

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
OCTOBER 11, 2022 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

- 1. Meeting opened by Mayor Jeffrey Odham. Prayer by Pastor Yvonne Arman of East Coast Coalition of Pastors. 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; Jaimee Bullock-Mosley, Assistant City Attorney; and Brenda Blanco, City Clerk.

- 3. Approve Agenda.**

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

- 4. Request and Petition of Citizens.**

David Leasure of 2906 Bettye Gresham Lane expressed several concerns about his neighborhood. He stated the builder of the Lakeview Subdivision had failed to address structural concerns and improperly graded or placed drainage swales that cause localized flooding. He also voiced concern about the condition of Bettye Gresham Lane, speeders on the street, and the timing of the traffic light at the Highway 70 and Carolina Colours intersection. He suggested an unmarked patrol car be used to monitor motorists' speed and that the builder, NCCI, address and correct the construction issues mentioned.

Consent Agenda

- 5. Consider Adopting a Resolution Calling for a Public Hearing on the Rezoning of 4416 US Highway 17 South.**

Several months ago, Corey Thomas requested to rezone a 0.46-acre parcel from R-10 Residential to C-3 Commercial. The parcel is in the extraterritorial jurisdiction west of the Rocky Run area and is identified as 4416 US Highway 17 South and Craven County Tax Parcel ID 8-206-028. The Planning and Zoning Board ("P&Z") unanimously approved the application at its October 5, 2021 meeting. There were no public comments offered to P&Z at that meeting. The Board of Aldermen considered the request at its November 09, 2021 meeting, at

which time the matter was tabled. The applicant has requested this matter be taken up again for consideration. A public hearing is sought for October 25, 2022.

6. Consider Adopting a Resolution Calling for a Public Hearing on an Amendment to the Utility Customer Service Policy Regarding Line Extensions.

At the request of staff, the Board recently tabled an item to consider an amendment to the utility customer service policy with respect to line extensions. It is desired a public hearing be held on October 25, 2022 to receive public input on the proposed change.

7. Consider Adopting a Resolution Authorizing the Submission of an Application for the Golden Leaf Community-Based Initiative Grant.

The Department of Public Utilities submitted several infrastructure projects to Craven County for consideration as possible candidates for Golden Leaf Community-Based Initiative grants. The County identified the City's West New Bern Water System Improvements project as a potentially competitive project and endorsed the submittal of an application. Subsequently, Golden Leaf extended an invitation for the City to apply. Construction of the project is scheduled for 2023 and is estimated at \$3,500,000. The grant application will seek \$500,000 in funding. The planning and engineering phases are complete, and the project is in the permitting and easement acquisition phase.

8. Approve Minutes.

Minutes from the September 13, 2022 closed session and September 27, 2022 regular meeting were provided for review and approval.

Alderman Best made a motion to adopt Items 5-8 of the Consent Agenda, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

9. Consider Adopting a Resolution Approving the 2022 New Bern Bicycle and Pedestrian Plan.

The City's latest pedestrian and bike plans were adopted in 2009 and 2006 respectively. The New Bern Area Metropolitan Planning Organization ("MPO") designated funds to update the plans, which will be combined into one. The MPO worked with a consultant, city staff, CARTS and NCDOT on the project. While the City was not required to provide a match for the plan update, any projects implemented from the plan will require a 20% match with the State paying the remaining 80% of infrastructure costs. Kim Maxey, MPO Administrator, shared a PowerPoint presentation to review the updated plan. She briefly reviewed the items completed since the 2006 bike and 2009 pedestrian plans.

Alderman Prill asked about funding opportunities. Ms. Maxey provided clarification that funding through the MPO would be at an 80/20 ratio with the City providing 20% of the funding. The MPO is notified by the State when funding is available and that can sometimes be years out. Other agencies establish their match requirements for each grant offered. Alderman Prill was hopeful the City would aggressively seek funding to implement the plan's recommendations. He was also interested in whether any studies had compared population growth based on a community's walkability status. Ms. Maxey stated she would look into that and get back with him.

Alderman Brinson noted he had read the 2006 and 2009 plans and felt the proposed plan was so much better. He was enthusiastic to start working on the plan with staff and the MPO.

