

**City of New Bern
Board of Aldermen Meeting
February 8, 2011
City Hall Courtroom – 7:00 P.M.
300 Pollock Street**

1. **Meeting Opened by** Mayor Lee W. Bettis, Jr. **Prayer by** Pastor Loretta Williams of Christian Outreach Ministry. Pledge of Allegiance.
2. **Roll-call.** Aldermen Sabrina Bengel; Victor Taylor; Denny Bucher; Johnnie Ray Kinsey; Bernard White; and Dana Outlaw.

Also in Attendance: Mike Epperson, City Manager, and Scott Davis, City Attorney.

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

Frank Kerr, 3711 Elveden Road, thanked the board for calling a special meeting to discuss the merger that will impact Electricities. He also welcomed Mark Stephens, Public Works Director, and informed him of the drainage problems in New Bern. There is a problem with Craven County Social Services giving money to individuals that have never worked a day in their life. Those funds are our tax dollars, and they need to work. He also expressed concerns that public schools are nothing but a babysitting service, and prosecutors are not keeping criminals incarcerated. The laws need to be changed. Mr. Kerr stated if they were to break and enter into his residence, he had something for them on the other side of the door. Mr. Kerr further stated county government should be eliminated or combed with city government. The ultimate goal is to have one government.

Stevie Bennett, 1312 National Avenue, had the following concerns:

- What is the status of the Electricities committee? Mayor Bettis stated a volunteer list has been compiled, and the staff will be identifying what direction to proceed. This will be a long process in identifying what will be helpful.
 - The board campaigned on forming volunteer committees to help within the city staff. Mayor Bettis stated the city is currently reorganizing; therefore, staff will be pin-pointing the voids. The Police Department has utilized volunteers very effectively.
 - What is the status of the trash on highway 70? Chief Aster informed Mark Stephens, Public Works Director, of the trash problem. He will be looking into the matter and discussing it with DOT.
4. **Public Hearing and Consider Ordinance Amending Appendix A “land Use” of the Code of Ordinances Regarding Street Design Standards.**

Mr. Epperson, City Manager, stated this is the second of two public hearings required to receive public comment on amending Section 15-219 "Construction Standards and Specifications" of Article XIV "Streets and Sidewalks" of Appendix A "Land Use" of the Code of Ordinances of the City of New Bern. The proposed design standards will protect the City's interest and reduce maintenance costs, while encouraging future development with clear concise construction standards.

Mayor Bettis opened up the hearing for public comment. There was no public comment.

Alderman Taylor made a motion to close the public hearing, seconded by Alderman Bengel. The motion carried unanimously.

Alderman Bucher made a motion to adopt the ordinance to amend Appendix A "Land Use" of the code of Ordinance, seconded by Kinsey. Upon a roll-call vote, the motion carried unanimously.

5. Approve Advertising Tax Liens.

Mr. Epperson, City Manager, stated the city is required by law (GS 105-369) to annually advertise tax liens. There is over nine hundred sixty-three thousand dollars (\$963,000) uncollected, which constitutes liens against the real property of taxpayers. Alderman Bengel expressed concerns that it would cost thirty-five hundred dollars (\$3,500) to advertise the liens. She asked if advertisement could be posted within the city building, for example posting on the front door of City Hall. Attorney Davis stated according to the General Statutes, it has to be published in the local newspaper. This is due process because liens will be placed against the real property of taxpayers. Alderman Bengel inquired as to the April 4, 2011 date for advertising the tax liens. Mary Muraglia, Director of Finance, stated the April deadline gives tax payers an opportunity to pay their bills and decrease the list of advertisement. The shorter the list, the less funds will be needed for advertising.

Alderman Bengel made a motion to approve advertising tax liens, seconded by Alderman White. The motion carried unanimously.

6. Adopt Resolution Approving Audit Contract for Year Ending June 30, 2011.

Mr. Epperson, City Manager, stated the audit contract was approved by the previous Board of Aldermen in March 2008 for four years, but Local Government Commission requires the contract to be approved annually. Martin Starnes & Associates has agreed to keep their fee at the cost for preparing the 2009 audit which was thirty-nine thousand seven hundred dollars (\$39,700). Interim field work is scheduled for April, and the audit will be completed by the October 31, 2011 deadline. Alderman Bengel requested clarification as to the year of this contract. Mr. Epperson stated this is the

third (3rd) year of the contract with one year remaining. The fee schedule previously approved was: 2009-\$39,700; 2010-\$41,300; 2011-\$43,000; and 2012-\$43,000. Martin Starnes & Associates agreed to keep the rate at \$39,700 for 2010 and 2011. This contract agreement has to be approved every year; it expires 2012. Crystal Waddell of Martin Starnes & Associates was present to answer any questions.

Alderman White stated the same accounting firm is used every year; why not look at using other companies. Mr. Epperson stated the prior CPA firm failed to get the audit report back to the city in a timely manner.

Alderman Bengel made a motion to adopt the resolution approving the Audit Contract for FY ending June 30, 2011, seconded by Alderman Taylor. Upon a roll-call vote, the motion carried unanimously.

7. Adopt Resolution Approving Electric Service Agreement for Economic Development Rate with Hatteras Yachts.

Jon Rynne, Director of Public Utilities, stated the city has developed economic development rates for electric service to attract and promote the growth of new and existing customers. These rates are designed to assist the customer in the initial capital cost of building a new facility or expanding an existing facility. These rates are temporarily reducing the operating expense of the new or expanded facility for a set period of time. The city delays the recuperation of its infrastructure costs to serve the customer and covers the cost of power supply. Hatteras Yachts' recent expansion through the addition of the Cabo Yachts line to the New Bern plant complies with the requirement of the existing Economic Development Rate #4. In order for Hatteras to qualify for the incentive, the company must add at least one hundred (100) full-time employees, and must increase power demand by an additional 200 kilowatts per month above what their highest usage was in the last twelve (12) months. This rate incentive is a five-year agreement, expiring in 2016.

Alderman White made a motion to adopt the resolution approving the electric service agreement with Hatteras Yachts, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously.

8. Adopt Resolution Amending Grant Agreement with Clean Water Management Trust Fund for Jack Smith Creek Project.

Mr. Epperson, City Manager, stated the City was awarded a CWMTF grant contract for the design and construction of the stormwater pumping stations associated with the Simmons Street/Jack Smith Creek Stormwater Wetlands project. Due to construction cost being lower than originally estimated, the project budget has been revised indicating that the full amount of the CWMTF grant will not be needed to complete the scope of work in the grant contract.

The original CWMTF grant was for \$1 million (\$1,000,000) and funds were designated for the construction of two stormwater pumping stations. Based on construction bids received and our estimate of the cost of completing the project, the total amount of the project that will be eligible for CWMTF reimbursement will be seven hundred fifty-eight thousand and five hundred dollars (\$758,500). CWMTF has requested that the total grant allowance be amended or reduced by two hundred forty-one thousand and five hundred dollars (\$241,500) so the funds can be redistributed to other qualified grant applicants.

Alderman White requested Jordan Hughes, City Engineer, to give an update on the Jack Smith Creek project. Mr. Hughes stated the project is approximately thirty (30) days from completion. This project will help move the water out of the Duffyfield canal to the wetlands. Some delays took place in the permitting process with the Ecosystem Enhancement Program; they were hoping to be under construction by late spring or early summer. The anticipated start date for the Ecosystem Enhancement project now is late summer and early fall with a completion date of late fall and early winter. The entire project should be complete within this calendar year.

Alderman Kinsey asked how the system would work upon completion of the project with reference to the flow of water. Mr. Hughes stated a steady flow of water will move freely. There will be small pumps at each station allowing a steady flow; therefore, keeping the canals clean of debris.

Alderman Taylor commended Mr. Hughes for his hard work in implementing the Jack Smith Creek Storm Water Improvement Project. He grew up in this area and has seen the water back up for days.

Alderman Taylor made a motion to adopt the resolution amending the grant agreement with the Clean Water Management Trust Fund for Jack Smithy Creek, seconded by Alderman White. Upon a roll-call vote, the motion carried unanimously.

9. Adopt Resolution Approving Temporary Construction Easement with State of North Carolina, Acting By and Through the Ecosystem Enhancement Program.

Mr. Epperson, City Manager, stated this temporary construction easement is required by the State of North Carolina to allow the Ecosystem Enhancement Program to participate in the stormwater project for Jack Smith Creek Drainage Basin. This resolution extends the current agreement. The state has provided the funding and will be performing the construction of the wetlands as well as other stormwater treatment best management practice (BMP) for this project. Upon finalization of permitting for the project, the city will be required to place a conservation easement over the stormwater improvements on this property. This was purchased as a part of the project with funding from the Clean Water Management Fund.

Alderman Taylor made a motion to adopt the resolution approving temporary construction with the state for the ecosystem enhancement program, seconded by Alderman White. Upon a roll-call vote, the motion carried unanimously.

10. Adopt Resolution to Initiate Upset Bid Process by Advertising Offer to Purchase Received for Property Owned by City at 910 Bern Street.

Alderman Bengel stated the board has received an offer to purchase a parcel of property owned by the City identified as 910 Bern Street. Ms. Gillette made an offer to purchase this property three and half (3 ½) years ago and publicly apologized for this request not being handled in a timely manner. There were certain conditions of the sale, but no evidence was found in the minutes as well as the public notice. This item appeared placed under the “consent agenda” three years ago, and this is why this board has done away with the consent agenda. Every item needs to be discussed so this sort of error will not happen. The board hereby authorizes the initiation of the upset bid process for the property at 910 Bern Street by advertising notice of the offer to purchase of three thousand five hundred dollars (\$3,500) in accordance with the provision of North Carolina General Statute 160A-269.

Alderman Bengel also stated the advertisement runs for thirty (30) days from the first day it appears in the paper.

Alderman Bengel made a motion to adopt the resolution to initiate the upset bid process by advertising the offer to purchase property at 910 Bern Street, seconded by Alderman Taylor. Upon a roll-call vote, the motion carried unanimously.

11. Adopt Resolution Authorizing Erection of Informational Sign for Carolina East Medical Center.

Mr. Epperson, City Manager, stated Carolina East Medical Center has requested to erect a 15-square foot emergency room directional sign, which is needed to clearly provide vital directional information for persons seeking emergency treatment. Carolina East Medical Center has already erected the maximum number of regulated freestanding signs allowed by Article XVII “Sign” of the Land Use Ordinance. Section 15-323 (2) of the Ordinance exempts signs erected by or on behalf of, or pursuant to the authorization of a governmental body. The current signage is small and difficult to read, especially at night. This request is being made in the interest of public safety.

Alderman Taylor asked the location of the sign. It will be a two-sided, free-standing, lighted sign denoting “Emergency” on the corner of Neuse Boulevard near Health Drive, stated Mr. Epperson.

Alderman Outlaw stated this is a valid, important and needed sign. He cannot recall if the board has ever made a provision for any other company.

Alderman Outlaw made a motion to adopt the resolution authorizing erection of informational sign for Carolina East Medical Center, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously.

12. Approve Closing to Traffic the 400 Block of Pollock Street from 7:00 A.M. to 10:00 A.M. on March 12, 2011 for Craven Early College Production Filming.

Keith Boyd, Assistant Director of Craven Early College's production of "Hairspray", has requested to close the 400 block of Pollock Street from 7:00 A.M. to 10:00 A.M. on Saturday, March 12, 2011, to film the opening for their upcoming production. The closing is necessary for the safety of the students and also to keep cars and "modern dressed" people out of this area while filming. Mr. Boyd was present to speak on behalf of the production.

Alderman Bengel made a motion to approve closing the 400 block of Pollock Street to traffic on March 12, 2011 from 7:00-10:00 A.M., seconded by Alderman Kinsey. The motion carried unanimously.

13. Approve Minutes.

Alderman Kinsey made a motion to approve the January 11, 2011 and January 18, 2011 minutes, seconded by Alderman Bengel. The motion carried unanimously.

14. Appointments.

There are no appointments at this time.

15. Attorney's Report.

Attorney Davis had nothing to report at this time.

16. City Manager's Report.

Mr. Epperson reminded the board of the February 17, 2011, meeting with the Chancellor of East Carolina University. The meeting is scheduled for 9:00 A.M., and the departure from City Hall will be at 7:45 A.M.

Mr. Epperson directed Mark Stephens, Director of Public Works, to give an update on the Highway 70 cleanup. Mr. Stephens stated there have been several calls concerning the mounting trash and debris along Highway 70 in the New Bern area. The right-of-way maintenance of Hwy 70 technically is the responsibility of the State. The state

typically utilizes correctional inmates to perform cleanup along right-of-ways as part of a community work program. The past administrations instituted a proactive initiative regarding the appearance of the right-of-way along Hwy 70. The right-of-way cleanup was from the Trent River Bridge to the city limits past the Glenburnie Road exit. This area was cleaned by the street department, staff, and a full-time litter abatement officer. The work was performed by city staff and oftentimes through volunteer workers. Often this would leave city crews understaffed for performing various tasks such as sidewalks, drainage and street maintenance; therefore, the city started using temporary services for cleaning up the highway. The temporary staff cleaned the highway up to two (2) days a week, that being Mondays and Fridays. However, it was expensive, averaging \$15-20,000 per year. During the budget preparation for 2010-11, the litter abatement officer and the temporary services were cut from the budget, since the right-of-way is technically the State's responsibility.

Mayor Bettis suggested contacting Green Craven and Duffyfield Resident Council to solicit help with the cleanup as they were very instrumental in helping clean up the canal in Duffyfield.

Mr. Epperson mentioned there was a group over the weekend cleaning up Highway 70. Stevie Bennett stated it was Clean Sweep.

Alderman Bengel wanted to know if DOT is relinquishing their responsibilities as to keeping the highway clean. The city has cleaned up highway 70 for such a long time that the state is not aware the city is no longer providing that service. Mr. Stephens stated he has contacted DOT and will follow up with them again.

Alderman White stated several years ago Mr. Hardison and a group of citizens cleaned up the median on highway 17 adjacent to the mall.

17. Announcements.

Alderman White stated Oaks Road needs to be resurfaced. There is broken pavement from the National Cemetery to the traffic light at Hatteras Yachts. This is a DOT road; if it cannot be resurfaced, then the broken pavement needs to be fixed.

Alderman Kinsey thanked the city staff for all their hard work and wanted them to know it does not go without being noticed.

Alderman Taylor made a motion to go into closed session pursuant NCGS Section 143-318.11 (a) (3) seconded by Alderman Bengel. The motion carried unanimously, time being 7:55 P.M.

18. **Adjourn.**

Alderman Kinsey made a motion to adjourn the meeting, seconded by Alderman White. The motion carried unanimously, time being 8:45 P.M.

Mayor

City Clerk