

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
JANUARY 09, 2024 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

- 1. Meeting opened by Mayor Jeffrey Odham. Prayer by Stewart Evans, Fire Specialist III with the City of New Bern Fire Rescue Department. Pledge of Allegiance.**

- 2. Roll Call.**

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

Also Present: Foster Hughes, City Manager; Marvin Williams, Assistant City Manager; Jaime Bullock Mosley, Assistant City Attorney; and Brenda Blanco, City Clerk.

- 3. Approve Agenda**

Alderman Best notified Mayor Odham by phone that she was unable to attend the meeting and to request Item 24 be tabled until the next meeting.

Alderman Kinsey made a motion to approve the agenda with the tabling of Item 24 until the next meeting, seconded by Alderman Aster. The motion carried unanimously 6-0.

- 4. Request and Petition of Citizens.**

There were no request and petition of citizens.

Consent Agenda

- 5. Consider Adopting a Resolution to Initiate the Upset Bid Process for 1904 Washington Street.**

PR Property Group, LLC submitted a bid of \$10,000 for the purchase of 1904 Washington Street. The property is a vacant 0.374-acre residential parcel with a tax value of \$20,000. It was acquired jointly by the City and County in March of 2015 through tax foreclosure.

6. Consider Adopting a Resolution to Initiate the Upset Bid Process for 1407 Garden Street.

PR Property Group, LLC tendered an offer of \$2,700 for the purchase of 1407 Garden Street, PID 8-013-064. The property is a vacant 0.085-acre residential lot that was acquired by the City and County in 2015 through tax foreclosure.

7. Consider Adopting a Resolution to Initiate the Upset Bid Process for 1411 Garden Street.

PR Property Group, LLC tendered an offer of \$3,000 for the purchase of 1411 Garden Street, PID 8-013-063-A. The property is a vacant 0.093-acre residential lot that was acquired by the City and County in 2015 through tax foreclosure.

8. Consider Adopting a Resolution to Initiate the Upset Bid Process for 1302 Williams Street.

PR Property Group, LLC tendered an offer of \$3,000 for the purchase of 1302 Williams Street, PID 8-013-065. The property is a vacant 0.119-acre residential lot that was acquired by the City and County in 2006 through tax foreclosure.

9. Consider Adopting a Resolution to Initiate the Upset Bid Process for 1013 Bloomfield Street.

Lay Team and Remodelers, LLC tendered an offer of \$3,000 for the purchase of 1013 Bloomfield Street, PID 8-006-208. The property is a vacant 0.116-acre residential lot that was acquired by the City and County in 2009 through tax foreclosure.

10. Consider Adopting a Resolution to Initiate the Upset Bid Process for 1017 Bloomfield Street.

Lay Team and Remodelers, LLC tendered an offer of \$3,000 for the purchase of 1017 Bloomfield Street, PID 8-006-2068. The property is a vacant 0.143-acre residential lot that was acquired by the City and County in 2018 through tax foreclosure.

11. Approve Minutes.

Draft minutes from the December 12, 2023 work session and regular meeting were provided for review and approval.

Alderman Aster made a motion to approve Items 5-11 of the Consent Agenda, seconded by Alderman Royal. Upon a roll-call vote, the motion carried unanimously 6-0.

12. Introduction of New Fire Chief.

Mr. Hughes introduced Damien Locklear as the new Fire Chief. Chief Locklear thanked the City for the opportunity to serve in his role and for the City's support prior to his arrival. He grew up in Pembroke where he began volunteering as a firefighter and subsequently worked for the Fayetteville and Kinston Fire Departments. He expressed excitement about joining the City of New Bern team.

13. Presentation and Consideration of Resolution Adopting a Comprehensive Parks and Recreation Master Plan.

The Department of Parks and Recreation worked with a consultant over the last year to update its comprehensive master plan. Mike Norris and Nate Halubka, representatives from McGill Associates, were in attendance, and Mr. Halubka presented the plan. Recommendations considered critical in the next three years included the elimination of 2 to 3 of the City's 27 parks, implementation of wayfinding signage within the parks, investment in river access mini parks, regular inspection and implementation of ADA improvements, and installation of lighting and cameras to improve park safety. His presentation also projected ideal areas for future facilities based on development and growth.

Alderman Prill made note that he had submitted an email pointing out several grammatical recommendations. He also commented that the plan recommended minor additions to Council Bluff Green but did not address the concrete wall that is approximately 70 years old. He felt the concrete wall and adjacent walkway needed review.

