

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
JUNE 14, 2022 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

- 1. Meeting opened by Mayor Pro Tem Jameesha Harris. Prayer by Alderman Best. Pledge of Allegiance.**
- 2. Roll Call.**

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

Rebecca Tindall of 5721 Gondolier Drive in Fairfield Harbour announced she had contacted the National Park Services to request perpetuity protections be put in place for Union Point Park. She was glad to hear that cameras will be installed at City Hall for everyone's safety. Board members were asked to bring to others' attention when they are intimidated by fellow Board members or others on how to vote, as she felt everyone should be able to speak and vote freely. She asked that the new Board members be well informed on matters that come up so they can have an educated vote.

Edwin Vargas of 119 Randomwood Lane in River Bend wrote an article that was published in The Sun Journal on June 24, 2022 to address homelessness in New Bern, a copy of which was provided to the Board. Currently, there are people sleeping in vans, Cedar Grove Cemetery, and behind the old Harris Teeter. He expressed a need to compile a package to the US Department of Housing and Urban Development ("HUD") seeking funds for a homeless shelter. The package would need to be submitted by November. Alderman Best stated she had reviewed the information provided by Mr. Vargas, and she was surprised by how many North Carolina cities had applied for and obtained funding.

Deborah Wynn of 134 Craven Street stated she lives on a boat at the marina. Local marinas are no longer allowing charter boat operations, Airbnb operations, or other commercial operations. She requested the City's assistance in working with boat owners to discuss the topic with the marinas. She also asked if it would be permissible for her to pick up charter boat clients at the dock of Union Point Park.

Consent Agenda

4. Consider Adopting a Resolution Calling for a Public Hearing on the CAMA Land Use Plan Update.

The Planning and Zoning Board held a work session on March 1, 2022 to begin work on updating the land use plan. Consultants Moffatt and Nichol have been working with staff to prepare a draft of the update. The Planning and Zoning Board was presented the draft at its June 6, 2022 and will also hold a special meeting on June 17th to review and discuss the draft plan. It was requested a public hearing be called for June 28, 2022 for the Governing Board to receive comments on the plan.

5. Consider Adopting a Resolution Calling for a Public Hearing to Annex 434 Riverside Drive.

Stephen and Phyllis Epperson submitted a petition to annex the property at 434 Riverside Drive in Township 2 (Bridgeton). The property is a vacant 0.29-acre residential tract. It was requested a hearing be called for June 28, 2022 to receive comments and consider this request.

6. Consider Adopting a Resolution Calling for a Public Hearing on the 2022 CDBG Annual Action Plan.

HUD requires Entitlement Cities to submit an annual Action Plan detailing the intended use of CDBG funding. New Bern's allocation for program year 2022 is \$269,786.00. Staff received public comments on March 7, 2022. Those comments about community needs have been added to the plan, along with goals intended to address priority needs. The draft plan will be available June 24, 2022 on the City's website, in the Office of Development Services, the City Clerk's office, and at the New Bern-Craven County Public Library. It was requested the Board call for a public hearing on July 12, 2022 to also receive comments.

7. Consider Adopting a Resolution in Support of Joining the American Flood Coalition.

Tony McEwen, the Carolinas Director for the American Flood Coalition, made a presentation before the Board at its May 24, 2022 meeting. He outlined the mission of the coalition and benefits of membership. The Board voiced interest in becoming a member at no cost and requested a resolution to that regard be presented at this meeting for adoption.

8. Consider Adopting a Resolution Closing Streets for Duffest and Juneteenth of New Bern.

Organizers of Duffest and Juneteenth of New Bern requested to close the 500-600 blocks of Third Avenue from 8 a.m. until 12 noon on June 18, 2022 and the

1000-1200 blocks of Broad Street and 500-600 blocks of Roundtree Street from 8 a.m. until 6 p.m. A rain date was not provided.

9. Consider Adopting a Resolution Closing a Portion of South Front Street for the July 4th Celebration.

The Department of Parks and Recreation sought to close to vehicular traffic the portion of South Front Street by Palace Point Commons from 8:30 to 9:30 p.m. on July 4, 2022. This will allow spectators to view the July 4th fireworks from that area.

10. Approve Minutes.

Draft minutes from the May 24, 2022 regular meeting were provided for review and approval.

Alderman Best made a motion to approve Items 4-10 of the Consent Agenda, seconded by Alderman Bengel. The motion carried unanimously 6-0.

