

**CITY OF NEW BERN  
BOARD OF ALDERMEN MEETING  
NOVEMBER 14, 2023 – 6:00 P.M.  
CITY HALL COURTROOM  
300 POLLOCK STREET**

- 1. Meeting opened by Mayor Jeffrey Odham. Prayer by Howard Neviser, President of Temple B’nai Sholem. 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; and Brenda Blanco, City Clerk.

- 3. Approve Agenda**

Noting a request for a menorah on City property had been removed from the agenda and several people were in attendance for that topic, Alderman Prill expressed a desire to revise the agenda. Alderman Prill made a motion to put a placeholder back on the agenda for that issue to be discussed by the Board following the presentation to be made this evening. The motion died for lack of a second.

Alderman Brinson made a motion to approve the agenda, seconded by Alderman Kinsey. The motion carried unanimously 6-1 with Alderman Prill voting against it.

- 4. Request and Petition of Citizens.**

Steve Skiffington of 5602 Gondolier Drive in Fairfield Harbour expressed support for the Temple and stated he was dismayed by the Board’s action to deny the motion to amend the agenda. He moved here two years ago from California, and people in California are scared about his safety since he is an open gay man. He just completed New Bern 101 and was highly depressed to learn how the City is run. He was shocked that antisemitism is alive and well. He felt it disgraceful the Board did not second Alderman Prill’s motion.

Jody Sherman of 204 8<sup>th</sup> Street, a trustee and co-chair of the outreach committee of Temple B’nai Sholem, requested a menorah be placed at Union Point Park (“UPP”). She displayed a PowerPoint presentation, stating members of the Jewish community would love to see “The Festival of Lights” displayed, a winter holiday of Hanukkah. The first night of Hanukkah is December 07, 2023, and the group would greatly appreciate seeing the display in place by then.

Maxine Weisman of 511 Craven Street, a member of Temple B'nai Sholem, asked for a menorah at UPP. She read a letter from Rabbi Ben Shull of Temple B'nai Sholem seeking the inclusion of the lighted display.

Howard Neviser of 811 Helm Drive, President of Temple B'nai Sholem, reminded everyone that diversity is one of New Bern's strengths, and the City has one of the strongest interfaith communities. Visitors should be made aware of the City's diversity. Having a menorah and Christmas together makes sense.

Jim Hackett of 207 Fairmount Way stated he made a conscious decision to put his disappointment aside and remain hopeful following the failure of a second to Alderman Prill's motion. As the Chair of Faith Connection, he has worked with various interfaith groups over the last 20 years. As a catholic deacon, he's learned more about his own faith and the Judeo-Christian connection, including the fact that Jesus Christ was a pretty good Jew. A menorah tells the story about survival and freedom. It is a story about light and goodness that overcomes the evil of darkness. Many in attendance at this meeting are believers in God, and as such believe that everyone in the world is our brother and sister. He asked for reconsideration of denying a menorah display in UPP. (The audience stood in applause.)

Bailey Evans of 1332 Gurten Street, Chair of the nonprofit Creating and Sustaining Equity, spoke in support of the Jewish community's request for a menorah. If the local Christian community can see its holiday displayed in the park for a month, she felt there was no reason to deny the local Jewish community's request. Prioritizing one religious holiday while denying access to another will foster division. She stated it was time to embrace the religious traditions of all people who live here, not just some of them.

John Price of 5213 Springwood Drive is part of Faith Connection and asked for reconsideration of the placing of a menorah at UPP. He just relocated to this area after spending 22 years in the military. He expressed shock at what he was seeing and asked that all religions be supported equally.

Helen Robinson of 1906 Cayenne Court stated she was not Jewish, but Presbyterian. She supported her Jewish friends' wish to display the menorah. The City has already displayed its willingness to honor different traditions by starting a Juneteenth celebration a few years ago. Hannukah is an important Jewish celebration of the belief that light overcomes darkness. Ms. Robinson read a letter of support from the Senior Pastor of First Presbyterian Church, Anna Pinckney Straight. Many communities include a menorah in their displays. One small step can send a signal that New Bern is not a place where hate is welcomed. First Presbyterian feels so strongly about the request that they will install a menorah on their campus, as will several other downtown churches. Mrs. Robinson asked the Board to demonstrate New Bern still believes in being good neighbors.

Ethel Sampson of 1038 Sampson Street thanked the City for allowing her to be the first person to ride the new elevator. She has been coming to the City's Board meetings for 69 years.

