14.

13. Consider Adopting a Resolution Authorizing the City Manager to Execute a Contract with Trader Construction Company, Inc. for the Category D Hurricane Florence Damage Repairs – Quarry 1 Drainage Basin Project.

On February 1, 2022, the Category D Hurricane Florence Damage Repairs – Quarry 1 project was advertised for bids. Three bids were received and opened on March 8, 2022. The lowest bidder was Trader Construction Company with a bid price of \$236,950. The Quarry 1 damage repairs consist of backfilling eroded areas, slope regrading and stabilization. The contract time for this project is 120 days.

14. Consider Adopting a Resolution Authorizing the City Manager to Execute a Contract with Trader Construction Company, Inc. for the Hurricane Florence Category D Damage Repairs – Quarry 2 Drainage Basin Project.

In late 2018 following Hurricane Florence, the City began working with FEMA on a project to remove sediment and debris from 66 miles of drainage ditches within the City. Since the project was obligated in January of 2020, the City has been working with Draper Aden and Associates to identify damages, develop construction plans and to obtain state and federal permits for work within 10 different drainage basins. On July 14, 2021, the Quarry 2 drainage basin Category D project was advertised for bids, and on July 28, 2021, three bids were received and opened with the low bidder for this project being Trader Construction Company with a bid of \$439,345. The Quarry 2 drainage basin project consists of removing 140 tons of vegetative debris, 1,620 cubic yards of sediment, 15 tons of miscellaneous debris and the cleaning of 1,950-feet of drainage culverts. The contract time for this project is also 120 days.

Alderman Best made a motion to adopt resolutions authorizing the City Manager to execute contracts with Trader Construction Company, Inc. for the Category D Hurricane Florence Damage Repairs – Quarry 1 Drainage Basin Project and for the Category D Hurricane Florence Damage Repairs – Quarry 2 Drainage Basin Project, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

NOTE: Items 15 and 16 were voted on collaboratively, as indicated under Item 16.

15. Consider Adopting a Resolution Authorizing the Submission of a Funding Application to the NC Department of Water Infrastructure for a Planning Grant.

The State has appropriated \$1.69 billion from its allocation of America Rescue Plan Act (“ARPA”) funding to address drinking water, wastewater, and stormwater efforts. Of these funds, \$77.6 million has been designated for grants up to \$400,000 to assist with preconstruction activities such as engineering and design. Staff is seeking approval to submit an application for engineering analysis for rehabilitation

and resiliency improvements at the Wastewater Treatment Plant. The submission deadline is May 2, 2022, and awards do not require any matching funds.

16. Consider Adopting a Resolution Authorizing the Submission of a Funding Application to the NC Department of Water Infrastructure for a Construction Grant.

Similar to the previous item, \$54.1 million has been designated for grants up to \$5,000,000 to assist with construction of water and wastewater projects in systems that are not deemed distressed or at risk. Staff is seeking approval to submit an application for rehabilitation and resiliency improvements at the Wastewater Treatment Plant. The submission deadline for this grant is also May 2, 2022, and awards do not require matching funds.

Jordan Hughes, City Engineer, explained more funding was available for construction. However, those funds are earmarked for systems that are distressed or at risk of being distressed, which means New Bern would not qualify. He described in some detail how the NC State Legislature designated the allocation of funds.

Alderman Odham made a motion to adopt resolutions authorizing the submission of funding applications to the NC Department of Water Infrastructure for planning and construction grants, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

17. Update and Discussion on Bus Stops.

An update and discussion were undertaken about the locations and proposed sites for bus stops. Mr. Hughes provided a history on the bus stops, noting in 2019 Development Services began working on the CDBG 5-Year Action Plan. One of the projects within the plan was the addition of bus stops along the Craven Area Rural Transit System (“CARTS”) route. Initially, six different locations were considered, and those were narrowed to three: Fort Totten, Rountree, and the Volt Center. The City Manager signed a contract to design bus stops at these locations. The history of why these were chosen is unknown due to staff turnover. Three shelters were purchased in 2020 with a goal to start working on the installation. However, the projects were rebid due to delays from COVID. Ultimately, the rebid involved one bus stop instead of three.

