

CITY OF NEW BERN
BOARD OF ALDERMEN MEETING
NEW BERN, NORTH CAROLINA

FEBRUARY 9, 2010

Present:

Lee Wilson Bettis, Jr., Mayor
Sabrina Bengel, Alderman
Dennis K. Bucher, Alderman
Johnnie Ray Kinsey, Alderman
Dana Outlaw, Alderman
Victor J. Taylor, Alderman
Bernard W. White, Alderman

Other Participants:

Edward A. Wyatt, Interim City Manager
Scott Davis, City Attorney
Veronica Mattocks, City Clerk
Mike Avery, City Planner
Jordan Hughes, Acting City Engineer
Frank Palombo, Police Chief
Bobby Aster, Chief, New Bern Fire and Rescue

Other Attendees: the public

Court Reporter: Bobbie Newman

INDEX OF HANDOUTS/EXHIBITS

Exhibit [A] Agenda, New Bern Board of Aldermen
Meeting, February 9, 2010.

COURT REPORTER'S NOTE: The Board Meeting of the New Bern Board of Aldermen commenced on February 9, 2010, at 7:08 p.m., in the City Hall Building.

MR. LEE WILSON BETTIS, JR.: The Board of Aldermen's meeting for February 9, 2010, is now open. I believe that Victor Taylor is going to introduce the minister for tonight with the invocation; correct?

MR. VICTOR TAYLOR: Yes, sir. Good evening, I'd like -- it's a great honor to present the minister of tonight, Overseer John H. Pierce of Saint John Missionary Baptist Church.

MR. BETTIS: And I'd like to say welcome. It is great pleasure to have you here.

MR. JOHN H. PIERCE: Thank you. Let's pray. Lord, God, we thank you for this day. We thank you for this time. We thank you, God, for Your grace, and Your mercy, and Your loving kindness. We ask now, God, that You would breathe on this meeting. We ask that You allow Your anointing to fall afresh in this room tonight. Guide our thoughts, God, guide all we do. Amen.

(All respond Amen.)

MR. BETTIS: Now, let's stand for the Pledge of Allegiance.

(All recite the Pledge of Allegiance.)

MR. BETTIS: Madame Clerk, shall we do the roll call? Present.

CLERK: Mayor Bettis?

MR. BETTIS: Present.

CLERK: Alderman Bengel?

MS. SABRINA BENGEL: Present.

CLERK: Alderman Taylor?

MR. TAYLOR: Present.

CLERK: Alderman Bucher?

MR. DENNIS K. BUCHER: Here.

CLERK: Alderman Kinsey?

MR. JOHNNIE RAY KINSEY: Present.

CLERK: Alderman White?

MR. BERNARD W. WHITE: Present.

CLERK: Alderman Outlaw?

MR. DANA OUTLAW: Present.

CLERK: We have a quorum.

MR. BETTIS: Excellent. We're all here for the quorum. And welcome, public. Thank you for so many of you being here. Mr. Mattingly, thank you for being here as well. Everybody, Mr. Mattingly, former Alderman, is back here with us tonight. I believe now, we're going to move on to the request of the petitions of citizens, and I have them right here. It appears we have four of them. And, I want to remind anybody that if you have a petition, you'd like to speak, we have the -- the -- all right, good -- there's flyers over here to fill them out, or forms, and just bring them up. Mr. Charles Lofurno? Welcome. You live at 510 Jefferson Avenue?

MR. CHARLES LOFURNO: Yes, sir, that is correct.

MR. BETTIS: Perfect.

MR. LOFURNO: I thank you for the opportunity to come before you tonight. I'm here as a concerned citizen of the City, and I am concerned because I have a small child, and I believe, as do many of my neighbors that live on my street, that there's an ever increasing problem of speeding down our avenue, Jefferson Avenue. We do have a posted 25 miles per hour speed limit, as do most area neighborhoods' streets here, but it's not unusual to see and hear vehicles driving in -- in -- in highly excessive speeds. There are four speed limit street signs on our street, so there's no lack of notification to motorists in the area. And, as a further precaution, there are also "slow children" signs -- playing signs that were posted. Neither, unfortunately, has deterred many of the motorists from speeding on our street. Besides my child, there are plenty of other children on our street. My next door neighbor, Mr. Bonnici, has a young son, and the couple -- the elderly couples across the street from me have grandchildren who very often come to visit and -- and play in their yard as well. Not only that, there are other neighboring children on other streets who ride their bikes in our neighborhood, who walk home from school, and families who go for walks and -- and push their children on walks. And --

MR. BETTIS: Is that -- Jefferson Street, is that the circular neighborhood with -- and it's a cut through?

MR. LOFURNO: It -- it's a cut through, yes, sir --

MR. BETTIS: People use it for a cut through?

MR. LOFURNO: -- from Trent to Martin Luther King, so a lot of folks use it as a cut through to get to the hospital --

MR. BETTIS, JR: Okay. And did you have a solution?

MR. LOFURNO: -- and so it's -- it's a very high -- high traffic neighbor.

MR. BETTIS: Yeah, that's what I thought.

Did -- do you have a solution that you would recommend?

MR. LOFURNO: Personally, my solution would be speed bumps. Now, whether that's -- that's the logical solution, I don't know. I'm open to whatever solutions you folks would -- would deem to be necessary to try to do that. I've contacted the police department about this issue before, and they have come out, they have had officers to patrol the neighborhood, and have officers to clock people, but they can't be there 24/7. It's not a -- it's not an actual solution to have them to be there doing that all the time. So, I would like to know from you if you have any solutions or if we could find out what are some solutions that we can enact in order to prevent this from happening? And this is -- this is not a first time; this has been brought before the Board before. Many of you have -- have just recently joined the Board, but this has been brought, at least, one or two other times before this Board about this problem on our street.

MR. BETTIS: Well, I thank you for bringing it to

our attention, and I thank you for allowing us the opportunity to review this and -- and get -- and get back to you. I don't have any solutions off the top of my head, but I'm going to hand this over to the appropriate department head, and you'll be hearing from them.

MR. LOFURNO: Yes, sir. Thank you for your time.