## **Consent Agenda**

**5. Consider Adopting a Resolution Closing Specific Streets for Beary Merry Christmas.**

On behalf of Beary Merry Events, Amanda Banks submitted an application to close to vehicular traffic the 200 and 300 blocks of Middle Street and 300-400 blocks of Pollock Street for the Light Up the Season Beary Merry Christmas event on November 24, 2023 from 3:00 p.m. to 9:30 p.m. A rain date of November 25, 2023 is sought. She also requested the 200-300 blocks of Middle Street, 300-400 blocks of Pollock Street, and 200 block of Craven Street be closed to vehicles on December 08, 2023 from 5:00 p.m. until 8:00 p.m. for live window displays.

**6. Consider Adopting a Resolution Closing Specific Streets for the New Year's Eve Block Party.**

The City's annual New Year's Eve Celebration is scheduled for December 31, 2023. As a result, staff requested the 200 block of Pollock Street from the entrance of the Dunn Building's parking lot to Craven Street be closed to vehicular traffic from 7:00 a.m. on December 31, 2023 until 3:00 a.m. on January 1, 2024. Additionally, it was requested the 300 block of Pollock Street, a portion of the 200 block of Craven Street beginning at Morgan's Tavern & Grill, and the 300 block of Craven Street be closed from 2:30 p.m. on December 31, 2023 until 3:00 a.m. on January 1, 2024.

**7. Consider Adopting a Resolution Closing Specific Streets for the Ghent Neighborhood Association's Mardi Gras Parade and Festival/Block Party.**

Nancy Hill with the Ghent Neighborhood Association requested the 1400-1900 blocks of Spencer Avenue be closed to vehicular traffic on February 10, 2024 from 11:00 a.m. to 2:30 p.m. for the Ghent Neighborhood's annual Mardi Gras Parade. It was also requested that the 1700-1800 blocks of Spencer Avenue and Sixth Street between Rhem Avenue and Park Avenue be closed to vehicular traffic from 8:00 a.m. until 6:00 p.m. for a block party.

**8. Consider Adopting a Resolution Closing Specific Streets for Vision Forward's Black History Parade.**

Vision Forward requested the 500-700 blocks of Third Avenue, 700-900 blocks of Queen Street, 600 block of George Street, and 700-1200 blocks of Cedar Street be closed to vehicular traffic on February 17, 2024, from 10 a.m. until 2:30 p.m. for the annual Black History Month Parade. In the event of inclement weather, a rain date of February 24, 2024 was sought.

**9. Consider Adopting a Resolution Calling for a Public Hearing to Amend the 2020 and 2021 Annual Action Plans for the Community Development Block Grant ("CDBG") Program.**

The 2020 and 2021 CDBG Annual Action Plans were previously adopted by the Board. Program regulations allow for substantial amendments to the plans in accordance with the Citizen Participation Plan. It was requested a public hearing be held on November 28, 2023, to discuss a suggested amendment to the FY20 and FY21 programs to provide funding to the Redevelopment Commission to rehabilitate two single-family homes to be donated to Habitat for Humanity and sold to low to moderate-income households in the Greater Five Points area. The line-item budgets will not change. After a hearing is held and public input received, the Board will be presented with the substantial amendment at its December 12<sup>th</sup> meeting for consideration.

**10. Consider Adopting a Resolution to Initiate the Upset Bid Process for 607 Bern Street.**

Philip Hedrick submitted a bid of \$4,375 for the purchase of 607 Bern Street, a vacant 0.068-acre residential lot that was acquired by the City and County in 2014 through tax foreclosure. The property included a home that was in disrepair, and the City subsequently demolished the structure. In May of 2015, the County transferred its interest to the City since the City bore the full cost of the demo.

**11. Approve Minutes.**

Draft minutes from the October 24, 2023 meeting were provided for review and approval.

Alderman Best made a motion to approve Items 5-11 of the Consent Agenda, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 7-0.

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Mr. Hughes introduced Zeb Hough as the new Executive Director of the Redevelopment Commission. Mr. Hough expressed excitement about his new role and the work of the Redevelopment Commission. At the request of Alderman Aster, he provided an update on the project on Jones Street. Ground broke on the site last Friday for the construction of three small homes.

**12. Recognition of New Bern 101 Graduates.**

The Fall 2023 session of New Bern 101 concluded with this Board meeting. Participants have visited each department of the City to learn about the departments' responsibilities, services provided, various programs, and to tour facilities and meet staff. The final week of the program, participants attend a Governing Board meeting to observe the Board in action. Eighteen participants were called forward for recognition and presentation of a certificate of completion. Nine of those participants were City residents and the remaining nine were residents of Craven County.

**13. Presentation on Wreaths Across America.**

Addie Yates made a brief presentation on Wreaths Across America, a wreath-laying ceremony to take place at the New Bern National Cemetery on December 16, 2023. Mrs. Yates requested the City's assistance once again with busing participants on December 16<sup>th</sup> from 11 a.m. until 2 p.m., an escort of the wreaths on December 14<sup>th</sup>, and two dumpsters to discard the wreaths on January 13, 2024. The Board gave direction to provide the requested assistance.

**14. Conduct a Public Hearing and Consider Adopting an Ordinance to Annex 412 Sandy Point Road.**

Donna Marie Hinz petitioned to annex 412 Sandy Point Road, Tax Parcel ID 2-037-027. The property is the site of a single-family residence on 1.16 acres that is contiguous to the City of New Bern's municipal boundary.

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 Kinsey.

Alderman Best made a motion to adopt an ordinance to annex 412 Sandy Point Road, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

**15. Consider Adopting a Resolution Approving an Interagency Agreement with Craven and Pamlico Children's Advocacy Center of Southmountain Children and Family Services and Other Parties.**

This interagency agreement continues a relationship with Craven and Pamlico Children's Advocacy Center of Southmountain Children and Family Services to reduce childhood trauma from abuse. It is a coordinated effort between providers, law enforcement, and prosecutors to provide services to children and families while gathering evidence to prosecute offenders. Police Chief Patrick Gallagher said the New Bern Police Department has been working with the agency for several years.

Alderman Best made a motion to adopt a resolution approving an interagency agreement with Craven and Pamlico Children's Advocacy Center of Southmountain Children and Family Services and other parties, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 7-0.

**16. Consider Adopting a Resolution Approving and Authorizing the Execution of a Memorandum of Understanding with the NC Anti-Counterfeiting Trademark Task Force.**

Chief Gallagher announced over the last six months or more the New Bern Police Department has been monitoring activities at several businesses that are selling counterfeit and trademark protected merchandise. The department desires to participate in the NC Secretary of State's taskforce to investigate such criminal violations and combat the illegal sale of counterfeit merchandise. No additional funding is needed to participate in the taskforce.

Alderman Best made a motion to adopt a resolution approving and authorizing the execution of a Memorandum of Understanding with the NC Anti-Counterfeiting Trademark Task Force, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

**17. Consider Adopting a Resolution Designating Agents for the 2022 Building Resilience in Communities Grant.**

The City submitted an application to the NC Division of Emergency Management for a \$200,000 FEMA Building Resilient Infrastructure and Communities Capabilities & Capacity Building Grant ("BRIC22 C&CB") with an application for a match of \$150,000 from the NC Attorney General's Environmental Enhancement Grant. If received, the grant funds will be utilized for the restoration of the Duffyfield Canal Project. The next step in the process is to designate agents who are authorized to execute and file applications on behalf of the City. The City Manager will be named the primary designee with the Senior Accountant named the secondary designee.

Alderman Aster made a motion to adopt a resolution designating agents for the 2022 Building Resilience in Communities Grant, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 7-0.

**18. Consider Adopting a Resolution Expressing Support of Funding from the 2022 Assistance to Firefighters Grant and Authorizing Staff to Present a Budget Amendment to Cover the Match.**

The Craven County Firefighters Association discussed the need to improve radio communications between all departments within the county. With the assistance of a grant writer, an application was submitted on February 09, 2023 for the 2022 Assistance to Firefighters Grant seeking funding to purchase radios. Notification of the grant award was received on August 17, 2023.. The grant totals \$988,000 which represents \$898,181.81 in federal funds with a required match of \$89,818.19. The match and grant writer's fee will be divided among 13 fire departments in the county. Each will contribute \$6,909.09 toward the match and \$1,381.82 toward the grant writer's fee, for a total contribution of \$8,290.91. Funds for the match were not budgeted in the Fire Department's FY2024 budget. Staff sought support to move forward with a budget amendment to transfer funds from the General Fund

fund balance to cover this share. Interim Fire Chief Jim McConnell said the previous Fire Chief believed the match would be paid by Craven County, but the county is not able to contribute toward the City's match. The County collects fire taxes on behalf of the other 12 departments, but not on behalf of the City. The City of Havelock has opted out of the grant and will not be contributing.

Alderman Aster made a motion to approve a budget amendment for \$8,290.91 so the Fire Department could purchase the radios, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0. After the vote, Ms. Blanco asked for clarification as to approval of the proposed resolution and noted the Board was not presented with a budget amendment.

Alderman Aster made a motion to adopt a resolution authorizing \$8,290.91 for purchase of radios, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

**19. Consider Adopting a Resolution Authorizing the Submission of an Application for the Building Resilient Infrastructure and Communities Program Grant to Aid the New Bern Rail Corridor Planning Study.**

The rail corridor that runs through portions of Wards 1, 4 and 5 exacerbates flooding in low-lying areas that experience significant flooding during 10-year storm events. Staff expressed a desire to submit an application for a Building Resilient Infrastructure and Communities Grant ("BRIC") to be used for a rail corridor planning study to inventory crossings in New Bern and develop a long-range planning effort to improve the flow of stormwater at crossings in need of improvement. The cost of the project is estimated at \$200,000, and the grant requires a 25% match of \$50,000. The study will be used to apply for additional grants to cover construction costs for needed improvements.

Mayor Odham asked for clarity that the grant would seek funding for a study. Chris Seaberg, Community & Economic Development Manager, confirmed this grant would be for the study. The intent is to take the results of the study and apply for construction grants for the improvements. Mayor Odham expressed concern about spending \$50,000 for the match and then hoping and praying that a grant would be secured to actually do the work. Mr. Hughes said a lot of stormwater grants require designs and plans be in place to be eligible for the grants. So far, the City has been successful in applying for stormwater grants, and Mr. Hughes felt it still had a good chance of obtaining grant funds.

Alderman Brinson asked if Norfolk Southern or NC Railroad ("NCRR") would be participating in the study, noting their approval would be necessary for construction. Mr. Seaberg said staff intended to have them as partners in the study. Alderman Kinsey asked about the possibility of ascertaining their willingness to participate, stating from his experience they had not been easy to work with in the past. Mayor Odham was concerned about laying out \$50,000 and NCRR not allowing the City to make improvements on its tracks. Mr. Hughes noted staff was only seeking authorization to apply for the grant, and the match would only be needed if the grant

is awarded and accepted. Mr. Seaberg could not state how much of the \$50,000 could be in-kind services versus a monetary contribution.

Alderman Brinson made a motion to adopt a resolution authorizing the submission of an application for the Building Resilient Infrastructure and Communities Program grant to aid the New Bern rail corridor planning study, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

## **20. Review of Stormwater Projects for Last Five Years.**

Following Hurricane Florence in 2018, the City prioritized improvements and repairs to the municipal drainage system. George Chiles, Director of Public Works, shared a PowerPoint presentation that reviewed the work completed and under construction over the last five years and the status of funding for those projects. A handout with more in-depth details was provided to the Board. Mr. Chiles the City had seen results from the work. He reiterated Mr. Hughes' earlier comment that the City is more likely to receive grant funding when it has plans in hand and shovel-ready projects. At the end of his presentation, Mr. Chiles entertained questions from the Board and responded.

Mayor Odham commented that the \$22 million spent on stormwater is yielding results as the water is moving out much quicker and complaints have decreased. The work that has been done is commendable. Stormwater will require constant maintenance.

## **21. Discussion of BP Building Change in Scope of Work.**

Notice was received that FEMA allocated \$955,812.07 toward the rebuilding of the BP building at 2602 Oaks Road. Prior to its damage during Hurricane Florence, the building was used by Public Works as a workshop and storage facility. Mr. Hughes laid out in detail several options for other use of the funds and recommended the purchase of an additional fire truck as a replacement vehicle. FEMA will authorize the purchase of a fire truck, but if the truck is sold in the future, the proceeds from the sale would have to be returned to FEMA. Use of funds for a replacement project will require a request to be submitted to FEMA for a change in scope of work. Even with a change in scope of work, the BP station will need to be demolished at an estimated cost of \$20,000. That expense would be paid from the allocated FEMA funds.

Alderman Best said while she was initially in favor of a temporary fire station on the west end of the City, she has realized that would not be the best ask considering the delay in the Highway 43 connector project.

Alderman Aster felt the BP station should be demolished as quickly as possible. While he was not opposed to any of the suggested projects, he felt the funds should be utilized in a way to provide entertainment for the youth. He noted a skatepark was once a much-desired amenity. Mr. Hughes cautioned that a skatepark would not appeal to all ages, and he also cautioned that amenities such as a bowling alley,



trampoline park, laser tag facility, etc. would require a \$1 million investment for the facility plus ongoing expenses. Acknowledging the FEMA funds cannot be used to incentivize a business, Alderman Aster said the funds could be used to purchase something like the fire truck and then the city funds that would have been used for the fire truck could be used for incentives. Mr. Hughes said the Community & Economic Development Manager had been reaching out to franchises to determine the demographic requirements.

