

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
APRIL 26, 2022 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer by New Bern Fire Specialist Ben Davies. Pledge of Allegiance.**

- 2. Roll Call.**

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

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

Consent Agenda

- 3. Consider Approving a Proclamation for National Drinking Water Week.**

Jordan Hughes, City Engineer, requested a proclamation promoting the importance of drinking water and recognizing the first full week in May as National Drinking Water Week.

- 4. Consider Adopting a Resolution Calling for a Public Hearing to Rezone 1301 S. Glenburnie Road.**

Quality Oil Company, LLC requested to rezone a 0.95-acre parcel from C-4 neighborhood business district to C-3 commercial district. The property is located at 1301 S. Glenburnie Road. The Planning and Zoning Board unanimously approved this request at their April 5, 2022 meeting. It was requested a public hearing be called for May 10, 2022 to consider this request.

- 5. Approve Minutes.**

Draft minutes from the April 12, 2022 meeting (recessed to April 13, 2022) were provided for review and approval.

Alderman Aster made a motion to approve Items 3-5 of the Consent Agenda, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

6. Consider Adopting a Resolution Authorizing the City Manager to Execute an Agreement with Draper Aden and Associates for Engineering Services for Phase 3 of the Category D Hurricane Florence Drainage System Project.

The City issued a Request for Qualifications for engineering services associated with the Hurricane Florence FEMA project related to the City's drainage system. Six responses were received, and Draper Aden and Associates was selected as the most qualified firm. Their services will provide for the completion of the design work related to Category D projects within the Brices Creek, Jack Smith Creek, Jimmies Creek, North Glenburnie, Riverfront, Rennys Creek, Trent River, and Wilson Creek basins. Mayor Outlaw commented there are other items that need to be reviewed to meet future growth. George Chiles, Public Works Staff Engineer, stated some of the stormwater needs would be addressed with American Rescue Plan Act ("ARPA") funds.

Alderman Aster made a motion to adopt a resolution authorizing the City Manager to execute an agreement with Draper Aden and Associates for Engineering Services for Phase 3 of the Category D Hurricane Florence Drainage System Project, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

7. Consider Adopting a Resolution Authorizing the Execution of a Conservation Easement with the State of North Carolina Land and Water Fund for Tax Parcel ID 8-244-021 Adjacent to Martin Marietta Park.

During the planning stage of Martin Marietta Park, a conservation easement was identified that limited recreational activity on the park's bodies of water. The City began working with the NC Clean Water Management Trust Fund in 2018 to ease those restrictions. The State proposed a conservation easement on an adjacent 8.2-acre parcel to offset the existing easement at the park, and the Board approved this request on July 24, 2018. The proposed resolution will approve a new conservation easement for the adjacent parcel, which is identified as Tax Parcel ID 8-244-021.

Alderman Best made a motion to adopt a resolution authorizing the execution of a conservation easement with the State of North Carolina Land and Water Fund for Tax Parcel ID 8-244-021 adjacent to Martin Marietta Park, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 6-0.

8. Consider Adopting an Ordinance to Amend Article III "Noise" of Chapter 26 "Environment".

The Police Department has received several calls to address loud noise from street performers who use amplified speakers to project music on public property. Although the current ordinance contains language that prohibits noise above a certain decibel level, the characteristic of a business and an open-air performer are different. Amplified noise within a business is muffled and does not create the same adverse impact. The requested ordinance change does not impact a person's

freedom to engage in busking activities, if they do not utilize speakers to amplify their instruments. Police Chief Pat Gallagher noted the amendment also does not address noise outside of the downtown area, nor does it impact amplified music that is permitted by the City.

Alderman Bengel pointed out the change will impact public spaces such as Bear Plaza, sidewalks, and Union Point Park. Amplified music, including singers with a microphone, will not be allowed in those areas. Permitted performances such as MumFest or bands performing for New Year's Eve are allowable. Alderman Bengel asked about someone who may want to stand on the corner and read the constitution, and Chief Gallagher responded that would be permissible if there is no electricity involved in the amplification of their voice and if their voice is below the allowable decibel levels. There are other ordinances in place to address nuisance noises, such as a car with loud music or revving of an engine, etc.

Alderman Odham asked if the City had received a lot of complaints about amplification. Chief Gallagher noted the Police had received a number of calls, and Mr. Hughes said several residents had also visited City Hall to complain. Alderman Odham was curious as to why Union Point Park was included. Mr. Davis explained the park was in the C1/C2 zone, but events at the park, such as weddings, would be permitted. Alderman Bengel said if the amendment does not work out, the Board could consider a future amendment.

Alderman Bengel made a motion to adopt an ordinance to amend Article III "Noise" of Chapter 26 "Environment", seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0.

