

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
FEBRUARY 27, 2024 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

- 1. Meeting opened by Mayor Jeffrey Odham. Prayer by Pastor Billy Moore. 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; Jaimee Bullock, Assistant City Attorney; and Brenda Blanco, City Clerk.

With the Board's support to allow him to speak, Craven County Sheriff Chip Hughes approached the podium to thank the New Bern Police Department ("NBPD") for its assistance on the previous day with a standoff just north of Vanceboro. NBPD provided negotiators, manpower, and vehicles that were instrumental in bringing closure to the situation without incident. The two departments work closely together, and Sheriff Hughes voiced appreciation for that relationship.

3. Approve Agenda

Alderman Best made a motion to table Item 4 (pull it from the Consent), seconded by Alderman Kinsey. Alderman Prill asked if a timeframe could be established for revisiting the item instead of leaving it open indefinitely. In response, Alderman Best said she did not know how long it would take before discussions were complete and the item would be ready for consideration. Noting the bidder placed a deposit on the property, Mr. Hughes questioned if the Board desired for the property to be pulled from the surplus list. While he understood the rationale for holding off on this item, Alderman Prill stated he would like to see last year's momentum in sales of surplus properties continue. He would feel better if a four or six-month timeframe were established for further review and discussion. Mayor Odham confirmed with Ms. Bullock that a member of the Board could make a motion to put the item back on the agenda at any time. The motion to table carried unanimously 7-0.

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

Consent Agenda

4. Consider Adopting a Resolution to Initiate the Upset Bid for 1032 Cedar Street.

BCK Development, LLC tendered an offer of \$3,600 for the purchase of 1032 Cedar Street, PID 8-007-062. The property is a vacant 0.187-acre residential lot with a tax value of \$7,200. The property was acquired by the City and County in January 2016 through tax foreclosure.

This item was pulled from the Consent Agenda as noted under Item 3.

5. Approve Minutes.

Draft minutes from the February 06, 2024 retreat and February 13, 2024 regular meeting were provided for review and approval.

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

6. Presentation by Code Wright Planners on Land Use Ordinance Development Process.

As announced previously, the City's land use ordinance will undergo revision to provide clarity, reflect current best practices, and incorporate changing state and federal regulations as well as the 2022 CAMA Land Use Plan update. Chad Meadows with CodeWright Planners, LLC discussed the manner of the rewrite. The process will involve public forums and is estimated to take approximately two years to complete.

7. Presentation by New Bern Baseball, LLC on Planned Improvements to Kafer Park.

The Board previously requested to review and approve the proposed renovations to Kafer Park. Mr. Hughes announced representatives from New Bern Baseball, LLC were unable to attend tonight's meeting. In their absence, he described the planned modifications and reviewed the drawings provided. Modifications include replacement of an existing 4-foot fence with a 6-foot tall chain-link fence, replacement of a second 4-foot fence with an 8-foot fence, installation of a heavy-gauge 3-foot tall fence behind the home plate with 17 feet of netting above, installation of appropriate electrical service in the dugouts and announcer's booth, rebuilding of the pitcher's mound and home plate to college standards, replacement of a portion of the outfield fence to extend the outfield to the block wall, relocation of the scoreboard, and installation of brick chips on the warning track adjacent to

the block wall. The current dugouts are constructed from chain-link fence with aluminum roof panels and will be rebuilt with a framed wood construction.

Alderman Royal pointed out the drawing of the dugout was labeled as an example. Mr. Hughes stated the drawing depicted the structure as it would be built.

8. Presentation by Highway 17/64 Association.

When the FY2024 budget was approved, funding of \$12,500 was eliminated for the Highway 17/64 Association since projects are now determined on a grading scale and the Metropolitan Planning Organization ("MPO") is closely involved. At the February 06, 2024 retreat, several Board members confirmed there was no desire to reinstate the funding, although there was a willingness to receive an update from the association. Marc Finlayson, Executive Director, shared a PowerPoint presentation reviewing the association's history, mission, projects he had lobbied for and deemed important to New Bern, and goals for next year.

9. Consider Adopting a Resolution Approving a Local Wellhead Protection Plan.

With assistance from the NC Rural Water Association, the City's first wellhead protection plan was developed. This voluntary program will assist with protecting the City's water supply from contamination and will educate residents and businesses about chemicals and other pollutants that can pollute drinking water. The plan was completed after 24 months of collecting field data and compiling information. The plan was posted on the City's website for public review and input, but no comments were submitted.

Alderman Prill made a motion to adopt a resolution approving a local wellhead protection plan, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

10. Consider Adopting a Resolution Approving the Redevelopment Commission's Sale of 209 Bryan Street with Removal of Deed Restrictions.