MR. BETTIS: Thank you. And, Madame Clerk, would you just take this, and we'll hand that over to the appropriate department head. Ms. Stevie Bennett, you have an issue of -- you have a question about the Ellis Sewer Project.

MS. STEVIE BENNETT: Yes.

MR. BETTIS: And it appears that your sewer allocation -- that has not been granted by the State to areas annexed into New Bern.

MS. BENNETT: It is my understanding that when you're annexed into the City of New Bern, you present your, what I call, your plot plan for your subdivision. You present it to the city, and I assume it goes through the Planning and Zoning Board. And then once the City approves the layout of the subdivision, then the City sends in an application to the State for water allocation and sewer allocation for that particular annexed area. The question I have, though, is how many areas have been annexed into the City that have not yet applied to the State for water and sewer allocation? I know one on Bryce's Creek that's 153 acres that has not applied for the water or sewer allocation. Now, I don't know if there's other ones out there or not. And, also, I had a question, too, about people where areas that have already been annexed into the City that with this building boom and a bust that they might be coming back for allocations for higher density than what they were allotted originally for water and sewer, and I just want to know if either one of those situations have been delved into prior to ya'll considering the issue and a resolution for the Ellis Project?

MR. BETTIS: I can tell you we've considered a lot of things with the Ellis Project. I'd like to get you a better answer on -- on the two questions that you have tonight, and Jordan is great about answering these sort of questions, and I'm going to hand this sheet off to him --

MR. BENNETT: Okay.

MR. BETTIS: -- and --

MS. BENNETT: Well, I --

MR. BETTIS: -- he's going to --

MS. BENNETT: -- I just want it to be considered, though, before a resolution is passed, you know, if you were to grant this resolution to approve the sewer deal for Ellis, because I --

MR. BETTIS: Well, what I -- what I'm going to tell you is we'll take it into consideration --

MS. BENNETT: Okay.

MR. BETTIS: -- but for -- I think you've asked some really good questions, and I think that they go beyond Mr.

Ellis as well. Does anybody -- any of the other Alderman?

MR. OUTLAW: Not unless Mr. Hughes wants to make any comments at this time.

MR. JORDAN HUGHES: Oh, I would rather have had the time to fully research the question and give you a very accurate answer.

MS. BENNETT: Okay.

MR. BETTIS: Anybody down here?

MS. BENGEL: No, I just -- I just want to make sure I'm clear on something, Stevie. You -- you said that there's annexed areas already annexed in New Bern, 100-something acres --

MS. BENNETT: Well --

MS. BENGEL: -- out -- and --

MS. BENNETT: -- Arthur Farms was annexed into the City at the request of the City. The Arthur boys did not ask to be annexed. The City asked them to be annexed so they could do something with sewer treatment extension, I think, for Carolina Colors --

MR. HUGHES: Uh-huh.

MS. BENNETT: -- and it was a total of 153 acres. Now, as of two months ago, they had not applied to the State for water and sewer allocations. And the way I look at it is, if you're annexed into the City and you're paying city property tax, then let's say I'm annexed in, and I don't know, there's a building bust out there, and I'm not going to build up my subdivision for maybe five years, and I'm not going to go and apply through the State for city water and sewer allocation. But since I've already been annexed and I'm already paying city taxes, I should be guaranteed at any time that I apply for the water and sewer allocation, that there will be enough here in the city to meet my needs.

MS. BENGEL: Mr. Hughes, is there any -- I want to know is there a time frame where once you have property --

MR. HUGHES: Not that --

MS. BENGEL: -- that you have to call for water and sewer, or whatever? Is there --

MR. HUGHES: Currently, no, ma'am, and that's -- that's some of the -- the policy revisions that -- that we're -- we're currently trying to go through --

MS. BENGEL: I see.

MR. HUGHES: -- and -- and patch up some details on.

MS. BENGEL: Okay. Thank you.

MR. OUTLAW: Stevie, I think a better answer is Havelock. You know, there's been several projects down there recently that there was an apartment complex that was denied --

MS. BENNETT: 240 units that was denied.

MR. OUTLAW: -- and, of course, I -- I don't know, but I would -- I -- I know of it -- of another one that was in the city limits that was denied. And, you know, those kind of things, I think when you get into those kind of capacity problems, you take them on a one on one basis. That would be kind of hard for -- to generalize on -- on

when the recovery is going to come back and -- and when we're going to run into those type issues.

MS. BENNETT: I just want to make sure, though, that the City's not going to overextend themselves or -- or sewer, particularly sewer, allocations for those people that have already been annexed and are paying city taxes.

MR. OUTLAW: Well --

MR. BETTIS: And that -- go ahead.

MR. OUTLAW: -- another example, you know, Greenbrier, the first section of it, we were -- we were limited in capacity back --

MS. BENNETT: Yes.

MR. OUTLAW: --in the early '80's, and -- and the first section of Greenbrier was actually septic tanks even though --

MS. BENNETT: Uh-huh.

MR. OUTLAW: -- you know, it was pretty urbanized because there wasn't any sewer. So, I mean, again, those are just things you mitigate the best way you can when they come up.

MS. BENNETT: Well, I just wanted to make sure that -- that ya'll knew before the fact, before this deal was done with Havelock, you know, 'cause I mean, I -- I know at one time back in October when I spoke to Danny, he assured me they had enough allocations for the 4,000 more housing units.

MR. BETTIS: And, Stevie, I think we can -- I think -- Ms. Bennett, I think we can -- we can tell you Mr. Hughes gave us a good presentation approximately a month ago, a PowerPoint presentation. We reviewed -- we reviewed the past -- we reviewed what was happening in the past. I can tell you that I'm not at all impressed with what happened. We -- with what happened in the past, and that we asked Mr. Hughes to go ahead and -- and review it and come up with answers for us, and -- and -- and give us an -- an audit, and he's doing a great job so far in doing that, and I'm -- I'm really impressed with Mr. Hughes. So, I'm going to hand this off to him --

MS. BENNETT: Okay.

MR. BETTIS: -- to -- to give it -- he's a very studious department head. And I'll tell you what, he's going to have -- as soon as he comes up with the -- with the -- the answer for you and us, I'll give it to you, and I'll --

MS. BENNETT: Okay.

MR. BETTIS: -- be the first one to bring it out, so.

MS. BENNETT: All right. Thanks.

MR. BETTIS: Yes -- yes, ma'am. Next, we're going to have Van Cuthbertson. Come on up, Van.

MR. VAN CUTHBERTSON: Good evening, ladies and gentlemen. I just wanted to re-petition the Board of Alderman on behalf of the New Bern 300 oath, and I understand that the 300 Committee approved the affirmation,

or the oath, as the official oath for the New Bern 300 celebration with some necessary changes upon my approval, which I wholeheartedly think the changes are in order. It actually made it a better product and I just wanted to bring it before the Board again.

MR. BETTIS: Okay. Just -- just for the sake of people out there, tell everybody who you are and what you've been working on, please.

MR. CUTHBERTSON: My name is Van Cuthbertson, and I've been volunteering for the New Bern 300 Committee. And through my volunteer work, worked with Mr. Nelson McDaniel and the Honorable Mayor Bettis, and -- and Alderman Kinsey, and Ms. Sabrina Bengel as well. We've come up with an oath for the 300th year celebration of New Bern's birthday, and basically affirms everyone's right regardless of race, creed, or religion, or physical disability, the respect, honor, dignity all human beings have a right to. And with that oath, we wanted to establish that oath as the official oath for the celebratory year of New Bern's 300th birthday. And I brung [sic] this situation for -- before the Board about a month ago, it had to be approved by the 300 Committee, and I understand it was approved with necessary changes, and here I am to bring it back in front of the Board again.

MR. BETTIS: Okay. Open it up to the -- the Board of Alderman. Mr. Kinsey?

MR. KINSEY: Yes.

MR. BETTIS: Oh, I mean, open it up for discussion.

MR. KINSEY: No. I don't have anything.

MR. BETTIS: All right. Any discussion?

MS. BENDEL: No, I think Mr. Cuthbertson has done his job and has done a great job with it, and we did take it back to the 300th Committee where it was discussed, and a lot of good discussion, a lot of good comments, and some of the wording was -- was amended, and Mr. Cuthbertson has agreed to those amendments, and I think he's done a great job with it. Thank you, Van. And I think it's something we should adopt for the 300th Committee since they are in approval of it.

MR. BETTIS: So, do I hear motion, a motion to adopt?

MR. KINSEY: Yes, I do.

MR. SCOTT DAVIS: Do -- do you have it front of you?

MS. BENDEL: I do not. Do you not? I -- I think we need to have it in -- in writing.

MR. BETTIS: Did -- did you have a -- you did submit a copy. Do you have copy with you tonight?

MR. CUTHBERTSON: Change. Not the abbreviated copy, not the revised copy.

CLERK: Not the revised copy.

MR. BETTIS: You have a copy of the --

MR. DAVIS: No.

MR. BETTIS: Can we do a -- Mr. Attorney, City Attorney?

MR. DAVIS: Well, it -- it would be cleaner if you could throw it on the agenda for next meeting, if that's possible?

MR. BETTIS: All right. Guess what?

MS. BENGEL: And we'll have it to hand it out. We'll get it right.

MR. BETTIS: We'll put it on the agenda. We'll put it on the -- the agenda. You've heard -- you've heard the -- the -- you've heard the sentiment of the Board. It'll get adopted next -- on the next agenda. How's that?

MR. CUTHBERTSON: Yes, sir. Thank you very much.

MR. BETTIS: No, thank you very much for your hard work, and thank you, Nelson McDaniel, for being inclusive on this. Put it on the agenda, so we'll just put... Here you go, and we'll just put that on the agenda for adoption next time. Okay. Nat Baggett and Larry Baldwin. It's the Neuse River Keeper Foundation. You guys write as well as I do.

MR. LARRY BALDWIN: That was me. That was me.

MS. NAT BAGGETT: Good evening. This seems to be a year for birthdays for New Bern. I have a really big birthday this year. New Bern's having a really big birthday this year, and the Neuse River Keeper Foundation is having a 30th birthday this year. I joined the Neuse River Keeper Foundation when most of you were just mere children. I mean, I can look at you and tell. So, we're proud of our 30 years. I brought you a taste of birthday cake because I think you deserve it. You've had a long hard afternoon, and Larry wants to give -- give you a little thank you also.

MR. BETTIS: Mr. Baldwin, welcome. It was a pleasure meeting with you the other night.

MR. BALDWIN: It certainly was, and I -- I look forward to spending a lot of time. New Bern has a long history of being very supportive of the River, being, in a lot of ways, kind of the flagship of how things can and should be done. There have been some challenges along the way, but we've been able to work through those with previous Board members and looking forward to doing the same with the current Board. As you all know, the Neuse River is bringing a lot of changes, some of us to retire, some of us to work on the River, so it is important to us that we continue the relationship with the -- not just the government of the City, but with the citizens of New Bern and continue to realize how important this resource is to us. So, we're looking forward to working with -- with you gentlemen, and you as well, Sabrina, and we just want to thank the City for the support and for the proclamation that you sent us recognizing our 30th anniversary. Thank you very much.

MR. BETTIS: Well, Happy Birthday. Thank you for coming in.

MR. BALDWIN: Thanks.

MS. BAGGETT: Thanks.

MR. BETTIS: All right. I think we have one final -- one final petition of a citizen. That would be Janet Lamb. I know her from the First Night -- First Night

organization. You have a report of First Night. Come on up. First of all, tell everybody who you are, and what you did, and why you're here.

MS. JANET LAMB: My name is Janet Lamb and Mark Atkins and I organized and planned the First Night Celebration for this past New Year's Eve.

MR. BETTIS: Thank you.

