

**CITY OF NEW BERN  
BOARD OF ALDERMEN MEETING  
FEBRUARY 13, 2024 – 6:00 P.M.  
CITY HALL COURTROOM  
300 POLLOCK STREET**

- 1. Meeting opened by Mayor Jeffrey Odham. Prayer by Rev. Ethel Sampson. Pledge of Allegiance.**

- 2. Roll Call.**

Present: Mayor Jeffrey Odham, Alderman Rick Prill, Alderman Hazel Royal, Alderman Johnnie Ray Kinsey, Alderman Barbara Best, and Alderman Robert Brinson. Absent: Alderman Robert Aster. 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 announced Alderman Aster was absent due to back problems and is scheduled for surgery this week.

- 3. Approve Agenda**

Alderman Brinson made a motion to approve the agenda, seconded by Alderman Best. The motion carried unanimously 6-0.

- 4. Request and Petition of Citizens.**

Aaron Marks of 938 Gurten Street voiced concern about loud noise from the 30 Sumn Ultra Lounge. The noise occurs one to three times a week and often extends beyond 2 a.m. He learned there was also a homicide at the location in January 2023 and questioned whether this is the type of business that is desired for the community. After talking about the consequences of exposure to loud noise, he asked the Board to revise the noise ordinance to include measures for lower frequency sounds. Alderman Royal asked Police Chief Patrick Gallagher whether he was aware of the issue, and Chief Gallagher stated the department has responded to several complaints about the establishment and has issued citations every time the noise has exceeded 55 decibels. When the noise does not exceed 55 decibels, it does not violate the current noise ordinance.

Maurice “Mo” Howard of 502 Craven Street bought a 100-year-old warehouse at 406 Guion Street in 2016 and converted it into a do-it-yourself workshop. He started teaching woodworking and welding classes at the location in 2018. The shop also performs pro-bono work for local 501(c)(3) nonprofits. In April 2023, North Carolina Railroad (“NCRR”) notified him that their easement is now 100 feet wide instead of 50 feet wide. This puts the easement in the center of his building, making it unsalable. In 2017, NCRR performed another survey and stated that all prior

surveys were wrong, even the ones NCRR did. The new survey shows the easement is now expanded onto the City's property. While he will likely have to pursue litigation to solve his easement issue, he asked for the City's support. He felt NCRR should be turned over by the State to the Department of Transportation. He asked for the Board to discuss this with State legislators during any conversation they may have with a legislator.

Arthur LeBlanc of 2321 Crestview Drive expressed support for Mr. Howard's concerns and commented the workshop is a great amenity for the community.

Sharon Broaddus of 2906 Bettye Gresham Lane thanked the Board for its interest in the Lakeview Community and walking the neighborhood to get an understanding of the residents' concerns.

(Alderman Kinsey momentarily stepped out of the room at 6:13 p.m.)

Carol Huff of 140 Tom Everhart Road, Lexington, North Carolina, stated this is the 13<sup>th</sup> year that Fun in the Sun has been held, and they look forward to holding an event in New Bern. The car show has proudly donated over \$40,000 in the last three years to the Shriner's children's hospital.

James Crozier of 33 Pier Pointe in Riverbend also expressed support for Mr. Howard. The railroad runs through the City, but currently has no customers in the City nor does it provide any positive income to the City. It interferes with traffic and boat travel. While NCRR states it wants a clean environment, their railyard is anything but clean. He agreed that dissolution is needed and in the best interest of all taxpayers. The shop class that takes place in the warehouse contributes and gives back to the City. NCRR is a monger that is grabbing land for its own benefit.

(Alderman Kinsey returned to the room at 6:16 p.m.)

Denny Cole of 520 Johnson Street also spoke about the shop class operated by Mr. Howard and its benefits. NCRR seems to want to pull off a "land grab," which he believes also includes a City park, a residence, and a portion of two businesses. There is no known purpose for this. He was hopeful the Board would research the reasoning behind this action. The railroad no longer provides a benefit to the community, and the railyard is full of rotting wood, rusty piles of metal, and complete disorganization.

Alderman Prill asked how much the City is obligated to compensate NCRR per agreement for the property that it owns in the right of way. George Chiles, Director of Public Works, thought the amount was around \$7,000. Mr. Davis explained the City must pay a utility license fee when it has infrastructure under the railroad tracks. The City has not been approached about paying any additional leases. Alderman Prill felt NCRR seemed to be picking and choosing who it wanted to go after to illicit money. Alderman Prill suggested the City invite NCRR to a public meeting to discuss its purpose and role.

