

**CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
MAY 11, 2010
CITY HALL COURTROOM – 8:00 P.M.
300 POLLOCK STREET**

1. **Meeting Opened by** Mayor Lee Bettis, Jr. **Prayer by** Pastor Loretta Armond of Word in Truth Fellowship Ministries. Pledge of Allegiance.
2. **Roll Call. Present:** Aldermen Sabrina Bengel; Victor Taylor; Denny Bucher; Johnnie Ray Kinsey; Bernard White; and Dana Outlaw.

Also in attendance: Interim City Manager, Ed Wyatt and City Attorney, Scott Davis.

3. **Request and Petitions of Citizens.**

Jerry Hobbins, 229 New Street, New Bern came forward to address his concerns on Broad Street issues. Mr. Hobbins stated he had spoken with DOT's officials, but nothing had been resolved. His concerns are Broad Street curb cuts, bike lanes, and the US 70 East exit sign coming into New Bern. The sign reads New Bern next 3rd exit and it is actually the next 4th exit. With regards to the round-about located at the end of Broad Street, the curb cut is facing the round-about.

Anthony Bonnici, 512 Jefferson Avenue, New Bern came forward stating he appeared before the Board of Aldermen on March 9, 2010, requesting answers for a number of questions that were directed to the City Attorney in February 2010 per Alderman Outlaw. Stevie Bennett, 1312 National Avenue, New Bern appeared before the board with Mr. Bonnici. The questions are listed below:

- What is the current status of the expired deck license issued to the Sheraton Hotel, which expired October 2007? What is the status of the negotiations with the Soliel Group and Mr. Davis in reference to the deck encroachment onto the City's 30-foot strip along the Trent River?
- What is the status of the past-due payment of \$67,700 negotiated between Mr. Meadows and Mr. Rod O'Donohue on the unfinished sidewalk and replacement of lights along the walkway in front of the Sky Sail condos? What is the status of the payment owed on the Sky Sail condos for water and sewer tap fees in the amount of \$145,580? Has the city received the overdue payment in the amount of \$14,000 for electric utilities from Sky Sail?
- What is the status of payments to the City for leased parking spaces? How many spaces are leased and at what price?

Mayor Bettis instructed Mr. Wyatt, Interim City Manager to address Mr. Bonnici's issues at the May 18, 2010, Board of Aldermen Work Session.

Mary Randolph, 1504 Cobb Street, New Bern appeared before the board to express issues surrounding her property. The front of her home is sinking, the canal needs cleaning, tree branches need to be trimmed around the utility lights, and she cannot trim her shrubs due to her neighbor's vicious dog.

Mayor Bettis, Alderman Bucher, and Alderman Kinsey told Mrs. Randolph they would visit her home on Saturday, May 15, 2010, at 8:00 A.M.

4. Presentation of the Preservation Foundation on Historic Preservation Month.

Dallas Blackinton, President of the Preservation Foundation gave a short presentation on Historic Preservation Month. Preservation is an effective tool for managing growth, revitalizing neighborhoods, and maintaining community character while enhancing livability. Preservation is universal and good preservation makes good neighbors. Preservation has had a positive effect on New Bern due to the contributions of the Historical Preservation Commission and Foundation, Historical Society, Swiss Bear, and good stewards of New Bern. The theme for Historical Preservation Month is "Old is the New Green". The Foundation will host a reception on May 18, 2010, at 5:30 P.M., at the New Bern Art Center located on the corner of Pollock and Fleet Streets. Following the reception, everyone is invited to see the film, "A Passion for Place", beginning at 7:00 P.M. at the Tryon Palace Auditorium.

5. Update on 2009 Brownfields Grant Project.

Mike Avery, Director of Planning & Inspections, gave an update on the Brownfields Grant. The City of New Bern was recently awarded two city-wide Brownfields Assessment Grants by the U.S. Environmental Protection Agency in the amount of \$200,000 each. The funding for the grants will be used to assess potential petroleum sites and hazardous substance sites.

The staff will give a quarterly update to the board on the status. A webpage has been established; a Brownfields' brochure has been developed and published; the Brownfields Steering Committee has conducted two (2) valuable meetings and will help develop criteria for ranking sites identified as potential Brownfields sites and provide input on the Public Involvement Plan. The webpage can be accessed from the city's website under the Planning and Inspections department.

The first meeting with the property owners has been tentatively scheduled for June 10, 2010 in the Five Points Area. The time and actual location are yet to be determined. Mr. Avery presented the board with a copy of the Brownfields brochure.

6. **Public Hearing on 2010 CDBG Funding and Submission of the 2010 CDBG-Housing Development Grant Application.**

Mike Avery, Director of Planning & Inspections, explained the City is required to conduct two public hearing on all CDBG applications. This will be the first of those public hearings, and the Board will receive public comment on possible applications for the 2010 CDBG funding. The second public hearing is to receive public comment concerning submission of application.