MS. LAMB: And, the Mayor and the Alderman asked me to get together an economic impact, and then also asked me to tell everything I knew about First Night and everything we did to get it ready. You're going to be glad to know that I'm going just, with due respect, not quite do that, but I'll go over it briefly. What did we do? Well, we had a lot of planning sessions. We waited. We waited for the town to settle down because there was much change in the face of downtown on the books when we started. Through -- we waited through several changes of the 300th Committee, we waited through an election, and then through the bridge, and still waiting for that. We educated people through attending civic organizations, writing the community newspapers, asking others to spread the word. We searched for talent. Okay, well, that part was fun, but it -- it was work to be done. What we didn't do, or how we made it look so easy, we didn't struggle with wondering about who was going to help us. We had a very talented administrative coordinator from the beginning. We had a volunteer coordinator who had done this as a profession.

MR. BETTIS: Would you like to tell us their names?

MS. LAMB: There -- Sue -- oh, gosh, thanks. Sue Shrink was our volunteer coordinator, and Linda Cummings was our administrative coordinator. We had lots of friends who we knew to be dependable. We had great site managers at all of the 25 to 30 sites that we had. And our biggest secret of all, which I didn't even realize until it was mostly over, was what you're seeing right now, the children's venue. We really didn't have too much to do with that. The YMCA just put hundreds and hundreds of hours into the organization and implemation [sic] -- implementation of that event. We -- we, basically, didn't have to do anything. I can't tell you how wonderful they were, and I didn't realize for quite a while that they didn't get probably the credit they should have gotten. That's one of the things that really made our job much easier. The other thing we didn't do, we didn't struggle with public services. The public works department, the New Bern Police Department, the New Bern Fire Department, parks and recreations, emergency services, they were just always there for us. They made our life so easy. They were asking us all the time what they could do for us, just a real switch about from what we heard in that First Night education that we went to about how other cities treated their events. Now to the impact of First Night, there's some things that you can't really put numbers on. But some of them, I will put numbers on. I talked with almost all the merchants and sent out emails

asking for replies just to see how they fared in this, to see if it was worth it for them to stay open, to close the streets, all the things we did. Those who reported said they had anywhere from a 50 to 300 percent increase over the previous year for their New Year's Eve, and people were making purchases in the stores, in the retail stores, as late as 10:00 and 11:00. MJ's Raw Bar reported that they did more in four hours than all day on its previous best day. Chelsea increased 30 percent over the last New Year's Eve. Captain Ray's had an increase of 50 percent and said it was his best day ever. One sale at Arts and Materials was made for \$425 that night after they ordinarily would have closed. When the people came back to pick up their items, they ended up spending \$600. The visitors there signed up for numerous classes, and they never even knew the store was there. There are many people had not been in that store before. Several merchants commented that they were confident their shops would benefit in the future, and that's something that in the downtown, I think Sabrina probably knows, we've had a hard time convincing merchants. But some of these things, if they put a little more effort into, can bring them future business, but several people volunteered to me that that's the way it felt. It was not something that I asked them about; they just volunteered that. We also tried to get the local non-profits involved. It was a little bit of a dilemma on worrying about how to get enough food for the people who came without stepping on the toes of our restaurants. So, we reached out to the non-profits and offered to let them sponsor some food venues if they wanted to. Only two or three took us up on it. But the ones that did, did well, and they were happy that they had done that and had the opportunity to raise some money in these hard economic times. Some other things that -- that benefited. About \$3,500 of our expenses that we actually spent money for will be used for the City and the County. Some minor upgrades were done to the bandstand in Union Point Park. There were three 11-foot by 11-foot flags made of the 300th poster that were used in the gazebo that night, and they're already scheduled for more 300th appearances. And I suppose they could be used, you know, on past that. There are still some battery operated candles that we've given back to the 300th Committee to be used again as they can use them. I hope you all got to meet Bernie Bear. He really falls outside the expenses because we did have a sponsor for him, and he wasn't just for us; he's for the whole 300th, but we did use him, and he was -- he was at a lot of our events. The next thing is the volunteerism. As usual in New Bern, there was a lot of that. Probably about 1,700 hours donated by 161 volunteers, so you can tell by those numbers that a lot of that -- people put in a whole lot of hours. Based on a nationally accepted formula, that equals about \$30,000 in volunteer time. More than that, you -- the figure quantifies the community support for the event. It tells anyone who sees that number just what New

Bern's all about, and you can't place a value on that. My -
- one of my favorite parts was sort of an accidental report
that we got. We never did figure a way to find out how much
benefit people who really had large families, or couldn't
afford to buy the buttons -- even though they were priced
very modestly compared to what (is charged by) most First
Night cities, there's over 100 of them right now. We were
on the low end of that scale of what the cost was at \$8, but
we didn't think to find out how to know
-- how, you know, if people were able to benefit from the
free events. And just coincidentally, one of the trolley
drivers went on and on and on about how as he drove around
all night, he saw so many people that didn't have buttons on
enjoying the events. And he said, in fact, many families
got on the trolley and made that part of their evening by
riding around and -- and being on a trolley trip that they
may not have taken before, so that was one of the most
exciting benefits of the evening. There was a crowd waiting
for the Mariachi band when it showed up; that was one of the
free events. The chalk art drawing on Craven Street was
very well attended. The children loved it. They -- they
did a lot of drawing on the street, and actually it was --
the area that we designated was almost full by the time it
started raining. And then there were crowds around the
jugglers. And now the -- I guess, the number everybody's
been waiting for, this comes from the way that the
convention center figures their benefit from the use -- how
many people use their center. They figured it based on 3,000
people because that's about what the center holds, however,
she said that's probably not the real number because that's
only for one period, and we actually used the center from
3:00-6:00 and then 7:00-11:00, so that's probably a very
conservative figure, but they -- they figured up their
benefit based on 3,000 attendees. And that -- the benefit
of the overnight for them was \$40,700. We, then, calculated
-- using their calculations, figured, well, what was the
whole event worth, and we used the rest of the Direct Day
Guest Spending then and came up with a benefit to the area
of \$288,510. So then, the next question is, where do we go
from here? If you will excuse me one second. It's blank
(the PowerPoint slide). We've tried, in the last month and
a half, to figure out how to make this event happen again,
and then jumping into a few walls, in these economic times,
there's a couple of groups that could take it on, but they
need some guarantees of some seed money before they could do
that. You may ask, should we have a First Night in two
thousand -- for 2011, which would be New Year's Eve 2010? I
think based on everything that's happened and all the
endorsements from people who were at the event who said how
much they enjoyed it, I think that the answer to that is
probably yes. It has been suggested that the profits from
whatever there is, and -- and I'm not here to do a financial
report, that's outside my scope, but if there is any of
public money and also the private money left, that it would

be donated back to First Night so that we could have another one. And, I would just request the Aldermen to act on that suggestion, and if there's any way that you can do this, to produce some seed money for us to have an event at the end of the year.