On September 26, 2023, the Board adopted a resolution approving the Redevelopment Commission's sale of 209 Bryan Street with the condition that construction of a residential dwelling was to begin within 12 months of closing. The buyer's closing attorney discovered a defect in the title that occurred during the tax foreclosure process. For that reason, the closing had not yet transpired. Since the buyer's attorney is optimistic that he can resolve the title issue, the buyer would like to proceed with the purchase. However, this process will be costly and will take time. For that reason, it was requested that the sale be approved with the removal of the stipulation that construction begin within 12 months.

Alderman Royal made a motion to adopt a resolution approving the Redevelopment Commission's sale of 209 Bryan Street with removal of deed restrictions, seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

NOTE: Items 11 and 12 were voted on collaboratively as noted under Item 12.

11. Consider Adopting a Resolution Approving the Redevelopment Commission's Sale of 808 Bern Street.

Jose Sutuj submitted an offer of \$5,737.50 for the purchase of a vacant 0.043-acre residential lot located at 808 Bern Street. Mr. Sutuj proposed to combine this parcel with the property identified in Item 12 to facilitate construction of a single-family home, and the Redevelopment Commission supports this plan. The conveyance will be subject to a requirement for construction to begin within 12 months after the transfer. If not met, title to the property shall revert to the Commission.

12. Consider Adopting a Resolution Approving the Redevelopment Commission's Sale of 810 Bern Street.

Like the previous item, Mr. Sutuj submitted an offer of \$5,737.50 for the purchase of a vacant 0.053-acre residential lot at 810 Bern Street, which is contiguous to 808 Bern Street. The two lots will be combined to accommodate the construction of a single-family residence. The conveyance will be subject to a requirement for construction to begin within 12 months after the transfer. If not met, title to the property shall revert to the Commission.

Alderman Best made a motion to adopt resolutions approving the Redevelopment Commission's sale of 808 Bern Street and 810 Bern Street, seconded by Alderman Prill. Upon a roll-call vote, the motion carried unanimously 7-0.

13. Consider Adopting a Resolution Accepting Funding from the FY2023 Bureau of Justice Assistance Bulletproof Vest Program Grant.

The New Bern Police Department sought approval to accept an award from the Bureau of Justice Assistance Bulletproof Vest grant. The grant of \$10,488.19 requires a match in the same amount and will be used to purchase approximately 15 vests. Funding for the match was budgeted by the department.

Alderman Aster made a motion to adopt a resolution accepting funding from the 2023 Bureau of Justice Assistance Bulletproof Vest Program Grant, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

Chief Gallagher took a moment to announce NBPD contacted Craven County Crime Stoppers to request a \$1,000 reward for the arrest and conviction in the November 2, 2023 homicide investigation at 114 Trent Court. The request was honored.

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

14. Consider Adopting a Resolution to Accept Ownership and Maintenance of Bogue Lane and Rodanthe Drive in the Belle Oaks Subdivision.

The City received a request to accept ownership and maintenance of Bogue Lane and Rodanthe Drive in the Belle Oaks Subdivision. Public Works performed a built-to-standards inspection and confirmed that the streets were constructed to the City's Street design standards. Thus, staff recommended the streets be accepted.

(Alderman Kinsey momentarily stepped out of the room at 7:03 p.m.)

15. Consider Adopting a Resolution to Accept Ownership and Maintenance of Alabaster Drive, Ecu Circle, Onyx Lane, Parchment Bluff, Spring Green Pass, and Verdant Ridge in the Carolina Colours Development.

The City received a request to accept ownership and maintenance of Alabaster Drive, Ecu Circle, Onyx Lane, Parchment Bluff, Spring Green Pass, and Verdant Ridge in the Carolina Colours Subdivision. Public Works performed a built-to-standards inspection and confirmed that these streets were also constructed to the City's street design standards. Thus, staff recommended the streets be accepted.

Alderman Prill made a motion to adopt resolutions accepting ownership and maintenance of Bogue Lane and Rodanthe Drive in the Belle Oaks Subdivision and Alabaster Drive, Ecu Circle, Onyx Lane, Parchment Bluff, Spring Green Pass, and Verdant Ridge in the Carolina Colours development, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0. Of note, Alderman Kinsey had momentarily stepped out of the room, thus technically yielding a vote in the affirmative.

NOTE: Items 16 and 17 were voted on collaboratively as noted under Item 17.

16. Consider Adopting an Ordinance to Amend Chapter 70 "Traffic and Vehicles" Section 70-132 to Amend the Schedule of Speed Limits to Add Newly-Accepted Streets.

With the acceptance of the streets in Items 14 and 15, the schedule of speed limits was in need of amendment to incorporate the additional streets. A speed limit of 25 mph was proposed for each street.

17. Consider Adopting an Ordinance to Amend Chapter 70 "Traffic and Vehicles" Section 70-99 "Stop Intersections" to Add Newly-Accepted Streets.

Like the previous item, with the acceptance of the streets in Items 14 and 15, the schedule of stop intersections needed to be modified to reflect the addition of more signs.

Alderman Brinson made a motion to adopt an ordinance amending Chapter 70 - Section 70-132 to amend the schedule of speed limits to add newly-accepted streets and an ordinance to amend Chapter 70 -Section 70-99 "Stop Intersections" to add newly-accepted streets, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0. Of note, Alderman Kinsey had momentarily stepped out of the room, thus technically yielding a vote in the affirmative.

18. Consider Adopting an Ordinance to Establish the 212 Kale Road Project Fund.

The Board recently approved the purchase of 212 Kale Road. This ordinance establishes a project fund for the property purchase and subsequent building improvements. The project fund will initially be funded with a \$2,000,000 transfer from the Electric Fund with the intent to reimburse Electric.

(Alderman Kinsey returned to the room at 7:07 p.m.)

Alderman Best made a motion to adopt an ordinance to establish the 212 Kale Road Project Fund, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

19. Consider Adopting a Resolution Approving a Declaration of Intent to Reimburse for the Purchase of Real Property at 212 Kale Road.

Pursuant to IRS regulations, it is necessary to adopt a Declaration of Official Intent to Reimburse prior to incurring expenses for the 212 Kale Road Project. Doing so allows the City to pay itself back for items paid for prior to obtaining financing.

Alderman Royal made a motion to adopt a resolution approving a Declaration of Intent to Reimburse for the purchase of real property at 212 Kale Road, seconded by Alderman Prill. Upon a roll-call vote, the motion carried unanimously 7-0.

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

This budget amendment transfers from fund balance \$80,000 to cover additional police overtime and \$264,500 to cover health insurance premiums for additional retirees and an increase in stop-loss insurance costs. It also acknowledges \$10,488.19 in funds from the Bureau of Justice Assistance Bulletproof Vest Partnership Grant.

Alderman Prill made a motion to adopt a budget ordinance amendment for Fiscal Year 2023-24, seconded by Alderman Royal. Upon a roll-call vote, the motion carried unanimously 7-0. Prior to the vote, Mayor Odham announced he received multiple calls thanking the City for the increased police presence at Lawson Creek Park. That effort seems to have reduced undesired activity.

21. Appointment(s).

No appointments were made.

22. Attorney's Report.

The City Attorney had nothing to report.

23. City Manager's Report.

Regarding Item 4, Mr. Hughes asked if the Board was amenable to allowing the bidder to withdraw its bid and receive a refund of the deposit since it is unknown how long this item will be tabled. Alderman Royal made a motion to refund the deposit if requested, seconded by Alderman Prill. The motion carried unanimously 7-0.

24. New Business.

Alderman Royal

Believing every voice has value, Alderman Royal said residents are sometimes disappointed that they are not offered an opportunity to speak at meetings. Alderman Royal made a motion to amend the resolution creating advisory boards and commissions to reflect that all advisory boards and commissions include public comment, seconded by Alderman Best. Prior to the vote, Mr. Hughes clarified advisory boards are not required to have a public comment period; only the governing body is required to do that monthly. Some of the commissions have public input on their agendas, but the advisory boards do not. Ms. Bullock stated the Board could direct staff to present for its consideration a resolution specifying public comment must be allowed by advisory committees. Aldermen Royal and Best withdrew their motion and second, and Alderman Royal voiced direction for the City Attorney's office to prepare and present a resolution requiring advisory boards and commissions to provide an opportunity for public comment. No one on the Board was opposed with the direction.

Alderman Aster

Noting a water line was recently bore through, Alderman Aster asked if it was related to the Metronet work. Mr. Hughes said several contractors have hit infrastructure. Alderman Aster said Taberna had taken a major hit from Metronet's contractors. He received constant complaints about the contractors tearing up Suddenlink or Brightspeed's fiberoptic lines causing internet outages for days. They also tear up yards, although they return to fix the yards. He questioned the location of junction boxes and asked why they could not be located near a property line instead of being in the right of way in the middle of a yard. Mr. Hughes stated he would speak with the Government Affairs Manager. Noting someone asked why New Bern paid Metronet millions to come to New Bern, Mayor Odham pointed out the City did not pay them to establish service in New Bern. Legally, they have a right to put their utilities in the right-of-way, regardless of whether New Bern wants their service.

Alderman Best

Gratitude was expressed to Public Works for always helping when called upon and to the NC Department of Transportation for addressing ditch drainage issues in Ward 5 along a state-maintained highway.

Alderman Kinsey

Thanks was expressed to Marc Finlayson for his presentation. However, Alderman Kinsey stated he felt the MPO was covering the City's needs.

Alderman Brinson

Primary voting is taking place through Saturday. Tuesday, March 5th, is primary election day with all precincts open.

25. Closed Session.

A closed session was not needed.

26. Adjourn.

Alderman Royal made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously 7-0, time being 7:26 p.m.

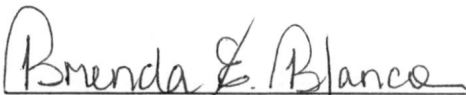
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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: March 12, 2024



Jeffrey T. Odham, Mayor



Brenda E. Blanco, City Clerk