

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

- 1. Meeting opened by Mayor Jeffrey Odham. Prayer by Alderman Royal. Pledge of Allegiance.**

- 2. Roll Call.**

Present: Mayor Jeffrey Odham, Alderman Rick Prill, Alderman Hazel Royal, Alderman Robert Aster, Alderman Barbara Best, and Alderman Robert Brinson. Absent: Alderman Johnnie Ray Kinsey. 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.

Mayor Odham welcomed Boy Scout Troop 13. Tyler Williams, one of the scouts, stated the troop was in attendance to earn its citizenship community badge.

- 3. Approve Agenda**

Alderman Aster made a motion to postpone Item 16 until the first meeting in January and otherwise approve the agenda, seconded by Alderman Best. The motion carried unanimously 6-0.

- 4. Request and Petition of Citizens.**

Gerri Williams of 1514 Kimberly Road shared her desire to offer a rickshaw service, which is a bicycle for-hire mode of transportation, in downtown New Bern. If she can secure a permit to legally operate the service, Ms. Williams will purchase a fleet of additional rickshaws and establish a business known as Bear Town Rickshaw. After hearing her request, the City Attorney stated bikes can be ridden on the street, but once they are operated as a business they are not allowed. If the Board desires to allow such, it can direct the City Attorney to prepare an ordinance to this effect.

Consent Agenda

- 5. Consider Adopting a Resolution Calling for a Public Hearing to Annex 1955 Old Airport Road.**

The estate of Elisabeth S. Rabeler requested to annex 1955 Old Airport Road which consists of two tracts identified as Tax Parcels 7-103-089 and 7-103-8005 totaling approximately 53.58 acres. The property is in the area of Ward 3. It was requested that a public hearing be held on January 09, 2024 to consider this request.

6. Consider Adopting a Resolution Calling for a Public Hearing to Annex 684 West Thurman Road.

Real Dogtors, LLC requested to annex 684 W. Thurman Road, also known as Tax Parcel ID 7-109-017 in the area of Ward 3. The property is a vacant 6.10-acre tract suitable for commercial development. It was requested that a public hearing be held on January 09, 2024.

7. Consider Adopting a Resolution Calling for a Public Hearing on the Initial Zoning of 3277 Old Airport Road.

After receiving a petition to annex from Michael and Rose Miller, the Board adopted an ordinance on October 10, 2023 annexing 3277 Old Airport Road. The property requires initial zoning be established. The Planning and Zoning Board recommended the designation of R-8 during its November 07, 2023 meeting. Staff requested that a public hearing be set for January 09, 2024 to consider the zoning.

8. Consider Adopting a Resolution Encouraging the NC Department of Transportation to Improve a Portion of Old Airport Road.

As requested by Alderman Aster during the Board's November 14, 2023 meeting, the proposed resolution encourages the NC Department of Transportation to consider making improvements to a portion of Old Airport Road – NCSR 1964. Specifically, it recommends that the road be widened considering its heavy traffic flow, the road's proximity to Creekside Park, and the planned development of a charter school at 1955 Old Airport Road.

9. Approve Minutes.

Draft minutes from the November 28, 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 6-0.

10. Presentation of City Employees of the Year.

The Employee of the Year program was reinstated last year to recognize employees who have demonstrated excellent performance in their job duties over the previous 12-month period. Under the new program, one employee from three service categories is recognized: Public Service, Public Safety, and Public Utilities/Works. Except for Department Heads, Division Superintendents, Division Chiefs, Fire Battalion Chiefs, and Police Captains, all regular full and part-time employees were eligible for nomination. After nominees were reviewed by a

selection committee, the following winners were announced at an employee luncheon on December 06, 2023:

Public Safety:	Joshua Whitford (Fire-Rescue)
Public Service:	Tanya Harms (Finance)
Public Utilities/Works:	Tim Davis (Electric Utility)

All three were presented with a certificate and \$300.

11. Presentation by Craven County Alcoholic Beverage Control Board.

Chip Chagnon, Chairman of the Craven County Alcoholic Beverage Control (“ABC”) Board, utilized a PowerPoint presentation to provide an annual briefing. He presented a \$53,048 check to the City for its end-of-year portion of ABC sales.