MR. BETTIS: Thank you.

MS. LAMB: Thank you for your time. Questions?

MR. BETTIS: Thank you. I'm going to open this up to questions, if -- if you don't mind, from the -- the --

MS. LAMB: Okay.

MR. BETTIS: -- Aldermen?

MS. LAMB: I'll do my best.

MR. BETTIS: Mister -- sorry. Vic?

MR. TAYLOR: I just -- I -- I don't have question. I just wanted to state when I was there from the beginning on that night. I had a great time. You didn't even realize you, you know, you was -- as you was going through from one place to another place, you -- you -- it -- it felt like you wasn't even in New Bern. It was just an awesome time. The rain came. People still was moving around. It was still having -- it was just awesome, and -- and I commend you all on it. It was just an awesome affair --

MS. LAMB: Thank you.

MR. TAYLOR: -- and I would like to see it again.

MS. LAMB: Thank you.

MR. BETTIS: Anybody else?

MR. WHITE: I think First Night was a wonderful night. I didn't make that occasion, but I have some people that came and told me about it, and I think should be an annual event.

MR. BETTIS: Thank you. Mr. Outlaw?

MR. OUTLAW: Well, I mean, we had a great time. We were playing music down at the Farmer's Market, and I enjoyed the fireworks. It was very -- I'd -- I'd like to see it again and... Well, I tried to get out in time to go see

the -- the New Orleans type jazz, and -- and it just finished by the time we got packed up, so it was -- everybody seemed to be having a great time downtown.

MR. BETTIS: Thank you. Mr. Kinsey?

MR. KINSEY: I was out of town. But from my understanding, that it -- it was real good turnout, and it was a lot of fun and excitement from my understanding, and I would like to see it continue, you know.

MR. BETTIS: And Ms. Bengel?

MS. BENDEL: I do have a couple of comments. First of all, I thought it was a magnificent event. I thought it was a magnificent event because it really brought our community out. I've never been so impressed to see children in our community out there having a great time at the convention center. And for anybody who missed it, to come down Craven Street and see this sea of children in the street with chalk just drawing, this is what New Bern is all about. This is the sense of community that everybody loves,

and why people want to live in New Bern, and why we are who we are, and I -- I just thought it was great. You know, New Year's Eve, who would have thought that many people would come out, but we made it family friendly, we had lots of things for families of all ages and means to participate in. And with that being said, you know, everything has a beginning and an end, and this was the beginning of our 300th celebration, and I'm -- I urge the 300th Committee, I urge this Board of Aldermen to work with Nelson and the 300th Committee to make sure that the end is First Night of our 300th celebration because I just think we started out with such a great success. I can just see us ending up this fantastic year that none of us will ever see another 100th - - 100th celebration. I don't think we're going to be here for the 400th, but I would -- I would really like to see that, and -- and, Mr. Mayor, I would urge us --

MR. BETTIS: Speak for yourself.

MS. BENGEL: I'm -- well, I'm not going to be here at the year 400, but I don't know about you, but I'd -- I'd really like to urge us to work -- I don't know how we -- I'm sure we have to have a lot of discussion with NBC and the other people. But originally, I know when I was originally involved with the schedule of events, there was First Night at the beginning and the end and then some things got changed around, so I want to see what we can do to get additional sponsors, or whatever. I'd like to take any monies that are still left over, and I'm speaking out of turn because I don't have a financial statement in front of me, but take those monies and see if we can't get somebody to step up to the plate to chair that and to have that night. I think we're all in agreement that it's something this community wants and needs, and I -- I think would be a great way for us to end a -- a fabulous year that we've got planned. So, that's my comments.

MR. BETTIS: And I think Mr. Bucher has something to say as well.

MR. BUCHER: Yeah, I was there; it was great. I heard a lot of good comments from many, many citizens. I guess my -- my comment would be that for the first time -- doing that kind of event for the first time, I thought it was remarkable and very well done, so thank you.

MS. LAMB: Thank you.

MR. BETTIS: And I'll just tell you, I went to the - - I volunteered down there at the YMCA with the kids at the little bouncy house; that was great. And walking around the street and seeing everybody down there that New Year's Eve in the -- in the rain and marching with that brass band coming down there where they knew that one song, "Oh, When the Saints Go Marching In," and seeing thousands of people in the street, you know, that's -- I know that's out there. I know that's out there. That's the enthusiasm in this place. Thank you for being the -- the catalyst for bringing it out. And Mr. McDaniel's back there, and I know that this

is the enthusiasm that -- that's coming with the -- with the 300th. If we build it, and we've built correctly, they're going to come, and they're going to come, they're going to spend money downtown, so thank you.

MS. BENGEL: Also, we need to thank -- I see Beth Atkins, who was her cohort there, too, and I want to thank her as well.

MR. BETTIS: Beth Atkins, thank you, too. You did a great job. All right. Mr. Marshall Van Winkle and Lou Holzberger. Good evening, gentlemen.

MR. MARSHALL VAN WINKLE, III: Good evening, Mayor and Aldermen. A couple of you know who I am. I'm Marshall Van Winkle. I'm chairman of the antique car week that's coming to town May 15. I'm going to let Lou expand on it, but we have filled the Sheraton hotel. They told us it's the first time any organization has taken every room at the Sheraton. We filled the Comfort Suites, we filled the Marriott, and the others are filling up. We've got a bunch of cars coming in and a bunch of people. If you'd like to take a ride with me, tomorrow I'm driving to Philadelphia to see some snow.

MR. BETTIS: This is what -- hey, would you drop me off in Raleigh?

