

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

1. Meeting opened by Mayor Jeffrey Odham. Prayer by Mayor Odham. Pledge of Allegiance.

2. Roll Call.

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

Also Present: Foster Hughes, City Manager; Marvin Williams, Assistant City Manager; 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 Kinsey.

Alderman Royal made a motion to postpone Item 10 given the (updated) information that the Board received, asking for more time to understand the framework and details, and for Swiss Bear to be available on April 11, 2023 (the next meeting) to make a formal presentation to the Board of Aldermen and include some of the specific details that is related to partnerships that are outlined in the agenda packet as well as the proposed capital campaign given the information that the Board just received when it walked into the room; it will allow the Board and citizens an opportunity to review the updated information that has been received.

Noting there was a motion and a second to approve the agenda followed by some discussion to change that, Mayor Odham asked Mrs. Mosley if the agenda were to be changed if the officials who made the original motion and second would need to withdraw their motion and second. Mrs. Mosley confirmed with Alderman Royal that she was making a subsidiary motion to postpone Item 10 to a date certain. Mayor Odham questioned whether the first motion should be voted on before a second motion is considered, and Mrs. Mosley thought Roberts Rules allowed for the Board to entertain a subsidiary motion since the action is to postpone an item to a date certain. However, the main motion could continue if that is the pleasure of the Board. Mayor Odham noted as long as he has sat on the Board a subsidiary motion has not been entertained, and he stated he would like for the Board to pull the original motion and second and then discuss Alderman Royal's issue separately. Another option per Mayor Odham is to leave

the item on the agenda, move forward with the presentation since those individuals (Swiss Bear representatives) are in attendance, and not take action at this meeting. Alderman Royal asked that her motion stand, and Alderman Kinsey seconded it. Mayor Odham asked Mrs. Mosley how to handle things and whether the first motion was “off the table.” Mrs. Mosley said the first motion would be in play in the event that the subsidiary motion failed. Upon a roll-call vote, the subsidiary motion carried 4-3 with Alderman Aster, Alderman Brinson, and Mayor Odham voting against it.

Mayor Odham asked the Manager if there were any timing issues associated with tabling Item 10, and Mr. Hughes responded no.

Alderman Best made a motion to approve the agenda with exception that Item 10 be tabled to April 11, 2023, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

Consent Agenda

4. Consider Adopting a Resolution Calling for a Public Hearing on the 2023 Community Development Block Grant (“CDBG”) Program Annual Action Plan.

HUD requires Entitlement Cities to submit an annual Action Plan detailing the intended use of CDBG funding. New Bern’s allocation for program year 2023 is \$294,122. Staff received public comments on February 20, 2023. The comments received have been added to the plan, along with goals intended to address priority needs. The draft plan will be available April 07, 2023 on the City’s website, in the Office of Development Services, the City Clerk’s office, and at the New Bern-Craven County Public Library. It was requested the Board call for a public hearing on April 25, 2023 to also receive comments.

5. Consider Adopting a Resolution to Initiate the Upset Bid Process for 837 Pavie Avenue.

After making a presentation before the Redevelopment Commission and receiving its support, Mark Roberts submitted a bid on behalf of Rise Up New Bern LLC for the property at 837 Pavie Avenue. The property is a 0.06-acre parcel that includes a residential structure built in 1925 that needs rehabilitation. The bid of \$12,333 exceeds 50% of the pre-valuation tax value of \$24,580 that was in place at the time the process was initiated. The property was acquired jointly by the City and County in May of 2019 through tax foreclosure.

6. Approve Minutes.

Minutes from the March 14, 2023 meeting were provided for review and approval.

Alderman Prill made a motion to approve Items 4-6 of the Consent Agenda, seconded by Alderman Royal. Upon a roll-call vote, the motion carried unanimously 7-0.

7. Presentation on Juneteenth of New Bern.

Talina Massey, event organizer, presented information on the 2023 Juneteenth of New Bern festival. The event has grown from one day to spanning over 10-11 days. The local committee is now an official nonprofit and has commissioned a Juneteenth bear to be painted and placed on display in the Five Points neighborhood. Juneteenth became a federal holiday in 2021. Ms. Massey requested the festival be added as a city-sponsored event and, in the future, to the City's list of observed holidays. The estimate for the City's support to cover barricades, street closures, mobile stage, law enforcement, etc. is \$2,900. The overall budget for the festival is a little under \$15,000, of which \$5,000 is for the fireworks.