Alderman Kinsey asked about the possibility of selling Parks and Recreation's maintenance building, moving the division to Public Works, and building a new Public Works facility at the water treatment plant. Mr. Hughes estimated that the project would cost \$3.5 million.

Alderman Best agreed the BP station is an eyesore and should be demolished. After the demolition is paid for, she suggested some or all the residual money be used to repave Alabama Avenue, Lincoln Street, Hillmont Road, and Beaufort Street. If funds are left over after paving these, she asked that the remainder be used for additional paved parking at the Pleasant Hill Community Center. Alderman Aster countered that there are streets all over New Bern in desperate need of paving. He also would like to have a city park or community center in his ward, and he pointed out that Ward 6 did not have a city park either. He did not like any of the suggested projects and asked that the Board take more time to consider potential projects.

Mayor Odham asked if the FEMA funds could be used for repaving, and Mr. Hughes replied yes, but noted there could be issues if the streets are in a flood area, etc. Mayor Odham noted the firetruck is already planned to be purchased. FEMA funding will be restrictive, but it is known that FEMA will approve a firetruck. Since the City will be buying a firetruck anyway, his first choice would be to use FEMA funds for that purchase and the City's unrestricted funds that it would have allocated for the firetruck be used to pay for something else. This would be the easiest approach and would move the ball down the road. His second choice would be to use the funds to repave the streets at the top of the objective street survey list.

Alderman Royal suggested the item be tabled to allow for more thought and requested a copy of the street survey. Mayor Odham suggested the item be tabled to December 12<sup>th</sup>. In response, Mr. Hughes asked the Board to submit a list of any topics or amenities that it would like to consider. Alderman Kinsey suggested two projects be considered with the funding split between the two.

Alderman Royal made a motion to table Item 21 until the December 12<sup>th</sup> meeting for further consideration, seconded by Alderman Aster. The motion carried unanimously 7-0. Mr. Hughes said staff could move forward with remediating the BP building.

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

This budget ordinance amendment rolls purchase orders that were outstanding as of June 30, 2023. It also amends the General and Solid Waste Funds to recognize revenue of \$141,143 from the solid waste disposal state distribution revenue that continued to be recorded in the General Fund since 2019 when the Solid Waste Fund was created.

Alderman Kinsey questioned why it took so long to discover the solid waste funds and why staff and the auditors had not caught it sooner. Mrs. Ostrom stated the error was discovered by Tanya Harms, Senior Accountant, during an internal audit. As Finance Director, Mrs. Ostrom stated she looks at things from a higher level and at larger numbers.

Alderman Prill made a motion to adopt a budget ordinance amendment for Fiscal Year 2023-24, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 7-0.

**23. Consider Adopting an Ordinance to Amend the Stanley White Recreation Center Project Fund.**

The Stanley White Recreation Center Project Fund was established on July 11, 2023 in the amount of \$13,180,400. This included estimated debt proceeds of \$5,173,751. Since debt proceeds actually totaled \$10,000,000, the remaining proceeds of \$4,826,249 are recognized through this amendment.

Alderman Brinson made a motion to adopt an ordinance to amend the Stanley White Recreation Center Project Fund, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

**24. Appointment(s).**

No appointments were made.

**25. Attorney's Report.**

The City Attorney had nothing to report.

**26. City Manager's Report.**

The City Manager had nothing to report.

**27. New Business.**

Alderman Prill

Alderman Prill made a motion that the City and Temple B'nai Sholem get together to agree on a location for the installation of a menorah for this holiday season, seconded by Alderman Royal. Alderman Best said she did not have a problem

with a meeting to discuss the matter, but she did not feel the menorah should be on City property. The Board previously decided that items would not be erected or put on City-owned property. After an outburst from Jim Hackett in the audience, Mayor Odham said he appreciated the respect that most attendees displayed during Request and Petition of Citizens, but those who made comments as they were walking out did not help the case.

Alderman Prill said many years ago the City made a decision to allow for holiday decorations to be put on City property. At that time, a policy was set to allow for decorations that most people recognize as having a Christian, religious connotation. He suggested the Board move forward with allowing another decoration or icon to be put up during the holiday period.

Alderman Royal said the motion was for the City and the Temple to meet to discuss a location. Mayor Odham asked for clarification as to who would attend the meeting on behalf of the City, and Alderman Prill specified staff would attend. Mr. Hughes sought clarification as to whether the motion included the City's purchase or construction of the menorah or whether the Temple was to provide it. Alderman Royal asked Mr. Davis for clarification from an ordinance perspective. Mr. Davis explained the action has nothing to do with an ordinance, but is a constitutional matter regarding the separation of church and state. The legal conflict is whether a local government can promote a particular religion. Case law goes back for decades, and a US Supreme Court case from the 1980's upheld a local government's display of a very large Christmas tree and a large menorah. This area is a hot bed of litigation, and Mr. Davis said the City would be safer from a legal perspective if it followed the fact pattern of a case that has been upheld.

