

**Minutes of the
City of New Bern Planning & Zoning Board
June 1, 2021 – 5:30 P.M.
Development Services Conference Room – 303 First Street.**

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2 The regular meeting of the New Bern Planning and Zoning Board was held in the Development
3 Services Conference Room, 303 First Street, on June 1, 2021 at 5:30 pm
4

5 **Members Present:** Don Black, Chair
6 Pat Dougherty
7 Haron Beatty
8 Raymond Layton
9 Marshall Ballard
10 Travis Oakley, Vice Chair
11 Sonny Aluzzo
12
13

14 **Members Excused (E)/ Absent (A):** Marcus Simmons (A)
15 Margie Dunn (E)
16 Anne Schout (E)
17
18

19 **Staff & Counsel Present:** Jeffrey Ruggieri, Director of Development Services.
20 Nadia Abdul-Hadi, Planner II.
21 Seth Laughlin, Land & Community Development
22 Administrator.
23 Scott Davis, City Attorney.
24 Jaimee Bullock-Mosely, Assistant City Attorney.
25

26 **1. Roll Call**
27

28 Staff Member Seth Laughlin delivered the roll call of all members and quorum declared.
29

30 **2. New Business**
31

32 **A. Belle Oaks II, LLC./Avolis Engineering, P.A., are requesting subdivision**
33 **final plan approval for “Belle Oaks Phase V-A, A Planned Unit Development” a 26-**
34 **lot residential planned unit development (PUD). This section of the multi-phase**
35 **development is located on a combined 24.02 +/- acres in the R-8/R-10S Residential**
36 **Districts. The site is located to the east of Greenleaf Cemetary Road and to the south**
37 **of M L King Blvd.**
38

39 **Staff Comments:**
40

41 Jeffrey Ruggieri presented the proposed 26-lot subdivision. Mr. Ruggieri stated that preliminary
42 approval was given back in June 2020. Mr. Ruggieri presented site-specific details and explained

43 that city staff have analyzed the subdivision through site plan review and can confirm that it meets
44 all the requirements of the Land Use Ordinance, therefore staff are recommending approval.

45
46 **Board Discussion:**

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48 Chair Black asked the applicant if he would like to add any further details. The applicant, Mr.
49 Kevin Avolis of Avolis Engineering, stated that he had nothing to add unless the board had any
50 questions for him. Vice Chair, Travis Oakley asked who the builder would be, Mr. Kevin Avolis
51 did not know. Mr. Raymond Layton asked staff if the bond had been approved, staff confirmed
52 that it had been approved and accepted by the city. Chair Black proceeded to ask if any members
53 of the public would like to make comment, hearing no public comment, Chair Black closed public
54 comment to return to board discussion. Hearing no board discussion, **Mr. Beatty made a motion**
55 **to approve the proposed final subdivision plan “Belle Oaks Phase V-A, A Planned Unit**
56 **Development” as presented, the motion was seconded by Mr. Dougherty. A roll call was**
57 **taken and the motion passed unanimously (7-0).**

58
59 **B. Question and answer session with Jordan Hughes, City Engineer regarding**
60 **capacity of water and sewer services within the City of New Bern.**

61
62 **Staff Comments:**

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64 Staff presented Mr. Jordan Hughes, City Engineer to discuss capacity of City services. Jordan
65 Hughes introduced himself as the City Engineer for the City of New Bern, and gave an overview
66 of the process to determine capacity in the City of New Bern regarding water and waste-water.

67
68 **Board Discussion:**

69
70 Chair Black asked if Mr. Hughes, had a number for current capacity, Mr. Hughes stated that water
71 usage has remained roughly the same in New Bern for the last 15 years. Mr. Hughes stated we are
72 running at approximately 55% capacity for water and sewer thus New Bern Could almost double
73 before improvements are needed to the system. Chair Black asked how grey water is measured per
74 household, Mr. Hughes stated that the city does not measure at the household water level. Chair
75 Black asked about the chemicals and heavy metals used in the water. Mr. Beatty asked if there was
76 a projected time until water capacity had to be updated, Mr. Hughes stated that they had just
77 completed a review and the water resources department projected that the year 2060 is when
78 updates will be needed to the water and sewer systems - when the city is projected to be running
79 at 88% capacity. Mr. Beatty asked where the water comes from in the city of New Bern, Mr.
80 Hughes stated all water in New Bern comes from aquifers in the ground. Chair Black asked about
81 electrical capacity, Mr. Hughes stated all of the city’s energy comes from Duke as a wholesale
82 group contract and that Duke gets their energy from various sources. Chair Black asked about
83 potable water, Mr. Hughes stated the city does have a couple reusable systems where water is
84 treated to the same standards as water diverted to the river. Chair Black asked about what a reusable
85 system is, Mr. Hughes stated it is grey non-potable water. Chair Black asked about the city’s plans
86 to do away with septic systems, Mr. Hughes stated that essentially the city already has as there are
87 less than a handful of septic systems still within the city limits. Chair Black asked about the West
88 New Bern Development as to if there would be any septic tanks, Mr. Hughes stated that all new

89 developments within the city would not have septic tanks. Chair Black asked how much of an issue
90 storm water is in the historic district, Mr. Hughes stated this is less of a problem than it used to be.
91 Mr. Dougherty stated he lives in first phase of Greenbriar and asked if they wanted to convert to
92 the sewer system as opposed to septic what the advantage would be since they still have a step
93 system, Mr. Hughes stated that it is all to do with when there is a failure with septic vs. failure with
94 step. Mr. Dougherty asked if you could say no to the step system and have straight sewer, Mr.
95 Hughes said it would not possible in that area. Chair Black asked who does testing for potable
96 water, Mr. Hughes said the city has internal labs. Chair Black asked about inspections, Mr. Hughes
97 stated every year there is an inspection on permits. Mr. Oakley asked as capacity grows if the water
98 resources department felt they had enough staff, Mr. Hughes stated yes they have enough staff to
99 keep up with increasing demand as there is very little to do in new developments, adding that it is
100 mostly older areas that need more time spent on them so there is not a huge need for more staff.
101 Chair Black asked if anymore lift stations would be needed in West New Bern, Mr. Hughes said
102 they will likely need one to two more lift stations. Mr. Hughes closed the question-and-answer
103 session by stating that capacity is not an issue in the City of New Bern.
104

105 **C. Question and answer session with Charles Bauschard, Director of Public**
106 **Utilities regarding capacity of electric services within the City of New Bern.**
107

108 **Staff Comments:**
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110 Mr. Ruggieri stated that this item had already been covered under Item C by Jordan Hughes, City
111 Engineer in Mr. Charles Bauschard's absence.
112

113 **D. To consider an amendment to the City of New Bern Land Use Ordinance**
114 **regarding the Planning and Zoning code sections to be consistent with North**
115 **Carolina General Statute Chapter 160D, as well as eliminating two extraterritorial**
116 **jurisdiction (EJT) seats, for a total membership of seven (7) seats rather than nine**
117 **(9).**
118

119 **Staff Comments:**
120

121 Mr. Davis introduced himself as the City Attorney. Mr. Davis stated he will present the next three
122 items together in a different order to what is shown on the agenda, starting with HPC terms. Mr.
123 Davis explained why these issues are coming to the Planning and Zoning Board before going to
124 the Board of Aldermen. Mr. Davis stated that in 2010 it came to his attention that appointments
125 were not being timely made, particularly for the HPC. Mr. Davis discussed how and why terms
126 are staggered, and that this change is proposing that all terms end on June 30 for any given year.
127

128 Mr. Davis read the description of the Appearance Commission and what their role is. Chair Black
129 asked if there was a tree that was a danger would public works tend to it, Mr. Davis said yes,
130 adding that the Appearance Commission was mainly there to tend to the planting of new trees as
131 no city department was handling it. Mr. Davis stated that a couple of years ago this role was handed
132 over to the Parks and Recreation department and there became little need for an Appearance
133 Commission; he added that many board members stopped showing up to meetings and resigned.
134 Mr. Beatty asked about if at the gas station on MLK where the trees were cut into the shape of

135 teapots, if it was at the request of the Appearance Commission, Mr. Ruggieri stated that it was
136 down to the DOT. Mr. Davis stated that the discussion going to the Board of Aldermen has nothing
137 to do with specific board members and everything to do with the need for the commission when
138 much of the work is being done by Parks and Recreation. Mr. Layton asked how many times the
139 Appearance Commission has met over the last few years, Mr. Davis stated he was not sure but it
140 was less than a handful of times. Chair Black asked if it is fair to make a decision without
141 representation from the Appearance Commission, Mr. Davis stated that if the Planning and Zoning
142 Board is not comfortable making a recommendation then they would not have to do so, but the
143 Board of Aldermen would still discuss the item and could decide either way. Mr. Aluzzo asked
144 who was responsible for the tree grates being replaced with rubber in downtown New Bern, Mr.
145 Davis stated Matt Montayne, the former public works director made those decisions as the grates
146 became a hazard.

147

148 Mr. Davis stated that there has been an update to the North Carolina General Statutes. Mr. Davis
149 explained that Land Use previously fell under Chapter 160A, but as of this year Land Use would
150 be found in its own chapter: Chapter 160D. Mr. Davis stated that the Board of Aldermen have
151 raised the issue of the proportion of ETJ members on the Planning and Zoning Board. Mr. Davis
152 gave some background to the item adding that the first area added to the ETJ was the Rocky Run
153 area, Mr. Davis added that the rules according to the GSs was if the city going to designate an area
154 as ETJ they must appoint one person to the Planning and Zoning Board as a representative of the
155 ETJ. Mr. Davis stated that ETJ seats should be tied to population ratios, however initially the city
156 was appointing one ETJ member to the Planning and Zoning Board for each separate ETJ area e.g.
157 James City and Sany Point Bridgeton, Mr. Davis stated that this may have looked like it made
158 sense until you take a look at the bigger picture; the ETJ has a population of approximately 520
159 people, the City of New Bern has a population of approximately 30,000, the Planning and Zoning
160 Board is almost 30% members from the ETJ when they represent 1.8% of the total population. Mr.
161 Davis stated that the Board of Aldermen ultimately has the final say and he doesn't know what
162 they will decide if they choose to act. Chair Black stated that Mr. Davis must have used 2010
163 census numbers. Chair Black stated that Craven County did not have enough time to review this,
164 and this item is hand fisted.

165

166 **Board Discussion:**

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168 Mr. Beatty stated he has served beyond his term for the Planning and Zoning Board and he feels
169 like the ETJ needs representation as they are often kept in the dark about decisions because they
170 do not pay city taxes. Mr. Beatty added that the ETJ contributes to the tax base in other ways as
171 most of their business is conducted in the city limits. Vice Chair Oakley stated could they ask to
172 make a compromise to take off one ETJ seat rather than two. Chair Black stated that the county
173 has not even had the chance to review this yet. Mr. Beatty stated that this would be a bad decision
174 considering the current climate regarding representation. Mr. Ballard asked what harm is it doing
175 to keep all ETJ seats when it is a voluntary board and it is hard to get volunteers. Mr. Oakley stated
176 that with these changes it is not a personal attack on the Planning and Zoning Boards, it just makes
177 sense in terms of timing with new census data on the horizon. Mr. Layton asked for clarification
178 that the county appointed seat would not be lost, it would be the two ETJ seats appointed by the
179 city, Mr. Davis confirmed. Mr. Davis stated that this was all good conversation to have. Vice Chair
180 Oakley asked to bring things back to the appearance commission, adding that it should be an easy

181 decision since the Parks and Recreation department handles many of the duties of the Appearance
182 Commission already. Mr. Dougherty stated that he feels the ETJ members always show up and
183 have great comments to make and he supports their seats remaining the same on the Planning and
184 Zoning Board.

185

186 **Motions Items D-F:**

187

188 Item D.

189 To consider an amendment to the City of New Bern Land Use Ordinance regarding the Planning
190 and Zoning code sections to be consistent with North Carolina General Statute Chapter 160D, as
191 well as eliminating two extraterritorial jurisdiction (EJT) seats, for a total membership of seven
192 (7) seats rather than nine (9).

193

194 **Mr. Aluzzo made a motion to recommend that the Planning and Zoning Board composition**
195 **remain the same with 3 ETJ seats, and that the 160D updates are recommended for approval**
196 **as presented, the motion was seconded by Mr. Ballard. A roll call was taken and the motion**
197 **passed unanimously (7-0).**

198

199 Item E.

200 To consider an amendment to the City of New Bern Land Use Ordinance regarding the relevance
201 and continued necessity of the Appearance Commission.

202

203 **Vice Chair Oakley made a motion to recommend approval of disbanding the appearance**
204 **commission, the motion was seconded by Mr. Aluzzo. A roll call was taken and the motion**
205 **passed unanimously (7-0).**

206

207 Item F.

208 To consider an amendment to the City of New Bern Land Use Ordinance to establish a June 30
209 termination date for each term on the Historic Preservation Commission.

210

211 **Mr. Layton made a motion to recommend approval of HPC terms as presented, the motion**
212 **was seconded by Mr. Oakley. A roll call was taken and the motion passed unanimously (7-**
213 **0).**

214

215 **3. Board Member Comments**

216

217 Chair Black raised concerns regarding the number of egresses in large scale developments. Mr.
218 Ruggieri explained that four or five years ago a large packet of updates to the Land Use Ordinance
219 went before the Board of Aldermen, including language regarding how many points of access
220 would be required in subdivisions of varying sizes, Mr. Ruggieri stated that ultimately it was the
221 width of cul-de-sacs that killed it, and the updates were denied, despite the number of egresses in
222 large scale developments being agreed upon by development community stakeholders. Mr.
223 Ruggieri asked Mr. Davis how the Planning and Zoning Board could go about presenting this item
224 to the Board of Aldermen once again. Mr. Davis stated that the Planning and Zoning Board does
225 not have the power to start things, but that the Planning and Zoning Board could ask the Board of
226 Aldermen if they could start working on the issue. Mr. Davis instructed staff to write a letter on

227 behalf of the Planning and Zoning Board, asking for direction from the Mayor and the Board of
228 Aldermen as to whether this is a project they would like to start up again.

229

230 **Mr. Aluzzo moved to direct staff to draft a letter for the chair to sign regarding connectivity**
231 **and access and egress issues in subdivisions in the City of New Bern, the motion was seconded**
232 **by Vice Chair Oakley. Motion passes unanimously. A roll call was taken and the motion**
233 **passed unanimously (7-0).**

234

235 **4. Adjourn**

236

237 **Hearing no further discussion amongst the Board, Chair Black entertained a motion to**
238 **adjourn. Mr. Layton moved to adjourn, Mr. Beatty seconded the motion. A roll call was**
239 **taken and the motion passed (6-1).**

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242 The meeting was adjourned at 7:10pm.

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245 Date Approved: 8-5-21


246

247

248

249

Attest: 
Jeff Ruggieri, Director of Development Services


Don Black, Chair