

**City of New Bern
Board of Aldermen Meeting
March 22, 2011
City Hall Courtroom – 7:00 P.M.
300 Pollock Street**

1. **Meeting Opened by** Mayor Lee Wilson Bettis, Jr. **Prayer by** Pastor Will Thomas of Berean Community Church. Pledge of Allegiance.
2. **Roll-call.** Aldermen Sabrina Bengel; Victor Taylor; Dennis Bucher; Johnnie Ray Kinsey; Bernard White; and Dana Outlaw.

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

3. **Adopt Budget Ordinance for Emergency Telephone System Fund.**

Mr. Epperson, City Manager, stated the most significant part of the budget amendment represented the proposed budget for radio assistance improvements. The City was asking for a portion of that funding to come out of the 911 fund and the NC 911 Fund has authorized it. Mary Muraglia, Director of Finance, further explained it was realized in working on some 911 reports that the City may have been recording something wrong and so obtained clarification from the 911 Board. New Bern charges Havelock and Craven County for services and those services had been reported in the Emergency Telephone System Fund when they really should have been reported in the general fund. The budget ordinance is to give the general fund \$31,259 that it's due and also move current year revenues that were budgeted in the Emergency Telephone System Fund into the general fund.

Alderman Bengel made a motion to adopt the budget ordinance for the Emergency Telephone System Fund, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously.

4. **Adopt Resolution Authorizing Submission of Letters of Interest for 2010 CDBG Housing Development Grant.**

Mike Epperson, City Manager, stated the City had been approached by two different companies about projects they are interested in doing whereby they have asked the City to apply for CDBG grants. One of those organizations may not be moving forward. Sue Steinhauser, Community Development Coordinator, explained about a year ago the City was contacted by Brydge & Lee about a multifamily housing development they wanted to develop off Pine Tree Drive. At that time, a letter of interest was brought to the Board on their behalf, but their grant application was not funded at that time. Brydge & Lee approached the City again this year and asked the City to partner with them in

applying for the grant. The City was also approached by Pinnacle Housing Group. However, on Monday they called and stated that they had received their site selection rating, and it was not high enough that their application would be competitive with others throughout the state.

The resolution is for the City to apply for the grant on behalf of Brydge & Lee. The grant would be in the amount of \$250,000, and there is no match. Of that money, \$225,000 would be loaned to the developer for a 20-year construction loan to help finance the infrastructure, and \$25,000 would be retained by the City for grant administration. After review, the benefits would be that it would provide additional, affordable, senior housing. The loan payback would be used for a community development project. Interest on the loan would be at 2.5% over 20 years, and the City would have funds to administer the grant. The only possible liability is it could affect the City's thresholds for other CDBG grants it may wish to apply for this year.

Aldermen Kinsey asked for a breakdown of the affect. Ms. Steinhauser said there is a limit to the amount of funds that the City can receive in any particular year from CDBG funds. She believes the cap is \$1.2 million and stated this shouldn't affect the City as she doesn't think it will get any more grants as it already has a \$1 million grant.

Alderman Outlaw stated this particular project has been before zoning in the past, and he has met with property owners and zoning to ensure there would be proper foliage, buffers, etc. The neighborhood was okay with this development based on the last time this came up.

Alderwoman Bengel asked about funding and whether it would come into this fiscal year's budget or next year's. Steinhauser stated the funds would probably be received after July 1st, but it would be considered a 2010 grant. Bengel expressed concern if it is considered a grant for next fiscal year as there are some other revitalization projects the City would like to proceed with. Steinhauser confirmed it would be considered a 2010 grant.

Alderman Bucher said he has a tenant-landlord relationship with Brydge & Lee and based on that he has a conflict of interest. Alderman Outlaw made motion to recuse Alderman Bucher, seconded by Alderwoman Bengel.

Alderman Outlaw made a motion to adopt the resolution authorizing submission of letters for the 2010 CDBG housing development grant, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously.

- 5. Adopt Resolution Approving Lease with Greater Duffyfield Residents Council to Use City-Owned Property for Community Gardens.**

Mr. Epperson, City Manager, stated this is an opportunity for us to work with the Greater Duffyfield Residents Council to utilize several lots that we acquired through flood mitigation. The majority of the lots are not buildable. Sue Steinhauser, Community Development Coordinator, stated several months ago Planning was approached by an organization called Faith Connection which represents about 18 churches in the city who come together to look for needs in the community and work to fill them. A need for fresh vegetables for the community was identified, particularly in the Greater Duffyfield area. The lots on K Street were identified as potential garden sites, some of which were acquired through the Hazard Mitigation grant program back in 1998-2000 time frame. Others were also acquired through another flood grant. The lots do have deed restrictions prohibiting building anything on them or selling them. There are also three or four other stringent restrictions placed on the lots by FEMA. Faith Connection is quite interested in the lots since they can't be used for anything else. The organization spoke with the Greater Duffyfield Residents Council, and the Council is interested in using them.

A letter was sent to the NC Division of Emergency Management which will be forwarded to FEMA, requesting the lots be used for the proposed purpose. An annual fee of \$20-25 will be charged per individual to basically use the raised beds where they can plant crops, tend them themselves, and harvest the produce. The imposed fee would be used to pay the water bill. This project would be handled similarly to the community gardens over by the train depot. Steinhauser explained the lease would be with the Residents Council for a period of one year at a rate of \$1 a year. There are hold-harmless clauses for everyone.

Members were present from Faith Connection and the Greater Duffyfield Residents Council, who identified themselves by the raising of their hands upon the Mayor's request. The Mayor asked both groups to come back at a time when public speaking was allowed to give the Board a presentation, as the Mayor felt this was something worthy of everybody hearing about it.

Alderman Taylor pointed out this is Alderman White's ward, but he attended a meeting since he's a member of the Greater Duffyfield Residents Council. He stated Faith Connection and the Greater Duffyfield Residents Council is doing exactly what he stands for – unity in the community. Taylor applauded both organizations for a great project which will promote healthy food for the community.

Alderman White stated he too was at the meeting and felt the idea was a good one. He inquired as to whether there was a problem with the water hookup. Steinhauser stated there really wasn't a problem.

Epperson pointed out this project would be in line with the goals approved in January, specifically the one about improving the quality of life for the residents of the Greater

Duffyfield neighborhood. This is a good example of the City doing just that, and he recommends approval.

Alderman White made a motion to adopt the lease with the Greater Duffyfield Residents Council to use city-owned property for community gardens, seconded by Alderman Taylor. Upon a roll-call vote, the motion carried unanimously.

6. Approve Motion to Waive Any Conflict Regarding Representation of the City in Workers' Compensation Claim.

Mr. Epperson, City Manager, explained Jill Byrum has represented the City in workers' compensation claims for years and by all accounts does an excellent job. Her law partner, Arey Grady, provided legal services to the family of David Muse. Rebecca Muse has filed a worker's compensation claim relating to the death of her husband, David. It is not believed there is a legal conflict, but as Scott Davis' memo states, out of an abundance of precaution it was thought best to bring the matter before the Board and ask for a motion to waive any conflict so that Jill is allowed to continue to represent the City on this claim. Mayor Bettis stated Jill's firm is a great firm, but he agrees it is a good idea out of an abundance of precaution to approve the motion.

Alderman Bucher made a motion to waive any conflict regarding representation by Jill Byrum of the City in the worker's compensation claim. The motion was seconded by Alderman Kinsey and unanimously carried.

7. Appointments.

There are no appointments at this time.

8. Attorney's Report.

Attorney Davis was absent from the meeting.

9. City Manager's Report.

a) Mr. Epperson, City Manager, stated New Bern, Craven County and Havelock are looking at consolidating 911 dispatch centers. Epperson met last week with Harold Blizzard, County Manager, as well as Jim Freeman, City Manager of Havelock. They've met a couple of times, most recently with Richard Taylor, Chair of the NC 911 Board, and talked about ideas for consolidation. There is interest on all three entities at this point to consider this further. All will contribute to a feasibility study by a consultant. It is estimated each entity will spend \$2,000 or less to have the study done.

Mayor Bettis asked wasn't this also moving toward one of our goals of working with the surrounding communities, and Epperson stated yes. The City talked about looking for opportunities to work with other governmental and not-for-profit organizations. Epperson stated it is too early to tell if this will work out, but the City is proceeding with the feasibility study.

Alderman Bucher asked if the county would include the Sheriff's Department or if that was a separate unit. Epperson stated the county's dispatch used to be under the Sheriff, but is actually now under emergency management. They dispatch for the Sheriff, but also other entities in the county.

- b) The Advisory PEG Committee (consisting of the Manager, Alderwoman Bengel, Aldermen Outlaw and Kinsey, and Mark Trail, IT Manager) met on a few occasions to discuss PEG operations. On April 1st, the City will be on air on Channel 3. Equipment has been purchased and tested, and the City is up and running. Between now and then, the desire is to obtain an interview with the Mayor and each Board member to air on April 1st. Alderwoman Bengel talked more about this stating she needed each one of them to do a 1-2 minute video. She will need to know their availability and explained they'll need to talk about their goals, vision, and a little about themselves. The videos will be used as an introduction piece to the citizens and will be filmed in each alderman's respective ward. She asked the aldermen see her tonight before leaving to give her their availability.
- c) A couple of positions are in the various stages of the selection processes. The Mayor and Board should have received an email from the Human Resources Director about a potential final interview date of April 5th for the Director of Finance. Interviews will begin on April 4th and wrap up on April 5th. A work session is scheduled for that evening, and the consensus was to have interviews around 4 p.m. just prior to the work session.

The Chief of Police process is underway. Next week the first round of resumes received should be reviewed. There is a pretty aggressive timeline outlined as the hope is to have a Chief selected, if not in place, at the beginning of June or shortly thereafter.

There are a couple of other processes underway as well, but Epperson wanted to mention these and make sure the Board was aware of the date of April 5th for the finalization of the Director of Finance.

Alderman White asked about the progress of moving the jet. Epperson stated he was at Lawson Creek Park today and work was being performed on the base, which he believes is what was holding up the process. Bobby Aster, Fire Chief, who is absent this evening, could probably provide more information. Mark Stephens, Director of Public Works, said the contractor is currently finished with building up the subgrade. The connection

between the plane and the pedestal was the hold up. It had to be designed and engineered. As Epperson stated, Bobby Aster can probably provide information on the moving.

10. Announcements.

Alderman Kinsey thanked Mr. Epperson for helping achieve the goal of working with the Greater Duffyfield area. He further thanked the Board for being great supporters and moving forward.

Alderman Taylor asked Mark Best to step to the podium. He introduced him as a young man who has been very instrumental to the education of a lot of youth in the community. Mr. Best is the Community College Staff Person of the Year.

11. Closed Session.

There was no closed session.

12. Adjourn.

Alderman White made a motion to adjourn the meeting, seconded by Alderman Taylor. The motion carried unanimously, time being 7:30 p.m.

Mayor

City Clerk