Alderman Best said that it was her hope the Board would agree this year to add the Saturday festival to its list of City-sponsored events. Saturday's activities include a festival, parade, and fireworks. She stated she would appropriate some of her discretionary funds to be used for the fireworks.

Mayor Odham suggested Ms. Massey meet with the City Manager or the Department of Parks and Recreation to discuss what amenities and services the City provides to city-sponsored events. Staff could then prepare an ordinance for the April 11, 2023 agenda for the Board's consideration. Alderman Prill appreciated that suggestion as he felt it would be difficult for the Board to make decision without having that information available.

Referring to the list of cities that have added Juneteenth as a holiday, Alderman Aster voiced a desire to know the number of holidays that those cities offer. Mr. Hughes announced New Bern currently offers 12 paid holidays. The NC League of Municipalities just released its 2022-23 benefits survey. Out of the 167 cities that participated in the survey, 48 observe Juneteenth. All these cities have added the holiday as an additional day; thus, observing 13 or more holidays annually. Alderman Royal asked for the survey data to be distributed to the Governing Board.

Mayor Odham asked how much a paid holiday costs the City. Based on current salaries, Mr. Hughes stated one day costs \$136,000 including benefits. Mayor Odham noted if Juneteenth is added as a paid holiday and a city-sponsored event then employees who work the event would be paid time off to observe the holiday and time and a half to work the event.

Alderman Best asked that information also be presented at the April 11, 2023 meeting for the Board to consider the paid holiday. She felt this was another small incentive that could be given to employees.

8. **Conduct a Public Hearing on the Rezoning of Tax Parcel ID 8-044-007; and**
a) **Consider Adopting a Statement of Zoning Consistency or Inconsistency;**
b) **Consider Adopting an Ordinance to Rezone Tax Parcel ID 8-044-007 from C-4 Neighborhood Business District to C-3 Commercial District.**

The owner of Tax Parcel ID 8-044-007, which is located on the east side of Lowes Boulevard by the intersection of Trent Road, requested to rezone the 6.83+/- acre parcel from C-4 Neighborhood Business District to C-3 Commercial District. The Planning and Zoning Board unanimously approved this request at its February 07, 2023 meeting. Jessica Rhue, Director of Development Services, shared a presentation reviewing the area and admissible uses under C-4 and C-3.

Alderman Prill noted the owner recently demolished a structure on the site, and he questioned whether the owner intended to rebuild. In response, Mrs. Rhue stated legally she could not answer questions about intended use. However, the applicant is free to answer that question if they are present and desire to do so.

Mayor Odham opened the public hearing, and the following spoke.

- Billie Poole, applicant and manager of the property, said the previous structure was dilapidated and had been attracting vagrants. Currently, there are no plans to build a new structure. A tenant is interested in the middle building, and the front building will be refurbished. The fruit and vegetable stand will remain.
- Reginald Davis, owner of property on Madison Avenue, asked how the rezoning would affect area residents' property values and taxes and if the rezoning would cause an increase in noise level. Mrs. Rhue said a question of adverse effect would be considered by the Board of Adjustment. With respect to taxes, Craven County oversees property valuations. Mrs. Rhue reviewed the permissible uses under C-3 and C-4 to give an idea as to what type of noises could be generated. Noise is considered in the development process through the major site plan review, not during the zoning process.
- Ernest Williams of 2606 Trent Road asked what would change about the zoning, and Mrs. Rhue again displayed the list of permissible uses for C-4 and C-3 districts.

Alderman Best made a motion to close the public hearing, seconded by Alderman Brinson. The motion carried unanimously 7-0.

Alderman Royal made a motion to adopt a statement of zoning consistency, seconded by Alderman Best. The motion carried unanimously 7-0.

Alderman Prill made a motion to adopt an ordinance rezoning Tax Parcel ID 8-044-007 from C-4 Neighborhood Business District to C-3 Commercial District, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

9. Consider Adopting an Ordinance to Amend Article II. Fire Prevention Code of Chapter 30 “Fire Prevention and Protection”.

The owner of 3301 Neuse Boulevard desires to install three 550-gallon above-ground fuel storage tanks as part of the daily operations of Maple Cypress Tree Service. Pursuant to Section 30-40 of Article II “Fire Prevention Code” of Chapter 30 “Fire Prevention and Protection”, the ordinance must be amended to add this site as an approved district for above-ground fuel storage. District 11, the site of the Pepsi plant, will be removed according to Johnathan Gaskins, Fire Marshal.

Alderman Kinsey made a motion to adopt an ordinance to amend Article II. Fire Prevention Code of Chapter 30 “Fire Prevention and Protection” to update the code to include the requested district, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 7-0.

10. Consider Adopting a Resolution Authorizing the Submission of an Application for a Rural Transformation Grant on Behalf of Bradham’s Legacy.

This item was tabled until April 11, 2023 as indicated under Item 3 above.

11. Appointment(s).

No appointments were made at this time. Alderman Prill stated he had received six or seven letters or resumes of interest to fill the vacancy on the Planning and Zoning Board. He has met with two of the candidates and will meet with the others soon. He anticipated making an appointment at the Board’s next meeting.

12. Attorney’s Report.

The City Attorney had nothing to report.

13. City Manager’s Report.

Mr. Hughes will be accompanying Mayor Odham on ward visits with the respective aldermen. Ward 5 will be visited tomorrow, Wards 1 and 6 will be visited on Thursday, and Ward 2 will be visited on April 10th.

Budget work sessions are scheduled for May 2nd and 3rd. There should be time to discuss additional items.

Dan Tower, owner of the Tisdale house, has obtained the majority of the needed permits. The mover is coordinating with the NC Department of Transportation the route and access issues. A move date should be provided next week.

Window installation began today on the third floor of the City Hall annex.

14. New Business.

Alderman Brinson

Citizens and bicyclists have expressed a desire to make New Bern more walkable and bikeable. The 2022 New Bern Bicycle and Pedestrian Plan was approved by the Board at its October 11, 2022 meeting. The plan recommends the formation of an advisory committee to focus on implementing the plan and prioritize studies, projects, and grants. Alderman Brinson asked that staff be given guidance to present before the Board at a future meeting a resolution to establish the committee. Support from the Board was expressed.

Tomorrow is National Vietnam War Veterans Day, and this year marks the 50th anniversary of the day the last US Combat Troops departed Vietnam. The local chapter of the Vietnam Veterans Association will be at the Union Point Park gazebo tomorrow from 10 a.m. until 4:30 p.m. Everyone was encouraged to visit the displays, show support, and welcome the veterans home.

A group of businesses have formed the Uptown New Bern Small Business Alliance to focus on small businesses supporting one another. The current businesses are Angry Chihuahua Brands, Bites on a Board, Jenna's Just-In Boutique, A Painted Home at the Craft Studio, The Backyard Bee's, and Beartown Liquidations. Businesses in the Glenburnie, Martin Luther King, Trent Road area and points in between can call Tracy at Angry Chihuahua to join. Alderman Brinson stated anyone like him who wanted to support these businesses and their alliance could join their Facebook page and frequent their businesses. A shopping event is scheduled for April 22nd, details of which are on the Facebook page.

Alderman Best

A citizen has inquired as to whether a vending machine could be placed inside the Pleasant Hill Community Center. Mr. Hughes stated there are vending machines in some City buildings and that he would speak with Alderman Best about this later.

The resident at 125 Hillmont Road said a transformer is in the ditch line and blocking the water flow. She asked for someone to check on this.

Alderman Kinsey

Earlier in the morning, he spoke with the City Manager about drainage issues on Plymouth and Colony Drive. Mr. Hughes said the area is being reviewed.

Mayor Odham

Appreciation was expressed to the City Manager, Assistant City Manager, and Police Captain Marquie Morrison-Brown for their participation in Saturday's mobile town hall meetings that were organized by Victor Taylor. Mayor Odham

suggested taking New Bern 101 to the next step by offering modules online. Mr. Hughes said he could explore an abbreviated online version.

15. Closed Session.

Alderman Aster made a motion to go into closed session pursuant to NCGS §143-318.11(a)(3) to discuss West vs. the City of New Bern 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 7-0, time being 7:04 p.m.

16. Adjourn.

Alderman Royal made a motion to adjourn, seconded by Alderman Brinson. The motion carried unanimously 7-0, time being 7:23 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: April 11, 2023



Jeffrey T. Odham, Mayor



Brenda E. Blanco, City Clerk