Alderman Prill made a motion to send a letter to NCRR and invite a representative to a future meeting to discuss this matter, seconded by Alderman Kinsey. The motion carried unanimously 6-0. In the interim, Alderman Prill encouraged the City Manager to discuss this topic with NCRR.

### Consent Agenda

**5. Consider Adopting a Resolution to Initiate the Upset Bid Process for 515 First Avenue.**

Nikkel Reeves submitted a bid of \$2,800 for the purchase of 515 First Avenue. The property is a vacant 0.074-acre residential parcel with a tax value of \$5,400. It was acquired jointly by the City and County in March of 2013 through tax foreclosure.

**6. Consider Adopting a Resolution to Initiate the Upset Bid Process for 1017 Main Street.**

The Third Property Development & Estate Investment Group, LLC submitted a bid of \$3,000 for the purchase of 1017 Main Street. The property is a vacant 0.125-acre residential parcel with a tax value of \$6,000. It was acquired jointly by the City and County in December of 2013 through tax foreclosure.

**7. Consider Adopting a Resolution to Initiate the Upset Bid Process for 1010 Green Street.**

The Third Property Development & Estate Investment Group, LLC also submitted a bid of \$2,700 for the purchase of 1010 Green Street. While GIS indicates a manufactured home is on the property, the property is a vacant 0.069-acre residential parcel. The manufactured home is actually situated at 1008 Green Street and encroaches 1010 Green Street. The assessed value of the land for 1010 Green Street is \$5,400, and the bid is based on that value. This property was recently acquired by the City and County in November of 2023 through tax foreclosure.

**8. Consider Adopting a Resolution to Close Specific Streets for the First Capital Antique Car Show.**

On behalf of the First Capital Chapter of the Antique Automobile Club of America, Michael Wilson requested the 200-300 blocks of Middle Street, 300-400 blocks of Pollock Street, and the 300 block of Craven Street be closed to vehicular traffic from 4:30 a.m. until 4 p.m. on May 11, 2024 for its annual car show.

**9. Consider Adopting a Resolution to Close Specific Streets for the Fun in the Sun Cruise to New Bern Car Show.**

Benny and Carol Huff, on behalf of Fun in the Sun, requested the 200-300 blocks of Middle Street be closed to vehicular traffic from 6 a.m. until 3 p.m. on October 26, 2024 for a car show.

**10. Consider Adopting a Resolution Amending the Street Closure for Vision Forward’s Annual Black History Parade.**

On November 14, 2023, the Board adopted a resolution closing specific streets for the annual black history parade. The organizer, Vision Forward, made an error in the requested route. This resolution amends the street closure to close the 500-700 blocks of Third Avenue, 700-1200 blocks of Broad Street, 400-600 blocks of George Street, and 700-1200 blocks of Cedar Street to vehicular traffic from 10:00 a.m. until 2:30 p.m. on February 17, 2024. A rain date of February 24, 2024 was still sought, as well as the use of Henderson Park.

**11. Consider Adopting a Resolution Designating the Mayor or His Designee as Applicant’s Agent to Sign HUD-Related Documents.**

As a recipient of CDBG funds from the Department of Housing and Urban Development (“HUD”), the City is required to sign HUD-related documents associated with the funding. This resolution names the position of Mayor as the City’s certifying officer and allows the Mayor to delegate this authority to the named City Manager by written notice to HUD.

**12. Approve Minutes.**

Draft minutes from the January 23, 2024 meeting were provided for review and approval.

Alderman Best made a motion to approve Items 5-12 of the Consent Agenda, seconded by Alderman Prill. Upon a roll-call vote, the motion carried unanimously 6-0.

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**13. Introduction of New Litter Campaign.**

George Chiles, Director of Public Works, and Kari Warren, Director of Parks and Recreation, shared a presentation to provide an overview of a new litter reduction campaign. The campaign is launching with a tagline “Keep New Bern Clean... We Can’t Bear Litter.” It will start in March and run through October. Mayor Odham requested a QR code be generated to provide information on the program and also asked staff to communicate with Craven County Clean Sweep to ensure efforts are not duplicated.

