

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
SEPTEMBER 12, 2023 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

- 1. Meeting opened by Mayor Jeffrey Odham. Prayer by Pastor Aaron Golden 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 (arrived at 6:01 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.

- 3. Approve Agenda**

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

- 4. Request and Petition of Citizens.**

Mary Slaughter of 3509 Windsor Drive, Trent Woods, spoke about climate change and encouraged the Board to revisit its policy to better promote preservation of trees. She also suggested biodegradable items be used for city-sponsored events.

Robert Griswold of 4807 Delft Drive suggested the city's elections be moved to even years to coincide with other primaries and general elections. This will yield significant cost savings.

Ruth Cooper of 1022 Colleton Way, Trent Woods, announced a cleanup scheduled for October 07, 2023 in Duffyfield. Check-in begins at 9 a.m. at the Henderson Park shelter and will be followed by a hotdog luncheon at 12 noon.

Byron King of 214 Saratoga Lane spoke about concerns that may arise in the future. Those topics included the Asian population, a surge in vape shops, employees being replaced by machinery, and the need for sidewalks to create a connection from downtown to Martin Luther King and Neuse Boulevards.

Consent Agenda

5. Adopting a Resolution Calling for a Public Hearing to Annex 3277 Old Airport Road.

Michael and Rose Miller submitted a petition to annex the property at 3277 Old Airport Road. It was requested a hearing be called for September 26, 2023 to receive comments and consider the request.

6. Consider Adopting a Resolution Closing Specific Streets for the Tryon Palace Candlelight Celebration.

Susan Briley, Operations Manager at Tryon Palace, requested the 600 block of Pollock Street and 300 block of George Street be closed on December 9th and 16th from 2 p.m. until 11 p.m. for Tryon Palace's Candlelight Christmas Celebration. To accommodate a fireworks' display both evenings, she also requested a block of South Front Street at the location of Palace Point Commons.

7. Approve Minutes.

Draft minutes from the August 22, 2023 regular meeting and August 30, 2023 strategic planning work session were provided for review and approval.

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

8. Introduction of Staff.

The City Manager introduced the following new staff: Deanna Trebil, MPO Administrator; Robert Gough, Assistant Director of Development Services; and Kendrick Stanton, Land and Community Development Administrator (Zoning). Jim McConnell, a 25-year employee, was also introduced as the Interim Fire Chief.

9. Conduct a Public Hearing and Consider Adopting a Resolution Approving the Installment Financing Agreement for the Stanley White Recreation Center.

On August 08, 2023, the Board conducted a public hearing on the financing of the construction of the Stanley White Recreation Center. The city's bond counsel published a notice of hearing in the Sun Journal that incorrectly stated the loan would not exceed \$8,200,000. The ad should have stated the loan will not exceed \$10,000,000. The bond counsel and City Attorney concurred that a new notice needed to be published and a second hearing held prior to approval of the financing agreement.

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

Alderman Prill made a motion to adopt a resolution approving the installment financing agreement for the Stanley White Recreation Center, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

10. Presentation on Project Lifesaver.

At its first meeting in August, the Board approved a Memorandum of Understanding between the city and Eastern Carolina Council (“ECC”) for Project Lifesaver. Police and Fire personnel have been trained on the use of the equipment. Police Chief Patrick Gallagher, Interim Fire Chief Jim McConnell, David Bone of ECC and January Brown from the ECC Area Agency on Aging provided details and information about the program.

11. Consider Adopting an Amendment to Resolution 23-050 to Designate a Street Closure for the 2023 MumFeast Event.

On May 23, 2023, the Board adopted a resolution to close specific streets for the operation of street cafes. Swiss Bear recently requested that one of the approved closure dates, September 29, 2023, be designated for MumFeast and that the closure be modified to begin at 5 p.m. instead of 6 p.m. It was also requested that the closure be extended to include the 400 block of Pollock Street and the entire 300 block of Middle Street. A rain date of October 06, 2023 was sought.

Alderman Kinsey asked if everyone was in agreement with the requested changes, and Ann Marie Byrd, Events Director for Swiss Bear, said she personally spoke with those along the 400 block of Pollock Street and received their support since ingress and egress to each of their properties will not be blocked. She also stated Lynne Harakal, Executive Director, wrote to each owner notifying them of the change. Five restaurants will be participating in the feast, and food trucks will be staged as well.

Alderman Prill made a motion to adopt an amendment to resolution 23-050 to designate a street closure for the 2023 MumFeast event, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 7-0.

12. Consider Adopting a Resolution Approving the NBAMPO 5303 Grant Contract with the NC Department of Transportation.

On behalf of the New Bern Area Metropolitan Planning Organization, the City was identified as the direct recipient of Section 5303 Federal Transit Administration Urban Planning Funds. These funds are managed by the NC Department of Transportation’s (“NCDOT) Public Transportation Division. To receive the funds, the Board of Aldermen must adopt a resolution authorizing the City Manager to sign a grant agreement with NCDOT. The total allocation for FY2023-24 is \$60,080, which reflects a federal share of \$48,064, state share of \$6,008, and a local share

of \$6,008. The local share will be provided by the jurisdictions participating in the New Bern Area MPO as follows: New Bern \$3,333.24; River Bend \$356.88; Trent Woods \$489.05; Bridgeton \$50.47; and Craven County \$1,778.37.

Alderman Brinson made a motion to adopt a resolution approving the NBAMPO 5303 grant contract with the NC Department of Transportation, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

Mr. Hughes inadvertently failed to introduce David Fishel, Assistant Director of Public Works, under Item 8. He took the opportunity to do that at this point in the meeting.

13. Consider Adopting a Resolution Establishing a Municipal Service District (“MSD”) Advisory Committee.

A resolution establishing an MSD Advisory Committee was presented to the Board at its August 22, 2023 meeting. After some discussion, the Board requested the number of Ex-Officio members be increased from four to five to provide for an at-large appointment from the Board of Aldermen, and that term limits be set at two successive terms for residential members and commercial members representing the same commercial interest. The document was also revised to specify that the Board can replace any voting member who does not attend three of the four quarterly meetings or who no longer owns real property or resides within the MSD.

Alderman Royal asked for clarification on the successive terms for the commercial category, and Mr. Davis noted an appointee could potentially serve forever if they continued to change categories. Alderman Royal felt the committee should be structured to provide opportunity to every qualified person who wants to participate instead of potentially being monopolized by a handful of people. Mr. Davis noted although someone has the right to ask for an appointment, that does not mean the Board must appoint them. Alderman Best concurred with Alderman Royal's concerns.

Based on the proposed structure, Alderman Prill noted appointees will serve a three-year unstaggered term. He felt it to be a little out of the ordinary for all terms to end at the same time. When crafting the resolution, Mr. Davis said he and staff were not concerned by losing institutional knowledge if the terms were not staggered. However, the resolution can be revised as the Board desires. Alderman Brinson noted staggered terms would force a gap in service. Alderman Kinsey was in favor of staggered terms.

Alderman Royal asked about the level of response to the application, and Mr. Hughes announced five applications had been received thus far.

Alderman Aster made a motion to adopt a resolution establishing a Municipal Service District Advisory Committee. The motion died for lack of a second.

Alderman Brinson suggested staggered terms be proportional amongst the commercial and residential appointments. The Mayor made the following

suggestion, and the Board agreed to direct the City Attorney to revise the document establishing the following terms:

- Seat 1 – Large commercial representative: 3-year term
- Seat 2 – Hospitality representative: 2-year term
- Seat 3 – Restaurant representative: 1-year term
- Seat 4 – Retail establishment representative: 3-year term
- Seat 5 – Entertainment/nightlife representative: 2-year term
- Seat 6 – Professional services representative: 1-year term
- Seat 7 – Residential: 3-year term
- Seat 8 – Residential: 2-year term
- Seat 9 – Residential: 1-year term
- Seat 10 – Residential: 3-year term

14. Consider Adopting a Resolution Approving a Water and Sewer Use Agreement for 3277 Old Airport Road.

The owners of 3277 Old Airport Road requested to connect to the City's water and sewer systems. They are planning to build a single-family residence on the property, which is currently outside of the city limits. The proposed home will have a calculated average sewer demand of 360 gallons per day, which would require a standard sewer service connection. Section 74-74 of the City's ordinances provides that a written water and sewer use agreement be entered into to outline the roles and responsibilities of both parties in establishing service.

Alderman Prill noted this property was also the topic of Item 5 on the Consent Agenda. He asked if the agreement should include a "sunset" period that follows the annexation. Mr. Davis explained the agreement requires the property owner to seek annexation, although the Board can choose to deny the request. Jordan Hughes, City Engineer, said in some cases the owners may not desire to build for several months or a couple of years, but in this case the owners desire to build right away. For that reason, the request to annex is concurrent with the water and sewer use agreement. In the past, most of the properties that the Board has elected not to annex are properties located on the opposite side (river side) of Highway 70.

(Alderman Kinsey momentarily stepped out of the room at 7:09 p.m.)

Alderman Brinson made a motion to adopt a resolution approving a water and sewer use agreement for 3277 Old Airport Road, seconded by Alderman Aster. 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.

15. Consider Adopting an Amendment to Section 6.14 "Dangerous or Potentially Dangerous Dog" of Chapter 6 of the Code of Ordinances.

This ordinance amendment clarifies language with respect to a dangerous or potentially dangerous dog. It also adds a requirement for a dog owner to immediately notify New Bern's Animal Control when a dangerous or potentially dangerous dog escapes their property or restraints.

Alderman Prill made a motion to adopt an ordinance amending Section 6.14 “Dangerous or Potentially Dangerous Dog” of Chapter 6 of the Code of Ordinances, 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.

16. Consider Adopting a Resolution Authorizing the City Manager to Negotiate and Execute a Contract with WithersRavenel for Civil Engineering Services.

A Request for Qualifications was issued for civil engineering services as part of staff’s administration of the NC Department of Environmental Quality’s Local Assistance for Stormwater Infrastructure Investments grant. Five responses were received and reviewed. WithersRavenel ranked the highest during the review, and staff is recommending the City Manager be authorized to negotiate a contract with this firm to review older or aging stormwater systems.

(Alderman Kinsey returned to the room at 7:17 p.m.)

Alderman Royal made a motion to adopt a resolution authorizing the City Manager to negotiate and execute a contract with WithersRavenel for civil engineering services, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

Mayor Odham asked for a list of all projects and expenditures that have been completed over the last five years.

17. Consider Adopting an Order Authorizing the Sale and Issuance of the Combined Enterprise System Revenue Bond, Series 2023 for the Sewer Improvements Projects.

As discussed at the last two Board meetings, the City is pursuing the issuance of its Combined Enterprise System Revenue Bonds, Series 2023 in the amount of \$6,100,000 to finance the Northwest Sewer Interceptor Rehabilitation Phase II project and the Township 7 Sewer Improvements Phase III project. This resolution authorizes the issuance and sale of the bonds as well as execution of the associated financial documents. This transaction is scheduled to close on September 21, 2023.

Alderman Prill made a motion to adopt an order authorizing the sale and issuance of the Combined Enterprise Sewer Revenue Bond, Series 2023 for the sewer improvements projects, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 7-0.

18. Consider Adopting a Resolution Authorizing the Execution of an Installment Purchase Contract for the 2023 Vehicle and Equipment Financing.

The financing of the purchase of vehicles and equipment was also discussed at the last two Board meetings. The proposed resolution approves and authorizes the execution of an installment financing agreement and other documents with TD Equipment Finance for a loan not to exceed \$4,900,000.

Alderman Best made a motion to adopt a resolution authorizing the execution of an installment purchase contract for the 2023 vehicle and equipment financing, seconded by Alderman Prill. Upon a roll-call vote, the motion carried unanimously 7-0.

Note: Items 19, 20 and 21 were voted on collaboratively as noted under Item 21.

19. Consider Adopting a Budget Ordinance Amendment for Fiscal Year 2023-24.

This budget amends multiple funds to reflect loan proceeds for the purchase of vehicles and equipment.

20. Consider Adopting an Ordinance Amending the Township 7 Sewer Improvements Project Fund.

This project fund is amended to recognize proceeds from the issuance of the Combined Enterprise System Revenue Bonds, Series 2023.

21. Consider Adopting an Ordinance Amending the Northwest Interceptor Rehabilitation Phase II Project Fund.

This project fund is also amended to recognize proceeds from the issuance of the Combined Enterprise System Revenue Bonds, Series 2023.

Alderman Brinson made a motion to adopt a budget ordinance amendment for Fiscal Year 2023-24, an ordinance amending the Township 7 Sewer Improvements Project Fund, and an ordinance amending the Northwest Interceptor Rehabilitation Phase II Project Fund, seconded by Alderman Prill. Upon a roll-call vote, the motion carried unanimously 7-0.

22. Appointment(s).

Alderman Aster made a motion to appoint Mike Markham to the Police Civil Service Board, seconded by Alderman Brinson. The motion carried unanimously 7-0. Mr. Markham will fill the seat for which Ken Daub was appointed to on June 27, 2023, but later determined to be ineligible to serve.

23. Attorney's Report.

The City Attorney had nothing to report.

24. City Manager's Report.

Mr. Hughes reported on the following:

- The City received an award from the NCDOT for its 25 years of participation in the Adopt-a-Highway program.
- The fall season of New Bern 101 will kick off on Thursday. There is room for additional participants.
- A ribbon cutting for the City Hall Annex is planned for October 10, 2023. Details will follow.
- Several weeks ago, an appraisal was obtained on a city-owned property located at the corner of Laura Lane and Pinetree Drive. The vacant parcel is approximately 3.24 acres. The tax value is \$210,600, and the appraised value came in at \$225,000. The Board concurred the property should be declared surplus with a minimum bid established at the appraised value. Alderman Prill questioned the GIS graphic showing the property line extends to include the roadway. Mr. Davis said the GIS drawing could be incorrect or the property could be subject to a right-of-way for a planned street.

25. New Business.

Alderman Brinson

While attending the NBAMPO meeting on September 07, 2023, Alderman Brinson received an update on the NCDOT local highway projects. A map was distributed to the Board reflecting various projects, and a brief verbal report given as follows:

- The James City project is 37% complete, and utility relocation is nearing completion. This means more surface construction will be taking place with a noticeable impact on traffic. Projected completion is still 2025.
- The Havelock bypass is 69% complete and on track to open mid to early 2024.
- The area between Havelock and James City has a 2025 start date for the 3-year project.
- Right-of-way acquisitions are still underway for the 43 Connector. Completion date estimated for 2025.
- The MPO will be approving for submission to the State a list of highway, bike, and pedestrian projects proposed through 2034.

A community appreciation event was held at Cherry Point on September 07, 2023, at which time commanders continued to project the growth of both active duty and civilian positions between now and 2030.

The first Bike and Pedestrian Committee meeting was held today.

Constitution Week is observed September 17-23, 2023. Both Sons and Daughters of the American Revolution will be at the Farmer's Market this Saturday from 8 a.m. until 2 p.m. to begin the celebration. The Daughters of the American Revolution will have a celebration on September 21, 2023 at 4 p.m. at the History Center.

The Wall that Heals will be returning to Eastern North Carolina. It will be in Havelock from November 2-5, 2023. Information can be found online at www.thewallthathealshavelock.org.

Alderman Best

Citizens in Duffyfield have asked whether the freshly-paved streets will be striped. Mr. Hughes indicated he would check and notify Alderman Best. Chief Gallagher was asked to provide more patrol in the Hwy. 70/Hwy. 43/Hwy. 55 area to address speeders, especially now that school buses are on the road.

Alderman Kinsey

Yesterday was the observance of 9/11. Continue to pray for this country.

Alderman Aster

A presentation on ShotSpotter was requested, including how the program works and its costs. Chief Gallagher said the program identifies in real time the area of shots fired within a one-mile radius. The startup cost is approximately \$79,000 followed by an annual cost of \$50,000. He will gladly make a formal presentation at a future meeting.

Alderman Royal

Byron King brought up the vape shops when he spoke earlier in the evening. Alderman Royal asked if there is an ordinance that can regulate the location or number of vape businesses that may have a potential negative impact on a community. Mr. Davis said the City created a new category for those shops a few years ago limiting them to, he believed, C3 commercial districts only. Mayor Odham has received numerous complaints about the items sold by the shops and the lighting around the exterior of the businesses. Development Services has been working to address the illegal lighting. Mayor Odham announced Sheriff Chip Hughes has been working to address the illegal items being sold.

Mayor Odham

Thanks to staff for supporting this year's MS Bike event. Event organizers have expressed the welcome and support they receive from New Bern is like nowhere else. The event raised around \$1.2 or \$1.3 million.

26. Closed Session.

Alderman Aster made a motion to go into closed session pursuant to NCGS §143-318.11(a)(5) to discuss the potential acquisition of real estate property, seconded by Alderman Prill. The motion carried unanimously, time being 7:45 p.m.

27. Adjourn.

Alderman Aster made a motion to adjourn, seconded by Alderman Royal. The motion carried unanimously 7-0, time being 8:02 p.m.

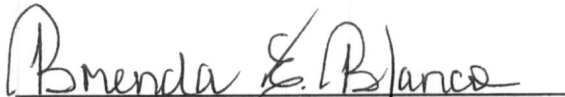
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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: September 26, 2023



Jeffrey T. Odham, Mayor



Brenda E. Blanco, City Clerk