

**City of New Bern  
Board of Aldermen Meeting  
April 10, 2018 – 6:00 P.M.  
City Hall Courtroom  
300 Pollock Street**

**1. Meeting opened by Mayor Dana E. Outlaw. Prayer by Alderman Kinsey. Pledge of Allegiance.**

**2. Roll Call.**

Present: Mayor Dana Outlaw; Aldermen Sabrina Bengel, Jameesha Harris, Robert Aster, Johnnie Ray Kinsey, Barbara Best, and Jeffrey Odham. Absent: None. A quorum was present.

Also Present: Mark Stephens, City Manager; Kristen Culler, Assistant City Manager; Michael Scott Davis, City Attorney; and Brenda Blanco, City Clerk.

**Motion to Amend Agenda:** Alderman Best made a motion to remove Item 16 from the agenda, seconded by Alderman Kinsey. The motion carried unanimously.

Mayor Outlaw recognized members of the Boys & Girls Club who were in attendance.

**3. Request and Petition of Citizens.**

Mitch Lewis of 1916 Fairways West Drive, announced there are 300 million children around the world who are going barefoot. Arts To End Genocide is a 501(c)3 based in New Bern. The nonprofit has a global program called "Heeling Our World" which teaches mothers how to make shoes for their children. A workshop will be held on May 12, 2018 from noon to 2:30 p.m. at the J. Murphy Smith Center where volunteers will make shoes for children in African orphanages. Members of the governing board and public were invited to participate.

Geneva Horne, President of Pleasant Hill Community Association, asked for the status of the community's request for a speed limit change on Highway 55. Mr. Stephens said the City adopted a resolution in support of the request and forwarded it to the NC Department of Transportation ("DOT"). The City will reach out to DOT for an update. Mrs. Horne also asked for the status of street lights that are out along Hwy. 43 and 55, and the neighborhood's request for a community center. Alderman Best noted she has reported nine lights to Duke Energy, and Mr. Stephens confirmed at this point, there is no funding in the budget for a community center in the Pleasant Hill area.

## Consent Agenda

**4. Consider Approving a Proclamation for National Day of Prayer 2018.**

Theresa Lee requested a proclamation for National Day of Prayer, which will be observed on May 3, 2018 in Union Point Park.

**5. Consider Approving a Proclamation for National Minority Health Month.**

Alderman Harris requested a proclamation acknowledging April as National Minority Health Month. Several events are planned throughout the month of April.

**6. Consider Approving a Proclamation for Boys & Girls Club Week 2018.**

Representatives from the local Boys & Girls Club organization requested a proclamation recognizing April 9-13, 2018 as Boys & Girls Club Week in New Bern.

**7. Submission of Annual Written Report from Appearance Commission.**

Pursuant to City ordinance, the Appearance Commission is required to provide a report of activities to the Board of Aldermen no later than April 15<sup>th</sup> of each year as mandated by NCGS §160A-454. A report was provided to satisfy this requirement.

**8. Approve Minutes.**

Minutes from the March 27, 2018 regular meeting were provided for review and approval.

Alderman Bengel made a motion to pull Item 8 and approve Items 4-7 of the Consent Agenda, seconded by Alderman Aster. The motion carried unanimously 7-0. Alderman Bengel stated she would like to have additional comments added to Item 11 of the March 27, 2018 minutes, which was a budget ordinance amendment to fund a New Year's Eve Celebration.

Following the Consent Agenda, the Board posed for a picture with the representative and members of the Boys & Girls Club who were in attendance.

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**9. Presentation on Little Free Library Expansion Project.**

Judy Hills, Friends of the New Bern-Craven County Public Library Board Member, shared a PowerPoint presentation on the Little Free Library expansion project, which is a free book exchange for both children and adults.

**10. Conduct a Public Hearing, Consider Adopting a Statement of Zoning Consistency, and Consider Adopting an Ordinance to Rezone 107 and 109 Beech Street from R-6S Residential and I-1 Industrial Districts to C-3 Commercial District.**

This public hearing was called after receiving a request from Michael Stephens, the owner of 107 and 109 Beech Street, to have the property rezoned from R-6S Residential and I-1 Industrial to C-3 Commercial District. The property is located near the corner of Beech Street and Oaks Road and consists of approximately 1.14 acres. The Planning and Zoning (“P&Z”) Board unanimously approved the request at its March 6, 2018 meeting. State statute and local ordinance require the Governing Board to hold a public hearing to receive comments on the requested rezoning.

Mayor Outlaw opened the public hearing. A lady who identified herself as Annette noted she lives two to three blocks away from the subject project. She asked how this was permissible when she was not allowed to operate a business in her back yard 3-4 hours a day. Ms. Annette was informed the petitioner is following the appropriate process to allow the operation of a business on his property by requesting a zoning reclassification that permits such activity.

Michael Stephens, the petitioner, came forward to state his intent is to have a small retail shop on the property. Alderman Best made a motion to close the public hearing, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

Alderman Best made a motion to adopt a statement of zoning consistency, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

Alderman Best made a motion to adopt an ordinance to rezone 107 and 109 Beech Street from R-6S Residential and I-1 Industrial Districts to C-3 Commercial District, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

**11. Conduct a Public Hearing, Consider Adopting a Statement of Zoning Consistency, and Consider Adopting an Ordinance to Rezone 1225 S. Glenburnie Road from R-6 Residential and C-4 Neighborhood Business Districts to C-3 Commercial District.**

The City of New Bern owns the property located at 1225 S. Glenburnie Road. This public hearing was called after the City’s request to have the property rezoned from R-6 Residential and C-4 Neighborhood Business Districts to C-3 Commercial District. The property is located near the corner of Neuse Boulevard and S. Glenburnie Road and consists of approximately 4.77 acres. This is the subject property for the proposed relocation of the City Garage. The P&Z Board unanimously approved the request at its March 6, 2018 meeting. State statute and local ordinance require the Governing Board to hold a public hearing to receive comments on the requested rezoning.

Mayor Outlaw opened the public hearing, but no one spoke. Alderman Kinsey made a motion to close the public hearing, seconded by Alderman Bengel. The motion carried unanimously 7-0.

Alderman Kinsey made a motion to adopt a statement of zoning consistency, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

Alderman Kinsey made a motion to adopt an ordinance to rezone 1225 S. Glenburnie Road from R-6 Residential and C-4 Neighborhood Business Districts to C-3 Commercial District, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

**12. Conduct a Public Hearing and Consider Adopting an Amendment to Article XXI, Section 15-463 “Design Guidelines and Performance Standards – Trent Road Corridor” of the Land Use Ordinance.**

On March 6, 2018, staff presented to the P&Z Board proposed changes to the Land Use Ordinance with respect to the design guidelines and performance standards for the Trent Road corridor. At that time, P&Z voted unanimously to approve the changes. The main purpose of the changes is to enable further development of the corridor.

Mayor Outlaw opened the public hearing, but no one spoke. Alderman Odham made a motion to close the public hearing, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

Alderman Odham made a motion to adopt an amendment to Article XXI, Section 15-463 “Design Guidelines and Performance Standards – Trent Road Corridor” of the Land Use Ordinance, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

**13. Conduct a Public Hearing on the System Development Fee Analysis and Consider Adopting a Resolution Approving the Analysis.**

In July 2017, the NC General Assembly passed House Bill 436 amending Chapter 162A of the General Statutes by adding “Article 8, System Development Fees”. This new article intends to provide for uniform authority with respect to implementing system development fees for public water and sewer systems, as well as clarify the applicable statute of limitations. The amendment requires a written analysis be performed to calculate the system development fee based upon prescriptive criteria. In response to this requirement, the City employed Rivers & Associates, Inc. to perform a professional analysis. Prior to considering adoption of the analysis, House Bill 436 requires the local government post the analysis on its webpage for public review and comment for a minimum of 45 days. This period has been completed and no written comments were received.

Blaine Humphrey from Rivers and Associates, Inc. explained the study and applicability, stating essentially the City had impact fees that were considered to be

illegal pursuant to the House Bill. Rivers took the City's water and sewer capital assets, deducted the depreciation for any grants, and then divided that number by the capacity of the respective water or sewer system. This calculation yielded a fee a developer would pay to buy into the City's system. This fee is what is referred to as the development fee.

Mayor Outlaw opened the public hearing, but no one spoke. Alderman Bengel made a motion to close the public hearing, seconded by Alderman Harris. The motion carried unanimously 7-0.

Alderman Odham made a motion to adopt the resolution approving the analysis, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

**14. Consider Adopting a Resolution Approving the Conceptual Master Plan for Martin Marietta Park.**

At the March 19, 2018 work session, a master plan for the Martin Marietta Park was presented to the Governing Board and a desire to apply for grant funds was announced. This evening, Mr. Stephens reminded the Board of the May 1<sup>st</sup> deadline to submit a grant application to the NC Parks and Recreation Trust Fund ("PARTF"). One of the requirements of the application is to have an approved master plan. Therefore, Mike Morris of McGill Associates again reviewed the conceptual plan with some additional detail. He noted the project is proposed in three phases, all of which were reviewed. Following Mr. Morris' presentation, a question-and-answer session ensued.

Alderman Best made a motion to adopt the resolution approving the conceptual master plan for Martin Marietta Park, seconded by Alderman Harris. Upon a roll-call vote, the motion carried unanimously 7-0. Alderman Kinsey had briefly stepped out of the room, thus technically yielding an affirmative vote.

**15. Consider Adopting a Resolution Authorizing the City Manager to Execute a Contract with Morton Trucking, Inc. for the 2018 Street Resurfacing Project and Any Changes Within the Budgeted Amount.**

Certified bids have been received for the 2018 street resurfacing project. Morton Trucking, Inc. submitted the lowest bid at \$976,130, and the Board was asked to consider adopting a resolution authorizing the City to enter into a contract with this bidder. The project is slated to begin within 30 days and has a contract period of 180 days.

Alderman Aster made a motion to adopt the resolution authorizing the City Manager to execute a contract with Morton Trucking, Inc. for the 2018 Street Resurfacing Project and any changes within the budgeted amount, seconded by Alderman Harris. Upon a roll-call vote the motion carried unanimously 7-0.

**16. Consider Adopting an Ordinance for the Demolition of the Dwelling Located at 1607-1609 Dillahunt Street.**

As noted earlier, this item was pulled from the agenda upon motion.

**17. Consider Adopting an Ordinance Amending the 2017 Water Improvements Project Fund.**

The 2017 Water Improvements Project Fund was established by ordinance on January 24, 2017 with a budget of \$1,570,000 for repair and replacement of water infrastructure at various locations. Additional funds in the amount of \$617,737 have been deemed necessary to complete the final phase. Funds will be appropriated from the Water Capital Reserve Fund.

Alderman Odham made a motion to adopt the ordinance amending the 2017 Water Improvements Project Fund, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

**18. Consider Adopting an Ordinance Amending the 2017 Sewer Improvements Project Fund.**

The 2017 Sewer Improvements Project Fund was also established by ordinance on January 24, 2017 with a budget of \$1,400,000 for the repair and replacement of sewer infrastructure at various locations. Additional funds in the amount of \$611,059 have been deemed necessary to complete the final phase. Funds will be appropriated from the Sewer Capital Reserve Fund.

Alderman Harris made a motion to adopt the ordinance amending the 2017 Water Improvements Project Fund, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

**19. Consider Adopting a Budget Ordinance Amendment for the FY2017-18 Operating Budget.**

This budget ordinance amendment provides for the transfers from the Water and Sewer Capital Reserve Funds to the 2017 Water and Sewer Improvements Project Funds as described in the previous two items. It also acknowledges a \$14,000 grant received by the Fire Department from the NC Department of Public Safety. The grant requires no match, and the funds will be used to provide training opportunities in water rescue and urban search and rescue. Lastly, the amendment appropriates \$450,000 to Stormwater Maintenance for the purchase of a new Vactor Truck. The current truck is in need of major repairs, and it is felt best to replace the truck. Delivery of a new truck will take 8-10 months, and the purchase will be paid for by transferring \$200,000 from fund balance and obtaining \$250,000 from 2019 debt service proceeds.

Alderman Odham made a motion to adopt a budget ordinance amendment for the FY2017-18 operating budget, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously 7-0.

**20. Appointment(s).**

Alderman Best made a motion to appoint Henry Watson to Friends of the Firemen's Museum, seconded by Alderman Bengel. The motion carried unanimously 7-0.

**21. Attorney's Report.**

The City Attorney had nothing to report.

**22. City Manager's Report.**

The City Manager had nothing to report.

**23. New Business.**

Alderman Aster

An update on the Airport Road project was requested. Matt Montanye, Director of Public Works, reported a Request for Proposal was issued several months ago, after which an engineer from Raleigh was selected. Negotiations have been underway with respect to the scope of the project and cost. A final cost estimate is expected to be received this week, at which time staff will decide whether to proceed with this engineer or move to the next one in line. It will probably be this time next year or next fall before construction begins.

Approximately two weeks ago, a sailboat with four occupants capsized at the mouth of Northwest Creek. Good Samaritans picked up three of the occupants, and the Fire Department was able to pick up the fourth victim, treat him for hyperthermia and make him available for transport to the hospital. This was a job well done.

Alderman Harris

In recognition of Minority Health Awareness Month, a health fair will be held on April 28<sup>th</sup> from 12 noon to 3 p.m. at the Omega Center.

Alderman Bengel

Several positive comments have been received on the Queen Street project.

The working disability committee has been formed and met on Monday of this week. During that meeting, several steps for moving forward were identified. The committee will meet again in June.

**24. Closed Session.**

Alderman Odham made a motion to enter into closed session pursuant to NCGS §143-318.11(a)(3), §143-318.11(a)(5) §143-318.11(a)(6) to discuss an economic development issue and land acquisition, seconded by Alderman Kinsey. The motion carried unanimously, time being 7:44 p.m.

After returning to open session, Alderman Best asked about receiving budget books, and Mr. Stephens explained they would be handed out at the meeting where he gives the budget presentation. He then explained the timeline for budget work sessions, a public

hearing, and approval of the budget. Alderman Best noted she would be out of town on May 1<sup>st</sup> and will miss that budget work session.


**25. Adjourn.**

Alderman Aster made a motion to adjourn, seconded by Alderman Kinsey. The motion carried unanimously, time being 8:08 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.newbern-nc.org](http://www.newbern-nc.org). Video and audio recordings of the meeting have been archived.

Minutes approved: April 24, 2018



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk