

**CITY OF NEW BERN  
BOARD OF ALDERMEN MEETING  
FEBRUARY 28, 2023 – 6:00 P.M.  
CITY HALL COURTROOM  
300 POLLOCK STREET**

- 1. Meeting opened by Mayor Jeffrey Odham. Prayer by Aaron Golden, Pastor of Union Point Church. Pledge of Allegiance.**

- 2. Roll Call.**

Present: Mayor Jeffrey Odham, Alderman Rick Prill, Alderman Hazel Royal, Alderman Robert Aster, Alderman Johnnie Ray Kinsey, and Alderman Robert Brinson. 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. Approve Agenda**

Alderman Aster made a motion to approve the agenda, seconded by Alderman Prill. The motion carried unanimously 6-0.

**Consent Agenda**

- 4. Consider Adopting a Resolution to Close the 400 Block of Pollock Street for Arts in April.**

Swiss Bear requested to close the 400 block of Pollock Street to vehicular traffic on four Saturdays in April. Art activity and displays will occur in front of the New Bern Civic Theatre on April 1, 2023 from 8 a.m. until 8 p.m., April 15, 2023 from 8 a.m. until 6 p.m., April 22, 2023 from 2 p.m. until 8 p.m., and April 29, 2023 from 8 a.m. until 6 p.m.

- 5. Approve Minutes.**

Minutes from the January 24, 2023 closed session and February 14, 2023 meeting were provided for review and approval.

Alderman Royal asked about the regulations that govern street closures and whether there is a policy that requires neighbors to be notified or signatures obtained. Mr. Davis explained the Board has the legal authority to close streets. That is the only legal requirement, but staff may have administrative processes. Noting some requests include information that residents were notified, Alderman Royal asked if that is at the discretion of the person who requested the closure.

According to Mr. Hughes, the application asks whether residents have been notified. The City does expect those who are affected by the closure to be notified through door-to-door notification or posting of signage. Alderman Royal asked whether that procedure was followed with the closure of the 400 block of Pollock Street (Item 4). Mr. Hughes said normally with downtown items, the Downtown Business Council notifies adjacent business owners of the closure.

Alderman Aster made a motion to approve Items 4-5 of the Consent Agenda, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

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NOTE: Items 6 and 7 were voted on collaboratively as indicated under Item 7.

**6. Consider Adopting a Resolution Approving the Sale of Parcel ID 8-039-197 on College Street.**

Jesse Adams submitted an offer of \$2,250 for the purchase of property on College Street identified as Tax Parcel 8-039-197. The bid was advertised, but no upset bids were received. The property is a vacant 0.11-acre residential lot acquired by the City in May of 2000. It has a tax value of \$4,500.

**7. Consider Adopting a Resolution Approving the Sale of Parcel ID 8-039-203 on Saint John Street.**

Jesse Adams submitted an offer of \$2,250 for the purchase of property on Saint John Street identified as Tax Parcel 8-039-203. The bid was advertised, but no upset bids were received. The property is a vacant 0.11-acre residential lot acquired by the City in May of 2000. It has a tax value of \$4,500.

Alderman Aster made a motion to adopt resolutions approving the sale of Parcel ID 8-039-197 on College Street and Parcel ID 8-039-203 on Saint John Street, seconded by Alderman Royal. Upon a roll-call vote, the motion carried unanimously 6-0.

**8. Consider Adopting a Resolution Approving Reimbursement to the NC Department of Transportation for Fabrication and Installation of New Bern High School 4A Championship Signage.**

To recognize the New Bern High School football team's state championship victory, this resolution approves a reimbursement of \$1,200 to the NC Department of Transportation for the fabrication and installation of signage along Highway 17 North, Highway 70 East, and Highway 70 West. Each sign has an estimated cost of \$400.

Alderman Royal made a motion to adopt a resolution approving the reimbursement to the NC Department of Transportation for fabrication and installation of New Bern High School 4A Championship signage, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 6-0.

**9. Consider Adopting a Resolution Authorizing the Execution of a Memorandum of Understanding with the Bureau of Alcohol, Tobacco, and Firearms.**

The Bureau of Alcohol, Tobacco, and Firearms (“ATF”) implemented the National Integrated Ballistic Information Network to reduce firearms violence, identify shooters, and sources of crimes. The New Bern Police Department (“NBPD”) will have access to the network and data collected at no cost. The Memorandum of Understanding (“MOU”) will establish an interagency agreement to govern the access and utilization of the program. The program and sensitive data can only be used by designated personnel within the law enforcement agency. NBPD will use the information for criminal investigations to address gun violence in New Bern.

Alderman Aster made a motion to adopt a resolution authorizing the execution of a Memorandum of Understanding with the Bureau of Alcohol, Tobacco, and Firearms, seconded by Alderman Prill. Upon a roll-call vote, the motion carried unanimously 6-0.

**10. Consider Adopting a Resolution Authorizing the City Manager to Execute an Amended Grant Contract with NC Land and Water Fund.**

After introducing himself, Chris Seaberg, Community and Economic Development Manager, explained this grant contract was initially approved by the Governing Board on March 22, 2022. At that time, the contract reflected a start date of September 15, 2022. On September 20, 2022, the NC Land and Water Fund’s (“NCLWF”) Board of Trustees approved an amendment of the start date to June 30, 2023. Since the contract has been revised to reflect a new date, Board approval is again needed. No additional amendments to the contract were made.