MR. VAN WINKLE: I'm driving to Philadelphia in a '63 Mercury.

MR. BETTIS: Thank you very much.

MR. LOUIS C. HOLZBERGER: Good evening, Mr. Mayor, Alderman.

MR. BETTIS: Good evening, sir.

MR. HOLZBERGER: My name is Lou Holzberger, treasurer and financial chair from the First Capital Chapter of the Antique Automobile Club Meet; it's a privilege to host in the year 2010. As Mr. Van Winkle said, it's scheduled for May 15 of this year. 2010 is not only an anniversary year for New Bern, but the 75th anniversary of the founding of the Antique Automobile Club of America. The club is about -- over 60,000 members strong, not only here in the United States, but internationally. This will be the fifth national meet that the Club has hosted since it's founding in 1991. We had a national meet in 2007 where we had over 400 cars on the streets of New Bern. The previous grand national meet that we hosted in 2002 had about 500 people, or over 500 cars. This year, we're planning on 600. The cars will be coming from all over the United States. Right now, the furthest one we know is Nebraska. These cars will be trailered in. There will be probably 95 percent of the cars will arrive on trailer. If you think of the show levels as a triangle, the grand national is the apex of that triangle and is basically an invitation only show. To be eligible for a member to show his car at a grand national, he has to have achieved first place awards on two levels on the national level. There are a dozen national level -- grand -- excuse me -- a dozen national shows each year, but only one grand national. As I mentioned, we're planning on

600 cars. We're hard at work right now planning on where we will put these on the streets of New Bern. One of the things we have lost is almost 80 parking places with the revitalization of Broad Street between Hancock and Craven. We've acquired area -- other areas, but we may need your assistance in getting some additional parking places on Craven Street, Middle Street, and possibly park some more on Pollock. As I mentioned before, the cars will be trailered in, and one of the concerns we have is that the bridge will be open. One of the major areas that we will be using for parking these trailers is in the lot behind the Bridge Point Marina that the contractor is using now as his staging area. We have been told that we can use this for the trailer parking. We have gotten other areas within New Bern, but not anywhere near as convenient as this. The age of the cars that will show up will go from before 1900 to 1984, and we hope to be able to use that area as one of the major parking areas for the older cars because these don't run too well and have to be driven onto the show field. If the bridge is not open, we have a major problem on our hands.

MR. BETTIS: I -- I agree with you.

MR. HOLZBERGER: The cooperation that we have received from the previous administration with the four shows that we've had has been outstanding, both -- not only from the Department of Public Works, but the Police Department, and their cooperation in handling the cars, getting onto the field, the crowds, and helping us get them back to the trailers after the show. The day of the show, cars will be coming onto the show field starting before 7:00 in the morning, and they will not leave until sometime after 3:00 in the afternoon. And so, we expect 600 cars. It seems to have been set. The hotels have been booked. This is just -- registration has just started. Registration will close in the middle April, and we'll know by then how many -- actually how many cars we will have, and then we'll -- we will start working earnestly to get the classes and the layouts on the streets. Again, it's our 75th Anniversary. The chapter here is young, but it's very aggressive, and it's one of the reasons I came to New Bern seven years ago. Thank you again for your cooperation.

MR. BETTIS: Well, thank you very much. Thank you very much for coming on in.

MR. HOLZBERGER: Thank you.

MR. BETTIS: Anybody? Mr. Vic Taylor?

MR. TAYLOR: Yes, sir, thank you. Some probably know I look like I might be the youngest on the Board; I am, but you all hit a couple of spots. May 15 is my birthday. And, the '63 car, I was born in '63. I can't ride to Philadelphia with you, but I would love to ride on May 15 down here.

MR. VAN WINKLE: Well, one of the things we'll have here on May 15 is the "Take Apart T" from the chapter up in Raleigh, and they may be able to give you a ride in that thing. This is a car that they take apart and put it back

together again in something less than five minutes. Well, actually in 2007, it was quite a hit. They had -- did this twice in Pollock and Middle Street, and people were just aghast at how quickly they can do this, drive it up, take it apart, put it back together again, and drive it away. We're looking forward to having them here again this year. The other shows that we've hosted, people have been amazed at the crowds, and it's just a wonderful thing. A little aside, in the last show, one of the national board directors from the National Board arrived from a business trip to Europe without a dress that she could wear to banquet Saturday night, and she found one in downtown New Bern. They -- they spend a lot of money, and they'll be arriving starting Wednesday night some of them from --

MR. BETTIS: Thank you very much. Hopefully --

MR. VAN WINKLE: Yeah.

MR. BETTIS: -- someone will be able to fulfill my much older colleague's request.

MR. VAN WINKLE: We'll give you a ride.

MR. BETTIS: Thank you. All right.

MR. TAYLOR: No problem. Thank you.

MR. VAN WINKLE: But last time we had the grand national here, we had a '34 Packard V12 Roadster in the parking lot of BB&T, and then around -- and from that parking lot down to South Front Street, we had \$11 million worth of cars. They are beautiful cars.

MR. BETTIS: Thank you very much. We look forward to it.

MS. BENGEL: Thank you.

MR. TAYLOR: Thank you.

MR. BETTIS: All right. And that will conclude the petitions of the citizens, which now means we're going into item number 4, "Public Hearing and Adopt a Resolution Approving Installment Finance Contract for Renovations and Addition to the Stanley White Recreation Center." And, Mister -- Mr. Wyatt, would you like to lead us through that?

