

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
AUGUST 08, 2023 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

- 1. Meeting opened by Mayor Jeffrey Odham. Prayer by Alderman Best. Pledge of Allegiance.**
- 2. Roll Call.**

Present: Mayor Jeffrey Odham, Alderman Rick Prill, Alderman Hazel Royal, Alderman Robert Aster, Alderman Johnnie Ray Kinsey (arrived at 6:06 p.m.), 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.

Mr. Hughes asked Police Chief Patrick Gallagher to provide a statement regarding an incident that happened a week ago involving an autistic child who was handcuffed. Chief Gallagher read a statement (copy attached) describing the incident, the entirety of which was captured on a body-worn camera.

- 3. Approve Agenda**

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

(Alderman Kinsey arrived at 6:06 p.m.)

- 4. Request and Petition of Citizens.**

Sasha Strayhorn of 430 Cicero Riggs Road, Cove City, approached the podium. She was accompanied by Jameesha Harris of 222 Monterey Circle, who spoke on behalf of the family. Mrs. Harris felt the reading of a statement by the Police Chief before Ms. Strayhorn had an opportunity to speak was "gaslighting." Regardless of what the video shows, the person who called the police needs to be dealt with. When Mrs. Harris sat on the Board, she was made aware of a program that would involve the assistance of professionals when police are dispatched to calls that involve mental health issues. The child involved in this incident was a 10-year-old, nonverbal, autistic boy. He is traumatized by being handcuffed. Police acknowledged the matter was not handled the way it should have been, and the family was offered a gift, which is disrespectful. Moving forward there needs to be understanding and a proactive approach when dealing with similar situations. The mother felt she had to sign involuntary commitment documents. The family takes

issue with blood being drawn from the child at the hospital. The City owes the family an apology, and the video needs to be expeditiously released. At the end of the day, no 10-year-old child should be handcuffed. The family is in shambles and will use social media to share this experience. Mrs. Harris indicated the family would seek legal counsel.

Scherrie Strayhorn was also called to the podium but did not approach.

Consent Agenda

5. Consider Adopting a Resolution Calling for a Public Hearing to Annex 201 Riverside Drive.

Andrew Gratz submitted a petition to annex the property at 201 Riverside Drive in Township 2, Bridgeton. The property consists of a single-family residence on a 0.233-acre tract. It was requested a hearing be called for August 22, 2023 to receive comments and consider this request.

6. Consider Adopting a Resolution Authorizing the Publication of Notice of Intent to Exchange Real Property Owned by the City Identified as a Portion of Tax Parcel ID 8-209-12006 for a Portion of Real Property Identified as Tax Parcel ID 8-209-1300 Owned by Weyerhaeuser Company.

NCGS §160A-271 requires local governments to provide a 10-day public notice prior to considering the exchange of real property. This resolution authorizes the publication of a notice for the exchange of 0.23 acres owned by the City along the northern side of Highway 70 for 0.66 acres of property owned by Weyerhaeuser Company on the southern side of the highway. The property owned by the City was purchased from Weyerhaeuser in 2007 along with nine other parcels and is part of a water well site. Weyerhaeuser requested the transfer to accommodate plans for the West New Bern development. The City can use the property on the southern side of Highway 70 for future water system improvements.

7. Consider Adopting a Resolution to Approve a Memorandum of Understanding with the Eastern Carolina Council Area Agency on Aging for Project Lifesaver.

Project Lifesaver is an international program operated by public safety agencies in search and rescue efforts for at-risk individuals prone to life-threatening behavior of wandering. There are 17 agencies within 100 miles of New Bern that utilize the program, the closest being Onslow County Sheriff's Office and Morehead City. The agreement provides that New Bern Fire-Rescue and the New Bern Police Department will operate the program, while Eastern Carolina Council will be responsible for case management and obtaining funding for the program. At the first meeting in September, the program will be detailed and demonstrated by Police Chief Patrick Gallagher.

8. Consider Adopting a Resolution Approving an Interagency Fire and Rescue Mutual Aid Agreement with the City of Greenville.

The NC Search and Rescue program is a partnership between state and local governments to supplement local response to manmade and natural disasters. This agreement is relative to NC Task Force 10, which is comprised of New Bern and Greenville's Fire-Rescue Departments. Task Force 10 is assigned specifically to respond to disasters in the eastern part of the state.

9. Approve Minutes.

Draft minutes from the July 25, 2023 meeting were provided for review and approval.

Alderman Best made a motion to approve Items 5-9 of the Consent Agenda, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

10. Conduct a Public Hearing and Consider Adopting an Ordinance Amending Sections 15-416, 15-417, and 15-423(d) of the Land Use Ordinance.

This amendment corrects a single-digit typographical error in Section 15-423(d) and replaces language that was inadvertently omitted during modifications to accommodate NCGS 160D. A change is also proposed for front setback requirements for buildings in the historic district. The Historic Preservation Commission unanimously approved the changes at its June 21, 2023 meeting.

Mayor Odham opened the public hearing, but no one came forward to speak. Alderman Best made a motion to close the public hearing, seconded by Alderman Aster. The motion carried unanimously 7-0.

Alderman Prill made a motion to adopt an ordinance amending Sections 15-416, 15-417, and 15-423(d) of the Land Use Ordinance, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

11. Conduct a Public Hearing on Financing of the Construction of the Stanley White Recreation Center.

The Local Government Commission ("LGC") and NCGS §160A-20 require a public hearing be held when local governments intend to finance real or personal property by installment contract. While the City will utilize insurance and FEMA funds to construct the new Stanley White Recreation Center, it will also finance up to \$10,000,000 for the project. While no action is needed with the public hearing, the next agenda item makes certain findings and seeks authorization for staff to submit an application to the LGC for the financing.

Mayor Odham opened the public hearing, and the following came forward:

James O. Woods, Jr. of 1903 Country Club Road sought clarification as to whether the loan was for additional funding outside of that already set aside for the project (i.e., FEMA and insurance proceeds). Noting the Board previously indicated the project would cost \$13 million, he questioned whether the \$10 million loan was sufficient and whether it was part of the \$13 million figure. The City Manager confirmed the \$10 million was part of the \$13 million, and he explained the loan proceeds will finance the project until FEMA reimbursement could be received. The contract for the project is \$13.1 million.

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

NOTE: Items 12 and 13 were voted on collaboratively as noted under Item 13.

12. Consider Adopting a Resolution Approving the Preliminary Findings for the Financing of the Stanley White Recreation Center and Authorizing the Filing of an Application with the Local Government Commission.

As indicated in the previous item, the City intends to finance up to \$10,000,000 for the construction of the new Stanley White Recreation Center. The proposed resolution authorizes the submission of an application to the LGC and the solicitation of financing proposals from lending institutions. Once the application is submitted, the LGC will consider approval of the application in September.

13. Consider Adopting a Resolution Approving the Preliminary Findings for Financing of Sewer Improvements and Authorizing the Filing of an Application with the Local Government Commission.

Similar to the previous item, the City intends to finance up to \$6,100,000 for the Northwest Sewer Inceptor Rehabilitation Phase II Project and the Township 7 Sewer Improvements Phase III Project. The proposed resolution authorizes the submission of an application to the LGC, solicitation of financing proposals, and makes certain findings related to the issuance of a Series 2023 Bond. Once the application is submitted, the LGC will also consider approval of this application in September.

Alderman Prill made a motion to adopt a resolution approving the preliminary findings for the financing of the Stanley White Recreation Center and authorizing the filing of an application with the Local Government Commission and to adopt a resolution approving the preliminary findings for the financing of sewer improvements and authorizing the filing of an application with the Local Government Commission, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 7-0.

14. Consider Adopting a Resolution Approving a Letter of Engagement for Bond Counsel Services with Womble Bond Dickinson, LLP.

Staff desires to engage the firm of Womble Bond Dickinson to provide bond counsel services associated with the financing of the sewer infrastructure projects, Stanley White Recreation Center, and vehicle and equipment capital purchases. The proposed resolution authorizes the Mayor to execute a letter of engagement for these services. The total fee for services is not to exceed \$80,000 and will be included in the loan according to Kim Ostrom, Director of Finance. The City previously engaged with this firm in October of 2012 when it was known as Womble Carlyle Sandridge & Rice, LLC.

Alderman Aster made a motion to adopt a resolution approving a letter of engagement for bond counsel services with Womble Bond Dickinson, LLP, seconded by Alderman Royal. Upon a roll-call vote, the motion carried unanimously 7-0.

15. Presentation on New Utility Billing Format.

Charlie Bauschard, Director of Utilities, unveiled the new utility bill format that will be implemented after the August 28th billing cycle. To prepare for the changes, the Customer and Payment Services office will be closed to the public on August 25th and August 28th. Disconnects will be suspended for that week to accommodate those who are unable to make an in-person payment. Payments can still be made online, at Walmart, and through the drop box.

Alderman Prill said a resident had emailed the Board suggesting the new format would be a good opportunity to circulate word about the load management program. Mr. Bauschard said during the design process, forethought was given to the need to have space for special messages. There are two areas on the bill reserved for this feature.

16. Consider Adopting a Resolution Authorizing the City Manager to Execute a Contract with Barnhill Construction for the Racetrack Road Project.

A feasibility study was conducted in 2020 to evaluate Racetrack Road improvements that would enhance safety for pedestrians, bicyclists, and motorists. The paved shoulders will be wider, and the road will be widened by six feet. Bids were solicited, and staff is requesting the Manager be authorized to execute a contract with Barnhill Contracting Company for \$1,003,703.40 for the project. Funding of \$1,017,392 has previously been allocated for this project from Ward 4's ARPA funds.

Alderman Kinsey made a motion to adopt a resolution authorizing the City Manager to execute a contract with Barnhill Construction for the Racetrack Road Project, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 7-0.

17. Consider Adopting a Resolution Authorizing the City Manager to Negotiate and Execute a Contract with Urban Design Ventures, LLC for CDBG Consulting Services.

Proposals were sought from planning consultants for professional services in the design, planning, and implementation of the Fiscal Year 2023, 2024, 2025, 2026, and 2027 CDBG programs and other community development and housing needs. After reviewing the proposals, Urban Design Ventures LLC scored the highest. The costs associated with the contract will be funded through the CDBG program.

Mayor Odham recommended the consultant work with the Board to obtain input prior to the five-year plan being presented for consideration.

Alderman Royal made a motion to adopt a resolution authorizing the City Manager to negotiate and execute a contract with Urban Design Ventures, LLC for CDBG consulting services, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

18. Consider Adopting a Resolution Accepting the Transfer of 908, 910, and 914 Bloomfield Street from the Redevelopment Commission to the City of New Bern and Reallocating Funding to the City for a Health and Wellness Center.

The City previously conveyed 908 Bloomfield Street and allocated \$350,000 to the Redevelopment Commission in support of a health and wellness center. After recognizing some of its legal and administrative limitations, the Commission voted unanimously to return the balance of the funding and transfer the property back to the City along with parcels acquired at 910 and 914 Bloomfield Street. Mr. Williams noted the Commission had developed partnerships and relationships with stakeholders and other providers for the construction and operation of a center and felt the City could more efficiently pursue the project. Once developed, the facility would be leased to another entity to operate the wellness center.

Alderman Royal made a motion to adopt a resolution accepting the transfer of 908, 910, and 914 Bloomfield Street from the Redevelopment Commission to the City of New Bern and reallocating funding to the City for a health and wellness center, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 7-0.

19. Consider Adopting a Resolution Authorizing the Execution of an Offer to Purchase and Contract with Sanderson Holdings, LLC for the Purchase of 5 Murray Street (Tax Parcel ID 8-006-178).

Staff identified a parcel that is needed for the Duffyfield Stormwater Enhancement Project. A purchase price of \$4,000 was negotiated with Sanderson Holdings, LLC for 5 Murray Street (Tax Parcel ID 8-006-178). The project will include a series of interconnected stormwater wetland areas designed to mitigate flooding in Duffyfield and improve water quality as runoff drains to the Biddle Street pond.

Alderman Prill made a motion to adopt a resolution authorizing the execution of an offer to purchase and contract with Sanderson Holdings, LLC for the purchase of 5 Murray Street (Tax Parcel ID 8-006-178), seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 7-0.