11. Conduct a Public Hearing and Consider Adopting an Ordinance to Rezone 3601 Neuse Boulevard.

Boa Nguyen, the owner of 3601 Neuse Boulevard, requested to rezone the 0.76-parcel from C-4 neighborhood business district and R-6 residential split zoning to C-3 commercial district. The Planning and Zoning Board unanimously approved the request at its May 3, 2022 meeting. Matt Schelly, Interim Director of Development Services, shared a PowerPoint to review the request.

Alderman Bengel questioned the benefit of rezoning to C-3 from a C-4 and whether approving the request would be considered spot zoning. Mr. Schelly explained C-4 did not allow for enclosed storage use, which would be permitted under C-3. Mr. Davis stated it is a valid point that the surrounding area does not include C-3 zoning, and he noted C-3 is the highest level of commercial use. Alderman Odham noted the property next door was previously a gas station and was probably grandfathered in for that use. Alderman Bengel questioned whether zoning ordinances needed to be changed so noninvasive uses such as storage are reclassified. Alderman Best pointed out there is an enclosed storage business just down the street, which would not make this property out of character for the area. Mr. Schelly stated C-4 promotes neighborhood-oriented businesses more than arterial-oriented businesses in C-3.

Mayor Pro Tem Harris opened the public hearing. Deborah Wynn felt there was a valid need for storage space and encouraged the Board to approve the request. Alderman Best made a motion to close the public hearing, seconded by Alderman Bengel. The motion carried unanimously 6-0.

Alderman Odham made a motion to adopt a statement of zoning consistency for 3601 Neuse Boulevard, seconded by Alderman Best. Upon a roll-call vote, the motion carried 5-1 with Alderman Bengel voting against it.

Alderman Kinsey made a motion to adopt an ordinance to rezone 3601 Neuse Boulevard to C-3, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 5-1 with Alderman Bengel voting against it. Alderman Bengel explained she was voting no because she was not in favor of spot zoning.

12. Conduct a Public Hearing and Consider Adopting an Ordinance to Initially Zone 3412 Old Airport Road.

The initial zoning needs to be established for 3412 Old Airport Road, which was annexed into the City on April 27, 2021 upon petition of the property owner. Staff and the owner requested the property be zoned R-8 residential, which is consistent with the character of adjacent land uses and zoning classifications.

Mayor Pro Tem Harris opened the public hearing, but no one came forward to speak. Alderman Aster made a motion to close the public hearing, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

Alderman Bengel made a motion to adopt a statement of zoning consistency for 3412 Old Airport Road, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0.

Alderman Aster made a motion to adopt an ordinance to initially zone 3412 Old Airport Road, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 6-0.

13. Conduct a Public Hearing and Consider Adopting an Ordinance to Initially Zone 3436 Old Airport Road.

After receiving a petition for annexation, the Board adopted an ordinance on February 22, 2022 to annex 3436 Old Airport Road. The initial zoning for the property needs to be established. Staff and the property owner requested the parcel be zoned R-8 residential, which is consistent with the character of adjacent land uses and zoning classifications.

Mayor Pro Tem Harris opened the public hearing, but no one came forward to speak. Alderman Aster made a motion to close the public hearing, seconded by Alderman Bengel. The motion carried unanimously 6-0.

Alderman Best made a motion to adopt a statement of zoning consistency for 3436 Old Airport Road, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0.

Alderman Aster made a motion to adopt an ordinance to initially zone 3436 Old Airport Road, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 6-0.

14. Consider Adopting a Resolution Approving the Sale of 2502 New Bern Avenue.

Lorenza Grist submitted a bid of \$5,000.00 for the purchase of 2502 New Bern Avenue. The bid was advertised, but no upset bids received. The parcel is a vacant 0.107-acre parcel, and the bid represents the full tax value. If the sale is approved, after reimbursing the City for the cost of advertising, the City will receive approximately \$757.54, and the County will receive approximately \$4,242.46 from the proceeds.

Alderman Bengel made a motion to adopt a resolution approving the sale of 2502 New Bern Avenue, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

15. Consider Adopting a Resolution to Initiate the Upset Bid Process for 2410 Georgia Avenue.

Jimmy McGowan submitted an offer of \$8,000.00 for the purchase of 2410 Georgia Avenue. The vacant 0.34-acre parcel has a tax value of \$15,620.00, and the offer represents more than 50% of the value. The property was acquired jointly by the City and County in 2018 through tax foreclosure. The unpaid taxes due to Craven County at that time, including interest, penalties and costs, was \$2,203.83. Unpaid taxes, interest and penalties due to the City was \$6,685.95.

Alderman Best made a motion to adopt a resolution to initiate the upset bid process for 2410 Georgia Avenue, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

16. Consider Adopting a Resolution to Initiate the Upset Bid Process for 801 Chattawka Lane.

Black Bear Real Estate offered to purchase 801 Chattawka Lane for \$12,000.00. The vacant 0.34-acre parcel has a tax value of \$15,000.00, and the offer represents more than 50% of that value. The property was acquired by the City and County through tax foreclosure in 2019. It is estimated if the property is sold for the initial bid that the County will receive \$3,655.21 and the City \$8,344.79 from the proceeds.

Alderman Aster questioned the difference in the City's portion of proceeds for this property versus its portion for other properties in which the County receives significantly more. Mr. Davis explained the City's liens for demolition, etc. do not have the same priority as taxes.

Alderman Best made a motion to adopt a resolution to initiate the upset bid process for 801 Chattawka Lane, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

17. Consider Adopting a Resolution Approving a Memorandum of Understanding/Membership Agreement with Triangle J Council of Governments for Clean Water Education Partnership Services.

In 2001, the City began its stormwater program to comply with state and federal requirements under the Municipal Separate Storm Sewer System program. Since the program's inception, the City has utilized the Clean Water Education Partnership to assist with meeting the public education and outreach requirements under the MS4 permit. The cost of this service is shared among participating local governments and is based on population. New Bern's cost share is currently \$3,281.00 annually.

Alderman Bengel made a motion to adopt a resolution approving a Memorandum of Understanding/Membership Agreement with Triangle J Council of Governments for Clean Water Education Partnership Services, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 6-0.

18. Consider Adopting a Resolution Approving a Memorandum of Understanding with RHA Health Services, Inc.

The New Bern Police Department has partnered with RHA Health Services to add the mental health profession to its response protocols. Both entities can respond to persons in crisis in an attempt to divert them from the criminal justice system to the more appropriate mental health system. Through early identification and intervention, this program will hopefully minimize the need to arrest persons in crisis due to behavioral health or intellectual and development disabilities. The program is funded through RHA. Chief Gallagher answered questions about the program and how scenarios involving underage and homeless individuals would be addressed. He noted staff from RHA would work out of the Police Department's facility and would be available for roughly 40 hours a week. Alderman Aster was hopeful that funding opportunities could be identified to make the position available 24 hours a day.

Alderman Aster made a motion to adopt a resolution approving a Memorandum of Understanding with RHA Health Services, Inc., seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

19. Consider Adopting a Resolution Approving a Water and Sewer Use Agreement for 4114 Dr. Martin Luther King, Jr. Boulevard.

The Proximity New Bern, LLC is proposing to develop a 288-unit apartment complex at 4114 Dr. MLK Jr. Boulevard. The proposed development will include 474 bedrooms with a calculated average water and sewer demand of 72,480 gallons per day ("GPD"). To facilitate the development, a minor extension of the

City's water distribution system and sewer collection system will be installed by the developer. Section 74-74 of the City's ordinances provides that any development requesting more than 15,000 GPD of water and sewer capacity shall enter into a written water and sewer use agreement to outline the roles and responsibilities of both parties in establishing service.

The current capacity of the wastewater treatment plant is 6.5 million GPD, and the City is running just under 4 million GPD, per Jordan Hughes, City Engineer. The water treatment plant has the capacity to produce and deliver about 9 million GPD of potable water, and the City is consuming just over 3.5 million GPD.

Alderman Odham made a motion to adopt a resolution approving a water and sewer use agreement for 4114 Dr. Martin Luther King, Jr. Boulevard, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

20. Consider Adopting a Resolution Approving a Sewer Use Agreement for 4721 Hwy. 70E.

Kevin Carr, owner of 4721 Highway 70E, requested to connect to the City's sewer system. The owner is planning to build a medical clinic on the property, which is currently outside of the city limits. The proposed commercial use will have a calculated average sewer demand of 500 GPD, which would require a standard sewer service connection. Section 74-74 of the City's ordinances provides that a written sewer use agreement be entered into to outline the roles and responsibilities of both parties in establishing service.