Referencing the United Way Park, Mayor Odham asked if the consultants had seen other municipalities or counties donate parks to nonprofits for them to assume maintenance and perpetual use responsibilities. Mr. Halubka replied he had seen that from time to time. It is typically a "friends of the park" model that helps to raise funds for maintenance or involves leasing the park to a group that will take an active role in managing the park.

Alderman Royal asked at what point the Board is to dive into the intense plan to determine if it wanted to adopt it. She questioned how the Board could adopt it if they had not yet dissected or read it. Mr. Hughes explained the plan gives direction and provides guidance for the next 10 years, and Mayor Odham pointed out funding of any proposal in the plan would require Board approval, at which time the proposed project would be discussed. Not all of the plan's recommendations must be implemented. Mr. Hughes said the Board would see requests for implementation during the budget process.

Alderman Prill made a motion to adopt a resolution approving the comprehensive parks and recreation master plan, seconded by Alderman Royal. Before voting, Mayor Odham felt Alderman Prill's comments regarding grammatical corrections and Council Bluff Green were noteworthy. Upon a roll-call vote, the motion carried unanimously 6-0.

14. Conduct a Public Hearing and Consider Adopting an Ordinance to Annex 1955 Old Airport Road.

The Estate of Elisabeth S. Rabeler petitioned to annex 1955 Old Airport Road consisting of two parcels identified as Tax Parcels 7-103-089 and 7-103-8005 totaling approximately 53.58 acres. The property is in the Ward 3 area and is the site of a proposed charter school. The request for annexation followed the Board's approval of a water and sewer use agreement in September.

Mayor Odham opened the public hearing. William "Randy" Akin, engineer for the project, said the annexation was requested as required by the water and sewer use agreement. However, the school did not want to be annexed and was hopeful the request would be denied. Mr. Akin was aware of concerns regarding the buffers and setbacks on the property and stated at its closest point the building would be 84 feet from a property line. A landscape buffer is also proposed between the school and residential area along the southern portion of the property. Alderman Aster said neighbors in Sellhorn Heights were concerned about the setback, but Mr. Akin had assured him that the building would be at least 80 feet from the property line and there will be a "bus loop" driveway between the buffer and property line. Mr. Akin noted the parking lot would be on the opposite side of the building, and he said the NC Department of Transportation ("NCDOT") had approved the plan and the school would not go back to NCDOT to change the plan. Alderman Aster made a motion to close the public hearing, seconded by Alderman Brinson. The motion carried unanimously 6-0.

Alderman Brinson asked if the charter school would be exempt from property taxes, and Ms. Bullock-Mosley confirmed that would be the case.

Alderman Aster made a motion that the Board does not consider the ordinance for annexation of 1955 Old Airport Road and questioned if that was the appropriate action. If the Board did not wish to move forward with the annexation ordinance, Ms. Bullock-Mosley explained the matter could die out of a lack of motion or the Board could entertain a motion to not approve the request. Alderman Aster then made a new motion not to approve the annexation, seconded by Alderman Brinson. Before the vote, Alderman Royal questioned the reason for denying the annexation, and Alderman Aster said mainly because the school did not want to be annexed and only made the request because it was required by the water and sewer use agreement. Additionally, if the property is annexed it will require city services such as inspections, fire and police protection, and the property will be exempt from paying for those services since it will be tax exempt. Alderman Brinson pointed out this would not be unprecedented as the City has provided water and/or sewer to others without annexing the property. Mayor Odham confirmed that by recalling the same action was taken regarding Brice's Creek Bible Church. The Mayor said his only concern was the subject property sat adjacent to City property. It would be hard to make a case that this property was not annexed if the City wanted to annex the property next to Creekside Park. Additionally, if the property were to undergo a change of use in the future it would be outside of the City's boundary. The City

could not force annexation, and Mayor Odham did not foresee a reason why the new owner would want to request annexation. Upon a roll-call vote, the motion carried unanimously 6-0.

15. Conduct a Public Hearing and Consider Adopting an Ordinance to Annex 684 West Thurman Road.

Real Dogtors, LLC petitioned 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, and the owner proposes to build a veterinarian clinic. At its December 12, 2023 meeting, the Board approved a sewer use agreement for the property.

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

Alderman Brinson questioned whether the planned development would be allowed in the proposed zoning. Ms. Bullock-Mosley recalled there being C-3 zones in the corridor, and the Planning and Zoning Board may recommend the adoption of a same or similar commercial classification. Alderman Aster was aware some residents were not in favor of the planned building, but noted they would receive information on where they could speak on that topic.

Alderman Aster made a motion to adopt an ordinance to annex 684 West Thurman Road, seconded by Alderman Prill. Prior to the vote, Alderman Royal asked if those who opposed the annexation were aware of tonight's public hearing. Alderman Aster stated yes and said they would also be notified by mail of the opportunity speak before the Planning and Zoning Board and would have one more opportunity to speak before the Board of Aldermen. Mayor Odham pointed out the property is in the County, and if the City did not annex the parcel the owners could still erect the building as the City would not have any authority to establish zoning. Thus, the only protection for the neighbors would be for the City to annex the property and give them an opportunity to speak on the rezoning. Upon a roll-call vote, the motion carried unanimously 6-0.

16. Conduct a Public Hearing and Consider Adopting an Ordinance to Initially Zone 3277 Old Airport Road.

On October 10, 2023, the Board adopted an ordinance to annex 3277 Old Airport Road into the city's municipal boundary. It is necessary to establish the initial zoning. Robert Gough, Assistant Director of Development Services, announced the Planning and Zoning Board unanimously recommended the property be designated as an R-8 residential district.

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

Alderman Aster made a motion to adopt an ordinance to initially zone 3277 Old Airport Road as R-8 residential, seconded by Alderman Prill. Upon a roll-call vote, the motion carried unanimously 6-0. Ms. Bullock-Mosley noted the statement of zoning consistency was embedded within the ordinance.

NOTE: Items 17 and 18 were voted on collaboratively as noted under Item 18.

17. Consider Adopting a Resolution Approving an Additional Streetlight on Center Avenue.

Alderman Kinsey requested the area of Center Avenue near the Crayton Commercial, LLC building be reviewed for lighting. After conducting the review, staff recommended the addition of a streetlight. The estimated cost to the Electric Department for the installation of a 70W LED fixture on a pole was \$1,108.21, and the monthly utility cost to Public Works will be \$8.44.

18. Consider Adopting a Resolution Approving an Additional Streetlight on Colony Drive.

Alderman Kinsey also requested the intersection of Colony Drive and Neuse Boulevard be reviewed for lighting. After conducting the review, staff recommended the addition of a streetlight. The estimated cost to the Electric Department for the installation of a 70W LED fixture on a pole was \$1,108.21, and the monthly utility cost to Public Works will be \$8.44.

Alderman Royal made a motion to adopt resolutions approving additional streetlights on Center Avenue and Colony Drive, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

NOTE: Items 19 through 23 were voted on collaboratively as noted under Item 23.

19. Consider Adopting a Resolution Approving the Sale of 817 Murray Street.

After receiving an offer of \$3,900 from Justin Beck for the purchase of 817 Murray Street, the Board adopted a resolution on September 26, 2023 to initiate the upset bid process. The bid was advertised, but no upset bids were received. The property is a vacant 0.224-acre residential lot with a tax value of \$7,800. The property was acquired jointly by the City and County in 2017 through tax foreclosure. If the property is sold for this bid, it is estimated the City will receive \$775.77 and the cost of advertising the offer, and the County is estimated to receive \$3,124.23 from the proceeds.

20. Consider Adopting a Resolution Approving the Sale of 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. After the Board adopted a resolution on November 14, 2023 to initiate the upset bid process, the offer was advertised but no upset bids

were received. At the time of the 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.

21. Consider Adopting a Resolution Approving the Sale of 1022 K Street.

Following receipt of an offer of \$2,700 from Lay Team and Remodelers, LLC for the purchase of 1022 K Street, the Board adopted a resolution on October 24, 2023 to initiate the upset bid process. The bid was advertised, but no upset bids were received. The property is a vacant 0.086-acre residential lot that was acquired by the City and County in 2022 through tax foreclosure. It has a tax value of \$5,400.

22. Consider Adopting a Resolution Approving the Sale of 1127 H Street, PID 8-006-006.

Lay Team and Remodelers, LLC also submitted an offer of \$3,900 for the purchase of 1127 H Street, PID 8-006-006. The Board adopted a resolution in October to initiate the upset bid process, and the bid was advertised with no other bids received. The property is a vacant 0.24-acre residential lot that sits on the road front of H Street. It was acquired by the City and County in 2019 through tax foreclosure and has a tax value of \$7,800.

23. Consider Adopting a Resolution Approving the Sale of 1127 H Street, PID 8-006-5000.

Lay Team and Remodelers, LLC submitted an offer of \$3,900 for the purchase of 1022 K Street, PID 8-006-5000. This parcel is landlocked and sits immediately behind the parcel identified in the previous item. The bid was advertised after the Board adopted a resolution to initiate the upset bid process. No additional bids were received. The property is a vacant 0.242-acre residential lot that was acquired by the City and County in 2018 through tax foreclosure. The property has a tax value of \$7,800.

Alderman Brinson made a motion to adopt resolutions approving the sale of 817 Murray Street, 607 Bern Street, 1022 K Street, 1127 H Street (PID 8-006-006) and 1127 H Street (PID 8-006-5000), seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

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

This item was tabled as noted under Item 3.

25. Appointment(s).

Alderman Kinsey made a motion to appoint Thomas Brownell to the Planning and Zoning Board, seconded by Alderman Aster. The motion carried unanimously 6-0.

Mr. Brownell will fill the seat previously held by Raymond Layton, and his term will expire June 30, 2026.

26. Attorney's Report.

The City Attorney had nothing to report.

27. City Manager's Report.

Mr. Hughes reported on the following:

- Precast concrete panels are now being erected for the Stanley White Recreation Center, pictures of which were displayed. It is still anticipated that the center will be ready by December.
- The Eastern Carolina Council of Government received a grant from the International Economic Development Council for economic development consulting projects. The Days Inn site and property at the corner of Hancock and South Front Streets were selected for review under the grant. This service, at no cost to the City, will review the sites for best use and will include recommendations.

28. New Business.

Alderman Royal

Happy New Year to everyone.

Alderman Aster

He questioned whether the minimum bid requirement is 25% for surplus real property, and Ms. Bullock-Mosley replied it is 50% of the tax value.

Alderman Kinsey

The Director of Finance was appointed two years ago, and the Board has not performed her evaluation. Mayor Odham explained the Manager evaluates for day-to-day performance, that evaluation is reviewed with the Board, and the Board has an opportunity to then discuss that review with the Finance Director. Mr. Hughes announced he last performed her evaluation in January 2023. Mayor Odham said the Board missed her evaluation last year, and he suggested the upcoming evaluation be shared with the Board in a closed session for the Board to participate. Mayor and provide input.

Alderman Kinsey asked when the Board would have a discussion about duties and its rules and procedures. Alderman Kinsey made a motion to discuss the Board's rules and procedures on the next agenda, seconded by Alderman Royal. The motion carried 6-0.

Alderman Brinson

The Wreaths Across America program in December was very successful. Wreath retirement will take place this Saturday at 9 a.m. Volunteers are sought to assist.

Mayor Odham

Today is Law Enforcement Appreciation Day and gratitude was expressed to Chief Gallagher and his staff.

There was a recent discussion about the parking lot across from City Hall beside the County Tax Office. The City has talked about turning that lot into a paid parking for quite a while and discussions took place with Craven County. The implementation of paid parking was extended for some time at the County's request. The City held off on converting the lot while work was underway on the City Hall building. Mr. Hughes stated he had more than one discussion with the County Manager, and the County was aware of the plans. Alderman Brinson attended the County's recent meeting and said the complaints were from residents visiting the Tax Office to pay their bills. Mayor Odham felt the County could have made accommodation in its parking lot on the opposite side of the building. Mr. Hughes said the goal is to generate at least \$7,000 in annual parking revenue, and he felt that would be exceeded. The City is willing to work with the County next year with respect to parking during tax season.

29. Closed Session.

Alderman Brinson made a motion to go into closed session pursuant to NCGS §143-318.11(a)(3) to preserve attorney-client privilege and NCGS §143-318.11(a)(5) to discuss the potential acquisition of real property, seconded by Alderman Kinsey. The motion carried unanimously 6-0, time being 7:04 p.m.

30. Adjourn.

Alderman Aster made a motion to adjourn, seconded by Alderman Prill. The motion carried unanimously 6-0, time being 7:35 p.m.

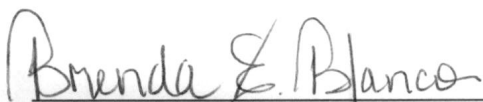
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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 23, 2024



Jeffrey T. Odham, Mayor



Brenda E. Blanco, City Clerk