

**City of New Bern
Board of Aldermen Meeting
April 26, 2011
City Hall Courtroom 7:00 P.M.
300 Pollock Street**

1. **Meeting Opened by** Mayor Lee W. Bettis, Jr. **Prayer by** Dr. Jace Cox of Clinton Chapel AMEZ Church. 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. **Public Hearing and Adopt Ordinance to Rezone 3405 Trent Road from C-5 Office and Institutional District to C-4 Neighborhood Business District.**

Mr. Epperson, City Manager, stated the public hearing is to receive public comment on the rezoning of 3505 Trent Road from C-5 Office and Institutional to C-4 Neighborhood Business. The applicant, Kim Ball, wants to operate a retail business (antique shop) in the office building located on the 1.71-acre lot. The property's current zoning does not allow antique shops and severely limits retail business. This property is located in the Trent Road Entranceway Corridor, between a small mobile home park and a small neighborhood shopping center consisting of a bar, convenience store and gas station. The Planning and Zoning Board voted unanimously to approve the request to rezone the property located at 3405 Trent Road.

Mayor Bettis opened the public hearing for all interested parties to be heard. There were no public comments on the rezoning of 3405 Trent Road.

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

Alderman Bucher made a motion to adopt the ordinance to rezone 3405 Trent Road from C-5 Office Institutional to C-4 Neighborhood Business, seconded by Alderman Bengel. Upon a roll-call vote, the motion carried unanimously.

4. **Public Hearing and Adopt Resolution Approving Installment Financing Contract.**

Mary Muraglia, Director of Finance, stated the financing agreement was offered by SunTrust Equipment Finance & Leasing Corporation in the amount of two million, one hundred ninety thousand dollars (\$2,190,000) to finance the purchase and construction of an electric substation. A 20-year term was requested with two lenders offering that

term, SunTrust Leasing Corporation and BB&T Governmental Finance. SunTrust offered the lower rate and the total cost at 4.165% fixed for the term.

The Lewis Farm Substation project includes construction and engineering services, the purchase of land, transformers, and various other substation equipment purchases.

The public hearing was also scheduled to consider the financing of the new radio system network. However, after reviewing the quotes and the city's budget for FY12, the manager and the Director of Finance felt it was in the best interest of the city to delay the financing of the radio system until FY13.

Mayor Bettis opened the public hearing for comments. There was no public comment on the installment financing for the Lewis Farm Substation.

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

Alderman Taylor made a motion to adopt the resolution approving installment financing contract, seconded by Alderman Outlaw. Upon a roll-call vote, the motion carried unanimously.

5. Adopt Resolution Approving Application for Financing.

Mary Muraglia, Director of Finance, stated the approval of the resolution allows submittal of the application for financing five million, six hundred eighty-eight thousand dollars (\$5,688,000) to the Local Government Commission. The digital public safety radio system costs three million, four hundred ninety-eight thousand dollars (\$3,498,000), and the Lewis Farm Substation costs two million, one hundred ninety thousand dollars (\$2,190,000). Originally, the public hearing was to consider financing the Lewis Farm Substation and the new radio system network. However, after reviewing the quotes and the City's budget, it was best determined to delay the financing of the radio system until January so that the debt payment would not be due until FY13. Therefore, the total amount to be financed is \$2,190,000.

Alderman Outlaw made a motion to adopt the resolution approving application for financing, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously.

6. Discuss City's Policy Regarding Giving Gifts to Employees and Elected Officials.

Mr. Epperson, City Manager stated the prior board adopted a resolution in December 2005 addressing how the city disposes of property. In addition to that, the City recognizes and honors retirees by presenting them with a gift certificate redeemable at Hearne' Jewelry. All retirees, despite their length of service, receive gift certificates of

the same value (\$175.00). Also, January 23, 2001, a resolution was adopted addressing badges and service side arms for retired police officers.

Alderman Bengel stated she would like to see the City Manager write a letter to the prior board members that have city property asking them to return the items or pay the fair market value.

Alderman White suggested investigating what took place and find out what policies were in place during this time.

Alderman Taylor suggested investigating what took place before asking the prior board members to return city property.

Alderman Kinsey stated the City Manger authorized the prior board members to keep their computers. We need to study the policy that are in place and make sure this sort of behavior does not happen again.

Alderman Bucher said he hoped city employees would not accept any gifts from anyone. He understands employees have been allowed to take equipment home for use on the weekend. He happens to believe there was a lot of abuse in that area in the past, and it needs to be tightened up, stated Alderman Bucher. This is not an acceptable practice.

Alderman Outlaw stated he did not feel it was proper for elected officials to keep city property. However, he was a member of the past board when a laptop was given to Vickie Johnson, former city clerk, when she retired, but he was surprised to find out so many computers were taken when the elected officers left office. "It was the policy of the prior board", stated Alderman Outlaw. Alderman Outlaw further stated let's move forward making sure this sort of behavior never happens again.

It was the consensus of the board to let the City Manager do more research and present them with a new policy on gifts before writing letters to the prior board members. Mr. Epperson would report back to the board at a later date on this subject.

7. Discuss and Consider Resolution to Name Walking Trail in Henderson Park.

Thurman Hardison, Director of Parks and Recreation, stated Carol Becton; wife of the late Captain James Becton, contacted Alderman Taylor who directed her to contact Mr. Hardison. Mrs. Becton requested consideration for naming the walking trail after her late husband. Mrs. Becton stated reasons to consider the naming the walking after her husband. Captain Becton grew up at 908 Chapman Street, which sits directly across the street from the Henderson Park trail and Stanley White Recreation Center. Captain Becton was a lifetime resident of New Bern and served the City for thirty-two (32) years as a member of the New Bern Police Department. As a young man, Captain Becton participated and volunteered in many of the programs and activities held at Stanley

White Recreation Center. He was also an avid walker well before there was a trail in the park.

Mrs. Becton informed the board that she saw the article in the newspaper in reference to the naming of the walking trail. She contacted Alderman Taylor requesting the walking trail located in Henderson Park to be named after her late husband. A meeting was scheduled with Alderman Taylor, Mr. Hardison and Mrs. Becton to discuss and consider naming the walking trail after Captain Becton.

Chief Palombo expressed his support in naming the walking trail after Captain Becton. Captain Becton served the Police Department and the community for years.

Alderman Bengel expressed her support as well in naming the walking trail after Captain Becton. "I'm so pleased to have this trail named after Captain Becton", stated Alderman Bengel. Alderman Bengel suggested some type of marker be placed with a picture and history of Captain Becton.

Alderman Kinsey stated he is very pleased with the decision of naming the walking trail after Captain Becton.

Alderman Taylor made a motion to adopt the resolution to name the walking trail located in Henderson Park, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously.

8. Adopt Budget Amendment Establishing Special Revenue Fund.

Mary Muraglia, Director of Finance, informed the board the budget amendment moves grant programs from the general fund to a special revenue fund. The new fund will be for all federal and state grant funded programs that do not need to be maintained in their own separate fund. The grant funds also include adding the new \$99,900 Safe Routes to School Grant in this special revenue fund. Interfund transfers represent \$428,955 transfer to the grant fund for the City's grant matches, and a \$1,500 Transfer to the Public-Private Partnerships Fund.

The Public-Private Partnerships Fund will be for Adopt-a-Block, façade improvements and other similar local initiatives that may arise. The Fleet Street and Pollock Street Adopt-a-Block project is part of this amendment as participant contributions have been received to fund the improvements. The city has received \$8,072 contributions from the participants to fund the block improvements. Façade improvements include the \$4,000 grant received from ElectriCities to make improvements in the Five Points area, a \$4,075 contribution from the participant, and the \$1,500 from the City.

Alderman Taylor asked whether the Fleet Street and Pollock Street project was grant funded. The Fleet/Pollock Streets is an adopt-a-block project, whereas private

contributions from property owners are received to improve their neighborhood. This is a part of the goals and strategies that was adopted at the work session; the city only contributes staff time, stated Mr. Epperson. Alderman Taylor further asked how 1001 Broad Street was selected for improvements. Mr. Epperson stated it was selected by the staff due to time constraints. There was not a lot of turnaround time and property owners must be willing to contribute to the cause, stated Mr. Epperson.

Alderman Taylor and Alderman White asked if this project can be utilized in other areas. It can be used in other areas, but the property owners have to contribute toward the improvements along with grant funds, stated Mr. Epperson. The City received a \$4,000 Façade Grant from ElectriCities for improvements in the Five Points area. The key is property owners must contribute.

Alderman Bengel made a motion to adopt a budget ordinance establishing a Special Revenue Fund, seconded by Alderman Outlaw. Upon a roll-call vote, the motion carried unanimously.

9. Approve Refund of Taxes.

Mr. Epperson, City Manager, stated the refunds of taxes are the result of the 2010 reevaluation done by Craven County. These refunds are a result of payments being made before the corrected appraisal was completed and some for being double listed and/or billed in error. The current year taxes is \$24,686.52 and the prior year taxes is \$2,106.97, for a total of \$26,793.40 to be refunded.

Alderman Bucher made a motion to approve the refund of taxes, seconded by Alderman Taylor. The motion carried unanimously.

10. Adopt Resolution Approving Department of Public Utilities Career Development Plan.

Jon Rynne, Director of Public Utilities, stated the Department of Public Utilities, which include Electric, Water and Wastewater divisions, requires highly trained employees to construct, operate and maintain the systems within each division. The City invests a large amount of resources into training its employees to work on these systems in a safe, efficient manner. The competition among utilities for trained, certified workers has increased as the supply of these employees has diminished. The Career Development plan has been created to aid in the retention of trained employees. As an employee is trained and develops a higher level of skill or certification, the plan outlines the progression from an entry-level position to higher skilled position. This plan provides the opportunity and the requirements for employees to move up within the divisions of the utilities department rather than seek advancement outside of the City.

Alderman Bucher stated "it seems logical" and asked why board approval was needed. Alderman Bucher was of the opinion this could be approved at the management level.

Mr. Epperson stated a career development plan is already in place at the Police Department and this is the normal procedure. Mr. Epperson further stated this is part of the budget process due to the fact that employees will be moving from one classification to another classification.

Alderman Bucher made a motion to adopt the resolution approving public utilities career development plan, seconded by Alderman Taylor. Upon a roll-call vote, the motion carried unanimously.

11. Adopt Resolution Approving Change Order for Stanley White Center.

The change order from Brydge and Lee for the Stanley White Recreation Center renovation and expansion project is in the sum of one thousand, eight hundred thirty-seven dollars (\$1,837.00). These funds are to compensate for roof drain leader installation, replacement of three (3) plaster panels and additional horn/strobe notification devices per the city fire inspector. The funds are available within the projects contingency funding which has an available balance of eleven thousand, five hundred and fifty-three dollars (\$11,553.00).

Alderman Taylor made a motion to adopt the resolution approving the change order for Stanley White Center, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously.

12. Adopt Resolution Approving Closing to Traffic the 200 Block of Broad Street from 7:30 p.m. on Saturday, May 7, 2011, until 12:00 a.m. on Sunday, May 8, 2011 for New Bern High School Prom Event.

Alderman Bengel made a motion to adopt the resolution approving closing traffic at the 200 block of Broad Street on Saturday, May 7, 2011 for the New Bern High School Prom, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously.

13. Adopt Resolution Approving Closing to Traffic the 100 Block of Craven Street from 7:00 a.m. on Friday, May 20, 2011, until 5:00 p.m. on Saturday, May 21, 2011, for the 71st Annual Spring Twin Rivers Bike Rally.

Alderman Bengel made a motion to adopt the resolution approving closing traffic at the 100 block of Craven Street on Friday, May 20, 2011 for the 71st Annual Spring Twin Rivers Bike Rally, seconded by Alderman Kinsey. Upon a roll-call vote, the motion carried unanimously.

14. Adopt Ordinance Amending Section 70-184 of City Code Entitled "Streets Upon Which the Operation of Tractor-Trailers is Prohibited".

Mr. Epperson, City Manager, stated Metcalf Street was recently accepted for maintenance by the City from the North Carolina Department of Transportation. "No Thru Trucks" signs were removed by NCDOT during street repaving, and the residents have requested these signs be reinstalled between Broad and South Front Streets. This ordinance shall be in full force and effect upon its adoption and publication, as required by law, and the erection of appropriate signs.

Alderman Bengel made a motion to adopt the ordinance amending Section 70-184 "Streets Upon Which the Operation of Tractor-Trailers is Prohibited, seconded by Alderman Bucher. Upon a roll-call vote, the motion carried unanimously.

15. Adopt Resolution Approving Lease Agreement with Religious Community Services, Inc.

The City advertised its intent to lease the property it owns at 503 Guion Street to Religious Community Services, Inc. (a non-profit corporation) effective May 1, 2011. The Board of Alderman has determined that the property will not be needed by the lessor for the term of the lease. The parties have agreed upon the terms of a year-to-year lease.

The lesser agrees to utilize the premises to expand its programs and services to those in need in the City of New Bern. Lessee shall use reasonable efforts to accommodate the needs of local non-profit organizations that might make use of any excess space within the premises, particularly those organizations providing services to disadvantaged area within the City.

Alderman Bengel expressed to Religious Community Services to work with organizations such as Uptown Business and Professional Association and The Little Red Bookmobile in providing space within the premises.

Alderman Bengel made a motion to adopt the resolution approving lease agreement with Religious Community Service, seconded by Alderman Taylor. Upon a roll-call vote, the motion carried unanimously.

16. Adopt Resolution to Oppose House Bill 635.

Mr. Epperson, City Manager stated Marc Finlayson, Director of Highway 17 Association, suggested counties to send resolutions opposing House Bill 635. The NC General Assembly created the equity formula for distribution of transportation dollars in 1989 as a part of the creation of the Highway Trust Fund. The formula has been a fair and reasonable way to share limited transportation resources across North Carolina's fourteen highways. The metropolitan highway divisions already receive more money through the equity formula than rural divisions because one-half of the money is allocated per capita. The proposed legislation would change the equity formula to place more emphasis on population and less on intrastate road improvements. Changing the

formula would shift money from the rural highway divisions to the metropolitan highway division.

Alderman Outlaw made a motion to adopt the resolution opposing House Bill 635, seconded by Alderman White. Upon a roll-call vote, the motion carried unanimously.

17. Approve Minutes.

Alderman Bengel made a motion to approve the April 5, 2011 minutes, seconded by Alderman Taylor. The motion carried unanimously.

18. Approve Closed Session Minutes.

Alderman Outlaw made a motion to table the closed session minutes, seconded by Alderman Bengel. The motion carried unanimously.

19. Appointments.

There are no appointments at this time.

20. Attorney's Report.

Attorney Davis had nothing to report at this time.

21. City Manager's Report.

Mr. Epperson, City Manager, informed the board the staff has started the process for reviewing the applications for the Brownfields grant. Initially, seven applications were received and staff has narrowed the list to 4/5 applicants. On site interviews will be scheduled with the board as well as the Brownsfields Steering Committee.

22. Announcements.

Alderman Bucher announced the National Day of Prayer on Thursday, May 5, 2011, at Union Point Park at 12 noon.

Alderman Bengel announced the Greater Duffyfield Residential Council will be hosting "Duffest" on Saturday, May 7, 2011 at Stanley White Recreation Center from 10:00 a.m. til 4:00 p.m. Alderman Bengel also thanked the staff for their support of City TV-3.

Alderman Taylor attended a "Shape Your World" meeting at the New Bern Riverfront Convention Center. This group encouraged children to participate in creating healthier built environments for a better North Carolina. Students from Craven, Jones, Pamlico, and Carteret counties participated in a video contest aimed at helping young people

understand the vital link between their physical environments and their ability to lead healthy, active lives. Alderman Taylor stated he has a copy of the video “Lights, Camera, Active” in his possession.

Alderman White inquired about the cleaning-up of Jack Smith Creek. Previously, the board discussed who was responsible for cleaning the trash and debris from the creek. Bobby Aster stated he would research the ordinance for directions for who is responsible for cleaning up Jack Smith Creek.

23. Closed Session.

Alderman Bucher made a motion to go into closed session pursuant to NCGS 143-318.11 (a) (3) regarding David Muse’s estate, ElectriCities legal issue merger, and Craven County/City proposed term sheet for wholesale water and pursuant to NCGS 143-318.11 (a) (6) regarding the personnel recruiting for the Director of Finance, seconded by Alderman Kinsey. The motion carried unanimously, time being 8:25 p.m.

Alderman Bucher made a motion to come out of closed session, seconded by Alderman Kinsey. The motion carried unanimously.

24. Adjourn.

Alderman Bucher made a motion to adjourn the meeting, seconded by Alderman Kinsey. The motion carried unanimously, time being 9:30 p.m.

Mayor

City Clerk