Mr. Davis said simply put, the City does not have an ordinance that specifies how it celebrates the holidays. The Board has adopted a resolution not to add additional fixtures to UPP or any other park. The current question is how the Board wants to view adding additional holiday symbols to the existing symbols. As the Board considers the political questions of how the City wants to celebrate the holidays, Mr. Davis will focus on the legal questions in an attempt to keep the City as safe as possible.

Mayor Odham said there has been case law that says a menorah is a secular item, not a religious item. If that is the case, he would be apt to support it. However, if it is a religious item and the City approves the display, he believed there would be multiple requests for other items to be put in UPP, such as a manger scene. He felt it was hard to say a menorah was not a religious item when a temple and members of clergy were requesting it. Mr. Davis said that is why there are so many legal cases on this point. With respect to the case from the late 1980's, the court concluded that a Christmas tree is not a religious symbol but just a holiday decoration. In the same case, the court ruled against the same city having a creche in their city hall.

Noting this would be a Board decision and not one for staff, Mayor Odham was not opposed to a discussion with the Temple but felt the meeting should involve three

Board members. If the motion were changed to that effect, he would support it. In the past, staff made decisions outside of their purview which is why the City may be in the situation it is in now. Mr. Davis said one could forecast that if this request is approved, other religions will come forward and want their items on display.

Alderman Brinson wanted to go on record to state that regardless of the Board's decision, he was adamantly opposed to using public funds to buy religious symbols. Alderman Prill questioned how that played into all the other decorations the City puts up, and Alderman Aster responded those decorations are not religious. Alderman Brinson said he and Alderman Prill had different perspectives as Alderman Brinson did not see a Christmas tree as religious. Alderman Prill disagreed and said the decorations are religious and Christian based, and he acknowledged the menorah's approval could potentially result in requests from others. He suggested the City may have to look at a designated spot for all decorations, including the City's. He commented it may be time for the City to change its perspective and what it has done for years.

Alderman Royal asked about the Board's policy to prohibit the placement of items in a park. Mr. Hughes said a proposed policy was presented to the current Board to address markers, plaques, and monuments, and the Board elected not to adopt it. Instead, if someone approached the City for placement of items, the Board would be polled about the request. The requestor also had the option to speak before the Board under Request and Petition of Citizens. The Manager polled the Board about this request earlier in the year, and the response was 7-0 with all officials stating they were not in favor of any additional items.

At the Mayor's request, the City Clerk re-read the motion made earlier by Alderman Prill and seconded by Alderman Royal. That motion was for the City to get together with the Temple to agree on a location for the installation of a menorah for this holiday season. Alderman Royal did not remember that as the motion, but felt she was seconding a motion to have a conversation with the Temple. Alderman Prill confirmed his motion was that as recounted by Ms. Blanco. Mr. Davis said the motion could be amended or the Board could vote on the motion and if it does not pass, reflect on language that may pass. Alderman Prill said if a vote is taken on his motion and a majority approves it, then staff has direction. The Mayor's suggestion that three Board members be involved instead of staff means a decision would have to go back to the Board. Mayor Odham said the decision would come back before the Board regardless, as staff does not have the authority to make a decision. Mr. Davis said he understood the motion was to allow the placement and for staff to determine the location. Mayor Odham said he was absolutely against that as it is not a decision for staff, but for officials who were elected to make tough decisions.

Alderman Aster called the question. Upon a roll-call vote, the motion on the floor failed 2-5 with Aldermen Prill and Royal voting in favor of it and Aldermen Aster, Kinsey, Best, Brinson and Mayor Odham voting against it.

Alderman Prill made a motion to have three members of the Board to be selected by the Board to sit down with staff and with the Temple to determine a location for the placing of a menorah, seconded by Alderman Best. Mayor Odham felt the motion was very conclusive that the Board would meet with the Temple to find a location and install the menorah. In Mr. Davis' view, the motion was to approve the ask and resolve the location. Thus, the Board would be voting to allow the installation of a menorah on City property subject to the meeting to decide where. Mayor Odham said he was fine with sitting down to have the discussion as he wanted everyone to understand the potential ramifications of this decision. After Mr. Davis' breakdown of the motion, Alderman Best rescinded her second.