12. Presentation of Annual Comprehensive Financial Report and Audit for Fiscal Year Ending June 30, 2023.

Alan Thompson from Thompson, Price, Scott, Adams and Company, P.A., discussed the findings of the June 30, 2023, Annual Comprehensive Financial Report (“ACFR”) and audit. Copies of the ACFR were presented to the Board. He noted the need for project funds to operate without a negative fund balance. The General Fund balance was also reviewed, including the restricted funds that comprise part of that balance.

13. Presentation on Long-Range Plan Funding Strategy for Metropolitan Planning Organization.

A long-range transportation plan was last adopted in March 2021, and a new plan must be approved by March 24, 2026. Due to the complexity of the plan, it usually takes at least a year and a half to complete and is estimated to cost \$125,000. Deanna Trebil, MPO Administrator, reviewed a recommended funding strategy that included a proposed share of \$8,044.60 from New Bern. The consensus of the Board was for staff to submit a budget ordinance amendment at a future meeting to cover this share.

14. Conduct a Public Hearing and Consider Adopting an Ordinance to Annex a Portion of Tax Parcel ID 8-209-13001.

Weyerhaeuser NR Company recently petitioned to annex a portion of Tax Parcel ID 8-209-13001 in the West New Bern area. A portion of this parcel was previously annexed.

Mayor Odham opened the public hearing, but no one came forward to speak. Alderman Prill made a motion to close the public hearing, seconded by Alderman Brinson. The motion carried unanimously 6-0.

Alderman Best made a motion to adopt an ordinance to annex a portion of Tax Parcel ID 8-209-13001, seconded by Alderman Royal. Upon a roll-call vote, the motion carried unanimously 6-0.

15. Appointment of Mayor Pro Tempore and Administration of Oath.

The City charter provides that at the first meeting in December the Board will appoint one of its members to serve as Mayor Pro Tem for a one-year term. The designee will perform mayoral duties in 2024 during the absence of the Mayor.

Alderman Aster made a motion to appoint Alderman Royal as Mayor Pro Tempore, seconded by Alderman Best. The motion carried unanimously 6-0. Ms. Blanco administered the oath of office to Mayor Pro Tem Royal.

16. Discussion of BP Building Change in Scope of Work.

This item was tabled as noted under Item 3.

17. Consider Adopting a Resolution Approving a Sewer Use Agreement for 684 West Thurman Road.

The owners of 684 West Thurman Road requested to connect to the City's sewer system. They are planning to build a veterinary office on the property, and the proposed development will have a calculated average sewer demand of 720 gallons per day, which would require a standard sewer service connection. Section 74-74 of the City's ordinances provides that a written agreement be entered into to outline the roles and responsibilities of both parties in establishing service.

Alderman Aster made a motion to adopt a resolution approving a sewer use agreement for 684 West Thurman Road, seconded by Alderman Prill. Upon a roll-call vote, the motion carried unanimously 6-0.

18. Consider Adopting a Resolution Authorizing the City Manager and Mayor to Execute a Memorandum of Agreement with the NC Department of Public Safety - Emergency Management to Accept Grant Funds for the Purchase of an Underwater Remote Operated Vehicle.

The New Bern Police Department sought approval to accept a grant from the NC Department of Public Safety – Emergency Management in the amount of \$72,077.60. The funding will be used for the purchase of an underwater remote operated vehicle that will assist first responders in a variety of assignments from evidence recovery to search and rescue missions. There is no match for the grant.

Alderman Prill made a motion to adopt a resolution authorizing the City Manager and Mayor to execute a Memorandum of Agreement with the NC Department of Public Safety – Emergency Management to accept grant funds for the purchase of an underwater remote operated vehicle, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0.

19. Consider Adopting a Resolution Authorizing the City Manager to Execute a Contract with SoundThinking, Inc. for ShotSpotter.

Information on ShotSpotter was previously presented to the Board and subsequently presented at a public input session. The community responded positively to the program. The technology will be utilized in the Duffyfield, Craven Terrace, and Trent Court areas, all of which have the highest concentration of gun-related calls. The cost of the contract is \$148,500 for three years. Alderman Aster desired to cover the first year's cost of \$49,500 from Ward 3's designated ARPA funds.