Alderman Prill made a motion to adopt a resolution authorizing the City Manager to execute an amended grant contract with NC Land and Water Fund, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 6-0.

**11. Consider Adopting a Resolution Authorizing the City Manager to Execute a Memorandum of Agreement with NC Emergency Management for the Duffyfield Stormwater Enhancement Grant.**

The City was awarded a \$2,586,291 grant from the Emergency Management Disaster Relief and Mitigation Grant through the NC Department of Public Safety/NC Emergency Management. The grant will be used for the Duffyfield Stormwater Enhancement Project. It is requested the City Manager be authorized

to execute a Memorandum of Agreement to accept the funding and terms of the grant.

Alderman Prill made a motion to adopt a resolution authorizing the City Manager to execute a Memorandum of Agreement with NC Emergency Management for the Duffyfield Stormwater Enhancement Grant, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 6-0.

**12. Consider Adopting an Ordinance Amending the Drainage Improvements Project Fund.**

This ordinance amends the Drainage Improvements Project Fund to recognize the funding from the NC Emergency Management Disaster Relief and Mitigation grant, as referenced in the previous item.

Alderman Brinson made a motion to adopt an ordinance amending the Drainage Improvements Project Fund, seconded by Alderman Prill. Upon a roll-call vote, the motion carried unanimously 6-0.

**13. Consider Adopting an Ordinance to Amend Chapter 70 “Traffic and Vehicles” Section 99 “Stop Intersections” of the Code of Ordinances.**

The NBPD requested the intersection of George and Queen Streets be designated as a four-way stop and appropriate signage installed. The request follows recent vehicular accidents and multiple near misses. George Chiles, Director of Public Works, said the intersection is not a true 90-degree angle, and the additional signage will hopefully assist with sightline issues. Motorists will be alerted to the all-way stop by placement of flags on the new stop signs, the addition of stop bars, etc.

Alderman Prill made a motion to adopt an ordinance to amend Chapter 70 “Traffic and Vehicles” Section 99 “Stop Intersections” of the Code of the Ordinances, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

**14. Appointment(s).**

No appointments were made.

**15. Attorney’s Report.**

The City Attorney had nothing to report.

**16. City Manager’s Report.**

Mr. Hughes announced the Fire Department’s annual firetruck pull will be held on March 11, 2023 followed by open house at the main fire station. Additionally, the Arbor Day Celebration will be held on March 17, 2023 at Leander Morgan Park.

Last Friday, Mr. Hughes and staff met with Dan Tower, the owner of the Rhem Avenue lot, which is the site for the Tisdale House relocation. Mr. Tower has run into a couple of insurance issues, but he is working hard on the project and keeping the City informed. It is anticipated the house will be moved by the end of the month.

## **17. New Business.**

### Alderman Aster

An update was requested on the Fire Department's grant and receipt of the self-contained breathing apparatus ("SCBA"). Mr. Hughes said the City received the grant funds, and the SCBA units were received in January.

The Fire Department is storing a tremendous amount of equipment outside and has requested a storage building. Staff was asked to obtain a quote for an adequate storage structure, and the price returned at \$155,000. Alderman Aster made a motion to expend \$155,000 from his ARP funds for a storage building for New Bern Fire and Rescue, seconded by Alderman Brinson. The unit will be located behind the main fire station. Upon a roll-call vote, the motion carried unanimously 6-0.

### Mayor Odham

The second annual New Bern Autism 5k will be held on April 22, 2023 at 8 a.m. at 210 E. Front Street. The registration fee is \$30, and registration can be completed online. A family fun and food event will follow beginning at 10 a.m.

Optimum has a new storefront in New Bern. It is located in the new Harris Teeter shopping center on Martin Luther King Jr. Boulevard.

Regarding Alderman Royal's previous questions about street closures, Mayor Odham asked if the Board could set a policy, such as a threshold or number of times a closure is permitted in a calendar year. Mr. Davis said the Board could establish guidelines and procedures, but the Board may also deviate from its a policy or make an exception since it has the authority to modify its own rules. Mayor Odham noted some people have expressed concern that their voices are not heard and the ones affected are the businesses located on the streets being closed. Mayor Odham encouraged Alderman Prill to work with the downtown businesses, Swiss Bear, and the Downtown Council to pursue improved communication before the Board considers implementing policies.

## **18. Closed Session.**

Alderman Aster made a motion to go into closed session pursuant to NCGS §143-318.11(a)(3) to maintain attorney-client privilege and pursuant to NCGS §143-318.11(a)(5) to discuss the potential acquisition of real property, seconded by Alderman Brinson. The motion carried unanimously 6-0, time being 6:30 p.m.

Mayor Odham previously invited the Aldermen to participate in a tour of their ward to look at potential issues. Three tours have been arranged thus far. He

reminded the rest of the Board if there is interest to reach out to the Clerk, and she would coordinate a tour with his and Mr. Hughes' schedules.

**19. Adjourn.**

Alderman Royal made a motion to adjourn, seconded by Alderman Aster. The motion carried unanimously 6-0, time being 6:47 p.m.

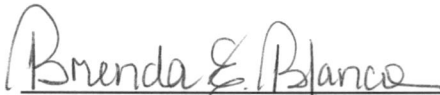
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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](http://www.newbernnc.gov). Video and audio recordings of the meeting have been archived.

Minutes approved: March 14, 2023



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Jeffrey T. Odham, Mayor



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Brenda E. Blanco, City Clerk