

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
JANUARY 23, 2024 – 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 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**

Alderman Kinsey made a motion to table Item 13 until the February 06, 2023 retreat, seconded by Alderman Aster. The motion carried unanimously 7-0.

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

Consent Agenda

- 4. Consider Approving a Proclamation for Arbor Day.**

Kari Warren, Director of Parks and Recreation, requested a proclamation to recognize Arbor Day on Friday, March 22, 2024. Parks and Recreation will make a future announcement about its plans to observe the day.

- 5. Consider Adopting a Resolution Validating the Current Roster of Firefighters Eligible for the NC Firefighters' and Rescue Squad Workers' Pension Fund.**

NCGS §58-86-25 requires the Governing Board to annually validate a list of firefighters meeting the eligibility for the NC Firefighters' and Rescue Squad Workers' Pension Fund. The roster was provided for the Board's verification.

- 6. Consider Adopting a Resolution in Opposition of the NC Rate Bureau's Request for Homeowners' Insurance Rate Increase.**

This item was pulled for discussion following approval of the Consent Agenda.

7. Approve Minutes.

Draft minutes from the January 09, 2024 meeting were provided for review and approval.

Alderman Brinson made a motion to take Item 6 out of the Consent Agenda and move it to the action items for discussion and approve the Consent Agenda as amended, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

6. Consider Adopting a Resolution in Opposition of the NC Rate Bureau's Request for Homeowners' Insurance Rate Increase.

The NC Rate Bureau represents companies that write insurance policies in North Carolina. The Bureau requested increases in homeowners' insurance effective August 01, 2024. The increases range from 4.3% to 99.4% depending on location. Craven County's proposed increase is 25.6%, and Alderman Brinson highlighted proposed increases for other areas. Homeowners with coverage through NC Insurance Underwriters will be subject to an additional 15% surcharge. This resolution is like those adopted or being considered by other municipalities that oppose the increase. It asks the NC Insurance Commissioner to deny the request. Information was provided to citizens on how to express their concern and opposition no later than February 02, 2024.

Alderman Brinson made a motion to adopt a resolution in opposition of the NC Rate Bureau's request for homeowners' insurance rate increase, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

8. Presentation of 2023 Crime Report by Police Department.

Police Chief Patrick Gallagher shared a PowerPoint presentation reviewing New Bern's 2023 crime statistics as a whole and by districts. Of note, violent crime decreased by 39% when compared to 2022. There were four homicides in 2023. After reviewing the data in the presentation, Chief Gallagher shared information on strategies that are utilized by the department to not only address crime but also educate the public. The New Bern Police Department partners with other agencies, such as the Craven County Sheriff's Department, to address crime and is implementing the ShotSpotter program following the Board's support. In closure, Chief Gallagher responded to questions from the Board.

9. Conduct a Public Hearing and Consider Adopting a Resolution Approving Leases with New Bern Baseball LLC for Kafer Park at 603 George Street.

At its July 25, 2023 meeting, Old North State League made a presentation about their interest in utilizing Kafer Park for a collegiate summer baseball league. The proposed leases are for a period of nine years with a term expiration of January 31,

2033. The lease for the park provides for an annual payment of \$20,000, and the concession lease provides for an annual payment of \$2,222.22. Improvements and upfits made to the park will be in lieu of payment.

Mayor Odham opened the public hearing. Alec Allred, a representative from the League, said the League's goal is to make all improvements in the first year, although larger projects such as the grandstand will take more time. Alderman Royal asked if a list of improvements was available as the current information is vague. Mr. Davis stated a general list is available, but he wanted the Board to have a precise list that included specifications. As those specifications are available, the City Manager will provide the list to the Board to approve. Mr. Davis explained how the improvements would be made in lieu of payment. Alderman Brinson questioned who the approving authority for the improvements would be. Mr. Davis said ultimate approval would be at the authority of the Board, and it can establish that authority based on its comfort. If no authority is delegated to the City Manager, improvements will be presented to the Board for approval. Alderman Brinson stated he was not ready to delegate authority to the Manager. Alderman Brinson questioned Item 17 and asked to whom the League may sublet the park. Mr. Allred said an example of subletting would be if the League brought in a college baseball team for a tournament. If the community desired to use the park, that would be coordinated through the League. The League's program will start around May 25th per Mr. Allred.

(Alderman Kinsey momentarily stepped out of the room at 7:00 p.m.)

With that start date, Alderman Prill expressed concern about the Board's ability to timely approve the improvements so that they are completed in the next four months before the program begins. Mr. Allred shared that the League had built a 1,000-capacity stadium in Pinehurst over about a month and a half timeframe, and he felt very confident initial improvements could be made before the opening of the season. Alderman Prill questioned whether it would cause delay for the Board to approve every improvement.