Alderman Brinson inquired about the \$16,800 start-up costs, and Chief Gallagher stated those funds are no longer needed. This amount represented funding for an add-on to the CAD system that will not be necessary. Mayor Odham pointed out this is a three-year commitment, and there is no guarantee that the Chief will be able to secure donations for future years. Thus, funds will need to be included in future budgets if the contract is approved. The Mayor was hopeful that the Chief would report back in the next few months that the program had been beneficial and worth the cost.

Alderman Royal made a motion to adopt a resolution authorizing the City Manager to execute a contract with SoundThinking, Inc. for ShotSpotter, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 6-0.

NOTE: Items 20 and 21 were voted on collaboratively as noted under Item 21.

20. Consider Adopting a Resolution Amending the FY2020 Annual Action Plan for the Community Development Block Grant 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. A public hearing was held on November 28, 2023, to discuss a suggested amendment to both FY2020 and FY2021 programs to provide funding to the Redevelopment Commission to rehabilitate two single-family homes that will be donated to Habitat for Humanity and sold to low to moderate-income households in the Greater Five Points area. No one from the public spoke at the hearing. The proposed resolution will approve the amendment to the FY2020 plan.

21. Consider Adopting a Resolution Amending the FY2021 Annual Action Plan for the Community Development Block Grant Program.

This item mirrors the previous item except the resolution amends the FY2021 plan.

Alderman Best made a motion to adopt resolutions amending the FY2020 and FY2021 Annual Action Plan for the Community Development Block Grant Program,

seconded by Alderman Royal. Upon a roll-call vote, the motion carried unanimously 6-0.

22. Consider Adopting a Resolution Authorizing the Execution of an Updated Memorandum of Understanding with RHA Health Services for the Co-Responder Program.

The Board adopted a resolution in June of 2022 approving a memorandum of understanding (“MOU”) with RHA Health Services. That MOU expired May 31, 2023, and a new MOU was proposed that would be effective through October 31, 2024. The Police Department partners with RHA to add the mental health profession to its response protocols. Both entities can respond to persons in crisis in an attempt to divert them from the criminal justice system to the more appropriate mental health system. Through early identification and intervention, this program can minimize the need to arrest persons in crisis due to behavioral health or intellectual and development disabilities.

Alderman Prill made a motion to adopt a resolution authorizing the execution of an updated Memorandum of Understanding with RHA Health Services for the co-responder program, seconded by Alderman Royal. Upon a roll-call vote, the motion carried unanimously 6-0.

23. Consider Adopting a Resolution Approving Amendment Three of the Pamlico Sound Regional Hazard Mitigation Plan.

In preparing for the City’s BRIC grant application for the New Bern Rail Corridor Planning Study, it is recommended the latest version of the Pamlico Sound Regional Hazard Mitigation Plan be amended to better support the effort and reference actions related to the rail corridor. Chris Seaberg, Community and Economic Development Manager, noted if the grant is not received, the City will not be “on the hook” to fund the rail corridor.

Alderman Best made a motion to adopt a resolution approving amendment three of the Pamlico Sound Regional Hazard Mitigation Plan, seconded by Alderman Prill. Upon a roll-call vote, the motion carried unanimously 6-0.

24. Consider Adopting a Budget Ordinance Amendment for FY2023-24.

The budget amendment will appropriate \$8,290.91 for a fire grant to secure additional radios as discussed at the Board’s November 14, 2023 meeting. It also acknowledges receipt of grant funds in the amount of \$72,077.60 for the Police Department’s purchase of the underwater remote operated vehicle.

Alderman Prill made a motion to adopt a budget ordinance amendment for FY2023-24, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0.

25. Appointment(s).

Applications for the initial appointments to the Municipal Service District (“MSD”) Advisory Committee were distributed at the November 28, 2023 meeting. Candidates were vetted by the City Clerk for each qualifying category. Ballots were given to Board members, and written votes were cast with one vote for each category except for four votes for the residential category.

As the Clerk tallied the votes, the Board moved on to the attorney’s report, manager’s report, and new business. At the conclusion of new business, the Clerk announced the following results:

A tally of the ballots revealed the following votes:

Large Commercial:	Sabrina Bengel (5), Jeffrey Medlin (1)
Hospitality:	John Haroldson (6)
Restaurant:	Chris Hoveland (5), Carol Stubbs (1)
Retail:	Johnny Robinson (3), Michaele Rose Watson (2), Heather Sinclair (1)
Entertainment:	Von Lewis (6)
Professional Services:	Michael Raines (4), Alice Chestnut (1), George Oliver (1)
Residential:	Mickey Miller (5), David Barthol (4), Michaele Rose Watson (4), Gretchen DuPeza (3), James Polo (3), Maria Cho (2), John Cho (1), Jim Congleton (1), Richard Parsons (1)

The three residential nominees with the most votes were declared appointees, and a second ballot was distributed to determine the appointee to the fourth residential seat. A tally of the second ballots revealed the following votes:

Alderman Prill:	James Polo
Alderman Royal:	Maria Cho
Alderman Aster:	Gretchen DuPeza
Mayor Odham:	Gretchen DuPeza
Alderman Best:	Maria Cho
Alderman Brinson:	Gretchen DuPeza

When determining the terms for residential, Mickey Miller was given a three-year term since she had the most votes, and Gretchen DuPeza was given a one-year term since she had the least votes. Alderman Aster made a motion for David Barthol to get the longest term of the two remaining residential appointees, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried 5-1 with Alderman Prill voting against it. In conclusion, the following appointments and terms were established:

Seat 1 – Large Commercial:	Sabrina Bengel Three-year term expires 12/11/2026
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Seat 2 – Hospitality:	John Haroldson Two-year term expires 12/11/2025
Seat 3 – Restaurant:	Chris Hoveland One-year term expires 12/11/2024
Seat 4 – Retail:	Johnny Robinson Three-year term expires 12/11/2026
Seat 5 – Entertainment:	Von Lewis Two-year term expires 12/11/2025
Seat 6 – Professional Services:	Michael Raines One-year term expires 12/11/2024
Seat 7 – Residential:	Mickey Miller Three-year term expires 12/11/2026
Seat 8 – Residential	Michaele Rose Watson Two-year term expires 12/11/2025
Seat 9 – Residential	Gretchen DuPeza One-year term expires 12/11/2024
Seat 10 – Residential	David Barthol Three-year term expires 12/11/2026

For the record, the initial ballots cast by each official are referenced below. (Copies of the ballots are included in the backup to the minutes.)

Alderman Prill

Large Commercial:	Jeffrey Medlin
Hospitality:	John Haroldson
Restaurant:	Carol Stubbs
Retail:	Michaele Rose Watson
Entertainment:	Von Lewis
Professional Services:	George Oliver
Residential:	John Cho, James Polo, Mickey Miller, David Barthol

Alderman Royal

Large Commercial:	Sabrina Bengel
Hospitality:	John Haroldson
Restaurant:	Chris Hoveland
Retail:	Heather Sinclair
Entertainment:	Von Lewis
Professional Services:	Alice Chestnut

Residential: Maria Cho, James Polo, Mickey Miller,
Michaela Rose Watson

Alderman Aster

Large Commercial: Sabrina Bengel
Hospitality: John Haroldson
Restaurant: Chris Hoveland
Retail: Johnny Robinson
Entertainment: Von Lewis
Professional Services: Michael Raines
Residential: David Barthol, Gretchen DuPeza, Mickey
Miller, Michaela Rose Watson

Mayor Odham

Large Commercial: Sabrina Bengel
Hospitality: John Haroldson
Restaurant: Chris Hoveland
Retail: Johnny Robinson
Entertainment: Von Lewis
Professional Services: Michael Raines
Residential: David Barthol, Mickey Miller, Gretchen
DuPeza, Michaela Rose Watson

Alderman Best

Large Commercial: Sabrina Bengel
Hospitality: John Haroldson
Restaurant: Chris Hoveland
Retail: Michaela Rose Watson
Entertainment: Von Lewis
Professional Services: Michael Raines
Residential: Maria Cho, James Polo, Richard Parsons, Jim
Congleton

Alderman Brinson

Large Commercial: Sabrina Bengel
Hospitality: John Haroldson
Restaurant: Chris Hoveland
Retail: Johnny Robinson
Entertainment: Von Lewis
Professional Services: Michael Raines
Residential: David Barthol, Michaela Rose Watson,
Gretchen DuPeza, Mickey Miller

26. Attorney's Report.

Mr. Davis asked for direction with respect to the rickshaw permit sought by the citizen who spoke under request and petition of citizens. If the desire is to accommodate the request, an ordinance must be created to authorize the City to

issue permits for petty cabs. Mr. Davis suggested use be restricted to downtown or a specific area. Mayor Odham asked about the bicycles that are stored on private property and rented for use, and Mr. Davis confirmed that is a different situation since it does not involve an escort or “cab” driver. Several members of the Board expressed a desire for the City Attorney to move forward with preparing a draft ordinance for consideration.

27. City Manager’s Report.

Mr. Hughes reported on the following:

- City offices will be closed December 25-27, 2023 for the Christmas holiday.
- A New Year’s Eve block party will be held on December 31, 2023. Festivities begin at 5:30 p.m.

28. New Business.

Alderman Brinson

The Wreaths Across America ceremony will take place on Saturday of this week at 12 noon. The wreaths will arrive at 8:30 a.m. on Thursday, December 14, 2023, at the Clarks exit and will be escorted to the national cemetery. A total of 6,060 wreaths were sponsored. Volunteers will be needed on January 13, 2024 for the wreath retirement.

The wall at the national cemetery was damaged by a vehicle. Only four companies in the United States can repair civil war brick and mortar. While the hope was to have the damage repaired by the Wreaths Across America ceremony, it will be February 2024 before the work is done.

A constituent inquired as to the status of the baseball lease. Mr. Hughes announced this would be brought before the Board in January.

Alderman Best

With respect to the purchase of the City’s surplus real property, Alderman Best asked if there are rules and regulations in place as to what can be placed on the property, so a buyer knows before they make a purchase. Ms. Blanco said bidders are referred to the Zoning Administrator before placing a bid, so they are aware of the zoning and what it allows. Alderman Best stated someone who purchased a lot is dissatisfied because he cannot put a home and a business on the lot.

The Mayor previously expressed concern about access and security at City Hall, and Alderman Best asked for the status of addressing those concerns. Mr. Hughes said the Police Department provided an assessment, and prices are being sought for the recommendations that were made.

A status was also sought on the placement of a dedication marker in the City Hall annex. Mr. Hughes announced the plaque has been received, and the contractor will be installing it. Mr. Williams added that it should be installed by the end of the week.

Thanks was voiced to the City Clerk for planning tonight’s dinner and taking such good care of the Board.

Merry Christmas to everyone.

Alderman Aster

Alderman Aster made a motion to use \$49,500 to purchase ShotSpotter for the first year using his ARP money, seconded by Alderman Brinson. The motion carried unanimously 6-0.

A status of the Days Inn property was requested. Alderman Aster said he would love to see the property sold or something happen with the site. Mr. Hughes said staff is working with the Eastern Carolina Council of Governments to obtain recommendations for that property as well as the lot at the corner of Hancock and South Front Street. The recommendations will be brought before the Board.

An update was sought with respect to the store on Broad Street that is near the Five Points area. Chief Gallagher stated the owner has complied with some of the requirements, and Attorney Davis provided a report, noting in the final agreement the owner stated he would improve the store façade to coincide with the opening of the new Stanley White Recreation Center. There is still plenty of time for that to take place.

Downtown looks beautiful for the holidays.

In the past, Alderman Aster said he requested Public Works place install a peep hole or camera for the PEG room. Mayor Odham noted a peep hole was now in place.

A Merry Christmas and Happy New Year were wished to everyone.

A status of the traffic light at the corner of Middle and Broad was requested, and Mr. Hughes said it should be installed by the spring.

Alderman Royal

Merry Christmas was expressed to all citizens, colleagues, and city staff.

Mayor Odham

The tree lighting, air show, and live windows display took place this past weekend, and everything worked well. The parade included 130 entrants. It is thought the increase in entries may have been impacted by the elimination of an entry fee. Mr. Hughes said there were over 10,000 people downtown for the parade. Many compliments were received on the live window displays, food trucks and all scheduled events for that weekend.

(At this point in the meeting, the results of the ballots for appointments to the MSD Advisory Board were read as noted under Item 25 above.)

29. 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 property, seconded by Alderman Brinson. The motion carried unanimously 6-0, time being 7:42 p.m.

30. Adjourn.

Alderman Royal made a motion to adjourn, seconded by Alderman Best. The motion carried unanimously 6-0, time being 8:10 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: January 09, 2024



Jeffrey T. Odham, Mayor



Brenda E. Blanco, City Clerk