MR. ED WYATT: Thank you. I'm going to introduce the subject. As you know, we have applied to the Local Government Commission to get a modest loan in the amount of \$600,000. The point I want to make to you, that in getting this permission from Treasurer of the Local Government Commission, we also have to show how our funds, present and future, are coming along, and we need to keep that in mind as we move into the next fiscal -- fiscal year. The -- as we well know, it's a little bit more than what you asked for. As you well know, we are not -- we're making an effort to comply with the Treasurer's requirement of having an unappropriated balance in the general fund. Right now, it's 8, 9, 10 percent; she can correct me, but... And what we ought to be striving for is somewhere 30 percent plus or minus, as recommended by the Local Government Commission. 8 percent is sufficient for the State -- to comply with the State law, but we do need to keep in mind our budget and -- and we certainly are very aware of -- of a lean -- a lean

budget. And I just wanted to preface her comments by saying this represents a great deal of her work in trying to get the -- the very, very best price you -- she can get, and she's certainly done that. The other comment I want to make is, Mary has taken on the responsibility of -- of reviewing and putting together the Bicentennial Commission's financial report, and that would be desirable to have it available tonight or earlier. But, frankly, between getting our budget crisis underway, administratively, and -- and going through all of the hoops with the Local Government Commission, that will come, but it may be on a priority basis. With that, I turn it over to her.

MR. BETTIS: Thank you very much, Mr. Wyatt.

MS. MARY MURAGLIA: Mr. Mayor and other members of the Board, as Mr. Wyatt was saying, we've been working on this project, and tonight, the public hearing is to consider the financial contract that I have -- have been able to obtain from BB&T governmental finance in the amount of \$660,460, and it's to finance the construction and renovations and a small addition to the Stanley White Recreation Center. And, the Center itself was placed in service in 1976, so it is in need of -- of some repairs. The contract with BB&T that you will consider tonight is a 10- year agreement. It has semiannual principle payments of \$33,023, that's interest, and the payments would start in September of 2010, this year, and would continue on until March 2020. The total interest that would be paid over this term would be \$129,335. I did -- and I -- I apologize for this getting to you late. This was a little more difficult to review. I think, certainly, we're seeing the -- the market not amenable to longer term financing like we've had before. There was quite a variety that we've had offered this time. I have reviewed this in detail and anything that you have, your -- the summary of bids, anything that you want to go over in detail, I'll be glad to answer questions on those. I have, again, made a detailed review, and my recommendation is to go with BB&T because it offers such a good fixed rate, which is 3.73 percent over the 10-year term.

MR. OUTLAW: Mary, did I miss it, but normally -- and I know we had talked about that there were several banks weren't interested in even bidding this, but don't you normally have a spreadsheet with the different --

MS. MURAGLIA: Uh-huh.

MR. OUTLAW: -- interest rates and all?

MS. MURAGLIA: That should have been -- that should have been --

MR. OUTLAW: I don't --

MS. MURAGLIA: -- in the packet that you got.

MR. OUTLAW: Okay. I'm sorry. I just didn't see it in -- it might have been in that other packet.

MS. MURAGLIA: No, this went out under separate cover to you yesterday.

MS. BENGEL: It's in the -- it's in the other one.

MR. OUTLAW: Gotcha.

MS. MURAGLIA: We did have -- in addition to BB&T, RBC Bank, Wachovia Bank, that they did something that we could not accept anyway. It was a seven-year loan that would balloon, and then we had First Citizens, Bank of America, and SunTrust that did not provide any quotes.

MR. OUTLAW: And -- and there were just some banks weren't even interested in bidding it?

MS. MURAGLIA: Correct. First Citizens, Bank of America, and SunTrust offered no quote, Wachovia was only able to basically do a seven-year loan, and RBC could only do a 10-year loan. I did seek quotes for 10 and 15 years, which BB&T was able to offer both of those, but I'm choosing the 10 year term because of the good interest rate. The -- this project that we -- the Stanley White project, we actually began this project in 2007. We do have -- the total project cost is going to be \$1,160,460. The City has received a parks and recreation trust fund grant of \$500,000 to fund part of this the project, so... And the reason we wanted to go ahead with this project is that -- is Mr. Thurman Hardison and Tripp Eure, and they're both here tonight to answer any questions about the project, have been working on this trying to get this project within the budget. The grant does have an expiration date on it, so we're -- we're knocking on that door, so we needed to present it to you tonight for your consideration. And at the end of the public hearing, I would ask that you adopt a resolution to enter the agreement with BB&T. And then this -- the next agenda item is also related to this. It's the actual application that has to be filed at the Local Government Commission, and the staff there will be reviewing our application in detail, and make their recommendation and which would go before the Commission on March 2. And then if all that goes through, then -- then we could award bids to the contractor and -- and get the project started.

MR. BETTIS: Okay. Was this -- was this a project that had already been budgeted before the money has been put away somewhere?

MS. MURAGLIA: Yeah.

MR. WYATT: No.

MS. MURAGLIA: It's in a project fund. When the fund started in 2007, it was identified that the -- the City match for that grant would be funded with installment purchase proceeds.

MR. WYATT: So, the answer to that is no. We -- and that -- that's why we were quite concerned that we could come up with the money if we don't have the money available; right?

MS. MURAGLIA: Well, the -- the debt for it is not currently in the budget because the -- the payments would begin next --

MR. WYATT: Right.

MS. MURAGLIA: -- year, but the -- the --

MR. WYATT: But --

MS. MURAGLIA: -- concept of the project is in a project fund, but it was -- but it was identified as being an item that would be funded by getting a loan.

MR. WYATT: And -- and -- and we're -- I think we --

MS. BENGEL: Money.

MR. WYATT: -- pleased to jump start something that's been of concern for a number of months, and we've been very fortunate to receive, as you well -- probably well know, \$500,000 grant from the state parks and recreation, so that certainly made it a more doable approach. The point I was trying to make beforehand is that she's going to have to do

-- she is doing a tremendous amount of work because the Local Government Commission is following our finances very closely because of the fund balance. A minute ago, and I'm -- I'm giving you more than what you want to hear, a minute ago, I was groping to tell you that because of our fund balance issue, this is the only budget I've known of, in my career, that didn't appropriate unspent money from the previous year, all unspent fund balance, and the Local Government Commission expects that ratio of the -- of -- of the general fund to unappropriated funds, or percentage, to continue to go up. So besides the expenses in the budget going up, and revenue probably being flat --

MS. MURAGLIA: Uh-huh.

MR. WYATT: -- we are also having to fulfill the Local Government Commission, and they are, in a very nice way, quite strong. I saw on TV last night, as others may have seen, they're essentially moving forward to take over the finances of Snow Hill --

CLERK: Uh-huh.