Alderman Brinson made a motion to adopt a resolution approving the 2022 New Bern Bicycle and Pedestrian Plan, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

Note: Items 10 and 11 were voted on collaboratively as indicated under Item 11.

10. Consider Adopting a Resolution to Approve the Sale of 612 Second Avenue.

Rise Up New Bern, LLC's offer of \$2,022.00 for the purchase of 612 Second Avenue was advertised, but no upset bids were received. The vacant residential lot is a 0.050-acre parcel valued at \$4,000.00. 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 \$3,527.00 and the amount due the City was \$2,850.33. The City also had a lien assessment in the amount of \$4,860.00. If the property is sold, the City will receive \$988.78 and the County \$791.12 from the proceeds.

11. Consider Adopting a Resolution to Approve the Sale of 208 Daniels Street.

The Third Property Development & Estate Investment Group, LLC submitted an offer of \$9,000.00 for the purchase 208 Daniels Street. The offer was advertised, but no upset bids received. The tax value of the half-acre vacant parcel is \$18,000.00. It was acquired by the City and Craven County in 2019 through tax foreclosure. At that time, taxes, interest, penalties, fees, and costs due to the County were \$3,596.22 and \$713.18 to the City. Earlier this summer, the City demolished a mobile home on the property that received flood damage during Hurricane Florence and was beyond repair. In exchange for the demolition, Craven County conveyed to the City its interest in the property. Thus, the City will receive all proceeds from the sale.

Alderman Best made a motion to adopt resolutions to approve the sale of 208 Daniels Street and 612 Second Avenue, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

12. Consider Adopting a Resolution Approving a General Warranty Deed between Habitat for Humanity of Craven County NC, Minnice Mabry, and the City of New Bern for 1205 Church Street.

On March 08, 2016, the City approved the conveyance of 1205 Church Street to Habitat for Humanity for the purpose of developing affordable housing for low and moderate-income families. Habitat subsequently constructed a home on the property, and following Board approval in March of 2020, the property was transferred to a buyer. Unfortunately, the buyer has since passed away and the property reverted to Habitat. The Board is asked to execute a deed to transfer ownership to a new buyer. By doing so, the City will release any rights retained under a Transfer and Reversion Agreement between the City and Habitat.

Alderman Prill made a motion to adopt a resolution to approve a general warranty deed between Habitat for Humanity of Craven County NC, Minnice Mabry, and the City of New Bern for 1205 Church Street, seconded by Alderman Royal. Upon a roll-call vote, the motion carried unanimously 7-0.

13. Consider Adopting an Amendment to Section 54-157 – Employee Residency Requirements of the Code of the Ordinances.

The City Manager recommended residency requirements be amended for department heads. The ordinance currently provides that the Manager and Assistant City Manager must reside in the city limits. While department heads are encouraged to reside within the city limits, the ordinance requires they reside within 8 miles of city hall within six months of their employment date. Except for the positions of Police and Fire Chiefs, the recommendation is to remove this 8-mile requirement. Area municipalities and Craven County were surveyed on this topic, and the results were provided to the Board.

Aldermen Kinsey and Best both expressed opposition to the change. Alderman Kinsey stated the requirement had been in place for some time, and he referenced a position (City Engineer) that lost the classification as a department head when the promoted employee did not reside in the City. He confirmed position advertisements indicate the residency requirement and applicants are aware of such when they apply. He felt the Manager should continue to review applications until he found individuals who were willing to satisfy the requirement. Alderman Best was concerned about using New Bern residents' tax dollars to pay "nice six-figure salaries" to someone who does not live in the City. It was noted the last ordinance change around 2011 eliminated the need for department heads to resident within the City limits and extended the required residency to specify 8 miles from City Hall. Mayor Odham pointed out that meant someone could reside in Craven County and meet the current requirement. Alderman Best stated she would be satisfied with Craven County residency.

