

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
MARCH 26, 2024 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

- 1. Meeting opened by Mayor Jeffrey Odham. Prayer by Alderman Best. Pledge of Allegiance.**
- 2. Roll Call.**

Present: Mayor Jeffrey Odham, Alderman Rick Prill, Alderman Hazel Royal, Alderman Robert Aster, Alderman Johnnie Ray Kinsey (arrived at 6:04 p.m.), 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.

- 3. Approve Agenda**

Alderman Aster made a motion to approve the agenda, seconded by Alderman Prill. The motion carried unanimously 6-0. (Alderman Kinsey had not yet arrived.)

Consent Agenda

- 4. Consider Adopting a Resolution Calling for a Public Hearing to Rezone Glenburnie Road Properties Identified as Tax Parcel IDs 8-212-4004 and 8-212-026 from R-10 Residential to C-3 Commercial.**

Ward and Smith P.A. submitted an application to rezone 5.19+/- acres on the west side of Glenburnie Road near the intersection of Amhurst Boulevard and Glenburnie. The two parcels are identified as Tax Parcel IDs 8-212-4004 and 8-212-026. Both are currently zoned R-10 Residential, but C-3 Commercial is desired. The Planning and Zoning Board unanimously recommended approval of the rezoning request at its February 15, 2024 meeting. A public hearing was requested for April 09, 2024.

- 5. Consider Adopting a Resolution to Close Specific Streets for the Neuse River Bridge Run.**

Gary Kenefick, event organizer, requested to close the 200 blocks of East Front and South Front Streets from 4 a.m. until 1 p.m. on May 14, 2024 for the Neuse River Bridge Run. Additionally, he sought the use of Union Point Park on May 03, 2024 from 12 p.m. until 9 p.m. for the Super Kids Fun Run, which was approved by Parks and Recreation.

6. Consider Adopting a Resolution to Close Specific Streets for Merci on Middle.

Merci on Middle will hold its annual fundraising event on November 3, 2024. Organizers requested that the 200-300 blocks of Middle Street and 300-400 blocks of Pollock Street be closed to vehicular traffic from 12 noon until 12:00 p.m. and requested the use of Bear Plaza.

7. Consider Adopting a Resolution to the 400 Block of Pollock Street for New Bern Civic Theater's Arts in April.

New Bern Civic Theater, in conjunction with Swiss Bear, TDA, and Bank of the Arts, requested to close the 400 block of Pollock Street to vehicular traffic on April 20, 2024 and April 27, 2024 from 1 p.m. to 8 p.m. as part of a spring arts festival.

8. Consider Adopting a Resolution to Initiate the Upset Bid Process for Lincoln Street Property Identified as Tax PID 8-013-016.

BCJ Development LLC submitted a \$4,250 bid for the purchase of property on Lincoln Street identified as Tax Parcel ID 8-013-016. The parcel is a vacant 0.195-acre residential tract with a tax value of \$8,500. It was acquired jointly by the city and county through tax foreclosure in May of 2017.

9. Approve Minutes.

Draft minutes from the March 12, 2024 meeting were provided for review and approval.

Alderman Prill made a motion to approve Items 4-9 of the Consent Agenda, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 6-0. (Alderman Kinsey had not yet arrived.)

10. Presentation of Paving Study.

The 2024 Pavement Condition Survey was completed in January.

(Alderman Kinsey arrived at 6:04 p.m.)

John Fersner, an engineer with LaBella Associates, presented a summary of the findings utilizing a PowerPoint presentation. About 40% of the city's streets need some type of maintenance, which is less than the average of 48% for North Carolina municipalities. The total cost of needed improvements is estimated at \$7,638,539. Noting this is one of the city's largest assets, Mr. Fersner encouraged New Bern to continue investing in its streets. He recommended a 15-year paving cycle that involves 12.4 miles per year at a cost of \$5,657,264 annually based on current prices.

Alderman Best asked whether each city street had been evaluated, and Mr. Fersner confirmed all had been assessed. She asked for a copy of the full study, and George Chiles, Director of Public Works, indicated he would provide a copy to the Board.

11. Conduct a Public Hearing and Consider Adopting an Ordinance to Apply Initial Zoning to 684 W. Thurman Road.

The Board adopted an ordinance on January 09, 2024 to annex 684 W. Thurman Road, a 6.10-acre tract. The owner, Real Dogstors, LLC, submitted an application requesting the initial zoning be established as C-3 Commercial, which was endorsed by the Planning and Zoning Board by a vote of 6-1 at its February 15, 2024 meeting. Robert Gough, Assistant Director of Development Services, shared a PowerPoint presentation reviewing the area and permissible uses under C-3. The property is situated in an opportunity zone, which is an identified potential area for growth.

Mayor Odham opened the public hearing, and the following spoke:

- Guy Nelson of 624 W. Thurman Road stated he had no opposition to a veterinary clinic. However, noting C-3 also permits bars, Dollar Generals, etc., he expressed concern about the future use of the property should ownership change. He requested those in attendance who opposed the C-3 request to raise their hands, and several in the audience did so. He suggested an A-5 designation be considered since it would permit a veterinarian clinic.
- Michelle Christenson, owner of 684 W. Thurman Road, felt staff sufficiently explained how C-3 fits into the area. In response to Mr. Nelson's concerns, she pointed out C-3 zoning already exists on this section of Thurman Road and is not out of character for the property. The developer of Gables Run had the foresight to have two outparcels at the entrance of the development zoned as C-3 Commercial. Much of the corridor is vacant land that is well primed to contribute to the economic and development goals that are outlined in the opportunity zone and land use plan. The agricultural parcels referenced by Mr. Nelson do not have frontage on Thurman Road, and their primary driveway access is on Gables Road, which is a residential street. Primary access for the subject property is not on a residential street but is on a main thoroughfare that connects several developments to the highway. At peak capacity, the planned facility will only add to traffic 10-15 cars per hour. The subject property currently has no assigned zoning. There is a dire shortage of veterinary medical services in New Bern. To appropriately support the local pet population, an additional 3-9 veterinarians are needed. Although not required, architectural renderings of the proposed facility were provided for review. Only 17% of the site will be developed, and more than 5 acres will remain agricultural. There will be no outdoor kennels, runs, or boarding. The project will require a site plan review which will dictate vegetative buffers and screening along the property line. Mrs. Christenson reiterated the Planning and Zoning Board recommended approval of the C-3 request.

- Jameesha Harris of 222 Monterey Circle said she understood and supported the community's concerns.
- Raymond Kuczmarski of 10 Bullens Creek Drive has lived in the Gables Run subdivision for more than 10 years and stated he and several of his neighbors were in favor of the project. When he purchased his property, he researched what could be built around him. Parcels down the road and along Old Airport Road are zoned commercial. He questioned why anyone would want to run business out of the city. He felt the veterinary clinic was needed, as was more business in New Bern. He stated he had come to know Dr. Greenlaw over the years and found him to be a man of character with a desire to help the community grow. He did not feel the argument around future use as valid, noting the child development center on Old Airport could be turned into a bar under its commercial zoning. In closure, Mr. Kuczmarski stated he sent a letter to the Board spelling out more reasons for his support.
- Rob Payne, a resident of Ward 3, supported the project. He asked those in attendance who supported the zoning request to raise their hands, and almost all in attendance lifted their hands. According to Mr. Payne, Dr. Greenlaw truly cares about animals. This is the doctor's life work, and Mr. Payne did not foresee Dr. Greenlaw changing the use of the site. Mr. Payne said he must travel to Morehead City to see a vet but would rather see one in New Bern. If New Bern does not open its door to business, it will one day beg for business to locate here.
- Lynnden Duffy stated she had worked professionally with Dr. Greenlaw and felt he brought a lot to the table for his patients and clients. He works with rescue animals. Having him would be a huge benefit for New Bern, as another veterinarian is needed.
- Bryant Scott of 3700 Clearview Drive stated he has lived off Thurman Road since 1979. He was not for or against the request but did not feel Thurman Road could hold a lot of traffic.
- George Evans of 216 Metcalf Street, a client of Dr. Greenlaw's, spoke in support of the request. He pointed out that when Dr. Greenlaw bought the property, it was in the county with no zoning or restrictions. It abutted a C-3 property on the left. Staff and the Planning and Zoning Board agreed the request was appropriate, partially because it abuts other C-3 zones. People will use Thurman Road whether this request is approved or not, and the road will become more and more congested. It makes good sense to approve the request. The proposed building will fit well within the community and will be a boom and not a burden. He respectfully requested the zoning be approved.
- Eric Queen of 3200 Catarina Lane said he lived directly across the street from the proposed zoning and Gables Run. He supported the request 110%. He reiterated that there was already commercially zoned property in the area and stated commercial development in the area will happen. Thurman Road is going to need improvements. Mr. Queen saw a zero percent adverse impact on the community and neighborhood. When asked, overwhelmingly his neighbors were not opposed. By requesting zoning, the clinic is putting more restrictions on itself. Voting against this does not mean the

construction will stop, as the owners can still build the clinic. There are other properties in the area already zoned for commercial use, and plans for those properties will never come before this Board.

- Amy Burdulis, President of Colonial Capital Human Society, spoke about the support the society has received from Dr. Greenlaw. Those who adopt animals state they must wait 4-6 weeks to get a veterinarian appointment and often must go out of the area for care. Craven County is growing, and most families have a pet and are in need of care for them.
- Jenna Outlaw of 4925 Morton Road also spoke in support of the zoning request. She described the difficulty with getting a veterinarian appointment. Most clinics no longer take walk-ins. An additional clinic has been needed in New Bern for years. She did not understand why those around the property would be opposed to C-3.

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

Alderman Aster asked Mrs. Christenson if the facility would allow boarding and if it would be open after 9 p.m. She responded there would be no boarding, but a small, fenced space out back would be utilized to leash walk sick patients. She also stated there may be times when emergency care would be offered after hours.

Noting the A-5 zoning would permit construction of a veterinarian clinic, Alderman Prill asked if that was a possibility. Mrs. Christenson explained the lender felt an A-5 zone would be riskier should the applicant default on the loan and the property were resold. A dentist, for example, could not operate on agricultural property, and the bank felt C-3 was less of a risk. Alderman Prill then asked if the applicant would consider subdividing the lot to make the rear A-5 and the front C-3. Mrs. Christenson was not aware of that possibility. Mr. Gough said a subdivision is possible before or after the initial zoning, but would require a paved, private road to be built to city standards to access the rear as well as infrastructure for electric and water. These requirements pose a cost issue.

(Alderman Kinsey momentarily stepped out of the room at 7:12 p.m.)

Alderman Prill asked if the statement made earlier was accurate that the applicant could move forward without approved zoning. Mr. Gough said that was a possibility and meant every use in the table of permissible uses could be utilized. The difference in A-5 and A-5F is F allows for forestry. The property to the left of the subject property is zoned C-3 but used as residential, which is allowed under C-3.

As a reminder, Mayor Odham noted every use permissible under C-3 must be considered by the Board. The property is adjacent to commercially zoned property now, which could be converted to commercial use tomorrow, although it is currently used as residential. If this property were to remain un-zoned, staff would request zoning be applied since common practice is to zone a property when annexed. It is not desirous to leave a property un-zoned. Mr. Gough explained staff does not

recommend to owners one zoning over the other, although staff will advise what zoning can accommodate their intended use.

Alderman Aster announced he had received 31 emails in favor of the zoning, many of which were from the Gables Run area. He only received 4 in opposition. He had several conversations with the applicant, who is concerned anything other than C-3 would prohibit the financing.

Alderman Aster made a motion to adopt an ordinance to apply initial zoning of C-3 Commercial to 684 W. Thurman Road, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 7-0. Of note, Alderman Kinsey had stepped out of the room, thus technically yielding a vote in the affirmative.

Alderman Best made a motion to take a 5 to 10-minute break, seconded by Alderman Brinson. The motion carried unanimously 7-0, time being 7:21 p.m. Of note, Alderman Kinsey had stepped out of the room, thus technically yielding a vote in the affirmative. The meeting resumed at 7:29 p.m. with all elected officials at the dais.

12. Conduct a Public Hearing and Consider Adopting an Ordinance Amending Section 15-343 of Article XXVIII for Flexibility in Administration of Parking.

On March 12, 2024, the Board directed Planning and Zoning to revisit Section 15-343 of the Code of Ordinances, which was most recently amended on October 10, 2023. Planning and Zoning evaluated this request at its March 21, 2024 meeting and recommended Section 15-343 be further amended to include the west side of the southern terminus of Middle Street 100 feet from the intersection with South Front Street.

Mayor Odham opened the public hearing, but no one came forward to speak. Alderman Best made a motion to close the public hearing, seconded by Alderman Aster. The motion carried unanimously 7-0.

Alderman Aster made a motion to adopt an ordinance amending Section 15-343 of Article XXVIII for Flexibility in Administration of Parking, seconded by Alderman Brinson. Upon a roll-call vote, the motion carried unanimously 6-1 with Alderman Prill voting against it.

13. Conduct a Public Hearing on the Substantial Amendments to the FY2019 and FY2022 Annual Action Plans of the Community Development Block Grant Program.

Public hearings are required when considering amendments to CDBG Annual Action Plans. While funding will remain the same, it was suggested the FY19 bus shelter project be reduced by \$42,448.62 and the FY22 bus shelter project be reduced by \$4,189.25. The total of the reductions would be dedicated for the construction of a neighborhood outdoor half basketball court at Pierce Park in the Sunnyside area. D'Aja Fulmore, Community Development Coordinator, reviewed the proposed amendments.

Alderman Best asked if moving funds from FY19 and FY22 would spend all the money and keep the city from being in violation with HUD. Ms. Fulmore thought there would still be funding in FY22 that was designated for other projects. However, this action will move the “old money just sitting there” into a new project so the funds can be drawn down quicker. This would look good in the sight of HUD.

Alderman Royal asked if the basketball court project would include additional amenities such as benches. Ms. Fulmore believed the funding was specific to just the court, but stated her department was working with Parks and Recreation and there could be amenities.

Mayor Odham opened the public hearing. Antoinette Boskey of 4766 Corena Drive stated she was pleased to see the money shift to something that would speak to the youth.

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

14. Consider Adopting a Resolution Approving the Transfer of 727 Third Avenue to the Redevelopment Commission, the Redevelopment Commission’s Transfer of 727 Third Avenue to CarolinaEast Health System, and the Reallocation and Transfer of Funds to CarolinaEast Health Systems for the Development of a Healthcare Clinic.

At the Board’s last meeting, the Redevelopment Commission made a presentation on a proposed health and wellness center. During the presentation, the Commission announced it had identified a city-owned parcel at 727 Third Avenue that would be an ideal site for a healthcare facility. It was requested that the city transfer this parcel to the Commission. The Commission would subsequently convey the property to CarolinaEast Health System (“CEHS”) with restrictive covenants requiring CEHS to begin construction within six months and operate a clinic for no less than five years. The Commission also sought approval to transfer to CEHS the balance of funds previously allocated to the Commission for the construction of a health center. CEHS would use that balance of \$313,018.88 toward the development of the clinic.

Zeb Hough, Executive Director of the Redevelopment Commission, said he had spoken with several in the community about the clinic. He found the community was engaged, which means perhaps the time is now. This is the first step in addressing the issue of healthcare disparity in the community. CEHS has expertise in healthcare and a willingness to break barriers for those in the redevelopment zone. The hospital would add their corporate investment to the city’s funds to make sure the building, development, and operation of a convenient care clinic is there for the community. This will represent the largest private investment that the redevelopment area has seen since its inception.

Mayor Odham noted he was a member of the CEHS Board of Directors and recused himself when CEHS voted on this topic. He sought clarification from the Assistant City Attorney as to whether he should recuse himself from voting on behalf of the city, and Ms. Bullock responded it was entirely appropriate for the Board to entertain a motion to excuse him from voting to avoid the appearance of a conflict of interest.

Alderman Kinsey made a motion to recuse Mayor Odham from voting on this topic, seconded by Alderman Brinson. The motion carried unanimously 7-0.

Noting the presentation two weeks ago referred to providing convenient care and wellness services, Alderman Brinson asked for a description of those services and why that information was not provided in the agreement. Mr. Hough asked the Board's permission for Judy Pierce, Director of Mission Effectiveness with CEHS, to address questions regarding services, and the Board was not opposed. Ms. Pierce said the convenient care facility would address nonemergent matters. Emergent matters that may present, such as chest pain, would be transferred to the emergency department at CEHS. All other emergent matters would be stabilized before the patient would be returned to their home or transferred to CEHS. The hours of operations are not yet known, as this project is in the birthing stages. Primary care services like those at Craven County Health Department will be offered, but access will be easier at the clinic and care will be offered beyond normal hours to serve the community. Alderman Brinson asked how the clinic's services would differ from the health department, and Ms. Pierce explained the clinic would be convenient to the community, offer easier access for those who lack transportation, and would likely extend hours beyond 5 p.m. He also asked why the agreement did not specify the types of services to be provided. Mr. Hough said the adaptive nature of the clinic relies on community engagement and input paired with healthcare expertise. Since those conversations are forming, there is no way to forecast the need at this time. Ms. Bullock noted the exhibit to the deed also provided restrictive covenants that would be binding on the hospital. Alderman Brinson asked if the county had any concern about patients being pulled from the health department and the impact the clinic may have on federally qualified health center ("FQHC") funds. Ms. Pierce said a conversation took place between the hospital's CEO and leadership at the health department and there was an understanding that the new facility would be a means of support to the health department and a bridge in the community. The new facility will not pull patients from the health department. Alderman Brinson expressed concern that the agreement did not address services and how the facility will be nested with the health department. Mr. Hough pointed out conversations had been taking place since 2020 with program coalitions, including the health department. The facility will ultimately belong to CEHS and not the city, so that's why conversations have been held between CEHS and the health department. The goal is to break down barriers, such as health and wellness needs.

Noting a doctor from the health department was in attendance, Alderman Best asked the Board to allow him to speak, and there was no opposition. Dr. Robert "Bob" Fisher approached the podium and introduced himself as the Medical Director of the health department and a physician at CarolinaEast Medical Center for 25

years. As part of his journey, he did a fellowship in integrative medicine. During that fellowship, social determinants of health were studied to see how residence, culture, and poverty impact health. The proposed center will address a lot of the causes of suffering that citizens are experiencing. Although the health department makes outreach efforts, it's challenging to get people into the department. Too many people present in the late stages of disease, and that is a failure. The community needs this care, and Dr. Fisher saw the clinic as a win for the health department and CarolinaEast. He stated he was passionate about the project and appreciated the work Reggie Jones put into this. He knew the project would make Mr. Jones and Dr. Sydney Barnwell proud.

Alderman Best thanked Dr. Fisher for his information. Alderman Kinsey thanked both Ms. Pierce and Dr. Fisher and voiced his support for the transfer of the property.

Alderman Brinson again expressed concern about nesting the project with the health department and a need to revisit that after a period. Mr. Hough commented that this action is not just a transfer of property for the RDC but part of a strategic plan that was labored over. Alderman Brinson said he would be more comfortable codifying in the agreement the minimal services to be provided. Alderman Kinsey felt that the city needed to release those details to be worked out by the professionals.

Mayor Odham said he would not offer an opinion either way, but he knew there were at least two meetings in which representatives from the health department were involved. Scott Harrelson, Health Director, and Amber Tabarrini, Public Information Officer, were part of the initial discussions. The question was always who would operate the clinic. ECU Health, Duke Health, and NC Central all thought it was a great plan and wanted to be partners, but also questioned who would run it. When the idea was presented to the Governing Board, support was expressed but there was no desire for the city to run it. Now there is an opportunity for the vision to move forward with the city doing its part.

Alderman Royal said she had been in the trenches for the last 40 years working tirelessly in the Greater Duffyfield community and was aware of the need. She spent the last 25 years of her life working with a nonprofit. She has not talked with anyone who opposes the clinic, but she has talked with people who oppose the location. She stated she was in support of the clinic and had attended several meetings, including one at the Omega Center. Like Alderman Brinson, she wanted to see documentation on paper as to what services would be offered. She asked Alderman Brinson if he wanted a more detailed presentation. In response, Alderman Brinson said the Board was being asked to donate land and give \$313,000 toward the project. On paper it states CEHS utilize those resources to build a wellness clinic, but outside of that the agreement did not state what services would be provided. He questioned what would happen if three years from now the clinic did not provide what the city expected. Mr. Hough noted the reversion clause in the deed would cover that. Mr. Hough noted the community must first be

engaged to see what type of services are needed, and the healthcare professionals will dictate the needed services. The agreement is a sacred community covenant.

Alderman Aster said he was 100% in favor of the project and would vote for it. He recounted Ms. Pierce's statement that if someone walked in with chest pain the clinic would treat them and call for transport. If they were going to do that, he was sure they would provide much needed care. He complimented and thanked the RDC, CEHS and others for their work. He questioned if the hospital did not run the facility who would. He felt the hospital was the perfect solution and said he was ready to call the question. Alderman Brinson pointed out that required a motion.

Alderman Prill asked if it would be appropriate to add a provision in the agreement that within a specified period the city would be provided with a detailed description of services offered and that follow up reports would be provided to the city on a periodic basis. Ms. Mosley said that request could be made, but the challenge is this is an evolving process. CEHS said tonight that primary care would be provided. It would be difficult at this stage to pin them down to a specific menu of services. The RDC could request CEHS to provide a report of successes by whatever measure successes would be measured. However, since healthcare laws will apply, it is unknown what type of information CEHS could provide.

Alderman Kinsey said he did not understand why some felt a need to know everything the clinic would do in exchange for a piece of property. CEHS is the expert, and he felt experts should be allowed to do their job without the city being a watchdog.

As a final note, Alderman Royal said she wanted to point out Third Avenue was in Ward 2, which is her ward. She spoke to residents at the Indigo Ridge apartments and those on Third Avenue. The RDC said there would be opportunities for public engagement, which have been provided through the Duffyfield Residents Council ("DRC"). Constituents on Third Avenue said they had never heard of the DRC. A lack of information has precipitated opposition and misgivings by these residents. She requested these citizens have access to information and suggested they begin attending DRC meetings to hear the agenda and learn of the proposed plans. She felt these people need to be at the table so they are informed and can participate as stakeholders. Alderman Royal wanted to provide an opportunity for more community engagement and suggested a public hearing be held. She felt providing this opportunity may dispel residents' fears and provide them with an opportunity to be active participants instead of standing on the outside. Alderman Royal announced she had hosted town hall meetings to inform and enlighten residents. Ms. Bullock confirmed the Board could call for a public hearing if a majority agreed, although it was not statutorily required. At the last meeting when a presentation was made, the Board could have called for a public hearing at that time.

Noting the agreement calls for construction to begin within six months and completion within a year, Alderman Brinson felt it was within reason for the Board to receive a report from the RDC Wellness Committee and CEHS within 6-12 months regarding the services to be provided. Buildings are not built without

knowing how they will be used. Alderman Brinson said he was not opposed to the clinic as long as it did not provide the same services as the health department and did not hurt the health department. Mayor Odham reported that during one of the meetings with the health department, the question was posed if the city were to offer the health department a building and funding if it would operate the clinic. The response was no. Alderman Aster was concerned if the city required CEHS to “jump through hoops” that the hospital would move on, and the city would be back to square one with trying to find an entity to operate the clinic.

Alderman Royal reiterated her desire to give the Third Avenue residential community and others a chance to weigh in on the topic. She felt every voice had value and told those in the audience that they would like that opportunity if it were them. Considering that, she stated she wished to make a motion. Alderman Best asked for an opportunity to make comments before the motion. Alderman Royal yielded the floor to Alderman Best, and Alderman Best asked that Alderman Royal complete her comments first.

Alderman Royal then made the motion to call for a public hearing to come back at the Board’s next meeting in two weeks to give every citizen who has a right as a taxpayer, as a citizen, an opportunity to hear what the Board heard in here tonight, what has been discussed in meetings, what was spoken in the Greater Duffyfield Residents’ meetings, that they would have an opportunity to hear; once they receive that information, once they are informed, as you said, put the pedal to it and let’s roll, seconded by Alderman Brinson. Alderman Best stated she was 110% for the project and has been from the beginning. However, she did hear Aldermen Brinson and Royal’s concerns. She asked the audience as a member of the community would they not want to be part of a meeting so they could express their concerns if they lived within the community. Mayor Odham asked the Board if it wanted to continue with the discussion and engage the audience or if wanted to vote on the motion on the floor. Alderman Best expressed a desire to engage the audience and stated that was why she wanted to ask questions before the motion was made. Alderman Brinson stated he did not understand the need to rescind the motion, and Mayor Odham explained discussion of the motion is to be among the Board, not the audience. It was necessary to withdraw the motion if the audience were to participate. As a result, Alderman Brinson rescinded his second to the motion. Alderman Royal kept the motion on the table, but it died for lack of a second.

Julius Parham, a commissioner on the Redevelopment Commission, desired to speak, and the Board was not opposed. Commissioner Parham stated although the Board wanted input from citizens, meetings with residents had been held within the last two months. Members of the RDC were not invited to participate in those meetings. There were opportunities for the RDC to share information, but they were not invited to do so. The RDC was not trying to hide anything and is now at a point where it can get somewhere. One meeting was held to which Ms. Pierce was invited and attended, but the RDC was not. That meeting was at the Cedar Street gym, and Ms. Pierce notified Mr. Hough of the meeting and asked him to join her. In response to that comment, Alderman Royal said no invitations were sent to anyone. The announcement was made on Facebook. Commissioner Parham

stated Ms. Pierce was invited, and the whole meeting was about the center. Alderman Royal said that was not true and that a discussion did not take place.

Alderman Best said she had wanted a consensus from those in attendance as to whether they would want to be a part of a meeting so they would know what was going on. However, she just learned from Commissioner Parham that there had been meetings. Therefore, she had nothing else to say about public engagement to allow citizens to voice their concerns, and she was ready to move forward.

Ethel Sampson, a permanent resident of 1036 Sampson Street, approached the podium. Mayor Odham asked the Board if it desired to allow Ms. Sampson, a member of the community, to speak. Alderman Kinsey made a motion to allow Ms. Sampson to speak, seconded by Alderman Best. The motion carried unanimously 7-0.

Ethel Sampson stated she is temporarily residing at 1614 Hazel Avenue while FEMA is building her a new home. According to her, she was older than anyone in attendance and had been coming to Board meetings for 70 years. She described how in the past she used a bullhorn to go around the community to notify people of matters. The clinic is not a black or white issue, but a people issue. She recalled when Third Avenue and Duffyfield were one of the most influential places in New Bern. The hospital has always been helpful. She questioned if you have something that is good that can help people, why stop it? She cautioned not to look a gift horse in the mouth.

Jimmie Dillahunt, Sr., a commissioner on the Redevelopment Commission, also desired to speak, and the Board was not opposed. Commissioner Dillahunt said the clinic was desperately needed. However, he felt Third Avenue was now a thoroughfare and a commercial district, and he questioned the impact the Stanley White Recreation Center ("SWRC") and the clinic would have on the street. He supported another location and suggested the residents have a voice to speak. The center will not be dedicated just to the Duffyfield area, and he expressed concern that anyone could use it.

Former Alderman Barbara Lee indicated a desire to speak before the Board. Alderman Kinsey made a motion to allow her to speak, seconded by Alderman Best. The motion carried unanimously 7-0.

Barbara Lee of 1813 Beaufort Street recalled the RDC was given the responsibility of making a difference in the lives of the people in the community. People were opposed and had so much to say about where the new SWRC should or should not be located, but that was now settled and thankfully the building was going up. She stated she had worked in Duffyfield and communities within the city for a long time and knew the need. All citizens want is a building, land, and money. Now that the Board had had a discussion and found out some things, she suggested anything else they needed to know could be provided to them later. She suggested the Board stop dragging its feet as it did with SWRC.

Leander Morgan, a commissioner with the Redevelopment Commission, said a great deal of effort, work, time and forethought had been put into the RDC area. The area became famous and popular because it was blighted. It did not start to get the attention it deserved until it became blighted. It is now coming out of that state and is again becoming a budding community. The RDC is trying to make the community flourish. The Board charged the RDC to address health, wellness, and housing. There have been times when the RDC was stagnant, but it is now making great strides. The Commission does not need to stop or be stifled now, and it needs the Board to support its efforts. The RDC wants to see the north side of Broad Street become viable again. The Commission wants a facility to address physical and emotional health. He stated there was a need to take back possession of what the community had in order to make Duffyfield great again and to help the RDC to flourish. He stated it must start now, and the community must have this facility. Commissioner Morgan admonished the Board to approve the resolution.

Alderman Kinsey made a motion to adopt a resolution approving the transfer of 727 Third Avenue to the Redevelopment Commission, the Redevelopment Commission's transfer of 727 Third Avenue to CarolinaEast Health System, and the reallocation and transfer of funds to CarolinaEast Health Systems for the development of a healthcare clinic, seconded by Alderman Aster. Alderman Brinson reiterated his biggest concern was duplicating services provided by the county health department. Tonight, he received reassurance from the health department and CEHS that the clinic will not, which is why he would vote the way he votes. Upon a roll-call vote, the motion carried unanimously 6-0. Mayor Odham was recused from voting.

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

This budget amendment appropriates \$25,971 from the General Fund fund balance to cover the cost of the Omega Center license agreement. At the March 12, 2024 meeting, the Board adopted a resolution approving a license agreement for an additional 11 months.

Alderman Brinson made a motion to adopt a budget ordinance amendment for Fiscal Year 2023-24, seconded by Alderman Prill. Upon a roll-call vote, the motion carried unanimously 7-0.

16. Appointment(s).

As noted at the last meeting, several appointments will expire June 30, 2024. Mayor Odham stated a current appointee inquired as to whether they would need to submit an application to be considered for reappointment. The Mayor spoke with the City Attorney today, who did not feel that was necessary. The Board agreed.

As a point of clarity, Ms. Bullock confirmed the motion to recuse the Mayor from voting was limited to Item 14. The Board indicated that was their intent and understanding.

17. Attorney's Report.

At the last meeting, City Attorney Scott Davis provided the Board with an overview of changes regarding the Board's rules and procedures. Ms. Bullock said the only item to be addressed was that of electronic participation, and she sought direction. Such participation would not count toward the quorum, the official would not be considered present and could not vote but would be allowed to participate in the dialogue or ask questions.

(Alderman Kinsey momentarily stepped out of the room at 8:56 p.m.)

Mayor Odham did not have an opinion, but questioned the benefit of participating remotely if one could not vote. Ms. Bullock reminded the Board that meetings are available to watch via the livestream broadcasts. Mayor Odham and Alderman Brinson were not in favor of allowing electronic participation. Alderman Best felt differently and thought participation should be allowed if an official could not attend due to an emergency versus a planned vacation, etc.

Alderman Royal asked if statute precludes an official from voting remotely. Ms. Bullock explained there was statutory authority to allow remote participation during states of emergency, but now that those statutes have been curtailed there is unclear guidance as to whether remote participation would count toward the quorum and whether a vote would be valid. Therefore, the City Attorney's office proposes that those who may participate remotely are not counted in the quorum or eligible to vote. There is not a lot of case law or court direction as to how to apply the rules at this point.

(Alderman Kinsey returned to the room at 8:59 p.m.)

Noting he attends a lot of the Craven County Commissioner's meetings, Alderman Brinson said the county allows remote participants to vote, but every vote is taken by roll call. Alderman Royal asked if the city previously allowed remote voting, and Mayor Odham and Ms. Bullock stated that was allowed under a state of emergency. Mayor Odham reiterated he was not in favor of remote participation. Ms. Blanco pointed out that prior to the statute being applied during COVID to allow for remote participation and voting, the Governing Board's rules of procedure did permit electronic participation and voting. At that point, statutes had been silent on the matter. Once the statutory provision was removed following the termination of the COVID state of emergency, the city no longer allowed remote participation or voting. Ms. Bullock confirmed the Board's rules did allow for remote participation prior to the enactment of the COVID statutes that limited remote participation to states of emergency. Ms. Bullock indicated she would research the matter to provide Alderman Royal with the best answer possible.

18. City Manager's Report.

Mr. Hughes reported on the following:

- The March 22nd weekly report referred to a proposed public fishing pier off Broad Street, as depicted on a map displayed. For the last several months, Alderman Aster has expressed an interest in this project. Staff has held discussions with Coastal Area Management Act (“CAMA”) representatives and the NC Wildlife Resources Commission, and Alderman Aster has discussed the concept with Coastal Conservation Association (“CCA”). Mr. Hughes has discussed the project with the County Manager and will attend Craven County’s April 15th meeting to seek support.

To provide history, Alderman Aster stated some time ago he overheard a conversation in which CCA expressed a desire to support a public fishing pier through funding. Alderman Aster followed up by having discussions with the CCA President and Wildlife Resources. NC Wildlife has agreed to provide engineering services, apply for CAMA permits, and may be able to assist with a little funding. The CCA is meeting with another entity and should know by the end of the week if funding of approximately \$230,000 is available from the group. Additionally, Ward 3 has \$117,000 in ARP funds remaining from the Walt Bellamy tiny homes project. Alderman Aster desired to put that money in a capital project fund to be used for the construction of the pier. The proposed pier will be 225 feet long with approximately 50-foot tees at the end. Several designs have been considered, but the one shared this evening is probably the best. It will require a variance from Craven County. If the CCA comes through with funding, additional funding will be unnecessary.

Alderman Aster made a motion to take the \$117,000 that was with the small homes project and put it into a capital fund project to continue with the pier, seconded by Alderman Brinson. For clarity, Alderman Prill asked if the primary focus was on the dock itself and if sufficient funding was available for the dock whether Alderman Aster would be willing for his ARP funds to address parking for the pier. Alderman Aster did not think that would be necessary, but said he was committing \$117,000 to be for whatever the project needs. He then stated he would round up the funding commitment to \$120,000. The motion carried unanimously 7-0.

Mr. Hughes noted the project would be completed in phases. Public Works received an estimate of \$400,000 for the parking lot but felt that cost could be reduced by performing the work in-house. Mayor Odham pointed out the location is the site of the former “Bridgeton bridge.” When the bridge was removed, the NC Department of Transportation provided the city with an easement for a dedicated road right of way. The easement cannot be used for any other purpose. Mr. Hughes said the Board would need to direct the City Attorney to resolve any title issues with the State and to work with the county to acquire any riparian rights for construction of the pier.

Alderman Brinson made a motion to direct the City Attorney’s office to investigate any title issues and negotiate with the county to acquire any

riparian rights, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

- An Easter Egg hunt will be held at Martin Marietta Park on Thursday.
- City offices will be closed on Good Friday.
- For the 28th year, New Bern has received the Tree City USA award.
- The Police Department received CALEA reaccreditation this past weekend.
- A candlelight vigil will be held on March 31, 2024 at 8 p.m. at the Police Department in memory of Officer Alex Thalman.

19. New Business.

Alderman Royal

Alderman Royal wanted to go on record to say that invitations were not sent out for the town hall meeting held last Saturday at the Omega Center and that the healthcare clinic was never discussed.

20. Closed Session.

Alderman Aster made a motion to go into closed session pursuant to NCGS §143-318.11(a)(3) to instruct the City Attorney's office as to a settlement in the matter of Guzman Martinez, seconded by Alderman Best. The motion carried unanimously 7-0, time being 9:14 p.m.

21. Adjourn.

Alderman Royal made a motion to adjourn, seconded by Alderman Best. The motion carried unanimously 7-0, time being 9:21 p.m.

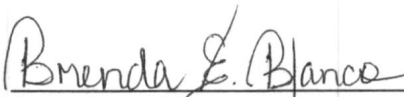
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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: April 09, 2024



Jeffrey T. Odham, Mayor



Brenda E. Blanco, City Clerk