

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
SEPTEMBER 27, 2022 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

1. **Meeting opened by Mayor Jeffrey Odham. Alderman Prill acknowledged Hurricane Ian and asked that those in its path be kept in everyone's prayers. Pledge of Allegiance.**

2. **Roll Call.**

Present: Mayor Jeffrey Odham, Alderman Rick Prill, Alderman Hazel Royal, Alderman Robert Aster, Alderman Johnnie Ray Kinsey, Alderman Barbara Best, and Alderman Robert Brinson. Absent: None. 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.

3. **Approve Agenda.**

Alderman Aster made a motion to approve the agenda, seconded by Alderman Royal. The motion carried unanimously 7-0.

Consent Agenda

4. **Consider Adopting a Resolution Closing the 400 Block of Ninth Street for a Thanksgiving in October Dinner.**

Fred Godette, resident of 404 Ninth Street, requested the 400 block of Ninth Street be closed for a Thanksgiving Dinner in October. The closure will take place on October 15, 2022 from 2 p.m. until 8 p.m.

5. **Consider Adopting a Resolution Closing Specific Streets for Tryon Palace Candlelight Celebration.**

Susan Briley, Operations Manager at Tryon Palace, requested the 600 block of Pollock Street and 300 block of George Street be closed on December 10th and 17th from 2 p.m. until 11 p.m. for Tryon Palace's Candlelight Christmas Celebration. To accommodate a fireworks display both evenings, she also requested a block of South Front Street at the location of Palace Point Commons.

6. Consider Adopting a Resolution Closing the 300 Blocks of Pollock and Middle Streets for Christ Episcopal Church to Perform Tree Maintenance.

Christ Episcopal Church, located at 320 Pollock Street, will be trimming trees on the church grounds. This will necessitate the closure of the 300 block of Pollock Street to vehicular traffic on November 21, 2022 from 8 a.m. until 4 p.m. The east lane of the 300 block of Middle Street will also need to be closed from 8 a.m. until 10 a.m. A rain date of November 22, 2022 was requested.

7. Consider Adopting a Resolution Closing Specific Streets for the Great Fire Commemoration Vigil.

The Parks and Recreation Department requested to close the 500 block of Roundtree Street and the westbound lane of the 1000 block of Broad Street to vehicular traffic on December 01, 2022 from 6 p.m. until 8:30 p.m. for the Great Fire Commemoration Vigil.

8. Consider Adopting a Resolution Closing One Lane of Traffic in the 200 and 300 Blocks of Hancock Street for MumFest.

In conjunction with the 2022 MumFest event, the New Bern Police Department requested the traffic pattern on the 200-300 blocks of Hancock Street be converted from two-way traffic to one-way traffic from 5 p.m. on October 7, 2022 until 11 p.m. on October 9, 2022.

9. Approve Minutes.

Draft minutes from the September 13, 2022 meeting were provided for review and approval.

Alderman Best made a motion to approve items 4-9 of the Consent Agenda, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

10. Update on MetroNet.

In November of 2021, MetroNet began installing a fiberoptic network in New Bern. The multimillion-dollar investment will bring internet and phone service to subscribers. Kris Smith, Governmental Affairs Director, provided a brief update on the project, which is approximately 30% complete. The Pembroke area will be the first to receive service, and the initial buildout will be completed by late next summer. After the initial buildout is finished, MetroNet will look for opportunities to build out further. Ms. Smith was joined by Eddie Massengale, Director of Business Development, and John Autry, North Carolina Market Manager.

11. Presentation on Resiliency Plan Road Show.

The City's first Hazard Mitigation and Resiliency Plan was adopted earlier this year. The plan, which was adopted by the Board of Aldermen in March 2022, is designed to improve New Bern's ability to prepare for, withstand, and recover from disastrous events quickly and efficiently. A public outreach and engagement plan has been developed to educate residents and encourage them to partner with the City. The plan will be rolled out to the public during MumFest. Matthew Schelly, Interim Director of Development Services, reviewed the plan with the aid of a PowerPoint presentation.

Noting the resources to roll out the plan are not conducive to the vulnerable groups such as African American communities, Alderman Royal questioned how those communities would be reached. Colleen Roberts, Public Information Officer, described the plans to hold public meetings in strategic locations with in-person and virtual options, as well as video recordings of the meeting. If needed, staff could go door-to-door with information. Mayor Odham suggested reaching out to the school system about the possibility of showing the video during science classes and distributing the informational cards to parents by sending them home through the students.

12. Consider Adopting a Resolution Approving an Interlocal Agreement for Emergency Water Supply with the Town of River Bend.

In 2010, River Bend made improvements to extend its water system to the west side of Highway 17. It was proposed that an interconnection be established between New Bern and River Bend to provide for emergency needs. River Bend is ready to move forward with the engineering design, permitting, and construction of the interconnection. Jordan Hughes, City Engineer, reviewed the agreement and how the Town of River Bend's use would be metered and billed.

Alderman Aster made a motion to adopt a resolution approving an interlocal agreement for emergency water supply with the Town of River Bend, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

13. Consider Adopting a Resolution Designating the Chief of Police Position to Make Recommendations to the NC Alcoholic Beverage Control Commission on ABC Permits.

NC General Statute §18B-904(f) authorizes cities and counties to designate an official, by name or position, to make recommendations concerning the suitability of a person or of a location for an ABC permit. The City has previously designated its Police Chief by name and desires to change the designation to reflect the position. This will eliminate the need to change the name when there is turnover in the position.

Alderman Aster made a motion to adopt a resolution designating the Chief of Police position to make recommendations to the NC Alcoholic Beverage Control

Commission on ABC permits, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

14. Consider Adopting a Resolution Approving the Execution of an Application Contract with the NC Governor's Highway Safety Program for a BikeSafeNC Coordinator.

A regional BikeSafeNC Coordinator serves as a liaison between the State and regional agencies and oversees assessors in the region to ensure they are hosting courses and holding the standards set by the State. The New Bern Police Department has previously served in this role and has an opportunity to do so again. The coordinator will host meetings and attend courses relative to motorcycle safety. A grant of \$5,000 will cover the coordinator's travel, training, and equipment expenses. A match is not required, according to Police Chief Patrick Gallagher.

Alderman Prill made a motion to adopt a resolution approving the execution of an application contract with the NC Governor's Highway Safety Program for a BikeSafeNC Coordinator, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

15. Consider Adopting a Resolution Approving the Execution of an Application Contract with the NC Governor's Highway Safety Program for a Regional Law Enforcement Liaison.

In 2020, the New Bern Police Department took the position of Law Enforcement Liaison for Region 2. In part, the liaison coordinates and organizes highway safety activities and works with participating agencies in the region to coordinate safety-related traffic events. The position also hosts quarterly meetings, works closely with the Governor's Highway Safety Program ("GHSP") to determine what equipment is made available to agencies in the state, and assists the GHSP with events such as conferences, campaign kick-offs, and the state fair. The position comes with a \$25,000 grant, which requires no match. The grant will cover all expenses for travel, training, and equipment related to the position.

Alderman Prill made a motion to adopt a resolution approving the execution of an application contract with the NC Governor's Highway Safety Program for a regional law enforcement liaison, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

16. Consider Adopting a Resolution for the Sole Source Purchase of Diesel Exhaust Filtration System from Ward Diesel Filter Systems.

With cancer a leading cause of death among firefighters, there is a desire to prevent exposure to exhaust emissions. The Ward Diesel Filter System is the sole provider of the No Smoke exhaust filtration system. It was requested that the Board authorize the use of this sole source vendor pursuant to NCGS 143-129(6)(3), which allows an exception for bidding the purchase.

Alderman Aster made a motion to adopt a resolution for the sole source purchase of a diesel exhaust filtration system from Ward Diesel Filter Systems, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

17. Consider Adopting a Resolution to Initiate the Upset Bid Process for 2706 McKinley Avenue.

Stephonie Coward-Leary tendered an offer of \$2,500 for the purchase of 2706 McKinley Avenue. The tax value of the 0.12-acre lot is \$4,500. The property was acquired jointly by the City and County through tax foreclosure in June of 2017. At that time, the City was owed \$475.06 in liens, taxes, interest, penalties, fees, and costs. The County was owed \$2,744.06 in taxes, interest, penalties, fees, and costs. If the property is sold for the initial offer, the City is estimated to receive \$25.65, and the County is estimated to receive \$2,474.35. At the request of Mayor Odham, Mr. Davis provided an overview of the upset bid process.

Alderman Aster made a motion to adopt a resolution to initiate the upset bid process for 2706 McKinley Avenue, seconded by Alderman Prill. Upon a roll-call vote, the motion carried unanimously 7-0.

18. Consider Adopting a Resolution Authorizing the Submission of Grant Applications to the NC Division of Water Infrastructure for the Local Assistance for Stormwater Infrastructure Investments ("LASII") 2022 Funding Program and the LASII 2022 Construction Funding Program.

On behalf of the City, WithersRavenel prepared two applications that are due on September 30th for grants available through the NC Division of Water Infrastructure's Local Assistance for Stormwater Infrastructure Investments. The first application seeks \$400,000 to conduct a stormwater assets inventory and assessment, and the second application is for \$4.1 million for construction of the Duffyfield Stormwater Enhancement Project. The agenda backup indicated the \$3.5 million would be requested for the later project, but the consultants have subsequently increased the project estimate. No local match is required for either grant. Noting the resolution and applications refer to grants and loans, Alderman Brinson asked if any portion of the funding would or could be a loan. Mr. Schelly explained the City is applying for grants, but the program is a combination of both. It will be up to the agency to decide if the City will be awarded grant funding, loans, or a combination of both. If the decision is to offer loans, the City is not obligated to pursue those.

Alderman Best made a motion to adopt a resolution authorizing the submission of grant applications to the NC Division of Water Infrastructure for the Local Assistance for Stormwater Infrastructure Investments ("LASII") 2022 funding program and the LASII 2022 Construction funding program, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

19. Consider Adopting a Resolution to Amend the Utility Customer Service Policy.

Mr. Hughes announced staff is still working on some of the details for this policy, and he requested the Board entertain a motion to table the item and bring it back within 30 days for consideration.

Alderman Brinson made a motion to table this item until the second meeting in October, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

20. Consider Adopting an Ordinance for the Demolition of 1607 High Street.

A letter of minimum housing deficiencies was sent to the owners of 1607 High Street on June 29, 2020. A complaint alleging the structure was unfit for human habitation was filed on June 28, 2021, and a hearing was scheduled for July 12, 2021. At the hearing, staff received a notice of appeal and a ReBuild NC award notification letter. The owners were given until January 22, 2022, to bring the dwelling into compliance. To date, there has been no contact from the owner or ReBuild NC representatives, no permits have been applied for, and the structure remains noncompliant. Public Works estimates the cost of demolition at \$5,253.

For the record, Alderman Brinson noted Google Maps shows a nice, beautiful home. Driving by, however, you see it is not.

Alderman Prill announced he and Alderman Royal had received calls earlier in the day from Kristy Kulberg with the Craven County Disaster Recovery Alliance. She indicated that the property owner is at Stage 5 with RebuildNC to address some financial issues. Allegedly, RebuildNC has made a decision on an appeal from the property owner and will be relaying that info to the owner. The owner is also working with the Craven County Alliance, which would like an opportunity to allow the Alliance to be the owner's advocate in working through the RebuildNC process. They need a little time to make this happen and hope to get the process to Stage 6. While there has been a general lack of communication from the owner or RebuildNC to the City, there has been some activity for which the City has not been made aware of. Alderman Prill asked about the possibility of tabling this item versus adopting the ordinance with a caveat that demolition not take place for an appropriate period of 30, 45 or 60 days. Given the two options, Mr. Davis suggested the Board table the issue.

Alderman Prill did not want to extend the issue too long considering the surrounding property owners have expressed concern about the condition of the structure. However, he was in favor of allowing the property owner and Craven County Disaster Recovery Alliance an opportunity to get some positive action. Alderman Prill cautioned that if traction is made to move to this project into Stage 6, construction would not happen quickly due to the difficulty in securing contractors.

Alderman Best asked whether the owners would also qualify for funding through the CDBG program. Mr. Schelly was not sure but thought that was a possibility. As a reminder, he noted the CDBG program is issuing funds to subrecipients. The Alliance could potentially receive some of the funding.

Alderman Aster made a motion to table this matter until October 25, 2022, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

21. Consider Adopting a Budget Ordinance Amendment for FY 2022-23.

This budget ordinance amendment recognizes grant funds of \$964,807 from the NC Division of Emergency Management's Hazard Mitigation Program, \$276,773.63 from the Department of Homeland Security's Assistance to Firefighters, \$25,000 from the Governor's Highway Safety Program for the regional law enforcement liaison, and \$5,000 from the Governor's Highway Safety Program for the regional BikeSafeNC coordinator. Additionally, it appropriates \$27,677.37 from the General Fund fund balance for the required match for the firefighter's grant.

Alderman Kinsey made a motion to adopt a budget ordinance amendment for FY 2022-23, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

22. Consider Adopting an Ordinance to Amend the Drainage Improvements Project Fund.

This ordinance amends the Drainage Improvements Project Fund to recognize \$134,000 in funds from the Environmental Enhancement Fund Grant. The grant will be utilized for Phase 2 of the Duffyfield Community Stormwater Enhancement Project.

Alderman Best made a motion to adopt an ordinance to amend the drainage improvements project fund, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

(Alderman Best momentarily stepped out of the room at 7:10 p.m.)

23. Appointment(s).

Alderman Prill made a motion to appoint James Ferguson to the Board of Adjustment, seconded by Alderman Kinsey. The motion carried unanimously 7-0. Of note, Alderman Best had stepped out of the room, thus technically yielding an affirmative vote. Mr. Ferguson will fill the seat previously held by Richard Parsons.

Alderman Royal made a motion to reappoint Peter Dillon to the Board of Adjustment, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

Alderman Best was still out of the room, thus technically yielding an affirmative vote.

Alderman Aster made a motion to appoint Tim Tabak to the Board of Adjustment, seconded by Alderman Kinsey. The motion carried unanimously 7-0. Alderman Best was out of the room, thus yielding an affirmative vote. Mr. Tabak will fill the seat vacated by Jim Morrison.

Alderman Brinson made a motion to reappoint Barbara Sampson to the Board of Adjustment, seconded by Alderman Royal. The motion carried unanimously 7-0. Alderman Best was out of the room, thus yielding an affirmative vote.

(Alderman Best returned to the room at 7:13 p.m.)

Alderman Prill made a motion to appoint himself to serve on the Highway 17 Association Board of Directors, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

Alderman Prill made a motion to appoint himself to the New Bern-Craven County Public Library Board of Trustees, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

Alderman Brinson made a motion to appoint himself to the MPO Transportation Advisory Committee, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

Alderman Aster made a motion to appoint himself as the first alternate on the NC Eastern Municipal Power Agency, seconded by Alderman Brinson. The motion carried unanimously 7-0.

24. Attorney's Report.

The City Attorney had nothing to report.

25. City Manager's Report.

- Hurricane Ian is projected to reach New Bern on Friday and produce 4-6 inches of rain and flash flooding. Staff are preparing.
- At the last meeting, the Board discussed holding a work session. The City Clerk initiated a poll which indicated Thursday, November 3rd, was the preferred date. Alderman Brinson made a motion to call for a special meeting to hold a retreat on November 03, 2022, from 12:30 p.m. until 5 p.m. at City Hall, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

26. New Business.

Alderman Best

Citizens have inquired about the need to provide their address when speaking under request and petition of citizens. Alderman Best asked if this was a violation of the first amendment. Mr. Davis explained this is not a violation of rights. Request and petition of citizens is an opportunity for citizens to bring a matter to the Board's attention. To properly address their issues, the Board needs to know who the person is and where they live. The Board can change the policy, but it is in place to allow the Board to best assist the citizen. If a person does not want to give this information, they can reach out to the Board privately. There is no requirement that concerns must be expressed in public and on television under the request and petition of citizens forum.

An update was sought on the Pleasant Hill Community Center. Mr. Hughes stated the project is waiting for the drywall to be installed, which will be followed by installation of cabinets and flooring. Another six weeks of work is anticipated.

Alderman Best asked whether a police officer is positioned downstairs or outside of the building during the Governing Board meetings. Chief Gallagher stated he attends the meetings along with one officer. The officer may step into the lobby area if the courtroom is crowded. When that happens, the officer is still responsive to the needs of the Board. Alderman Best stated she would feel more comfortable if an officer could be at the building's front door or immediately outside of the building. Chief Gallagher said he would talk with the Assistant City Manager as to what is tactically a more appropriate location. He didn't think three uniformed officers were needed and expressed concern about the ability of a downstairs officer to respond to needs that may arise upstairs.

The City Manager was asked to provide an update on the employee picnic. Mr. Hughes stated a poll was recently conducted to see if employees preferred a weekday or weekend function. The results of the poll will be discussed at tomorrow's Department Head meeting. The function will not be a picnic but will be a luncheon for employees only. Alderman Best said she was under the impression that when a city picnic was discussed that it would be a citywide picnic for employees, their spouses, and children, similar to what was held years ago. Mr. Hughes said that was not the plan, but if the Board gave that direction staff could pursue it. Mayor Odham recalled the staff was polled a few years ago, the results of which indicated a gift card at Christmas was preferred over a picnic. The City Clerk was asked to research this. Mayor Odham said he would rather have something that staff wants and will participate in versus something on a weekend that is not well attended. Alderman Aster was in favor of staff being able to have a luncheon together. He pointed out the picnic was well attended when it first started, but attendance later died off and the event became a burden for staff to coordinate and solicit door prizes.

Alderman Kinsey

It is time for the City Manager's evaluation. Survey Monkey was used in the past, and Alderman Kinsey asked if that was the preferred method. For the benefit of the new Board members, Mayor Odham briefly reviewed the evaluation process. It was the consensus of the Board to utilize a survey again.

Alderman Aster

Kim Ostrom, Director of Finance, was asked whether the Cat A project for over \$1 million had been closed out, and Mrs. Ostrom indicated she would check. Alderman Aster asked her to send the information to him so he could follow up.

Considering parking has been a problem during the elevator construction, it was suggested the City Manager could determine who needs to attend the Governing Board meetings until the construction is completed. Mayor Odham said even after construction is complete, he felt there was no need for staff to attend on a regular basis. Any questions that may come up during the meeting could be researched by the Manager the following morning. It is in the Manager's discretion to review and possibly change the attendance policy, and Mr. Hughes stated he would look into it.

Alderman Prill

An inquiry was made as to whether there was feedback following the cleaning of the downtown sidewalks. Mr. Hughes confirmed receipt of some favorable emails, and he has discussed with Public Works the possibility of increasing the cleaning from two times a year to three.

Mayor Odham

The history of the consent agenda was discussed. Currently, no items with financial implications are placed under consent. Mayor Odham suggested there were additional items without immediate financial impact that could be placed under consent, such as initiation of the upset bid process since the sale is not considered until later. Any item on the consent agenda can be pulled by a Board member at any time. No one was opposed to the City Clerk having more liberty to place items on the consent agenda, beginning with the next agenda.

27. Closed Session.

Alderman Aster made a motion to go into closed session pursuant to NCGS §143-318.11(a)(5) to discuss the potential acquisition of real property and NCGS §143-318.11(a)(4) to discuss potential economic development incentives, seconded by Alderman Brinson. The motion carried unanimously 7-0, time being 7:37 p.m.

28. Adjourn.


Alderman Prill made a motion to adjourn, seconded by Alderman Aster. The motion carried unanimously 7-0, time being 8:19 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: October 11, 2022



Jeffrey T. Odham, Mayor

Brenda E. Blanco, City Clerk