Alderman Outlaw made a motion to open the public hearing on CDBG grant application, seconded by Alderman Bengel. The motion carried unanimously.

Mr. Avery stated the requirements to apply for CDBG funding cycle applications for the following categories:

Community Revitalization – The focus of this program is the revitalization of small, low-moderate income neighborhoods with the need for housing improvements and water, sewer, street and drainage improvements. This category is very competitive and only about 20-25% of the eastern region receives funding. This is a category that would apply to the City.

Infrastructure – The focus of this program is to extend water/sanitary service to low-moderate income areas not served by these utilities. The maximum request is \$750,000 and requires a minimum 5% local financial match. This is a category that does not apply to the City. This is for a more rural area.

Infrastructure Hookup – The focus of this program is to connect low-moderate income households to existing water/sewer lines not originally installed with CDBG funds. The houses must be identified before submission of the application. The program will pay for tap fees, connection of the house to the utility, and other similar fees. The maximum application amount is \$75,000 and requires no local financial match. This is a category that would apply to the City.

Housing Development – The focus of this program is to support projects that create additional units of affordable housing for low and moderate income people. The grant can be used for installation of public infrastructure, acquisition of vacant land, and rent-to-own projects. The maximum amount of the grant is \$250,000, and the grant can be used for multi-family projects and single-family owner occupied units. The program does not require a local match.

There was no public comment on the 2010 GDBG Housing Development Grant Application.

Alderman Taylor made a motion to close the public hearing on the CDBG grant application, second by Alderman Kinsey. The motion carried unanimously.

The second issue came before the Board on March 30, 2010 requesting support of CDBG Housing Development Application "Letter of Interest." Mr. Avery requested

authorization to submit an application for a CDBG Housing Development grant, which is due on May 21, 2010. On March 30, 2010 the Board supported the proposal from Brydge & Lee in regards to the affordable housing units for seniors located off Pinetree Drive. They are requesting the City assist by applying for a \$250,000 grant to help with the infrastructure. The City would loan \$225,000 to the developer at 2% interest over 20 years; and retain \$25,000 for grant administration.

Alderman Outlaw made a motion authorizing submission of the housing development application and authorized the Mayor to sign the grant application upon completion. The motion was seconded by Alderman Bucher. The motion carried unanimously.

7. Approve Minutes.

Alderman Bengel made a motion to approve the minutes from April 13, 2010 and April 27, 2010, seconded by Alderman Kinsey. The vote carried unanimously.

Alderman Bengel made a motion to approve the closed session minutes, and unseal the minutes of March 30, 2010 and April 13, 2010, seconded by Alderman Outlaw. The vote carried unanimously.

8. Adopt Resolution Calling for a Second Public Hearing on the Contents of the 2010 CDBG-HD Grant Application.

This resolution is calling for the second public hearing on CDBG housing grant application. The scheduling of the public hearing allows all interested parties to be given an opportunity to be heard on May 25, 2010.

Alderman Outlaw made a motion, seconded by Alderman Bucher to adopt the resolution calling for the second public hearing on CDBG-HD grant application. Upon a roll-call vote, the motion carried unanimously.

9. Adopt Resolution Accepting 2010 Urgent Repairs Grant and Authorize City Manager to sign Associated Documents.

The City of New Bern has been awarded a \$75,000 grant from the North Carolina Housing Finance Agency to perform urgent repairs for eligible very-low and low-income homeowners. This resolution accepts the grant and authorizes the City Manager to execute documents associated with the grant.

Alderman White made the motion, seconded by Alderman Bengel to adopt the resolution accepting 2010 urgent repairs grant. Upon a roll-call vote, the motion carried unanimously.

10. Adopt Ordinance Amending Section 70-99 of the City Code Entitled “Stop Intersections.”

This ordinance will establish Shadow Brook Lane as a “stop” street where it ends at Trent Creek Road. This would be consistent with streets of like traffic throughout town and should help to address safety concerns of residents in the Arcadia Village Subdivision.

Alderman Outlaw made the motion, seconded by Alderman Kinsey to adopt the ordinance amending Section 70-99 of the city code entitled “stop intersections.” Upon a roll-call vote, the motion carried unanimously.

11. Adopt Resolution Approving Final Change Order to T.A. Loving for the Water Treatment Plant Project.

This change order from T. A. Loving for Contract III for the Water Treatment Plant project decreases the contract amount now that the work is complete. The adjustment for the Change Order No. 7 amount is \$263,226.25. The change order amends the total contract amount by replacing the original estimated quantities with the actual quantities of work performed.

Alderman Bengel made a motion, seconded by Alderman White to adopt the resolution approving the final change order to T.A. Loving for the Water Treatment Plant Project. Upon a roll-call vote, the motion carried unanimously.

12. Adopt Resolution Revising the North Carolina History Education Center Utility Construction Contract with James L. Cayton Utilities, Inc.

This is a revision to the resolution for the North Carolina Education Center Construction Contract due to a typographical error. There was a typographical error in the resolution that was presented to the Board of Aldermen on November 24, 2009. The original resolution includes only the base bid of \$438,725, not the total contract amount of \$721,604. A revised resolution will need to be approved to allow the appropriate purchase orders to be generated for this contract.

Alderman Outlaw made a motion, seconded by Alderman Kinsey to adopt the resolution revising the North Carolina History Education Center Utility Construction Contract. Upon a roll-call vote, the motion carried unanimously.

13. Adopt Resolution Approving Upsizing of the Force Main and Pump Station for the Croatan Station Development.

Upsizing the force main for the Ellis Development had previously been discussed at the January 19, 2010, Work Session. The City stated they may ask the developer to install a

larger lift station and force main to accommodate additional future sewer users between Thurman Road and Croatan Station development. The cost of upsizing the force main and the lift station will be borne by the City. The board approved to install the 12" vs. 8" force main.

This option would require the developer to install a 12" force main from Croatan Station to a point on Thurman Road and increase the pumping capacity of the lift station from 375 gallons per minute to 700 gallons per minute. This will increase the capacity of the Croatan Station lift station from 216,000 gallons per day to 403,200 gallons per day. The additional capacity available at the lift station alone will accommodate approximately 520 homes. This option increases the carrying capacity of the force main approximately 125%. The maximum carrying capacity of the 12" force main will be 2,023,000 gallons per day. This capacity should be sufficient to handle the future growth in the area.

Alderman Bucher made a motion, seconded by Alderman Bengel to adopt the resolution approving upsizing the force main and pump station for Croatan Station. Upon a roll-call vote, the motion carried unanimously.

14. Appointments.

Alderman Bengel made a motion, seconded by Alderman Outlaw to appoint Kenneth Peregoy to the Planning & Zoning Board. The motion carried unanimously.

Mayor Bettis made a motion, seconded by Alderman Bengel to appoint Stevie Bennett to the Planning & Zoning Board. The motion carried unanimously.

Alderman Bucher made a motion, seconded by Alderman Kinsey to reappoint Richard Frye to the Historic Preservation Commission. The motion carried unanimously.

Alderman Bengel made a motion, seconded by Alderman Bucher to reappoint Peter Adolph to the Historic Preservation Commission. The motion carried unanimously.

Alderman Bengel made a motion, seconded by Alderman White to reappoint Karen Britton to the Historic Preservation Commission. The motion carried unanimously.

15. Attorney's Report.

Attorney Davis had nothing at this time.

16. City Manager's Report.

Ed Wyatt, Interim City Manager, reported on the progress of the City Manager's position. The Board interviewed three (3) candidates on May 11, 2010, and three (3) candidates will be interviewed on May 17, 2010.

Alderman Taylor made a motion, seconded by Alderman White to call a special meeting at 5:00 P.M. at the City Hall Conference Room on May 24, 2010. The purpose for the meeting is to interview applicants for the position of City Manager.

17. Announcements.

Alderman Bengel thanked the staff and everyone who participated in the wonderful celebration "Remembering the War". It was a huge success and everyone enjoyed themselves. Alderman Bengel announced the upcoming events: Antique Auto Club of America's Grand National Car Show and Harley Davidson Bike Festival.

Alderman Taylor thanked everyone who participated in Duffest and the 114th birthday celebration for Mrs. Melinda Overton Harris. Both of the events were well attended and successful. Duffest will be celebrated again next year on May 7, 2011.

Alderman Bucher reminded everyone of the Neighborhood Meeting on May 18, 2010, at the Carolina Colours Pavilion at 6:00 P.M.

Alderman White thanked everyone who participated in the in the celebration "Remembering the War". It was an interesting event, and he thoroughly enjoyed it.

Alderman Outlaw thanked Chief Aster, staff and everyone who participated in Duffest; it was by far one of the best. Alderman Outlaw thanked Mrs. Randolph for attending Duffest and was honored to meet her daughter and other family members. Also, an invitation was extended to citizens to attend the play "1776" presented at the New Bern Civic Theatre. Alderman Outlaw and Mayor Bettis are one of the many cast members.

18. Adjourn.

Alderman Bucher made a motion to adjourn, seconded by Alderman Taylor and unanimously carried, time being 9:25 P.M.

Mayor

City Clerk