(Alderman Kinsey returned to the room at 7:03 p.m.)

Ideally, Alderman Prill felt it would be nice to have all improvements presented to the Board at once instead of piece mill. Mr. Davis felt the Board would like to see illustrations of the improvements and not just a listing. If the Board does not delegate the Manager to approve the planned improvements, then the authority will remain with the Board. Mr. Davis suggested a bundled list of improvements be presented to the Board with adequate detail.

Alderman Royal reiterated a desire to ensure the community could still have some use of the property. Dave Caccavaro of 1122 Barkentine Drive in Fairfield Harbour felt the Board was getting bogged down in the weeds and not looking at fact that the lease presents another opportunity for children and families to spend time together. He announced he had been offered the position of General Manager of the team and has been involved in the community for years as a coach. There will

be baseball clinics, concerts, etc. scheduled at Kafer Park. The goal is to have the field used year-round and not just the two and a half months the League is playing. The League will work with the local adult baseball league that is already utilizing the park. The League has been waiting for the lease to be approved before lining up the improvements, and Mr. Caccavaro suggested for ease that the City Manager be authorized to approve those improvements. Alderman Aster agreed with the suggestion.

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

Mayor Odham pointed out some of the Board felt that everything should be approved by the Board, and some felt the Manager should be given that authority. The Mayor believed the Board would like to see something concrete about the improvements and would want to ensure the expenses line up with the actual improvements. Mr. Davis explained the value of the improvements would be based on third-party invoices, and an option could include the presentation of a master plan to the Board for its approval of the vision. The Manager could then be given authority to move forward with that master plan with the understanding that he is to notify and bring back to the Board any concerns that may arise. Alderman Royal stated she definitely wanted to see a concrete plan.

Alderman Aster made a motion to adopt a resolution approving leases with New Bern Baseball LLC for Kafer Park at 603 George Street, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

10. Consider Adopting a Resolution Approving a General Warranty Deed between Habitat for Humanity of Craven County, Marc S. Thomas, and the City of New Bern for 1701 Aycock Avenue.

On September 24, 2019, the City approved the conveyance of 1701 Aycock Avenue to Habitat for Humanity for the purpose of developing affordable housing for low and moderate-income families. Habitat has subsequently constructed a home on the property and intends to transfer the home to a buyer. By executing a deed to transfer ownership to the buyer, the City will release any rights retained under a Transfer and Reversion Agreement between the City and Habitat.

Alderman Royal made a motion to adopt a resolution approving the execution of a general warranty deed between Habitat for Humanity of Craven County, Marc S. Thomas, and the City of New Bern for 1701 Aycock Avenue, seconded by Alderman Prill. Upon a roll-call vote, the motion carried unanimously 7-0.

11. Consider Adopting a Resolution Approving an Amendment to the Contract with T.A. Loving for the Stanley White Recreation Center Project.

On May 23, 2023, the Board adopted a resolution authorizing the Manager to execute a contract with T.A. Loving Company in the amount of \$13,180,400 for the Stanley White Recreation Center Project. However, additional funding of

\$171,950.84 is needed for required changes that relate to extra structural steel, additional step footings to accommodate utility penetrations into the building, and testing of excavated soils. Chris Volcano, an architect with CPL Architects and Engineers, provided a detailed explanation of the changes and answered questions from the Board. Russ Gurganus with T.A. Loving, the contractor, said they review all the project for potential savings opportunities. Mayor Odham pointed out the change order also included credits, not just increases. Per Mr. Hughes, money is available in the project fund to cover the additional expense.

Alderman Aster made a motion to adopt a resolution approving an amendment to the contract with T.A. Loving for the Stanley White Recreation Center Project, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

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

At the Board's November 14, 2023 meeting, the City Manager announced FEMA allocated \$955,812.07 toward the rebuilding of the BP Building on Oaks Road. Instead of rebuilding the structure, a change in the scope of work was discussed and several options were presented for use of the funds. The Board agreed the BP station should be promptly demolished, but tabled further discussion about the change in scope of work for an alternative project. Mr. Hughes announced the BP station was demolished last week at a cost of around \$17,000.

Alderman Aster said it would be easier if all the funding is used for one project, as that would require the submission of only one request for a change in scope of work. Funds are already budgeted for a fire truck. If the FEMA funds are used to purchase that truck, the budgeted funds could then be used to cover other smaller projects that would not need to be approved by FEMA. Additionally, an increase is anticipated in the cost of the fire truck, and the City could hopefully purchase it before the increase is effective. Alderman Best felt Alderman Aster made a good point about the fire truck, but she wanted to see the funding used to pave streets. Alderman Aster questioned where the streets Alderman Best was referencing ranked on the street survey. George Chiles, Director of Public Works, said the four streets Alderman Best wants addressed may cost more than originally estimated five years ago. An updated street survey is underway and should be ready by the end of February. He said \$1 million of paving work is easily possible throughout all wards.