20. Acceptance of Tax Collector's Annual Settlements for Tax Years 2020, 2021 and 2022.

NCGS §105-373 requires the Tax Collector to annually submit a settlement of taxes to the Governing Body reflecting the total levy, releases, write-offs, delinquencies, etc. Staff received the settlements for 2020, 2021, and 2022 from the Craven County Tax Collector, but have not presented them to the Board.

Alderman Best questioned why three years of settlements were not presented to the Board. Mrs. Ostrom stated staff received and reconciled the statements, but was not aware of the need to present the settlements to the Board. Mr. Hughes explained the City Clerk alerted he and Mrs. Ostrom as to this requirement. To catch up, Mrs. Ostrom contacted the LGC to see if it would be acceptable to present all three settlements at this time.

Alderman Royal requested the collective totals for all three years, and Mrs. Ostrom indicated she would email that information later.

Alderman Aster made a motion to accept the settlements, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

21. Consider Adopting an Ordinance Amending the Schedule of Fees and Charges.

An amendment is sought to the FY2023-24 fee schedule to reflect changes in the following fees charged by the Fire Department: increase the fine for working without a permit from \$50 to \$75 plus the cost of the permit, increase the fine for failure to obtain final inspection from \$100 to \$150, increase life safety violation for the first offense from \$100 to \$150, and specify the storage tank installation/removal/re-piping/abandonment fee is \$125 *per tank*. Johnathon Gaskins, Fire Marshal, said the fee changes are not only in line with other municipalities, but will reflect the fees as provided in the City's ordinances.

Alderman Aster made a motion to adopt an ordinance amending the Schedule of Fees and Charges, seconded by Alderman Prill. Upon a roll-call vote, the motion carried unanimously 7-0.

NOTE: Items 22 and 23 were voted on collaboratively as noted under Item 23.

22. Consider Adopting an Ordinance Amending the 2019 Electric Improvements Project Fund.

The 2019 Electric Improvements Project Fund was created to cover costs associated with the replacement of a transformer and future substation improvements. This ordinance increases appropriations by \$3,000,000 for additional project costs and \$500,000 for a transfer to the 2021 Electric System Capacity Improvement Project Fund. Revenues are increased by \$3,500,000 for other reimbursements from NCDOT.

(Alderman Kinsey stepped out of the room at 7:01 p.m.)

After Mrs. Ostrom detailed Item 22, Mayor Odham questioned whether Items 22 and 23 were being combined since the backup for Item 22 reflected \$3,000,000 and Item 23 reflected \$500,000. Mrs. Ostrom explained the ordinance included in the agenda package for Item 22 was incorrect, and a corrected ordinance had been placed at each official's seat reflecting \$3,500,000. Item 23 reflects the \$500,000 transfer from this fund to the 2021 Electric System Capacity Improvement project fund.

23. Consider Adopting an Ordinance Amending the 2021 Electric System Capacity Improvement Project Fund.

The 2021 Electric System Capacity Improvement Project Fund was created to facilitate the development of additional electric system capacity. The project fund will be increased by \$500,000 with a transfer from the 2019 Electric Improvements Project Fund to cover additional costs and revenues.

Alderman Aster made a motion to adopt an ordinance amending the 2019 Electric Improvements Project Fund as well as adopt an ordinance to amend the 2021 Electric System Capacity Improvement Project Fund, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 7-0. Of note, Alderman Kinsey had stepped out of the room, thus technically yielding a vote in the affirmative.

24. Consider Adopting an Ordinance Amending the 2021 Make Ready Public Infrastructure for Broadband Service Providers Project Fund.

The 2021 Make Ready Public Infrastructure for Broadband Service Providers Project Fund was established with an initial budget of \$7,200,000. Costs are now projected to be significantly less, and this amendment reflects a decrease of \$4,135,000.

Alderman Prill made a motion to adopt an ordinance amending the 2021 Make Ready Public Infrastructure for Broadband Service Providers Project Fund, seconded by Alderman Royal. Upon a roll-call vote, the motion carried unanimously 7-0. Of note, Alderman Kinsey had stepped out of the room, thus technically yielding a vote in the affirmative.

25. Appointment(s).

Alderman Aster made a motion to reappoint Tabari Wallace to the Redevelopment Commission, seconded by Alderman Best. The motion carried unanimously 7-0. Of note, Alderman Kinsey had stepped out of the room, thus technically yielding a vote in the affirmative.

Ballots were provided for the Board to vote on the three candidates interested in serving on the Redevelopment Commission: Jimmy Dillahunt, Carol Becton, and James Woods. The ballots were presented to the City Clerk for tallying. After the City Manager's report, the Clerk announced the 7 ballots were unanimously in favor of Jimmy Dillahunt.

Alderman Aster made a motion to appoint Jimmy Dillahunt to the Redevelopment Commission, seconded by Alderman Prill. The motion carried unanimously 7-0. Mr. Dillahunt will serve in Seat 9 with a term to expire on August 14, 2028. Of note, Alderman Kinsey had stepped out of the room, thus technically yielding a vote in the affirmative.

26. Attorney's Report.

The City Attorney had nothing to report.

27. City Manager's Report.

Mr. Hughes reported on the following:

- The Stanley White Recreation Center groundbreaking ceremony was held on Friday, August 4th, with approximately 200 people in attendance. The facility is expected to be complete in about 15 months.
- A strategic planning session is proposed for August 30th from 9 a.m. to 4 p.m. and August 31st from 9 a.m. to 12 noon at the Pleasant Hill Community Center. Alderman Brinson made a motion to call for the meeting on the dates, times, and location as noted by the Manager, seconded by Alderman Prill. The motion carried unanimously 7-0. Of note, Alderman Kinsey had stepped out of the room, thus technically yielding a vote in the affirmative.
- The water and sewer connections for the elevator annex will be installed at the end of the month. It is now anticipated the annex will not open until mid to late September.
- A general survey will be released through social media and the City's website for the Old North State League summer baseball proposal for the Kafer Park. Project. The League will also conduct a public meeting on August 14, 2023 at 5:30 p.m. at the Omega Center. The meeting will include a PowerPoint presentation and an opportunity for the public to ask questions. Mayor Odham asked whether that meeting should be advertised to indicate a quorum of the Board would be present. Mr. Davis advised the Board to refrain from discussing City business at the meeting and to just listen and observe. That will eliminate the need to advertise the assembly of a quorum.

- Finance received a certificate of achievement for excellence in financial reporting from the Government Finance Officers Association. The City last received this award for the 2018 audit.
- At the last meeting, Aldermen Brinson and Royal expressed an interest in serving on the audit committee. Alderman Kinsey was not interested, but Alderman Prill indicated his willingness to serve if no one else was interested. The City Clerk will reach out to schedule a meeting for next week.
- Footloose on the Neuse will take place this Friday night at 6:30 p.m.

(At this point in the meeting, the tally of the ballots was read by the Clerk, and a Motion made to appoint Jimmy Dillahunt to the Redevelopment Commission as noted under Item 25.)

28. New Business.

Alderman Brinson

Optimum laid a new line in Greenbrier, creating havoc on Pine Valley Drive. Thanks was expressed to George Chiles, Travis Oakley, and Avery Smith for assisting with the issues that were created by Optimum.

Alderman Best

Thanks to Avery Smith and Mr. Chiles for cleanup performed in Ward 5. The Manager was reminded to keep employees out of the heat and allow them to take breaks as needed.

(Alderman Kinsey returned to the room at 7:15 p.m.)

Alderman Kinsey

After attending the NC Black Elected Municipal Officials conference in Rocky Mount last week, Alderman Kinsey reported on information shared during the conference about the usefulness of consultants.

Alderman Aster

A status was requested on the bidding process for the Jones Street houses. Mr. Hughes noted Jordan Hughes, Director of Water Resources, had been working on the building designs and specifications.

Mayor Odham

The Finance Director was asked to provide the Board, when she could, with an update on the FEMA reimbursements. Congratulations to the Board for being one week shy of serving in office for a year.

29. Closed Session.

A closed session was not needed.


30. Adjourn.

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

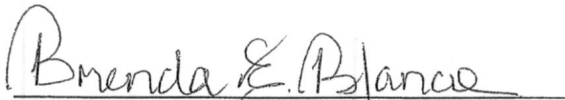
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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: August 22, 2023

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