Fort Totten was chosen because there are 19 daily stops on three CARTS routes. Construction started mid-March and shortly thereafter complaints were received. The work was continued as the City did not want to lose the HUD funding. Concerns continued to be expressed, and Alderman Bengel asked that a stop-work order be issued pending discussion by the Board of Aldermen. Mr. Hughes stated he then reached out to elected officials, and a majority expressed consensus with stopping the work until the topic could be further discussed.

Mr. Hughes recommended the City continue to install the bus stop at the current location. If the Board wants to move it at another time that would be fine, but he stressed to the Board the need to understand that the City's back is against the wall to install the bus stop by end of April. If it is subsequently determined it must be moved, the stop would have to be moved elsewhere on the Fort Totten property, and the move must be designed to HUD specifications. The additional engineering costs could not be paid with HUD funds, but would need to be at the City's expense. If the Board wants staff to pursue the move, the cost of which is estimated at \$20,000 to \$30,000, funds are available in the General Fund.

Alderwoman Harris said she had the ability to speak with Jeff Ruggieri and Amanda Ohlensehlen about the project two years ago, and she was excited about the three locations. A lot of elderly people personally visit the UBO, and the Craven Terrace site is also good for the community. She expressed support for all work that has been done, and two weeks ago at a meeting, the community indicated a desire to see the project completed. She respected Mr. Hughes' thought process with respect to allowing the project to move forward since funds have already been allocated. If the Board decides to move the location, she was concerned with using \$20,000 to \$30,000 of taxpayer money when there have only been a few complaints. She felt staff did its due diligence when assessing the project, and she expressed a need to move forward with the project.

Mr. Hughes said the locations are identified in the CDBG annual action plan, but the City Clerk and other staff could not find information showing those locations were detailed in a presentation. Alderwoman Harris asked for confirmation that the 5-year action plan was presented to the Board, and Mr. Hughes confirmed it was. Alderman Bengel said the project is in her ward, and 13 citizens reached out to her to express opposition. She described safety concerns expressed by the citizens.

The amount of funding allotted for the shelters and the amount spent to date was briefly detailed by Mr. Hughes. Alderman Best felt the bus stop should be installed as planned and then see if there are safety concerns afterwards.

Mr. Hughes reiterated the goal is to close out the project as soon as possible so the City could receive the CDBG reimbursement. The new location cannot be accomplished by HUD's deadline, and the City would lose funds by relocating the bus stop. Alderman Best said she was not in favor of putting additional taxpayer funds into an existing project and wasting \$30,000 to move the shelter to another location. Her recommendation was to proceed with installing the shelter, and if problems arise, address them at that time. Alderman Aster said he was concerned that an alderman heard from 13 residents, and he thought following the Union Point Park matter that the Board had learned that it should listen to its constituents. However, he was also concerned about losing funding. Mayor Outlaw said Fort Totten Drive is a busy street, and he was a little concerned about the interaction of a bus stopping there, the stacking of cars, as well as riders having to walk through parking lot traffic.

Alderman Odham said the project was first brought up to the Metropolitan Planning Organization ("MPO"). One of the first suggestions was that the design should go through the Historic Preservation Commission ("HPC") to avoid inconsistency of the shelters throughout the City, but the project did not secure HPC approval per Alderman Odham. He referred to page 160 of the CDBG 5-year plan that described the plans for the shelter. CDBG funding for public transit was listed at \$187,842 to cover the design, construction, and inspection of the installation of six bus shelters in cooperation with CARTS. The plan stated the shelters would be in areas that serve low to moderate-income persons. Alderman Best said people do not use CARTS every day, but on certain days when they have needs to get groceries, go to doctor's appointments, etc. Referring to Mayor Outlaw's comments regarding safety, Alderman Best said she would want an elderly person to be closer to the UBO entrance. Mr. Hughes noted the entrance closest to the bus shelter had been closed to the public and is only used as a staff entrance. Alderman Best recalled both ends of the building used to be open to the public.

Alderwoman Harris said it was unfortunate if due diligence was not performed in determining the location of the shelter, it was unfortunate that there are complaints, but it is also unfortunate that the City already has \$72,000 in the project. If the Board decides to relocate the shelter, it is not going to meet the deadline. The City is doing its citizens a disservice by not spending the HUD funding. Based on information from Mr. Hughes, the City needs to continue with the current installation and complete the project. She stated she would not vote to spend \$30,000 to move the shelter and risk losing HUD funding. Alderman Bengel questioned how one's safety could be valued. She then questioned if the bench could be installed, paperwork finalized with HUD, and then the City move the bench to the other side of the building, although she hated to do that. Mr. Hughes indicated that could be done.