Alderman Aster asked if the current requirement was preventing the hiring of a good candidate, and Mr. Hughes responded yes. Alderman Royal inquired as to

whether housing had been an issue for candidates, and Mr. Hughes confirmed a handful of applicants did have issues with housing. Alderman Kinsey pointed out housing was an issue everywhere. Alderman Prill understood the challenge, stating he had experienced it from an employee and employer standpoint. He felt the requirement stifled the ability to attract the highest quality candidates and said he was comfortable with having the flexibility to adjust policies as national trends and circumstances change. Some would argue that those who live in the community would provide a higher level of service or commitment to their position, but Alderman Prill disagreed stating he was always committed to any position he accepted regardless of whether he lived in that area or commuted. Mayor Odham said the City should be looking at an employee's performance and not where they drive from to get to work.

Alderman Royal made a motion to adopt an amendment to Section 54-157 – Employee Residency Requirements of the Code of Ordinances, seconded by Alderman Aster. Upon a roll-call vote, the motion carried 6-1 with Alderman Kinsey voting against it.

14. Appointment(s).

Alderman Kinsey made a motion to appoint Eric Jones to the Board of Adjustment, seconded by Alderman Prill. The motion carried unanimously 7-0. Mr. Jones will fill the seat previously held by John Riggs, and his term will expire on June 30, 2025.

15. Attorney's Report.

The City Attorney had nothing to report.

16. City Manager's Report.

- Mr. Hughes reported on MumFest which took place over the weekend. Several departments set up informational booths at the event. With the assistance of the City's consultant, WithersRavenel, the resiliency roadshow was unveiled. The MumFest concert is scheduled for Friday, October 14, 2022 at Lawson Creek Park. The park will be closed Thursday and Friday in preparation of the event.
- An update was provided on the restoration of the F11 jet.
- Religious Community Services ("RCS") has asked the City to partner with them on a HUD Continuum of Care grant for \$65,000. The grant requires no match, and the goal of the grant is to end homelessness. The City would be the applicant with RCS the subrecipient. The Board gave direction for staff to proceed.

17. New Business.

Alderman Prill

On behalf of New Bern Preservation Foundation ("NBPF"), Lee Purcell emailed regarding two grants awarded to the King Solomon Lodge restoration project. Alderman Prill asked the two Aldermen who still have ARP funds available to consider that project as a possible recipient of funding.

Alderman Best

Matt Schelly, Interim Director of Development Services, was asked to provide a brief overview of CDBG funding and how citizens could apply. He explained funds would be allocated to subrecipients that would review the applications. The program is income-based and requires properties to be owner occupied. Funds will become available to the City this month, and the City will announce an opportunity for organizations to apply as a subrecipient. Mr. Hughes indicated a press release would be issued to identify the subrecipients following their selection.

Thanks was expressed to Mr. Schelly, Development Services' staff, and Margaret Shields for securing a grant for the East Rose Street pump station. Mr. Schelly pointed out the grant application did not flow through Development Services, but was pursued by George Chiles, Interim Director of Public Works, with the assistance of the grant writer, Mrs. Shields.

Mayor Odham

The November 8th Board meeting falls on election day. The Board can give thought about cancelling or rescheduling that meeting.

Former Mayor Outlaw is doing much better and is very appreciative of everyone's prayers and thoughts.

18. Closed Session.

Alderman Aster made a motion to go into closed session pursuant to NCGS §143-318.11(a)(3) and NCGS §143-318.11(a)(4) to maintain attorney-client privilege to discuss potential economic development incentives and NCGS §143-318.11(a)(5) to discuss the potential acquisition of real property, seconded by Alderman Prill. The motion carried unanimously 7-0, time being 7:00 p.m.

19. Adjourn.

Alderman Brinson made a motion to adjourn, seconded by Alderman Royal. The motion carried unanimously 7-0, time being 7:20 p.m.

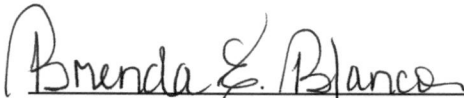
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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 25, 2022

A handwritten signature in black ink, appearing to read "Jeffrey T. Odham", written over a horizontal line.

Jeffrey T. Odham, Mayor

A handwritten signature in black ink, appearing to read "Brenda E. Blanco", written over a horizontal line.

Brenda E. Blanco, City Clerk