Alderman Prill noted he was not in favor of the City spending money to purchase or construct a menorah this year, and he wondered whether the community had one. Alderman Prill made a motion to open the topic to allow the community to answer the question in 30 seconds, seconded by Alderman Best. The motion carried unanimously. Mrs. Weisman, who spoke under Request and Petition of Citizens, said people have expressed a willingness to donate toward the purchase, and she felt the community could raise the money in a few days.

Alderman Prill made a motion to authorize three members of this Board and staff to meet with whoever the City is going to meet with in the community, presumably representatives of the asking party, Temple B'nai Sholem, within the next two weeks to see if we can determine a location for a menorah to be set up on public property and have a recommendation back to this Board at the second meeting of this month for a decision by this Board, seconded by Alderman Royal. Upon a roll-call vote, the motion carried 6-1 with Alderman Best voting against it. Alderman Best explained her nay vote was because she did not want the item placed on City property because it would open the doors for other individuals, organizations, and groups. Alderman Brinson explained his affirmative vote was in favor of the conversation, although he was opposed to the menorah being on City property. Aldermen Royal and Aster explained their affirmative votes were to express yes to the conversation. Alderman Kinsey explained his vote was in favor of the conversation, not the use of the City's property. The three Board members who volunteered to participate in the discussion were Alderman Royal, Alderman Prill, and Mayor Odham.

(Alderman Kinsey momentarily left the room at 8:45 p.m.)

#### Alderman Royal

A work session was requested to discuss the defined roles of the Board of Aldermen and Mayor, and it was suggested staff find someone to speak to the Board about these roles. Mayor Odham felt the School of Government would have a resource, and he proposed the City Clerk check with the school. Alderman Royal asked about scheduling the gentleman who spoke to the previous Board. Mayor Odham asked if the majority of the Board was in favor of staff finding someone to speak on this topic at a workshop. Alderman Best suggested a Zoom meeting instead of an in-person meeting. Ms. Blanco pointed out Board members could individually participate in a Zoom meeting, but not collectively as a Board. After confirming with

the City Clerk that all the officials had satisfied the required ethics training, Mr. Davis suggested that slide presentation may be helpful.

A status for the demolition of the mobile home on Gardner Street was sought, as the work has not been completed in a timely manner. Mr. Chiles stated someone began to remove copper and steel from the trailer a day or two after the demolition was approved. Staff is unaware who may be doing this, but will look into it.

(Alderman Kinsey returned to the room at 8:49 p.m.)

A suggestion was made at the last meeting for the Board to have a Christmas gathering on December 12<sup>th</sup>. Alderman Aster was not in favor of the City providing any funds for a gathering for the Board, and he was not in favor of any type of dinner for the Board without a decision being made about employees. Mr. Hughes said over the last few years, Human Resources' budget has included funding for employee gifts. Additionally, funding is provided for quarterly employee luncheons. The next luncheon is scheduled for December 6<sup>th</sup>. Alderman Aster noted the Board is invited to those luncheons, and he reiterated he was not in favor of City funds being used to purchase Christmas dinner for the Board. Mayor Odham also pointed out the Board could attend the luncheon, but could not discuss City business if a quorum was present. The Mayor also said he had no issue with the City providing a meal when the Board is at City Hall for hours working on City business, but he was not in favor of spouses attending. Alderman Best concurred and asked if employees would receive a gift card, and Mr. Hughes confirmed they would. After a little more discussion, no one on the Board opposed the City providing a meal for the Board during the work session as long as the purchasing policy is followed. A status report was requested for the Pembroke traffic light. Mr. Hughes stated Public Works is waiting for the signed agreement from the NC Department of Transportation ("NCDOT"), and hopefully construction will begin immediately thereafter.

#### Alderman Aster

Plans are in the process for a private school to be built on Old Airport Road near Creekside. Considering there will be a school in the area and there is a park, Alderman Aster desired a resolution asking NCDOT to make road improvements to include widening. Alderman Best commented Alderman Aster denied her earlier request for improvements in her community, but now he was asking for improvements. Alderman Aster pointed out the area of Old Airport Report that he referenced is not in the city limits and is a NCDOT road. Alderman Aster made a motion to send a resolution to the NC Department of Transportation asking them, considering the construction of the new school on that portion of Old Airport that is owned by NCDOT, to make improvements including widening of the road, and the repaving of Simmons Street as well, seconded by Alderman Kinsey. Mayor Odham noted the resolution could be brought back at the next meeting under the consent - agenda. The motion carried unanimously 7-0.

