

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
AUGUST 09, 2022 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer by Mayor Outlaw. Pledge of Allegiance.**
- 2. Roll Call.**

Present: Mayor Dana Outlaw, Alderman Sabrina Bengel, Alderwoman Jameesha Harris (arrived at 6:03 p.m.), Alderman Robert Aster, Alderman Johnnie Ray Kinsey, and Alderman Jeffrey Odham. Absent: Alderman Barbara Best. 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.**

Jane Gallagher of 3725 Elizabeth Avenue voiced concerns on behalf of the neighborhoods that surround Elizabeth Avenue. For the safety of residents, she felt a construction road was needed from the end of Elizabeth Avenue to Highway 43. According to Ms. Gallagher, construction trucks are barreling down the streets. She shared pictures of the general area, a 25-mph speed limit sign, and no truck sign erected on Elizabeth Avenue near HJ MacDonald Middle School. Noting the area is crowded, she also voiced concern about the ability of emergency vehicles to maneuver the streets.

Jeanne Ryan of 322 Fairmont Way, who owns a house at 3727 Elizabeth Avenue, also expressed concern about the construction traffic in the area of Derby Park. While she was in favor of the new development, she was troubled about the inability of emergency vehicles to access the area because of the additional traffic. She displayed a picture of a duck that had been struck by a vehicle and communicated concern that a child may be struck.

Ron Sage of 226 Saratoga Lane stated he was representing the Derby Park subdivision. He voiced concern about the weight of the construction trucks and the impact they would have on the streets. He stated the road was crumbling from regular use by pickup and delivery trucks.

James Woods, Jr. of 1903 Country Club Road spoke about the inability of citizens to participate in public hearings from their home or other remote locations. He felt this should be an option with today's technology. Mr. Woods also congratulated

those who would be sitting on the Board for the next term and thanked those who had served but would not be returning. While governing is not easy, he reminded the officials that governing is a two-way street.

Alderman Aster referenced the no trucks sign displayed by Ms. Gallagher and asked for clarification that the sign only indicated the street could not be used as a cut through, which Mr. Davis confirmed. If a truck has business on the street, then it is allowed to utilize the street.

Consent Agenda

4. Consider Approving a Proclamation for New Bern High School's Class of 1972 50th Reunion.

Jeanette Cooper requested a proclamation for the upcoming 50th reunion of the New Bern High School Class of 1972.

5. Consider Approving a Proclamation for the Unlock Our Vote Freedom Summer Tour.

Alderwoman Harris, on behalf of Young Urban Professionals ENC ("YUP-ENC"), requested a proclamation observing the Unlock Our Vote Freedom Summer Tour that will be observed in New Bern on August 14, 2022.

6. Consider Adopting a Resolution Amending the Street Closure for Religious Community Services' 40th Birthday Block Party.

The Board adopted a resolution on June 28, 2022 approving the closure of the 800-1000 blocks of George Street on August 13, 2022 from 4 p.m. until 9 p.m. for RCS' 40th birthday block party. The organizer subsequently requested the time be amended to reflect 2 p.m. until 10 p.m. to allow for set up and breakdown of the event.

7. Consider Adopting a Resolution Closing Roundtree Street for Unlock Our Vote Freedom Summer Tour Event.

Talina Massey, organizer with Craven County Second Chance Alliance and YUP-ENC, requested the 500 block of Roundtree Street be closed to vehicular traffic on August 14, 2022 from 12 p.m. until 8 p.m. for the Unlock Our Vote Freedom Summer Tour event.

8. Approve Minutes.

Minutes from the July 12, 2022 meeting were provided for review and approval.

Alderwoman Harris made a motion to adopt Items 4-8 of the Consent Agenda, seconded by Alderman Aster. The motion carried unanimously 6-0.

9. Conduct a Public Hearing and Consider Adopting an Ordinance 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.

Mayor Outlaw 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 Bengel made a motion to adopt an ordinance to annex 434 Riverside Drive, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-0.

10. Consider Adopting a Resolution Approving the CDBG Annual Action Plan.

Each year, the US Department of Housing and Urban Development (“HUD”) requires Entitlement Cities to submit Annual Action Plans as an application for funding. The plan summarizes the actions, activities and specific resources that will be used to address needs and goals in the Strategic Plan. The City’s funding allocation for the 2022 program year is \$269,786. A draft plan was on display for 30 days, and a public hearing was conducted at the July 12, 2022 meeting of the Governing Board. The draft plan has since been updated to incorporate several suggestions. It now provides \$200,829 for housing rehabilitation, \$15,000 for the bus shelter project, and \$53,957 for administrative costs. Staff will vet the subrecipients for the rehabilitations. It was estimated an average of 15 homes could be assisted. To date, four applications have been received.

Alderwoman Harris made a motion to adopt the CDBG Annual Action Plan, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

11. Consider Adopting an Ordinance to Amend the Entitlement Cities Community Development Block Grant (“CDBG”) Fund.

This budget ordinance amends the Entitlement Cities CDBG Fund to recognize grant revenues of \$269,786.

Alderwoman Harris made a motion to adopt an ordinance to amend the Entitlement Cities Community Development Block Grant (“CDBG”) Fund, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

12. Consider Adopting a Resolution Initiating the Upset Bid Process for 612 Second Avenue.

Rise Up New Bern, LLC submitted an offer of \$2,022 for the purchase of 612 Second Avenue. The vacant lot is a 0.050-acre parcel valued at \$4,000, and the offer represents more than 50% of the value. The property was acquired jointly by the City and County through tax foreclosure in December 2016. At that time, the unpaid taxes, interest, penalties, and costs due to the County were \$3,527 and the amount due the City was \$2,850.33. The City also had a lien assessment in the amount of \$4,860. If the property is sold for the initial bid, the City is projected to receive \$1,123.27 and the County is projected to receive \$898.73. The City will also receive reimbursement of the advertising costs.

This property is in the boundary of the Redevelopment Commission. On behalf of the bidder, Mark Roberts made a presentation at the Commission's May 11, 2022 meeting. After determining the plans for the property were consistent with the Redevelopment Plan, the Commission unanimously approved a recommendation for the Board of Aldermen to initiate the upset bid process.

Alderwoman Harris made a motion to adopt a resolution initiating the upset bid process for 612 Second Avenue, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

13. Consider Adopting a Resolution Approving a General Warranty Deed Between Habitat for Humanity of Craven County NC, Amellia Jenkins, and the City of New Bern for 2803 Aycock Avenue.

On September 24, 2019, the City approved the conveyance of 2803 Aycock Avenue to Habitat for Humanity for the purpose of developing affordable housing for low and moderate-income families. Habitat has subsequently constructed a home on the property and intends to transfer the home to a buyer. By executing a deed to transfer ownership to the buyer, the City will release any rights retained under a Transfer and Reversion Agreement between the City and Habitat.

Alderwoman Harris made a motion to adopt a resolution approving a general warranty deed between Habitat for Humanity of Craven County NC, Amellia Jenkins, and the City of New Bern for 2803 Aycock Avenue, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

14. Consider Adopting a Resolution Authorizing the City Manager to Execute a Memorandum of Agreement with the NC Department of Public Safety – Division of Emergency Management for HMGP Project 4393-0029.

The City was awarded \$964,807 from the NC Department of Public Safety – Division of Emergency Management to acquire and demolish eight structures that were substantially damaged during Hurricane Florence. Ownership of the properties will be transferred to the City with restrictions to prohibit future structures

on the sites. Matt Schelly, Interim Director of Development Services, explained that this is a grant for FEMA “buyouts”.

Alderwoman Harris made a motion to adopt a resolution authorizing the City Manager to execute a Memorandum of Agreement with the NC Department of Public Safety – Division of Emergency Management for HMGP Project 4393-0029, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

15. Consider Adopting a Resolution Adding Taberna Way to the NC Department of Transportation’s Secondary Road System.

As part of the Highway 70 improvements, NCDOT is planning to alter the intersection of Taberna Way and Highway 70. To facilitate this, NCDOT has requested the City petition for a 0.09-mile portion of Taberna Way to be added to the State Maintained Secondary Road System. The portion of roadway begins at the Highway 70 entrance of Taberna and ends approximately 20’ west of the centerline of the railroad tracks.

Alderman Aster made a motion to adopt a resolution adding Taberna Way to the NC Department of Transportation’s Secondary Road System, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-0.

16. Consider Adopting a Resolution Approving a Policy for Placing of Monuments, Memorials, Markers and Plaques.

Mr. Hughes announced Alderman Best, who was unable to attend the meeting, emailed today requesting that this item be tabled to a future meeting. Alderwoman Harris concurred and suggested the policy be considered by the new Board.

Alderwoman Harris made a motion to table this item to a future meeting, preferably when the new Board comes on, seconded by Alderman Odham. The motion carried unanimously 6-0.

17. Consider Adopting a Resolution to Award the Southeast Water System Improvements Project.

As demand increases, the corridors of Old Airport Road, Waterscape Way and Wilcox Road will be unable to provide an adequate supply of water for domestic and fire-flow use. The water system in both corridors has been constructed linearly which has created two dead-ends that are not loop-fed with any other part of the system. This creates unfavorable conditions from both a hydraulic and water quality perspective. Thus, the Southeast Water System Improvements project was established to address the infrastructure needs. The project was put out for bid, and six responses were received. Herring-Rivenbark, Inc. submitted the lowest bid at \$795,942.75. Jordan Hughes, City Engineer, further described the need for the improvements and answered questions from the Board.

Alderman Aster made a motion to adopt a resolution to award the Southeast Water System Improvements Project, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 6-0.

18. Consider Adopting an Ordinance to Amend the Southeast Water System Improvements Project Fund.

The Southeast Water System Improvements Project was established on March 22, 2022 and initially funded with \$488,400. As described in the previous item, the lowest bid for the project was \$795,942.75. Therefore, it is recommended the project fund be increased to \$875,000 to cover the estimated construction cost and provide a 10% contingency for any unforeseen issues that may arise. This amendment will transfer \$386,600 from the Water Fund to the project.

Alderman Aster made a motion to adopt an ordinance to amend the Southeast Water System Improvements Project Fund, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 6-0.

Note: Items 19 and 20 were voted on collaboratively as noted under Item 20.

19. Consider Adopting a Resolution Approving a Utility Construction Agreement with the NC Department of Transportation for Project U-5713 / R-5777A&B.

NCDOT is currently working on significant improvements to the Highway 70 corridor in James City. Several existing water and sanitary sewer lines will need to be relocated to accommodate the highway improvements. NCDOT will include the relocation of the infrastructure in their project contracts. At the conclusion of the construction, the City will reimburse NCDOT for a portion of the relocation costs as required by state statute. The total cost of the relocation work is \$13,049,714.50, of which the City is required to reimburse \$2,230,714.75. A Utility Construction Agreement between NCDOT and the City establishes the responsibilities of each party with respect to the relocation of the water and sewer lines. Jordan Hughes noted the City would receive an invoice from NCDOT at the end of the project, which may be two years from now. There are adequate fund balances in the water, sewer and reserve funds to cover the reimbursement.

20. Consider Adopting an Ordinance to Establish the NCDOT Water & Sewer Improvements Project Fund.

In conjunction with the previous item, this ordinance will establish the NCDOT Water & Sewer Improvements Project Fund. The project will be funded with \$900,000 from the Water Capital Reserve, \$761,365 from the Sewer Capital Reserve, and \$569,350 from the Sewer Fund.

Alderman Harris made a motion to adopt a resolution approving a utility construction agreement with the NC Department of Transportation for Project U-5713 / R-5777A&B and an ordinance to establish the NCDOT Water & Sewer

Improvements Project Fund, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0.

21. Consider Adopting a Resolution Approving a License Agreement with The New Bern Area Improvements Association for 800 Cedar Street.

On July 23, 2019, the Board approved a license agreement with The New Bern Area Improvements Association for use of the Omega Center at 800 Cedar Street. The facility has been used by Parks and Recreation to offer recreational programs in lieu of programs previously offered at Stanley White Recreation Center (“SWRC”) prior to its damage during Hurricane Florence. The term of the agreement was three years at a rate of \$85,000. That agreement will expire on August 31, 2022. Parks and Recreation would like to continue using the facility until the new SWRC is completed. Thus, a new license agreement is proposed for a period of 18 months at a rate of \$42,500. The Omega Center shall continue to provide all water, sewer, and electric utilities, but the City will reimburse the cost of those utilities monthly at a sum equal to 57.14% of each utility bill. Additionally, the Omega Center will be responsible for all routine repairs and maintenance on the property. The City will be responsible for mowing and maintaining the grass and landscaping.

Alderman Bengel made a motion to adopt a resolution approving a license agreement with the New Bern Area Improvements Association for 800 Cedar Street, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-0.

22. Consider Adopting a Budget Ordinance Amendment for FY22-23.

This amendment appropriates \$42,500 from the General Fund to extend the license agreement for the use of the Omega Center. Additionally, \$197,700 is appropriated from fund balance for increased insurance costs. The Water Fund will transfer \$386,600 from fund balance for the Southeast Water System Improvements Project Fund. Lastly, transfers of \$900,000 from the Water Capital Reserve Fund, \$761,365 from the Sewer Capital Reserve Fund, and \$569,350 from the Sewer Fund will be made to the NCDOT Water & Sewer Improvements Project Fund.

Alderman Bengel made a motion to adopt a budget ordinance amendment for FY22-23, seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-0.

23. Consider Adopting an Ordinance for the Demolition of 1116 Grace Street.

On November 22, 2021, the owners of 1116 Grace Street were properly served with a complaint alleging the structure was unfit for human habitation. The owners were ordered to demolish or repair the dwelling by December 27, 2021. To date, no permits have been applied for and the structure remains noncompliant. Pictures of the property and a complete list of chronological events was provided to the Board. Public Works estimates the cost of demolition at \$8,000.

Alderwoman Harris made a motion to adopt an ordinance for the demolition of 1116 Grace Street, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

24. Appointment(s).

Alderman Bengel made a motion to reappoint Dr. Steve Stelma, Dr. Bobbi Kotrba, and Dona Baker to the Dangerous Dog Board, seconded by Alderman Aster. The motion carried unanimously 6-0. Each will serve an additional one-year term.

Alderman Odham made a motion to appoint Jim Morrison to the Historic Preservation Commission, seconded by Alderwoman Harris. The motion carried unanimously 6-0. Mr. Morrison will fill the remainder of John Blackwelder's term, which expires on June 30, 2024.

25. Attorney's Report.

The City Attorney had nothing to report.

26. City Manager's Report.

- Mr. Hughes provided an update on the Tisdale house. The Preservation Foundation is working with a group to relocate the house. Staff is assisting by providing estimates to drop power lines in the path of the relocation. Alderman Bengel stated the Preservation Foundation contacted her to express their continued interest in the parcel on Rhem Avenue. The Foundation is now interested in purchasing the lot at fair market value. Direction was given to the City Manager to place an item on a future agenda to consider selling the property to the Foundation for the purpose of relocating the Tisdale house to the lot. The market value of the property is \$45,000. Mr. Davis explained the two options for the lot are to sale it through the upset bid process or to enter into a contract with the Preservation Foundation for the sale of the property at fair market value with a requirement that the Tisdale house be relocated to the property. Alderman Odham recommended the proceeds from the sale be applied to the Stanley White Recreation Center debt, and Aldermen Harris and Bengel voiced support of that.
- The elevator project is approximately 20% complete. The anticipated opening is expected in mid-May. Alderman Bengel asked if a picture of the renderings could be posted on social media as some people are commenting how ugly the current construction looks.
- The Footloose on the Neuse summer concert series returns this Friday.
- Parks and Recreation is updating its Comprehensive Master Plan, which was last updated in 2013. There will be opportunities for public input this Friday at West New Bern Recreation Center and during the summer concert at Union Point Park.

Alderman Bengel suggested a sign be placed on the Talbot's lot advertising it for sale. The Board gave direction to post the signage.

27. New Business.

Alderman Odham

The City Clerk sent an email several months ago about the transition period for the Board. Originally, the certified results were anticipated the week of August 22nd, and then that date was moved up. Alderman Odham suggested the August 23rd meeting be rescheduled to an earlier date. The earliest a new meeting could be held is August 12th, if the certification is received on August 11th. Alderman Odham made a motion to move the regularly scheduled meeting from August 23, 2022 to Monday, August 15, 2022, at City Hall at 6 p.m., seconded by Alderwoman Harris. Upon a roll-call vote, the motion carried unanimously 6-0.

Alderman Aster

He voiced a desire to use \$2,855 of his ARP funds to purchase a POS system for the New Bern Firemen's Museum, if allowable. The museum's current system is about 10 years old and is in poor condition. Alderman Bengel questioned whether this was permissible since the museum is its own nonprofit, and the City would not be the owner of the POS. Alderman Aster commented the City could own the asset, if desired. Kim Ostrom, Director of Finance, will research whether this expenditure would be allowable.

Noting another K-9 had been lost, Police Chief Patrick Gallagher was called to the podium and asked about the replacement cost. Chief Gallagher said the replacement of the dog would be roughly \$20,000. Alderman Aster stated he and Alderman Odham had discussed utilizing \$10,000 out of each of their ARP funds. Sgt. Kevin Brice noted the cost is expected to be \$25,000 instead of \$20,000, and Alderman Aster indicated the Police Department would need to come up with some money. Alderman Aster made a motion to encumber \$20,000 with \$10,000 from his ward's allocation and \$10,000 from Ward 6's allocation, seconded by Alderman Odham. Alderman Aster clarified that his motion also included \$2,855 for the POS system, and Alderman Odham said he was fine with seconding a motion that combined both of Alderman Aster's requests. The motion carried unanimously 6-0.

Alderwoman Harris

A first annual back-to-school event hosted by Cooper Designs will be held Saturday at the Omega Center from 1-5 p.m.

Tryon Palace Family Day is scheduled for August 13th from 10 a.m. to 3 p.m.

On August 14th from 2-6 p.m., there will be a voter registration on Roundtree Street for disenfranchised individuals who have just gained back their rights to vote.

Alderman Bengel

If allowed, she would like to allocate \$10,000 in Ward 1 ARP funds to the Area Day Improvement Omega Center in case there is a shortage of funds for the list of items requested. A fire suppression system is really needed. She then asked if it would be possible to put any remaining funds in a fund for other nonprofits that may need funding. Mrs. Ostrom stated the funds would likely have to be funneled through a subrecipient for grants to be issued. Alderwoman Harris said if anything was left over from her funds that she also wanted the monies to go to the nonprofit pot.

Alderwoman Harris stated she would second Alderman Bengel's request. Mayor Outlaw asked for clarification that this was a motion from Alderman Bengel, and Alderman Bengel confirmed it was a motion that had been seconded by Alderwoman Harris. The motion carried unanimously 6-0.

Since ARP funds are being discussed, Alderman Odham stated he and Alderman-elect Brinson attended a meeting of the Kings Row community where speed limit signs were requested. Alderman Odham made a motion for two speed limit signs to be installed on Yarmouth Road in the Kings Row area, seconded by Alderman Bengel. The motion carried unanimously 6-0.

28. Closed Session.

A closed session was not needed.

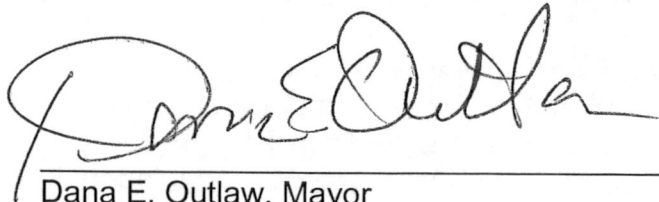
29. Adjourn.

Alderwoman Harris made a motion to adjourn, seconded by Alderman Aster. The motion carried unanimously 6-0, time being 7:13 p.m.

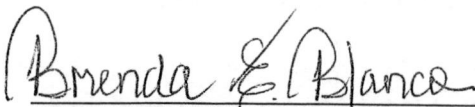
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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: August 15, 2022



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk