

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
NOVEMBER 08, 2022 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

- 1. Meeting opened by Mayor Jeffrey Odham. Prayer by Ben Davies, Fire Specialist III. 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.**

There were no request and petition of citizens.

Consent Agenda

- 5. Consider Adopting a Resolution to Close Specific Streets for the Craven County Jaycees 2022 Christmas Parade.**

The Craven County Jaycees' annual Christmas parade is scheduled for Saturday, December 3, 2022. The organization requested that the 400-800 blocks of George Street, 300-600 blocks of Broad Street, and the 200-300 blocks of Craven Street be closed to vehicular traffic from 1 p.m. until 6 p.m. It was also requested that the southside (eastbound lane) of Broad Street be closed to parking from 12 a.m. until the conclusion of the parade.

- 6. Approve Minutes.**

Closed session minutes from September 27, 2022 and October 11, 2022 were provided for review and approval as well as minutes from the regular meeting on October 25, 2022.

Alderman Best made a motion to adopt and approve Items 5-6 of the Consent Agenda, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 7-0.

7. Presentation by Eastern Carolina Council of Governments.

David Bone, Executive Director of Eastern Carolina Council of Governments, ("ECCOG") shared a PowerPoint presentation reviewing services provided by the organization and its vision for the future. The organization is 1 of 16 councils of government in North Carolina and serves as a conduit between local governments in this region and state/federal partners.

For the benefit of the new Board members, Mayor Odham noted the City was previously a member of the ECCOG but chose not to renew its membership this past December. For any succeeding deliberations about restoring membership, it was suggested Mr. Bone provide specifics as to how the organization could help New Bern in the future.

8. Presentation on Wreaths Across America.

Kevin Yates, Coordinator, made a presentation on Wreaths Across America, a wreath-laying ceremony to take place at the New Bern National Cemetery on December 17, 2022. He requested the City's assistance once again with busing services, escort, and dumpsters. The Board indicated its agreement to provide the assistance requested.

9. Consider Adopting a Resolution for the Sole Source Purchase of Fencing from Coastal Fence Company for the Riverwalk Fence Replacement Project.

Parks and Recreation previously replaced the riverwalk fencing from the boardwalk at the Union Point foot bridge to the Convention Center. Using ARPA funds, additional fencing will be replaced along the riverwalk adjacent to the Grand Marina. This is a special fencing only available through one local distributor, Coastal Fence Company. The Board was asked to authorize the use of this sole source vendor pursuant to NCGS 143-129(6)(3), which allows an exception for bidding the purchase.

Alderman Prill made a motion to adopt a resolution for the sole source purchase of fencing from Coastal Fence Company for the riverwalk fence replacement project, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 7-0.

10. Consider Adopting a Resolution to Declare Property Located at 304 and 308 South Front Street as Surplus and Establish a Minimum Bid.

After a suggestion was made at the August 09, 2022 meeting, the Board gave direction to post signage on the "Talbots" lots to advertise them for sale. At its retreat on November 03, 2022, the Board subsequently discussed a minimum bid of \$750,000 for the two parcels. Mr. Davis briefly explained the upset bid process outlined in NCGS §160A-269.

Alderman Aster made a motion to adopt a resolution to declare property located at 304 and 308 South Front Street as surplus and establish a minimum bid of \$750,000 for the two parcels, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried 6-1 with Alderman Prill voting against it.

11. Appointment(s).

Alderman Best made a motion to appoint Mike Duffy to the Board of Adjustment, seconded by Alderman Kinsey. The motion carried unanimously 7-0. Mr. Duffy will serve in an alternate seat with a term expiration of June 30, 2023.

Alderman Best made a motion to appoint Kathleen Marty to the Board of Adjustment, seconded by Alderman Kinsey. The motion carried unanimously 7-0. Ms. Marty will serve in an alternate seat with a term expiration of June 30, 2023.

12. Attorney's Report.

The City Attorney had nothing to report.

13. City Manager's Report.

Hurricane Nicole is producing northeasterly winds that are causing a lot of water to come up the Neuse. Some streets, Union Point Park, and parts of Lawson Creek Park are closed due to flooding. Staff will continue to monitor the weather.

The Capitol Christmas tree is scheduled to be in New Bern on Saturday, November 12th, at 1 p.m. at Union Point Park. An announcement will be made if it is necessary to change the location due to flooding.

14. New Business.

Alderman Brinson

The Craven County Veteran's Stand-Down will be held tomorrow from 10 a.m. to 1 p.m. at the National Guard Armory on Glenburnie Drive.

The Craven County Veteran's Council will host a veteran's luncheon at Temple Baptist Church on Friday beginning at 11 a.m. for the first 250 veterans.

Alderman Best

An update was sought on the elevator. Mr. Hughes announced the project is currently 50% complete. The projected completion date is still May of 2023. A grand opening will be held at that time.

Alderman Kinsey

There have been false accusations about where he lives, and Alderman Kinsey stated he wanted to put those to rest. He stated he does live in the 4th Ward.

Alderman Royal

In the past, the community expressed concern about the Board's division. To bring some solidarity, she suggested the Board participate in a Christmas parade float. Mayor Odham felt it was a great idea and asked the City Clerk to circulate a poll as to the Board's availability.

Alderman Prill

The City has been working for some time to have the Tisdale house moved to a new location so it will not impede the Stanley White Recreation Center project. Proposals were received by New Bern Preservation Foundation ("NBPF"). After review, two proposals were deemed to have the means to move the house. One of the conditions under the original proposal was for the proponent to have control over a lot where the house could be moved. Both individuals who submitted viable proposals identified lots, but were not necessarily in control of those lots.

During the timeframe of receiving and vetting proposals, the City was looking into providing a lot for which the house could be relocated. Alderman Prill was concerned that the City advertised certain terms and conditions that must be met, but one of those conditions (control of the lot) had now been changed or modified by the City by making a lot available. With this significant change, Alderman Prill raised the procedural question and concern as to whether the process needed to be readvertised to allow others an opportunity to submit proposals.

Mr. Davis explained late in the proposal process, NBPF preferred the City subdivide the lot on Rhem Street. The City then pivoted to try to accommodate the Foundation. If the City proceeds with the process, it will sell the lot to NBPF. The Foundation is the only local entity for which the City could sell the property at fair market value while putting restrictions on the property to require the house be constructed and forever maintained on the lot. The City always had plans to convey the house to the NBPF, and possibly the lot. The advertisement was to draw interest so applicants could approach NBPF with their plans for rehabbing the house. Mr. Davis stated he was comfortable from a legal standpoint that procedurally the lot will be conveyed to NBPF. The question Alderman Prill raises is a political one as to whether the Board or its constituents feel there was fair notice that there is now a different "deal". A contract with NBPF is planned to be on the next agenda. If the Board wanted to readvertise, there is time to do that. Either way, the house will still go to NBPF if the City wants to place restrictions.

Alderman Aster asked where the process stood with NBPF, and Mr. Hughes noted one of the individuals who submitted a viable proposal was in attendance.

Alderman Aster made a motion to allow the individual to speak, seconded by Alderman Prill. The motion carried unanimously 7-0. Dan Tower, a resident of New Bern for the last three years and originally a construction/real estate corporate attorney, informed the Board he had performed countless historic preservations, restored a similar house in Raleigh, and that he had been working with George Brake at NBPF on this project. The house is a significant historic building, and Mr. Tower felt it was important to preserve it as part of New Bern's history. Mr. Tower purchased a lot on Chattawka Lane from the City, but NBPF did not want the house on that lot. Mr. Brake expressed a desire to see the house in the downtown or historic district and had spoken with the prior Board about putting it on Rhem Street. At some point, someone on the Board was backing off and unsure that was the right decision. Thus, Mr. Tower signed a contract to purchase a suitable property on the corner of New and Bern Street. Just as he was moving forward with that purchase, Mr. Brake called to say the City reconsidered and wanted the home on Rhem Street. So, Mr. Tower halted the purchase of the New and Bern Street lot. Mr. Tower did feel Rhem Street was a great place for the house, as it will be congruent with other homes. He's been sitting on go, has the funds for the project without obtaining financing, and is ready to move the house. The initial indication was the house needed to be moved by September. He has the moving and foundation contractors lined up, but is waiting to get the go ahead. He reiterated that he felt it was important to preserve historical homes and has a lot of experience doing that.

Alderman Best said she did not recall the Board deciding to move the home to Rhem Street. Mr. Davis noted staff was given direction by the Board to subdivide the parcel on Rhem and proceed with the vision for the new location. On the next agenda will be an item to approve a real estate contract with NBPF for the sale of the lot. NBPF will also get a bill of sale for the Tisdale house and will be given a specified amount of time to move the house to the lot. When the property is deeded to NBPF, there will be preservation restrictions that will apply to the property and house. The City's contract will be with NBPF, but the obligations will pass to the buyer chosen by the Foundation.

Earlier in the day, Mr. Brake informed the Manager that originally there were 8-10 parties interested in the house. Two were serious contenders. Once the City signs the contract, a closing between the City and NBPF will take place within a week or two. The City's previous notices have been for the benefit of NBPF to generate interest and make their job easier. It is not a legal process for the City to solicit bids between the City and a potential buyer. Alderman Prill stated his standpoint was not that the City needed to take additional action, but he was concerned that the City may be inadvertently setting itself up for a potential legal challenge. He did not want to stop the project and felt NBPF would be an excellent steward in the process to move and have the home restored.

Mayor Odham asked if the City should readvertise in the same method as the first time, but instead ask that interested parties contact NBPF instead of the City. Mr. Davis confirmed with Ms. Blanco that the original process provided parties would reach out to the City Clerk. If the Board is concerned, in the spirit of transparency Mr. Davis suggested an ad run for a week or 10 days utilizing the same method where parties contact the Clerk. The Board was not opposed to re-running the ad once more if it would not interfere with presenting the contract at the next meeting.

Mayor Odham

A picture was shown of signs in a City right of way, all of which are illegal. Mayor Odham felt the matter needed to be addressed. He suggested a future work session to bring everyone up to speed on the city's ordinance.

15. Closed Session.

Alderman Prill made a motion to go into closed session pursuant to NCGS §143-318.11(a)(2), NCGS §143-318.11(a)(3) to maintain attorney-client privilege, and NCGS §143-318.11(a)(5) to discuss the potential acquisition of real property, seconded by Alderman Aster. The motion carried unanimously 7-0, time being 7:13 p.m.

16. Adjourn.

Alderman Aster made a motion to adjourn, seconded by Alderman Prill. The motion carried unanimously 7-0, time being 7:22 p.m.

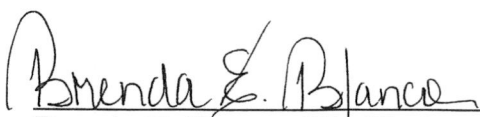
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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: November 22, 2022



Jeffrey T. Odham, Mayor



Brenda E. Blanco, City Clerk