(Alderman Kinsey left the meeting at 7:33 p.m.)

Alderman Brinson did not have a problem with Alderman Aster's recommendation and suggested the Board could address paving after the new paving report is received.

Alderman Prill suggested an in-house review to see if the City is taking proper action to maintain the integrity of its existing equipment. According to his conversation with the City Manager, Parks and Recreation is storing vehicles and large

equipment outdoors, which is probably the same scenario for Public Works and other departments. It costs more money to repair and replace equipment when it is not housed in a roofed or fully enclosed structure. Alderman Prill preferred to see the money go toward that project, although he acknowledged the funding would not cover the full cost of a new facility. Mayor Odham asked whether staff had ever sought a place to park all vehicles, and Mr. Hughes noted Parks and Recreation had asked for a place to park equipment. Public Works and Electric have their equipment covered. If the Board wanted to pursue the construction of a facility to house the Parks and Recreation equipment, a site outside of the flood zone would need to be identified. Mayor Odham felt if Parks and Recreation were to be relocated, it should be moved to Martin Marietta Park.

Noting this item had been tabled multiple times, Mayor Odham felt the easiest path of least resistance seemed to be the purchase of a fire truck.

Alderman Aster made a motion to utilize the BP FEMA funds to purchase a fire truck and try to get the purchase done before the February 1st price increase, seconded by Alderman Brinson. Alderman Aster rephrased the motion to “change the scope of work to purchase a new fire engine for the New Bern Fire Department”, and Alderman Brinson confirmed his second for the restated motion. The motion carried 6-1 with Alderman Prill voting against it. Of note, Alderman Kinsey had left the meeting, thus technically yielding a vote in the affirmative.

Alderman Royal asked if a motion was needed to reflect the money budgeted for the fire truck would be used to address the roads. Mr. Hughes stated that could be addressed at a future meeting, and Mayor Odham suggested the workshop may be a time to address that.

13. Discussion of Governing Board Rules of Procedure.

This item was tabled as noted under Item 3. One concern Mayor Odham noted was that the City Attorney is typically not present at a workshop. The Board could still discuss the rules during the workshop and have the Attorney address any legal questions in the future. Mr. Davis indicated he could be contacted if a question arose during the workshop.

14. Appointment(s).

The resolution establishing the Municipal Service District Advisory Committee provides for one at-large appointment from the Board of Aldermen to serve as an ex officio, non-voting member. This official will serve in addition to the Ward 1 Alderman. The regularity of the meetings will be at least quarterly, but the details have not been worked out. Alderman Brinson suggested the position be filled by the Mayor Pro Tem so the position would rotate each year. Alderman Prill questioned why the Mayor Pro Tem would be designated if there are others who have an interest. While she had an interest in serving, Alderman Best stated she did not like the fact that she would have no voting power. Mayor Odham pointed out the committee functions in an advisory capacity, and the Board of Aldermen

would ultimately make every decision. Alderman Royal indicated her willingness to serve if the meetings are quarterly.

Alderman Aster made a motion to appoint Alderman Royal to the Municipal Service District Advisory Committee, seconded by Alderman Brinson. The motion carried 6-1 with Alderman Best voting against it. Of note, Alderman Kinsey had left the meeting, thus technically yielding a vote in the affirmative.

15. Attorney's Report.

The City Attorney had nothing to report.

16. City Manager's Report.

Mr. Hughes reminded the Board a retreat is scheduled for February 06, 2024 beginning at 9 a.m. in the City Hall Courtroom. Personnel and capital requests will be presented by the departments.

17. New Business.

Alderman Aster

Thanks to Public Works for the work on Neuchatel Drive after flooding was created from a pipe damaged by a contractor.

Alderman Best

Thanks to Public Works for handling another issue that arose this week.

Alderman Brinson

The Wreaths Across America mobile exhibit will be in New Bern on February 3rd and 4th. The opening ceremony will begin at 9 a.m. on February 3rd at Lawson Creek Park, and the exhibit will be open from 9 a.m. to 3 p.m. daily.

18. 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 7-0, time being 7:58 p.m. Of note, Alderman Kinsey had left the meeting, thus technically yielding a vote in the affirmative.

19. Adjourn.

Alderman Royal made a motion to adjourn, seconded by Alderman Brinson. The motion carried unanimously 7-0, time being 8:12 p.m. Of note, Alderman Kinsey had left the meeting, thus technically yielding a vote in the affirmative.


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: February 23, 2024



Jeffrey T. Odham, Mayor



Brenda E. Blanco, City Clerk