After entering into the agreement, the property owner would be required to petition the City for annexation. Alderman Aster wanted Fire and Police to review the property to see if it would be a burden on public safety if the property were annexed. He suggested the matter be tabled until the next meeting to allow for this review. Alderman Bengel expressed concern about running out of capacity and how that could impact future development within the city limits. Aldermen Odham and Bengel questioned approving the agreement and the benefit of providing sewer if there would be no desire to annex the property. Alderman Aster pointed out the City could charge out-of-city rates if the property is not annexed. Jordan Hughes explained the difference in the conventional sewer system and the James City step system.

Alderman Odham noted an aerial view indicated the distance from the Thurman Road fire station to the back of Bluewater Rise was further than the distance to the subject property. After continued discussion, it was recommended the Board not table the matter, but move forward in considering the agreement with the understanding that public safety could review the property prior to the Board considering an annexation request.

Alderman Aster made a motion to adopt a resolution approving a sewer use agreement for 4721 Hwy. 70E, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

21. Consider Adopting a Resolution Approving a NC Statewide Emergency Management Mutual Aid and Assistance Agreement – Revision 2021.

The last statewide mutual aid agreement was revised in 2021 and approved by the Governing Board on August 10, 2021. The State has requested that the agreement be updated annually. There are no changes in the agreement or the City's designated representatives. The agreement meets FEMA's requirements for local governments giving or receiving help in the event of a declared disaster. It also helps to speed up the process when applying for FEMA reimbursement.

Alderman Aster made a motion to adopt a resolution approving a NC Statewide Emergency Management Mutual Aid and Assistance Agreement – Revision 2021, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

22. Consider Adopting a Resolution Approving the Classification Pay Plan for Fiscal Year 2022-2023.

Annually, the Board adopts a Classification Pay Plan for the upcoming fiscal year. The Board is asked to consider a resolution approving the plan for FY23, which increases each salary range by 2.5%.

Alderman Aster made a motion to adopt a resolution approving the classification pay plan for Fiscal Year 2022-23, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

23. Consider Adopting an Ordinance Amending the Schedule of Fees and Charges.

As part of the budget process, the Board annually adopts an Amended Schedule of Fees and Charges to, in part, identify in one place all the fees charged by the City. The fees identified in the schedule are included in the revenue projections for Fiscal Year 2022-23 and will be effective July 1, 2022. Kim Ostrom, Director of Finance, pointed out the proposed increase in parking fees was removed from the final amendment. Alderman Bengel requested the increase be brought back before the Board at the first of the year after notice had been provided to current lessees.

Alderman Odham questioned the cemetery fees and why only some of the nonresident rates are double the resident rates. Mr. Hughes explained staff is working slowly to incrementally increase all nonresidential rates to make them double. Such a rate structure would be more in line with municipal and private industry rates. Residential rates apply to decedents who live within the city limits.

Alderman Bengel made a motion to adopt an ordinance amending the Schedule of Fees and Charges, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0.

24. Consider Adopting the Budget Ordinance for Fiscal Year 2022-23.

The City Manager presented the proposed budget to the Board on May 10, 2022. A public hearing was conducted on May 24, 2022, although no comments were received. The Board voted at that meeting to not receive a 7% increase in their salaries; thus, the increase has been removed from the budget.

Alderman Odham noted the annual debt service had increased significantly in the recommended budget. He questioned why it was almost double. Mrs. Ostrom indicated she would look into that and email the Board with an explanation.

Alderman Odham made a motion to adopt the budget ordinance for Fiscal Year 2022-23, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0.

25. Consider Adopting an Ordinance to Amend and Restate the Rates for the Consumption of Electricity Applicable to Street Lighting Schedule 32-A.

The lighting products referenced in Schedule 32-A of the City's electric rate schedule have become obsolete and are no longer available. LED lights are now being used for both new installations and replacement of the obsolete products. The electric rate schedule needs to be amended to reflect a retail rate for the LED products. The City of New Bern is the only customer impacted by this rate. The departments of Public Utilities (Electric) and Public Works have budgeted appropriately for the change in rate.

(Alderman Best momentarily stepped out of the room at 7:24 p.m.)

Alderman Bengel made a motion to adopt an ordinance to amend and restate the rates for the consumption of electricity applicable to Street Lighting Schedule 32-A, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0. Of note, Alderman Best had momentarily stepped out of the room, thus technically yielding an affirmative vote.

(Alderman Best returned to the room at 7:27 p.m.)

26. Consider Adopting an Ordinance to Amend and Restate the Rates for the Consumption of Electricity Applicable to the Introduction of Commercial/Industrial Load Profile Data Service – Schedule LPDS.

Using the advanced metering system, staff has developed a solution to provide commercial and industrial customers a web-based portal to view, trend, and analyze their electric meter data. As a result, a meter data service is now available to those customers for a monthly fee. A rate has been established to meet the cost of this service. The service is not presently offered to residential customers

Alderman Odham made a motion to adopt an ordinance to amend and restate the rates for the consumption of electricity applicable to the introduction of commercial/industrial load profile data service – Schedule LPDS, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

27. Appointment(s).

Alderman Bengel made a motion to reappoint Travis Oakley to the Planning and Zoning Board, seconded by Alderman Odham. Mr. Oakley will serve a three-year term to expire on June 30, 2025.

Alderman Aster made a motion to reappoint Jim Bisbee to the Historic Preservation Commission. Mr. Bisbee will serve a three-year term to expire June 30, 2025.

Alderman Best made a motion to appoint Kyle Dearing to the Planning and Zoning Board to fill Marcus Simmons' term that will expire on June 30, 2022. Mr. Dearing will serve a three-year term to expire on June 30, 2025. Alderman Best read a statement from Mr. Dearing.

28. Attorney's Report.

The City Attorney had nothing to report.

29. City Manager's Report.

- Mayor Outlaw has joined the American Flood Coalition in Washington DC this week to attend the Mayor's Summit on flooding and sea level rise. Twenty-five local leaders from Florida, South Carolina, North Carolina, Virginia, Iowa, and Texas are meeting with several state and federal officials, including members of Congress.
- The final American Rescue Plan ("ARP") payment was received this week. At the next meeting, consideration will be given to establishing project funds.
- An update on the Stanley White Recreation Center will be provided at the next meeting.

30. New Business.

Alderman Odham

Victor Taylor contacted Alderman Odham about someone who owned a dilapidated singlewide trailer. The cost to repair the trailer exceeded the cost to purchase a new one, and staff in Development Services advised the City's ordinance provides once a trailer is removed that a new one cannot be put in its place. Alderman Odham asked for someone to verify that and provide some assistance or direction to those involved.

He and Alderman-elect Bob Brinson meet earlier in the afternoon to look at some projects that could be funded with Ward 6's ARP funds. He will email a list to the City Manager, some of which will require additional information from staff.

Alderman Best

An update on the Pleasant Hill Community Center was sought. Mr. Hughes stated the shell of the building was complete, and it would take a good 6-8 weeks to finish the structure.

Alderman Bengel

While meeting with a group of people, a question was posed about flying and using drones in city parks. Mr. Hughes explained drones are regulated by the Federal Aviation Administration ("FAA"), and the City currently has no regulations or postings regarding usage in the parks. If someone desires to conduct a drone class, they will need to reach out to Parks and Recreation to establish an agreement for use of the park. Staff can look at a policy to address signage.

Shout out to Sunnyside residents for the work they are doing to clean up their neighborhood and make it better.

Noting Mr. Vargas' comments about homelessness, Alderman Bengel asked Police Chief Gallagher to speak on the topic and provide information on how the situation is being addressed. Chief Gallagher said the reality is the City cannot fix homelessness, but the City and faith-based community can provide the best services as possible with the resources available. He described efforts that have already been deployed.

Mayor Pro Tem Harris

This is Juneteenth celebration week. The schedule of events was reviewed, which will conclude with a big festival on Saturday that will conclude with fireworks around 9:15 p.m.

31. Closed Session.

Alderman Odham made a motion to go into closed session pursuant to NCGS §143-318.11(a)(2), seconded by Alderman Bengel. The motion carried unanimously 6-0, time being 7:48 p.m.

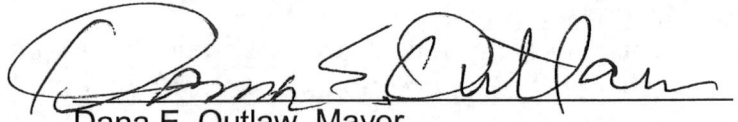
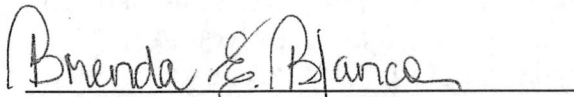
32. Adjourn.

Alderman Aster made a motion to adjourn, seconded by Alderman Bengel. The motion carried unanimously 6-0, time being 7:59 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: June 28, 2022


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