Mr. Hughes said the designer indicated this is not the first time this scenario has happened. Mr. Hughes stated he was not sure how much the City could lose on the project, but he was scheduled to have a discussion with the consultants on the following date. The City cannot get an extension on the deadline. Alderman Odham asked how almost \$188,000 was supposed to install six bus shelters, but will only install one; will HUD not question the lack of the other five shelters?

(Alderman Kinsey momentarily stepped out of the room at 7:47 p.m.)

Mr. Hughes said that may happen. Upon inquiry from Alderman Odham, Mr. Hughes announced the consultants receive up to 20% of the project cost. Mayor Outlaw and Alderwoman Harris noted two of the bus shelters are in storage, but need to be installed. If COVID had not happened, the shelters would have already been installed.

Alderwoman Harris said citizens need to know their tax dollars are going to this misfortune. Alderman Odham said they also need to understand they are spending \$188,000 for one bus shelter. The community would like to see the shelters completed, per Alderwoman Harris.

(Alderman Kinsey returned to the room at 7:49 p.m.)

Alderman Best asked about opening the employee entrance on the Fort Totten Drive side of the building. Mr. Hughes said the building would have to be reconfigured.

Alderwoman Harris asked if the City had previously received warnings associated with its use of CDBG funds, and Mr. Hughes replied yes. Some of the issues have resulted from projects that have taken longer than a year to complete. The City will need to start looking at projects that can be completed in a shorter period. Alderwoman Harris then asked about consequences should that continue to happen, and Mr. Hughes said it would not continue to happen, as he has drawn a line in the sand with respect to CDBG funds. He also noted there would be consequences if the bus stop is not activated. Thus, the contractors have been told to activate it.

Alderman Odham asked about the possibility of stopping the work and asking HUD to reimburse the City for what has been spent so far (the three bus shelters in storage and the engineering on the UBO site), without spending more funds on the project. Mr. Hughes was not sure if that was an option, but felt the City would probably lose future funding. Alderman Bengel said she would feel better if more questions could be answered before direction is given on how to proceed. Additional discussion took place about the potential loss of funding or future funding, reimbursement of project expenses to date, the amount spent year-to-date on the project, and allocation from the General Fund to cover the potential relocation. According to Mr. Hughes what has not been completed on the project is the installation of the shelter, bench, trashcan, and sign.

Mr. Hughes pointed out this is a CARTS service, which is a county function. Alderman Best thanked the County for having CARTS and pointed out the City does not have a transportation system for its citizens. Mrs. Ostrom cautioned that her experience with federal funds is if the project is not completed in the way the project was written and funded, then the City would have to repay the funds. Alderman Odham asked for communication between the City and Consultant on how the project went from six shelters to one.

Alderman Bengel suggested the Board be given answers to all the questions it has raised and then call for a special meeting. Mr. Hughes was not confident that if this issue was placed on the May 26th agenda that the contractor would then have ample time to complete the project by the end of the month, if directed to move forward. Mr. Davis advised the Board could choose to continue this meeting to the following day to allow staff time to speak with the consultant. Alderman Bengel said she was prudent and fiscally conservative, but she was not in favor of leaving the shelter in its current location as the neighbors have legitimate concerns.

Alderman Kinsey made a motion to stop the project and get back with the Board with answers, seconded by Alderman Bengel. Alderwoman Harris inquired as to

the timeframe for receiving the information and holding a special meeting. While safety is number one, it is also necessary to perform due diligence and make sure the City receives its funding. Alderman Kinsey amended the motion to stop the project and continue this regular meeting until tomorrow at 4 p.m., seconded by Alderman Bengel. The motion carried unanimously 7-0.

18. Update on Racetrack Road Project.

In November of 2020, funds of \$25,000 were allocated for the bidding and design of the Racetrack Road Project after Alderman Kinsey voiced concerns about additional bicycle and pedestrian traffic. George Chiles, Public Works Staff Engineer, provided an update on the project. Plans were prepared to expand the road from 22 to 28 feet. The two 11-foot lanes would be reduced to 10 feet with 4 feet of paved shoulders on each side, which is an attempt to slow traffic on the road. Plans were also discussed to repair and resurface the portion of the roadway from the railroad tracks to Neuse Boulevard. The project was not included in this year's capital asphalt paving budget or Public Works' budget. Estimates for the project cost are no longer current. Phase one from Elizabeth Avenue to the railroad tracks was estimated at \$627,000.00, and the phase of work from the railroad tracks to Neuse Boulevard was estimated at \$100,000. It would be tough to provide a current estimate for the work, but Mr. Chiles noted in the last 18 months prices have increased 35-40%. Mr. Hughes said the goal for the next budget is to include minimal capital projects in anticipation of presenting capital items to the next Board for consideration. Alderman Odham noted the angled area that turns onto Neuse Boulevard from Racetrack Road is part of an MPO project that will involve property acquisition to straighten the angle.

19. Appointment(s).

Alderman Bengel made a motion to reappoint Dave Finn, George Halyak, and John Meehan to the Friends of New Bern Firemen's Museum Board, seconded by Alderman Aster. The motion carried unanimously 7-0. Each will serve a three-year term to expire on April 22, 2025.

20. Attorney's Report.

Mr. Davis provided an update on the potential relocation of the Tisdale House on Broad Street. There are legal, practical, and political considerations associated with moving the house. Two of the practical matters are avoiding a move that will cause the City to incur out-of-pocket expenses that cannot be recouped, and the lot on Rhem Avenue contains large trees that may pose a problem with moving the house to the lot. The tree matter may also lead to political issues. Alderman Bengel will discuss that with the community.

Alderwoman Harris asked if it were possible to get creative with the structure and possibly move it to Martin Marietta Park for a bathroom facility or visitor center. Alderman Bengel said the idea of using it for Development Services' offices was considered, but the problem is handicap accessibility. The cost to move it one block

is approximately \$50,000 plus, so the cost to move it to Martin Marietta Park would be much more.

Alderman Odham questioned how the house had previously been marketed to notify the public that the City was giving it away to anyone who would move it. Mr. Hughes stated Development Services marketed it, which he felt sure included putting it on the department's webpage, but unfortunately that staff is no longer with the City and the answer is unknown. Alderman Odham asked about the possibility of posting a sign in front of the house for two weeks or a month to indicate it was free to anyone who would move it. Alderwoman Harris suggested a live video on Facebook to make the public aware.

Alderman Odham made a motion to direct staff to put a sign in front of the Tisdale House "free house for whoever wants it, but it needs to be moved" by whatever date staff determines is applicable, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

21. City Manager's Report.

Mr. Hughes announced Magic Midways will return to Lawson Creek Park on Friday night, and the carnival will run for approximately 10 days.

The Budget presentation and hearing will be held on May 24th with the intention of adopting the budget on June 14th. Alderman Bengel noted the Board previously voted to have the newly elected Board take seat at the first meeting in June, if there is no runoff. She questioned which Board would approve the budget, and Mr. Davis said he would give that thought as there may be an option. Alderwoman Harris felt the current Board should approve the budget.

22. New Business.

Alderman Bengel

Last week, she and Mayor Outlaw met with the Citizens Advocating Resiliency and Education ("CARE") Group to talk about the resiliency plan. The Mayor spoke with Tony McEwen, Executive Director of the American Flood Coalition, which is a free organization that can help with implementing the resiliency plan and seeking funding. She has requested Mr. McEwen visit New Bern to address the CARE Group and the Governing Board.

Alderwoman Harris

A public meeting is scheduled for 5:30 p.m. tomorrow at the Omega Center to discuss social districts. A second meeting will be held on April 18th at the Chelsea at 2:30 p.m. Alderman Bengel clarified that this has been set up by Swiss Bear, the Chamber of Commerce, the Downtown Business Council, and the Tourism Development Authority ("TDA"), not the City. The Governing Board has not been involved in the process and is not on the committee.

23. Closed Session.

Alderman Odham made a motion to go into closed session pursuant to NCGS §143-318.11(a)(6) to discuss a personnel matter, seconded by Alderman Kinsey. The motion carried unanimously 7-0, time being 8:38 p.m.

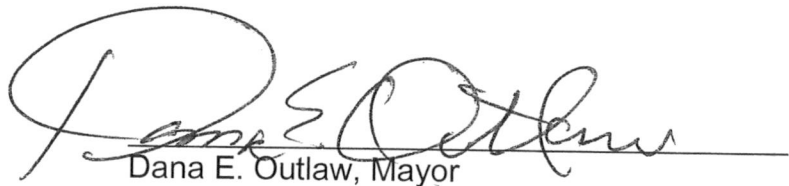
24. Adjourn.

Alderman Odham made a motion to recess the meeting until 4 p.m. tomorrow at City Hall, seconded by Alderman Kinsey. The motion carried unanimously 7-0, time being 9:48 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: April 26, 2022



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
APRIL 13, 2022 – 4:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

RECESSED MEETING FROM APRIL 12, 2022

Mayor Outlaw called the recessed meeting to order.

Board Members in Attendance: Mayor Dana Outlaw, Alderman Sabrina Bengel, Alderwoman Jameesha Harris, Alderman Robert Aster, Alderman Johnnie Ray Kinsey (arrived at 4:01 p.m.), Alderman Barbara Best, and Alderman Jeffrey Odham. Absent: None . A quorum was present.

Also in Attendance: Foster Hughes, City Manager; Marvin Williams, Assistant City Manager; Jaimee Bullock-Mosley, Assistant City Attorney; and Brenda Blanco, City Clerk.

17. Update and Discussion on Bus Stops.

Mr. Hughes reported he had reached out to the consultants, Urban Design Ventures, to ask a variety of questions. The 5-year Consolidated Annual Action Plan included the public transit project with six shelters for \$187,842. The original scope of work can change if it is reflected in the follow-up and evaluation report. The total project cost estimate for the design and purchase of three shelters and construction and installation of one shelter at Fort Totten was \$140,757.50. Mr. Hughes reviewed the expenses paid and reimbursed to date. The contract with South Construction is currently encumbered at \$69,080, and the City has not been invoiced for this since the project is not finished. If the project is stopped and not completed, the City will have to pay back \$71,677.50 plus any administrative costs associated with the project to date. The City will not lose its CDBG allocation if it stops the process. However, if the City pays this money back in the upcoming 2023 cycle, the City's funding will be reduced by \$71,677.50 and the administrative costs.

Staff still recommended installation of the bus stop at its current location, per Mr. Hughes. Urban Design Ventures recommend the stop remain at that site for at least six months, after which the City can then relocate it if it is deemed needed.

Alderman Aster asked if there were any ordinances that would prohibit people from hanging out at the bus stop, being there after hours, or sleeping on the bench. Mr. Hughes did not think there was an ordinance specifically related to bus stops, but said that could be looked investigated and considered. The transit stops are during regular hours, and there are no stops after 6 p.m. or 7 p.m. Alderman Aster felt it would be a good move to look into this.

Alderwoman Harris said when the project was put together, the UBO office was already a stop utilized by CARTS. The project did not add a stop at this location. This project is not specifically for the UBO, but for the community. Noting previous discussions to consolidate City offices and possibly sell the UBO building, she expressed concern about potentially selling the property if the bus stop is located on the site. She felt it was best for the stop to be on the street. She also felt it was possible to develop a compromise that would address safety concerns. Alderwoman Harris expressed support to move forward with placing the shelter at its current site.

Mr. Hughes said if direction is given to continue with the installation at its current site, staff would do that. If direction is given to relocate it to the other side of the building and the property is sold in the future and the buyer does not want the shelter on the property, then staff would look at moving it.

Alderman Bengel said this project has been many errors rolled into one. She felt the City was taking money from the government and not spending it appropriately. She also found it concerning that the MPO had no input into this project. It was very interesting to her that when debating the location of the Stanley White Recreation Center ("SWRC"), the community did not want to cross Broad Street. For that reason, the shelter should have been placed on the other side of the street near SWRC or on Rountree Street. Alderwoman Harris clarified that her reference to "the community" was speaking of the whole community. Alderman Bengel apologized as she thought her definition of "community" meant the Duffield Community. Since citizens in the neighborhood have contacted her, Alderman Bengel stated she would stand by them. Noting she does not wish to give back \$70,000 of money that has already been received, she would support installation at the current site with plans to move it in six months.

Alderman Best clarified what she heard at meetings was the community did not want their children crossing Broad Street to go to the SWRC. If the shelter is moved in six months using taxpayer money, she could not agree to that.

Alderwoman Harris reiterated the site was already a stop; all the City did was put in a shelter, bench, and trashcan. Alderman Bengel said it has not been a stop and that CARTS never stops on Fort Totten Drive and has always gone into the parking lot to pick up and unload passengers. Alderman Best said using the parking lot is also a traffic and safety concern, as there are cars that go all around the building. Alderwoman Harris clarified the UBO has always been a stop and is not a new stop. Alderman Bengel said this location was not staff's number one choice, but this is where the most money could be spent; Rountree Street was the number one choice. Alderwoman Harris said it was ironic the Board was willing to spend taxpayer's dollars to move a bus shelter, but it was a big to-do to spend taxpayer's dollars on SWRC. Wards 2, 4 and 5 ask for

funding to pave streets and sidewalks and address stormwater, and the money to move the shelter could be used toward the communities with sidewalk issues. She stated the shelter was going to be installed and later moved because “a few” have concerns, but when hundreds have had concerns about something, the Board has voted the opposite way. She stated the Board needed to do what was right with respect to the CDBG funds.

Alderman Aster made a motion to continue the construction, which he stated he hates but he also hates losing seventy-some-thousand dollars, and as soon as the boxes are checked off and clearance is received from HUD to look at relocating this shelter to the other side of the building at the entrance of the Utility Billing Office, and at the same time he would like for the attorney to draft an ordinance to make sure there is no loitering in and around a bus shelter or bus benches or whatever, seconded by Alderman Bengel. Before seconding the motion, Alderman Bengel asked the Assistant City Attorney if that was a “doable” type of ordinance. Mrs. Bullock-Mosley said there are certainly some complexities with the ordinance, but she was willing to research the issue and present what is feasible.

In discussion, Alderwoman Harris said she appreciated the Assistant City Attorney’s willingness to perform research, as she felt it should be a separate matter. In her opinion, the motion is made on assumptions that there will be issues. She suggested the Police Department be allowed to do its job before an ordinance is created. The City does not have an issue now with a homeless population, because it partners with Religious Community Services. Alderman Bengel felt it would be realistic to establish an ordinance to address bus shelters and for the City to be more proactive than reactive.

Alderman Best said when officials talk about people utilizing the shelter for things other than a bus stop and potential loitering and safety concerns for the area, she knew that was one of the issues with the project and the big elephant in the room. She asked to see the UBO stats for any incidents, crimes, theft, or fights that happen there. There were outbursts from the audience following this statement, and Alderwoman Harris expressed the need for order in the room so the Governing Body could have discussion. Moving forward, Alderman Best said she was in favor of an ordinance to govern the bus stop shelters. But with respect to the current matter, without seeing police reports or stats for that location, she could not justify citizen complaints about people being at the bus stop when they are not utilizing it. She said it was unacceptable to approve the installation of the shelter only to use taxpayer’s money to move it in six months.

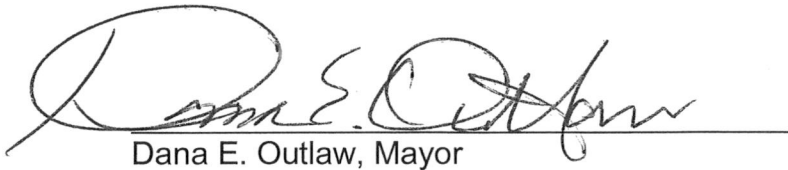
Alderman Aster called the question. Upon a roll-call vote, the motion carried 4-3 with Aldermen Harris, Best and Odham voting against it.

24. Adjourn

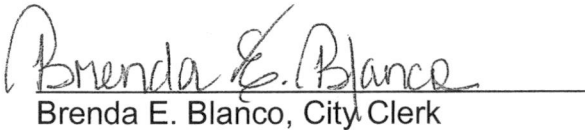
Alderman Odham made a motion to adjourn the meeting, seconded by Alderwoman Harris. The motion carried unanimously 7-0, time being 4:20 p.m.

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: April 26, 2022



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk