

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
MAY 10, 2022 – 6:00 P.M.
CITY HALL COURTROOM
300 POLLOCK STREET**

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer by Rev. Robert Johnson of Ebenezer Presbyterian Church. Pledge of Allegiance.**

- 2. Roll Call.**

Present: Mayor Dana Outlaw, Alderman Sabrina Bengel, Alderwoman Jameesha Harris, Alderman Robert Aster, Alderman Barbara Best, Alderman Johnnie Ray Kinsey (arrived at 6:02 p.m.), and Alderman Jeffrey Odham. Absent: None. A quorum was present.

Also Present: Foster Hughes, City Manager; Jaimee Bullock-Mosley, Assistant City Attorney; and Brenda Blanco, City Clerk.

- 3. Request and Petition of Citizens.**

Wendy Card of 4623 Rainmaker Drive spoke about the process for Request and Petition of Citizens, stating some residents are apprehensive about providing their address. According to the City Code, citizens are only required to state whether they are a resident of New Bern. While the Board can have a policy to ask for this information, it cannot enforce it and must allow residents who refuse this information an opportunity to speak. Ms. Card stated citizens also desire an opportunity to address individual Board members, although the Board's rules restrict the content of speech and potentially violate the First Amendment. The Code of Ordinances also provides that personal attacks will not be tolerated, and she stated that meant members of the Board should not be allowed to personally attack those attending the meeting. She reminded citizens that early voting was underway, and the election would be held on May 17, 2022.

Rebecca Tindall of 5721 Gondolier Drive, Fairfield Harbour, spoke last month under Request and Petition of Citizens about the vulnerability of Union Point Park. She said as she was leaving, she saw Michael and Carol More on the steps. Mrs. More asked her "oh, do we still have to talk about this? Are you still going to talk about this?" Ms. Tindall said she did not engage in conversation, but was grabbed or touched on the arm as she was leaving. Mayor Outlaw cautioned Ms. Tindall that Request and Petition of Citizens was an opportunity to talk about city issues, not a forum for personal issues or debates with other citizens. He suggested those matters be taken up in civil court and asked Ms. Tindall if she had anything germane to City business that she would like to discuss. Ms. Tindall expressed a need for safety within City Hall and again began to detail the encounter with Mrs. More. Mayor Outlaw told her she was out of order and directed her not to mention individuals. Ms. Tindall continued to describe the scenario with Mrs. More, at which

time Mayor Outlaw asked Police Chief Patrick Gallagher to remove Ms. Tindall from the courtroom. Chief Gallagher and an officer escorted Ms. Tindall from the room, as she continued to shout comments.

Bernard White of 1811 Durham Street expressed concerns about Stanley White Recreation Center (“SWRC”) and the City Hall elevator. As a member of the SWRC Advisory Committee, he stated the members of the committee had not seen the second plan that was presented. He was concerned that matters related to the recreation or youth had been “pushed back”, as well as some other things. He described a need for recreational space, not more buildings.

Edwin Vargas of 119 Randomwood Lane, River Bend, encouraged citizens to vote during the upcoming election on May 17, 2022. He talked about the need for Craven County and New Bern to share resources. If the City has a serious economic downturn, there will be a need to combine services or raise taxes. The City has not raised taxes in quite a few years.

Considering Mr. White’s comments, Alderman Aster asked about the plan that was approved for the SWRC and whether that was the original plan. Mr. Hughes confirmed it was the original plan. The Board recently reviewed two sets of plans: one that would fit into the \$8 million budget allocated by FEMA and a \$12 million plan that would provide for a 34,000 square-foot structure. The Board chose to pursue the larger facility for \$12 million, which almost doubles the size of the original facility.

Consent Agenda

Alderman Best made a motion to pull Item 6 from the Consent Agenda for discussion, seconded by Alderwoman Harris. The motion carried unanimously 7-0.

6. Consider Approving a Proclamation for “The Forgotten 29”.

Al Barfield requested a proclamation signifying March as a month to remember “The Forgotten 29”, a group of African Americans who participated in a sit-in on March 17, 1960 in New Bern.

Alderman Best described the actions of 29 students who peacefully protested and marched the streets of New Bern to protest segregation and the Jim Crow rules. The students participated in a sit-in at two local businesses, which changed the course of history and led to black customers being served eight months later. Alderman Best read the proclamation and announced one of the 29 students was in attendance, Alfred Barfield. Mr. Barfield was invited to the podium to make comments, where he received a standing ovation. With tears, he said the recognition is well overdue and he thanked the Board for issuing the proclamation. As his next project, he would like to have a marker in place to honor the 29 students. After the “Forgotten 29”, Mr. Barfield said the cross was picked up and carried by Barbara Lee, Bernard White, and some others.

Alderman Best made a motion to approve the proclamation, seconded by Alderman Kinsey. The motion carried unanimously 7-0.

4. Consider Approving a Proclamation for National Public Works Week.

Al Cablay, Director of Public Works, requested a proclamation recognizing the third full week of May as National Public Works Week.

5. Consider Approving a Proclamation for Resilient & Thriving Communities Week 2022.

Tamra Church, Chair & Executive Director of Coastal Coalition for Substance Abuse Prevention, requested a proclamation recognizing resilient and thriving communities' week, which will be observed June 6-12, 2022.

7. Consider Adopting a Street Closure for United Worship Center's Community Day.

Denise Robinson with United Worship Center requested the 900 block of Main Street and the 800 block of West Street be closed to vehicular traffic on May 21, 2022 from 8 a.m. to 5 p.m. for a community day event. A rain date of June 18, 2022 was included in the request.

8. Consider Adopting a Resolution Calling for a Public Hearing to Annex a Portion of Tax Parcel ID 8-209-25001 Located at 5001 Clock Road.

As an authorized representative for Weyerhaeuser NR Company, Cliff Parson requested a 9.25-acre portion of 5001 Clock Road, also identified as Tax Parcel ID 8-209-25001, be annexed by the City. It was requested a public hearing be called for May 24, 2022 to consider this request.

9. Consider Adopting a Resolution Calling for a Public Hearing on the Proposed Budget for Fiscal Year 2022-2023.

At this meeting, the City Manager will present the proposed budget for Fiscal Year 2022-2023. A public hearing is required and is proposed to be held on May 24, 2022.

10. Approve Minutes.

Draft minutes from the April 26, 2022 meeting were provided for review and approval.

Alderwoman Harris made a motion to approve Items 4-5 and 7-10 of the Consent Agenda, seconded by Alderman Best. The motion carried unanimously 7-0.

11. Presentation on Juneteenth of New Bern/Duffest.

Talina Massey, one of the organizers, provided an overview of the events planned for this year's Juneteenth of New Bern. The preliminary schedule is a working document that will be updated as more events are added. Alderwoman Harris announced Carol Williams, the Duffest organizer, had planned to attend this evening to request the Board redirect this year's Duffest funding to Juneteenth. She also noted requests for street closures would be forthcoming.

Noting her position on the Young Urban Professionals' Board, Alderwoman Harris asked if she could appropriate her discretionary funds for the Juneteenth fireworks. Mr. Hughes said he would consult with the Director of Finance.

12. Conduct a Public Hearing on the Rezoning of 1301 South Glenburnie Road; and

- a) Consider Adopting a Statement of Zoning Consistency or Inconsistency; and**
- b) Consider Adopting an Ordinance to Rezone 1301 South Glenburnie Road from C-4 Neighborhood Business District to C-3 Commercial District.**

Quality Oil Company, LLC requested to rezone a 0.95-acre parcel from C-4 neighborhood business district to C-3 commercial district. The property is located at 1301 S. Glenburnie Road. The Planning and Zoning Board unanimously approved this request at their April 5, 2022 meeting, according to Seth Laughlin, Land and Community Development Administrator. After conducting the public hearing, the Board was asked to consider adopting a statement of zoning consistency or inconsistency and then consider the request to rezone the property.

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

- James Woods of 1903 Country Club Road asked if the location was the site of the old television station, and Mr. Laughlin confirmed that. Mr. Woods said he did not understand why the property needed to be rezoned as C-3 if surrounding properties are zoned C-4. He also questioned if the site was big enough for a gas station. Mr. Woods expressed concern about picking and choosing zoning.
- Daniel Dinsbeer of Quality Oil Company stated the store will not be a typical retail store and will only sell limited items, such as candy bars, soft drinks, and tobacco products, through a small window. Because their stores are built different, they can sell gas a little cheaper. The existing building will be demolished, and a new building erected. The C-4 zoning district does not allow for the retail sale of gas, although there are some that are probably grandfathered in. Gas stations today must be zoned C-3. Alderman Odham pointed out the City had to rezone the site of its own fueling station, if memory served him correct.

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

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

Alderman Kinsey made a motion to adopt an ordinance to rezone 1301 South Glenburnie Road from C-4 neighborhood business district to C-3 commercial district, seconded by Alderman Odham. Upon a roll-call vote, the motion carried unanimously 7-0.

13. City Manager's Presentation of Fiscal Year 2022-2023 Budget.

The recommended budget for Fiscal Year 2022-2023 was distributed to the Board and a brief overview provided by the City Manager. He noted a public hearing will be held on May 24, 2022 with adoption at the June 14, 2022 meeting. The recommended General Fund budget is \$42,514,000, Water Fund \$12,314,000, Sewer Fund \$13,917,000, Electric Fund \$58,979,000, Solid Waste Fund \$3,641,000 and Other Funds \$8,500,000, for a total projected budget of \$139,946,333. This 4.7% increase over FY2022 is due to inflation: cost of goods and services, increased fuel costs, and a 1% increase in the state retirement. A 5% cost-of-living adjustment ("COLA") and a merit of up to 2% is recommended for employees. Local governments across the board have been raising their wages, as well as private industry. The City has lost several good employees who have moved to the private sector. The NC League of Municipalities recently released a merit increase study which reveals the City is in line with its request for increases in employee compensation. A salary study is underway, which should be completed by the first quarter of next fiscal year. Mr. Hughes fully anticipated coming back to the Board with additional recommendations after the results of the study are known. The City's number one asset is its employees, and if it does not retain them, the City is in trouble.

The proposed budget is balanced and does not pull from fund balance. Revenues reflect a 4% increase in ad valorem taxes (equates to about \$627,000) and a 17% increase in sales tax (equates to about \$1.4 million). Mr. Hughes stated \$9.6 million in capital requests were submitted, but the proposal only includes \$5.2 million. He reviewed the highlights of those requests. No new positions are recommended. The classification pay plan will increase by 2.5%.

Mr. Hughes announced the proposed budget is available in the City Clerk's office, at the library, and will be posted on the City's website under Finance.

Alderman Kinsey asked if the budget included a raise for the Board. Mr. Hughes stated that would be up to the Governing Board to make such a recommendation. The City Clerk distributed to the Board a survey of comparable municipalities, as well as Craven County. Noting the Board had previously indicated it would visit this topic at the end of its term, Alderwoman Harris suggested the compensation be evaluated as it has not been adjusted in years. Alderman Best concurred, noting elected officials put a lot of time into outside work and do more than just attend two meetings a month.

Stating it could be discussed later, Alderman Bengel questioned the payments to the library and why the contractual obligation was still reflected under Special Appropriations.

14. Consider Adopting a Resolution Approving a Memorandum of Understanding with Sound Rivers for Installation and Management of a Trash Trout Jr.

Al Cablay, Director of Public Works, announced Sound Rivers requested permission to install a “Trash Trout Jr.” within the Trent River drainage basin to assist with collecting data related to manmade trash that finds its way into the rivers. The device will be in place for no less than two years and will be installed, cleaned, and monitored by Sound Rivers. Heather Deck, Executive Director of Sound Rivers, stated the devices are part of a statewide grant. Alderman Aster asked for a copy of the reports showing how much trash is being removed.

Alderwoman Harris made a motion to adopt a Memorandum of Understanding with Sound Rivers for installation and management of a Trash Trout Jr., seconded by Alderman Best. Upon a roll-call vote, the motion carried unanimously 7-0.

15. Consider Adopting a Resolution Approving an Audit Contract for Fiscal Year Ending June 30, 2022.

A Request for Proposal (“RFP”) for audit services was advertised and disseminated to 28 firms, and 2 proposals were received. After reviewing the responses, the firm of Thompson, Price, Scott, Adams, and Co., P.A. received the highest score, according to Kim Ostrom, Director of Finance. Their proposal for services includes all major programs at a fee of \$42,500. Of note, this firm has performed New Bern’s audits for fiscal years 2019, 2020, and 2021. The proposal provided for preliminary meetings, mid audit, and pre-audit presentation updates to be conducted by an audit committee that consists of those working directly on the audit. One of the goals for this year is to have a timely audit and meet the requirements of the Local Government Commission.

Alderman Bengel stated she was a little troubled that the City has used this firm for three years, as usually the desire is to find a different firm to come in and “keep you on the level.” A lot of firms cannot find people to work and would not be able to meet the audit deadline. In light of this, she asked if it were possible to sign a one-year contract and maybe look at other firms for the following years. Alderwoman Harris and Mayor Outlaw voiced agreement. Alderman Aster asked if a one-year contract would require staff to reissue an RFP. Mrs. Ostrom thought that would be the case, but said she could also reach out to the auditors to see if the current contract could be extended by a year.

After Alderwoman Harris asked for Mrs. Ostrom’s recommendation, Mrs. Ostrom stated she felt very confident in the firm and would prefer a three-year contract. However, she understood the Board’s concerns and felt at a minimum the contract should be extended for a year. Alderman Odham asked where the contract

provided for a three-year term. Mrs. Ostrom replied the contract is signed annually, although the RFP requested a quote for three years. Alderman Odham then asked for clarification that if the contract is approved, the City is only obligated to one year. Alderman Bengel stated she would be uncomfortable unless a motion indicated one-year contract or extension. Mr. Hughes stated in looking at the contract, it indicates the contract can be modified with the consent of both parties.

Alderman Bengel made a motion to adopt a resolution approving an audit contract for one year for the FYE June 30, 2022 audit, seconded by Alderwoman Harris. Prior to the vote, discussion ensued about the difference of extending the current contract for one year versus signing a new contract for one year. Mayor Outlaw voiced a need for the Board to get an earlier start on the audit contract, suggesting February. In answer to Alderman Aster's question, Mrs. Mosley pointed out the firm would have to agree to an extension. Upon a roll-call vote, the motion carried unanimously 7-0.

16. Consider Adopting a Resolution Designating Applicant's Agent for NC Emergency Management Grant #DR4393.

FEMA requires agents be designated for the purpose of filing applications, representing, and acting on behalf of the City with respect to disaster assistance grants. This resolution will designate the City's Senior Accountant as the primary agent and the City Manager as the secondary agent for the Hazard Mitigation and Resiliency Plan Grant.

Alderman Aster made a motion to adopt a resolution designating applicant's agent for the NC Emergency Management Grant #DR4393, seconded by Alderman . Upon a roll-call vote, the motion carried unanimously 7-0.

17. Consider Adopting a Resolution Approving a Records Retention Policy for Documents Created or Maintained Pursuant to the American Rescue Plan Act and Coronavirus State and Local Fiscal Recovery Funds Award.

On December 14, 2021, the Board adopted a resolution approving the General Records and Program Records Retention and Disposition Schedules for Local Governments as issued by the NC Department of Cultural Resources. While this policy is still in effect, it is necessary to also adopt a records retention policy to comply with the requirements of the American Rescue Plan Act/Coronavirus State and Local Fiscal Recovery Funds ("ARPA/CSLFRF"). Recipients of funding through these programs are required to maintain documents for a longer period.

Alderwoman Harris made a motion to adopt a resolution approving a records retention policy for documents created or maintained pursuant to the American Rescue Plan Act and Coronavirus State and Local Fiscal Recovery Funds award, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously 7-0.

18. Consider Adopting a Resolution Approving a Nondiscrimination Policy Pursuant to the American Rescue Plan Act and Coronavirus State and Local Fiscal Recovery Funds Award.

Like the previous item, recipients of ARPA/CSLFRF funds are required to adopt a nondiscrimination policy to comply with federal regulations.

Alderwoman Harris made a motion to adopt a resolution approving a nondiscrimination policy pursuant to the American Rescue Plan Act and Coronavirus State and Local Fiscal Recovery Funds award, seconded by Alderman Aster. Upon a roll-call vote, the motion carried unanimously 7-0.

19. Appointment(s).

No appointments were made.

20. Attorney's Report.

The City Attorney had nothing to report.

21. City Manager's Report.

- Mr. Hughes announced National Public Works week will be observed May 15-21, 2022.
- The Festival of Fun this past weekend was very well attended.
- A groundbreaking took place this evening for the \$3.9 million elevator project at City Hall. The contractors have mobilized, and major work will start to take place in about a week. Once some sort of protection can be designed, the DeGraffenreid bust will be installed in front of City Hall. Alderman Bengel requested a sign be erected to indicate an elevator is coming soon.
- A contract was signed with Oakley Collier & Associates for the pointing of City Hall.
- Alderman Aster inquired as to when a groundbreaking would take place or work begin on SWRC. Mr. Hughes anticipated a presentation in approximately a month with a groundbreaking to take place this fall.

22. New Business.

Alderman Bengel

An antique auto show is scheduled for Saturday in Downtown New Bern.

Alderman Bengel received a few calls from downtown businesses about the circulation of misinformation, which she wanted to correct. At the end of February, a meeting was held with the Downtown Council. Two meeting notices were sent to every business on Middle, Craven and Pollock Streets. On February 24th, the Downtown Council held a meeting with 40+ attendees to discuss street closures for the year (April until the end of the year). There was good discussion which included opposition from one business in attendance. The original proposal was just to close streets on art walk evenings. Because of the discussion and for consistency, it was

decided to keep the closures to every Friday night. The resolution was unanimously approved on March 22nd and included every Friday night, Mother's Day, Easter Sunday, a Saturday for the car show, and some other days closer to the holidays. The next fact is when the streets were closed on Easter Sunday, there were three participants that signed up for street dining that morning: Baker's Kitchen that starts serving at 7 a.m., Cypress Hall that starts serving at 10:30 a.m., and Captain Ratty's that starts serving somewhere between 7 and 8 a.m. Unfortunately, there was a power outage that impacted Captain Ratty's side of the street. Therefore, only Baker's Kitchen and Cypress Hall participated. It was stated the street was only closed for Baker's Kitchen, which is incorrect. Both Baker's Kitchen and Cypress Hall were in the street. Baker's Kitchen closes at 2 p.m., so about 1:45 p.m. most tables were broken down. Cypress Hall was still there until 3 p.m. A picture was circulated that showed no one in the street except Baker's Kitchen; that was incorrect. As far as having signatures of people consenting to the closure, the Downtown Council publicized and held a meeting. A letter was sent from Swiss Bear and Danny Batten stating there were 40+ attendees at the meeting, which was a majority. She does not think the signatures are required by the City, but it is an ask. Everyone was notified of the meeting and the agenda. Her point is the street closures are great for New Bern and a lot of compliments are received. Customers rave about dining on the streets, and everyone is benefiting from it. It is not a conflict of interest for her to vote on something that impacts all people. She owns a business on Middle Street that was able to take advantage of a street closure, but so were other businesses. She asked Mrs. Mosley to confirm for the record that was not a conflict of interest, and Mrs. Mosley stated it was not a conflict. The street closures are good for the City and were helpful during COVID. Unfortunately, there will always be people who do not agree with things, and that is why you try to go with the majority. Alderwoman Harris said someone reached out to her about signatures not being in the packet, to which Alderman Bengel responded that was because letters were sent. Alderwoman Harris then asked if other businesses throughout the City could participate in street closures and if they would go through the same process. Alderman Bengel noted parking requirements were waved during COVID to allow outside dining, and Alderman Odham recalled the ordinance being changed to accommodate this, which means that modification has not expired.

Alderwoman Harris

The Underground Railroad Symposium will be held at Tryon Place on May 21, 2022.

It is election season and important for everyone to vote. Early voting is taking place now with the election scheduled for May 17th.

Alderman Aster

He had an opportunity to view the damage at Cedar Grove that resulted from an act of vandalism. The Earl of Craven Questers is doing a wonderful job getting the cemetery back together. They are a great organization for anyone who is looking for an opportunity to donate. Alderwoman Harris also expressed support and appreciation for the Quester's work.

Mayor Outlaw

One thing he has really enjoyed in his capacity as Mayor is the ability to show off New Bern's history and architecture. L. R. "Pete" Thomas, who passed away on Sunday at the age of 96, completed a lot of buildings and restorations around the city.

Alderman Best

Noting the policies that were adopted to comply with the ARP funding, the question was posed as to when the City anticipates receipt of the remaining ARP funds. Mrs. Ostrom said the report had been submitted, but she would need to get back to Alderman Best about the anticipated receipt of funds, which should be very soon. Alderman Best noted the Board has more funding that needs to be allocated toward projects, and she felt the current Board should make those decisions during its tenure. The only allocation thus far has been \$2 million for stormwater and \$250,000 for the Redevelopment Commission. She asked if the Board wanted to discuss additional allocations this evening. Alderman Aster felt the new Board needed to be seated and given an opportunity to discuss and present ideas. It will take time to sit down and discuss the projects and will possibly require a work session.

Alderman Odham

With respect to the balance of ARP funds, the Board may want to keep in consideration that the current Board obligated future Boards for \$8 million in capital expenditures (\$4 million for the elevator and \$4 million overage for SWRC).

Alderwoman Harris asked for a status update on FEMA funds dedicated for ditches. Mr. Cablay said contracts are out for CAT D projects. Per his recollection, roughly \$6.6 million of the \$32 million award has been spent, but he will follow-up with a better estimate. Noting the approach of hurricane season, Alderwoman Harris questioned why it was taking so long to spend the money and clean the ditches, and she suggested the process move quicker.

(Alderman Kinsey left the meeting at 8:09 p.m.)

23. Closed Session.

A closed session was not needed.

24. Adjourn.

Alderman Odham made a motion to adjourn, seconded by Alderman Aster. The motion carried unanimously 7-0, time being 8:11 p.m. Of note, Alderman Kinsey had left the meeting, thus technically yielding an affirmative vote.

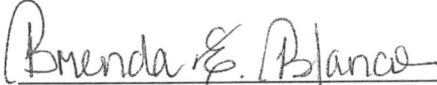
The attached documents are incorporated herewith and are hereby made a part of these minutes.

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: May 24, 2022



Dana E. Outlaw, Mayor



Brenda E. Blanco, City Clerk