Note: Items 14 and 15 were voted on collaboratively as noted under Item 15.

**14. Consider Adopting a Resolution Approving the Sale of 801 Queen Street.**

After receiving an offer of \$3,750 from Phil Hedrick for the purchase of 801 Queen Street (PID 8-008-141), the bid was advertised but no upset bids were received.

The property is a vacant 0.06-acre residential lot acquired by the City and County in 2016 through tax foreclosure. If the property is sold for this offer, the City will receive \$699.11 and the County \$3,050.89 from the proceeds.

**15. Consider Adopting a Resolution Approving the Sale of 512 Second Street.**

All Access Enterprises submitted a bid of \$2,700 for the purchase of 512 Second Avenue (PID 8-012-A-230), a vacant 0.07-acre residential lot acquired by the City and County in 2013 through tax foreclosure. The bid was advertised, but no upset bids were received. If the property is sold for this offer, the City will receive \$995.38 and the County \$1,704.62 from the proceeds. The agenda item title inadvertently referenced the property as 512 Second "Street."

Alderman Prill made a motion to adopt resolutions approving the sale of 801 Queen Street and 512 Second Avenue, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

**16. Consider Adopting a Resolution Authorizing the Mayor to Execute an Agreement with Refreshing Lives Church for the Purchase and Sale of Improved Real Property at 212 Kale Road.**

The Department of Public Utilities located at 210 Kale Road is in need of additional space to expand its offices, storage, and parking. The adjacent property at 212 Kale Road is available for purchase and would be beneficial in meeting that need. It consists of three separate buildings situated on 1.34 acres, one of which is warehouse space. The purchase price is \$1.4 million, which is lower than the appraised value per Charlie Bauschard, Director of Public Utilities.

Alderman Royal asked to see the appraisal before voting. Alderman Prill inquired as to the additional cost to make improvements to the property, including installation of a security fence. Mr. Bauschard estimated the cost at \$500,000 to \$600,000. These improvements will need to be made prior to the department utilizing the property, but use of the warehouse space will be an immediate benefit.

At Alderman Brinson's request, Kim Ostrom, Director of Finance, described debt that would be rolling off in the near future and the estimated annual payments for additional debt to cover this purchase. One of the debts that will be paid off this year is likely the purchase of 210 Kale Road.

Mr. Hughes announced the appraisal had been emailed to the Board, and Mr. Bauschard provided a hard copy. To allow time to review the appraisal, Alderman Kinsey made a motion for a 10-minute break, seconded by Alderman Prill. The motion carried unanimously 6-0, time being 6:53 p.m. The meeting resumed at 7:03 p.m.

Alderman Prill made a motion to adopt a resolution authorizing the Mayor to execute an agreement with Refreshing Lives Church for the purchase and sale of improved

real property at 212 Kale Road, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 6-0.

**17. Consider Adopting an Ordinance to Amend Section 70-217 of Chapter 70 – Traffic and Vehicles, Article VI – Stopping, Standing and Parking.**

Motorists are parking vehicles on the left side of the street, which creates a safety hazard. Such activity is in violation of NCGS §20-146. This ordinance will amend Chapter 70 to make this action unlawful throughout the City, not just in the downtown area. Chief Gallagher stated the Police Department has responded to several complaints throughout the City about vehicles parking on the left side (i.e. wrong side) of the street.

Alderman Prill made a motion to adopt an ordinance to amend Section 70-217 of Chapter 70 Traffic and Vehicles, Article VI – Stopping, Standing, and Parking, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 6-0.

**18. Discussion of Board’s Rules of Procedure.**

At the January 09, 2024 meeting, the Board voted to review and discuss its rules of procedure. A copy of the current rules, which were last amended on January 09, 2018, was provided for reference. A cross-reference to applicable state statutes was also provided.

Alderman Kinsey asked that the rules be updated to provide for a rotation of votes. Mayor Odham stated he had chosen to make the last vote so an alderman would not have to “take the heat” for any deciding vote. The Mayor felt if he were in the rotation and became the first one to vote that would be a sticky situation since the Mayor is not to be highly engaged in debates. Mr. Davis said the only legal guidance is that the Mayor is the chairman of the meeting and is not to engage in robust discussion. Across the state, Mayors ask questions and share thoughts, but if the Mayor were to actively engage in an issue the Mayor is to turn the gavel over to the Mayor Pro Tem. If there is a rotation, Mr. Davis suggested the Mayor not cast the first vote so it does not appear the chairman of the meeting is directing the outcome.

Alderman Royal wanted to make it clear that she could “handle her own hotseat,” and she would never feel that she was being coerced on a decision by the Mayor. Mr. Davis clarified that his comment was for the benefit of the public and not necessarily the Board. Alderman Royal said she was piggybacking off of the Mayor’s comment as to why he chose to vote last. Mr. Davis said there has never been a codified rule as to how votes will be taken; it has always been at the Mayor’s discretion. If the rules of procedure are modified, they can only be modified again by the Board. The voting rotation would no longer be at the Mayor’s discretion. Alderman Kinsey stated he also could “take his own hit.”

Mr. Davis said one option would be to start the vote with Ward 1 and then rotate to the next ward in order, with the Mayor never voting first. Alderman Best liked how

Mayor Outlaw handled votes by always starting with Ward 1 or 6, although she did not have a problem with the current process. Alderman Brinson stated he also did not have a problem with the current process.

Alderman Kinsey made a motion to always start roll-call votes with Ward 1 for the first vote, seconded by Alderman Royal. Upon roll-call vote, the motion failed by a tie of 3-3 with Alderman Brinson, Alderman Prill, and Mayor Odham voting against it.

Alderman Brinson made a motion to use the current procedure and with future Boards leave it up to the discretion of the Mayor on how to start the meeting. At the request of Alderman Prill, Alderman Brinson restated the motion by saying the Board should continue on with its current voting procedures as was defined by the Mayor when this Board started and that all future Boards' voting can still be defined by the Mayor, seconded by Alderman Prill. Alderman Prill commented it had worked well over the past year so he was inclined to leave it as is. The Board can always bring it up again. Upon a roll-call vote, the motion carried unanimously 6-0.

Alderman Prill pointed out the rules indicate if a resident is being considered for an appointment that they need to fill out an application. That information is then provided to the Board for review. Most recently with Alderman Kinsey's appointment to the Planning and Zoning Board, he did not recall the Board receiving any information on the individual. It's frustrating to vote for people when there is no information on the individual or their background. He reminded the Board of the rules.

In the past, there has been a lot of chaos about having citizens give their address when speaking under request and petition of citizens. The rules state they are to give their name and state whether they are a resident or not, yet Mayor Odham has been calling them to the podium by their name and address. Mayor Odham noted the form a speaker fills out is public record, and some people with a New Bern mailing address do not realize they are not in the city limits. Speaking at a meeting under request and petition of citizens is not the only option for a citizen to contact the Board. Speaking publicly at a meeting is almost a last resort unless someone wants publicity from speaking at a meeting. Alderman Best said if the Board wanted to continue with the current process, then the rules need to be modified. Mr. Davis stated this too is a decision of the chairman (Mayor), and it is helpful to know in what ward someone resides. Another option per Mr. Davis is to codify the form in the rules of procedure.

Alderman Brinson made a motion to put the form in the rules of procedure and that it include the address, seconded by Alderman Royal. Upon a roll-call vote, the motion carried unanimously 6-0.

Mayor Odham read section (d) on page 2 regarding cancellations to point out the rules indicate meetings are to be cancelled when a state of emergency is issued by Craven County. Recently when there was bad weather on a meeting date, North Carolina issued a state of emergency, but the county did not. Based on these rules,

the City would not have been able to cancel its meeting. Mr. Davis stated the rules could be modified to include a county or state declaration of emergency or, as a second option, a state of emergency by the Mayor.

Alderman Royal made a motion to change the language to say when the county or state or Mayor declares a state of emergency to cancel a meeting, seconded by Alderman Kinsey. Alderman Prill felt it was important to keep a local level of control as sometimes the state may issue states of emergency for events in other parts of North Carolina that do not impact New Bern. Mayor Odham pointed out the verbiage states the meeting “shall” be cancelled, and he questioned whether the language should provide some flexibility. Mr. Davis indicated he would check to see if states of emergency issued by North Carolina are specific to the county level.

Mr. Davis confirmed the changes being discussed could be provided by direction and that there was no need for a motion and second.

Mayor Odham stated the previous Board had conversation about outside and staff presentations being placed on the first meeting and not the second. While the Board did not vote on that, there was no opposition expressed during that conversation. Alderman Kinsey felt direction should be given to have all presentations at the first meeting so the second meeting is not “cluttered up.” Alderman Brinson felt staff should have flexibility to put a presentation on either meeting and did not mind public presentations being on the first meeting. Alderman Prill agreed with providing flexibility. Alderman Best preferred to have all presentations at the first meeting so she could plan for that to be a longer meeting. Alderman Royal thought it would be good for staff to have flexibility, but public presentations should be held at the first meeting. Mayor Odham agreed with Alderman Royal. Mayor Odham noted that technically the Board should be voting for public presentations.

Alderman Best questioned conflicts of interest and a Board member recusing oneself. Mr. Davis explained there are two scenarios for conflicts, and he described the statutory obligation to vote except in those scenarios. Alderman Royal asked if this section of the rules could be more clearly explained in the document.

## **19. Appointment(s).**

William Hand resigned from the Bike and Pedestrian Advisory Committee due to an inability to attend several meetings. When he discussed his resignation with the Bike and Pedestrian Advisory Committee, the committee asked that the next appointee be someone who was a runner or walker since the remainder of the committee primarily offered a cyclist’s perspective. Taking that into consideration, Alderman Brinson contacted Henry Gleisberg, a marathoner, and confirmed he is still willing to serve.

Alderman Brinson made a motion to nominate Henry Gleisberg to the Bike and Pedestrian Advisory Committee, seconded by Alderman Best. The motion carried



unanimously 6-0. The appointee will serve in Seat 2 with a term expiration of July 10, 2026.

Before the vote, Mayor Odham noted the County makes nominations so it's not a matter of the first person who can make a motion for a candidate. If there is a desire for the City to change its process, that is a possibility. Mr. Davis stated nominations would be an option when appointments are made at large and not by specific ward. Alderman Prill noted he suggested a potential candidate to Alderman Brinson, but would defer to Alderman Brinson's nomination as his candidate felt he would be unable to fulfill the duties because of his current workload.

**20. Attorney's Report.**

The City Attorney had nothing to report.

**21. City Manager's Report.**

The Finance Department recently completed its second annual citizens financial report. Copies were distributed to the Board.

**22. New Business.**

Alderman Brinson

Primary voting is upon us. Early voting begins February 15th and runs until March 5<sup>th</sup>.

Alderman Kinsey

It was his understanding that the election cycle was discussed at the retreat, and he stated he was not in favor of a change. Mayor Odham noted the Board did not vote on that topic. Mr. Hughes said staff is waiting to hear from the Board of Elections about their availability to make a presentation before the Board.

Alderman Royal

The New Bern Area Improvements Association has been raising funds for a sprinkler and alarm system at the Omega Center. The cost of the systems is \$149,379, of which \$87,000 has been paid. Alderman Royal voiced a desire to allocate \$62,379 of her ARPA funds to complete the sprinkler system and alarm monitoring system. In response, Mrs. Ostrom said the expenditure was not allowed by state statute. Alderman Royal questioned that since the Association is a nonprofit, and Mrs. Ostrom stated the ARPA funds could only be used for museums, arts, and fire (i.e. volunteer fire stations). Even though the City chose the revenue replacement option, all expenditures must still be an allowable expense. Mr. Davis indicated he would review the statute, and Mr. Hughes stated an update would be provided at the next meeting.

Mayor Odham

He attended the prostrate screening event held at the Omega Center on Saturday.

The Black History Parade will be held this Saturday beginning on Third Avenue in front of the new Stanley White Recreation Center.

**23. Closed Session.**

A closed session was not needed.


**24. Adjourn.**

Alderman Royal made a motion to adjourn, seconded by Alderman Best. The motion carried unanimously 6-0, time being 8:01 p.m.

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

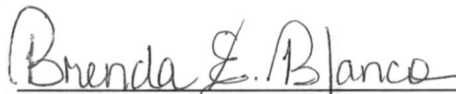
NOTE: For additional details and information on the Board of Aldermen meetings, please visit the City of New Bern's website at [www.newbernnc.gov](http://www.newbernnc.gov). Video and audio recordings of the meeting have been archived.

Minutes approved: February 27, 2024



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Jeffrey T. Odham, Mayor



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Brenda E. Blanco, City Clerk