#### Alderman Kinsey

Tonight was quite a shock to him to learn what happens when the wrong information is given to a group of people. Things fall back on the Board, and he did not know

how to prevent things like that. The group kept saying what they were told and what they expected the City to do for them. They did not know the consequences the City could suffer from that. He asked if anyone on the Board promised to do something for the group. Some of the group's reactions were nasty, while some were good. He gathered the group had been misled and was disappointed. Mr. Hughes said after he polled the Board, he reached out to the Temple to let them know the majority of the Board's desires. At that time, members from the Temple requested to be put on an agenda. Alderman Prill said he objected to the fact that the pre-agenda included the presentation, but it was then removed from the final agenda. Apparently other members of the Board took exception to the presentation being on the agenda, and that is why it got pulled. He was forcing the issue because he objected to the fact that it was pulled. Mayor Odham explained the rules and procedures state if any one member wants an item on the agenda that it will be brought up under new business, there will be a motion and a second, and if a majority of the Board states it would like to discuss the topic, then it is put on an agenda. With respect to the presentation by Wreaths Across America, the previous Board told the presenters they did not have to appear before the Board every year as the City would continue to support the event. However, the presenters desire to continue making a presentation so the event can be promoted. Mayor Odham said society is either for or against something. While New Bern has the motto that everything comes together here, a lot of things do not come together, such as the Kessler Group with the Elks Building. If the Board wants to work together, it must get past "I'm for, you're against, let's pack the courtroom and whoever is the loudest is going to win; this is not American Idol." This is about the Board governing the City, and there are rules and procedures. It's those rules and procedures that lead to the item being pulled from the agenda. The pre-agenda is for the Board's review to determine what may need to be pulled. Alderman Kinsey said groups come in and feel they can intimidate the Board. Alderman Aster said he did not feel intimidated by the group this evening, and Mayor Odham said he did not feel intimidated, but there were two or three people who stormed out of the room making comments. Mayor Odham reminded everyone that while the meeting is open to the public, the meeting is the Board of Aldermen's meeting. Citizens have an opportunity to speak for four minutes under Request and Petition of Citizens. Mayor Odham agreed with Alderman Kinsey that when people stand up and storm out of the meeting that does not help their cause. Good government is respectful and involves dialogue.

#### Alderman Best

Chief Gallagher was asked if the ShotSpotter information shared at the Omega Center could be viewed online. Chief Gallagher said the presentation was recorded. Colleen Roberts, Public Information Office, said the recording was being edited for YouTube and will be shared on social media, CityTV3, and on the City's website.

#### Alderman Brinson

Gratitude was expressed to the Veterans Garden and NC Works for a great veterans standdown. The Veterans Council of Craven County provided a nice veterans day luncheon. Liz Hartman received the Veteran of the Year award for

the county, and Gary Gillette received the veteran lifetime achievement award. CarolinaEast was recognized as Business of the Year for being generous with its time, volunteers, and money. March for the 22 thanked the New Bern Police Department for participating in its successful march. Appreciation was voiced to all local businesses that thanked veterans this past weekend.

#### Mayor Odham

The spotlight project for Middle and Broad Streets did not receive any bids and will be rebid on the 30<sup>th</sup>.

There are now two main entrances at City Hall. Mayor Odham said if he could go back in time, he would make changes to the layout. Today someone walked in the new elevator entrance and walked through the entire building. From a safety and security standpoint to protect employees, Mayor Odham asked for an assessment of the building and suggestions. His suggestion was to block off the old entrance, reinstall the original wood door, and use the annex as the main entrance. He also suggested the annex have an intercom and desk that is manned by someone who can direct visitors. Alderman Best asked whether the City was required to give citizens access to the building, and Mr. Davis responded no. Mayor Odham noted he has visited many city halls, and people are greeted at the front door, asked what type of assistance they need, and pointed in the right direction. The City needs to be more efficient in how it handles visitors in the building. Alderman Best asked about limiting access within the building to only those who have a badge, and Mayor Odham agreed that was part of his point; or someone could be buzzed in to get to other areas. While there will be costs associated with safety implementations, it is important to make sure the \$4.3 million spent on the building is functional. Currently, that is questionable.

#### **28. Closed Session.**

A closed session was not needed.

#### **29. Adjourn.**


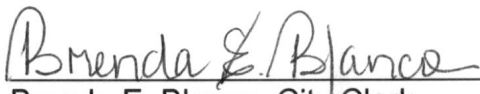
Alderman Aster made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously 7-0, time being 9:16 p.m.

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: November 28, 2023

  
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Jeffrey T. Odham, Mayor  
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Brenda E. Blanco, City Clerk