9. Consider Adopting a Budget Ordinance Amendment for FY21-22.

A budget amendment is needed to recognize \$110,809 in grant funds for the Lawson Creek Marshwalk Phase II project. The full project cost is \$147,746 and requires a 25% match of \$36,937. Additional grant funds of \$23,112 are recognized from the Edward Byrne Memorial Justice Assistance Grant and \$15,000 from the Firehouse Subs Public Safety Foundation. Neither of these two grants require a match. The amendment will also transfer \$29,000 from fund balance to the City Hall Elevator Project. This will cover the difference between the \$3,929,000 project cost and the amount financed of \$3,900,000.

Mr. Hughes pointed out the City Clerk circulated a corrected amendment this afternoon. Kim Ostrom, Director of Finance, explained the \$36,937 match for the marshwalk was omitted from the original amendment.

Alderman Odham made a motion to adopt a budget ordinance amendment for FY21-22 based off the Item 9 corrected sheet, seconded by Alderman Aster. Upon a roll-call vote, the motion carried 5-1 with Alderman Kinsey voting against it.

10. Consider Adopting an Ordinance to Establish the Northwest Interceptor Rehabilitation Phase II Project Fund.

The NC General Assembly allocated funding for various drinking water, wastewater, and stormwater projects throughout the State. The City of New Bern was appropriated \$230,000 for drinking water and wastewater infrastructure projects. This ordinance will establish the Northwest Interceptor Rehabilitation Phase II Project Fund and initially fund the project with this appropriation. Once construction bids are received and the total project cost is known, a transfer will be made from the Sewer Fund's fund balance for the remainder of the cost. Jordan Hughes, City Engineer, described the location of the project as covering the area along Glenburnie Road by Martin Marietta Park, turning behind the NC Department of Transportation complex back to Oaks Road, and crossing Oaks Road to the Wastewater Treatment Plant.

Alderman Best made a motion to adopt an ordinance to establish the Northwest Interceptor Rehabilitation Phase II Project Fund, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 6-0.

11. Appointment(s).

No appointments were made.

12. Attorney's Report.

The City Attorney had nothing to report.

13. City Manager's Report.

Mr. Hughes reported the City will participate in a NC Works program designed for young adults aged 16-24. The 13-week program is designed to provide an opportunity for these individuals to work with the City and gain experience. NC Works will pay their salary and benefits.

During today's FEMA meeting, staff learned the public input portion has been completed for the Henderson Park change in scope of work. There are a few more steps in the process before the City can move forward with upgrades.

At the last meeting, the Board gave direction to put up signage at the Tisdale House. With the aid of the City Attorney, criteria are being established to vet any proposals. This should be completed soon, after which signage will be put in place.

Alderman Aster asked if the City was having problems filling summer lifeguard positions. Mr. Hughes confirmed that has been an issue, and he hopes the hours at the aquatic center do not have to be adjusted. The City offers a class for anyone desiring to be certified as a lifeguard. Last year, the City reached out to the YMCA for assistance in sharing resources.

14. New Business.

Alderman Bengel

The initial work for the elevator is beginning to take place. The DeGraffenreid bust and the James Davis plaque have been removed and placed safely in storage. An email was received late today from Lynn Harakal, Executive Director of Swiss Bear, regarding social districts. Alderman Bengel read the email which stated the Social District Committee would table the matter for now until trash and late-night behavioral issues could be addressed.

Alderman Best

Gratitude was expressed to Marvin Williams, Assistant City Attorney, for checking on a signal at Country Club Road. Alderman Best was hopeful his inquiry would yield great results.

The NC Department of Transportation (“NCDOT”) will be repaving Hwy. 55 West.

Alderman Odham

Mr. Hughes was asked about the arrangement or agreement with NCDOT with respect to mowing along the Hwy. 70 corridor. Mr. Chiles thought the area was mowed four times last year and stated he would check with NCDOT to see how times they plan to mow this year. He noted Public Works has been coordinating with the State to pick up trash ahead of their mowing schedule.

Noting signage was placed at vacant properties that are available for bid, Alderman Odham asked for a status as to how that is progressing. Ms. Blanco announced eleven inquiries and one bid had been received since the signs were placed the previous morning.

15. Closed Session.

A closed session was not needed.

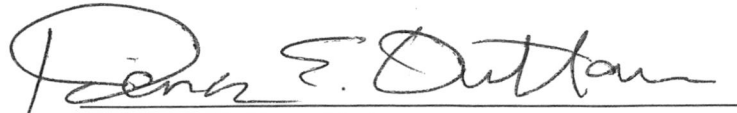
16. Adjourn.


Alderman Odham made a motion to adjourn, seconded by Alderman Aster. The motion carried unanimously 6-0, time being 6:35 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: May 10, 2022


Dana E. Outlaw, Mayor


Brenda E. Blanco, City Clerk