MR. WYATT: -- so I gave -- excuse me for giving you more than what you wanted to hear.

MR. BETTIS: My question -- my question, I guess, would be is the -- does that \$500,000 have -- have to be used specifically for the Stanley White Center?

MR. WYATT: Yes.

MR. BETTIS: Okay. Open it up to the Aldermen?
Questions?

MR. WHITE: I think it's a well figured out plan project, as well, would do. I grew up in that neighborhood, and I know when they first built the building. And a whole lot of work they had tried to do to it, and plans there have been planned for the last five years or more, so I -- I think it's a project that we really need.

MR. BETTIS: Thank you. Mr. Taylor?

MR. TAYLOR: Yeah. Thank you, sir. Since Stanley White is in the 2nd Ward, I've been over to Stanley White for quite a bit. I was over there last week, yesterday, and I look at Stanley White, and any other recreation center, as a means for the -- the youth to be active in the community and stay off the streets, and have a lot of activities going on at Stanley White. And as I went in there on the day before yesterday, I look up in the ceiling and the rain is

coming in the ceiling. It's falling on the floor, they've got buckets there trying to catch the water, and that -- it -- it -- it just -- it did -- it -- it just hurt my soul to see a city facility looking in that -- that kind of shape. We're supposed to be here taking care of our kids, and this is what our kids have to play in after school or in the after school program. They got an after school program there that teaching the kids -- making sure they do their homework, making sure they do other things, and they've got to move around trash cans. It's just atrocious in there. It -- it very much needs a facelift, needs it inside as well as outside. I -- I think we need to do whatever we can do to make this thing happen. Mary did an outstanding job on the figures and the research. Mr. Thurman Hardison, he's doing an outstanding job, Mr. Eure as well, but I -- I feel we need to make this thing happen by any means necessary because our kids need somewhere to go and in a safe area.

MR. BETTIS: Thank you very much, Mr. Taylor.

MR. TAYLOR: Thank you.

MR. OUTLAW: I would just like to get -- Mr. Eure, could you come up and answer some questions? I mean, and my only real question is tell us about the addition. And, you know, when I read through the grant, it just looks like there's maybe some -- a little redundancy in some of the items. But, again, you're the architect, you're the expert, tell us just a cursory rundown on what's going on. And -- and just like Mr. Taylor said, tell us of the integrity of the roof and --

MR. TRIPP EURE: I -- I would be happy to.

MR. OUTLAW: Thank you.

MR. EURE: My name is Tripp Eure. I'm an architect, the principle of Darden J. Eure, III and Associates. We've been working with the City on the Stanley White Recreation Center. It's located at 901 Chapman Street. It was built circa 1974 and has not had any substantial improvement since it's initial construction. The current building is about 15,000 square feet. We've been working with Mr. Hardison from Hardison, and efforts probably beginning as early as 2004-2005 to identify the scope of work for which parks and recreation is very fortunate in receiving the grant of about \$500,000 that has been shared with you tonight. The basis for that grant had to do predominantly with interior finish renovations, had to do -- enabled us to comply with accessibility codes, in particular making the bathrooms accessible as well as the locker rooms. This is most definite in about a 3,000 square foot addition that is being made to the building to provide replacement locker rooms. And then what we've done is taken the existing toilet rooms and the old locker rooms and used that space to make it code compliant for the facilities. In addition to this work, we're replacing almost wholesale the building's electrical system as well as the heating and air and just duct distribution system, and, of course, the -- a good deal of the plumbing work that's being done with renovations of the

bathrooms. Part of the scope of work does involve some roof repair on the lower level. We did bid the work with an alternate to do a lower level roof replacement. That alternate is not included in the scope right now, but there are various repairs associated with the installation of the new mechanical equipment on the roof as well as the leak that was mentioned earlier by Mr. Taylor.

MR. BETTIS: Thank you very much.

MR. OUTLAW: Are we missing anything that, at this time, to spend that kind of money that needs to be incorporated in this renovation?

MR. EURE: We do not think so. And, in fact, we --

MR. OUTLAW: Particularly the roof, the rest of the roof.

MR. EURE: I -- if funding were to allow, it would be my recommendation to go forward and replace the whole lower roof.

MR. OUTLAW: But you're not, at this time, able to give us any information on that; are you?

MR. EURE: Well, I am. We do have the quote on it.

MR. OUTLAW: What -- what was that?

MR. EURE: It was about \$140,000.

MR. OUTLAW: Right much sheathing replacement and stuff like that or?

MR. EURE: Sir?

MR. OUTLAW: Right much sheathing replacement or was that just basically membrane replacement?

MR. EURE: That -- that's a complete roof replacement for the lower roof.

MR. BETTIS: Thank you. Mr. Bucher?

MR. BUCHER: I've got a question, and probably, Thurman, you would be the one to answer this. It's my understanding that we built the two rec centers at about the same time; is that accurate, West New Bern and...

CLERK: The same time.

MR. THURMAN HARDISON: I -- I do believe that's correct.

MS. BENGEL: That's correct.

CLERK: That's correct.

MS. BENGEL: That's correct. They were built at the same time.

MR. BUCHER: They were both built at the same time.

MS. BENGEL: That's right.

MR. BUCHER: Are we looking at a similar project for West New Bern, and -- and if -- what -- what's the status there?

MR. HARDISON: Yes, sir. As Mr. Eure said, we started doing assessments, recreation center assessments, back in 2005. And just on the surface of the two largest centers that we have, Stanley White Recreation Center needed the first -- needed the most work first, but West New Bern is also in line for a facelift. Obviously, it's about the same age. And through that feasibility study that we did with Stanley White, we're -- we're doing the same with West

New Bern Recreation Center. The repairs may or may not be the same, but they will be similar. The replacements may or may not be the same, but they will be similar, and the additions may or may not be the same, but they will be similar in that regard.

MR. BUCHER: Thank you.

MR. HARDISON: Yes, sir.

MR. BETTIS: Thank you very much. Is there any further discussion from the floor? Do I hear a motion from anyone?

MR. WHITE: I make a motion --

MR. SCOTT DAVIS: Open the public hearing.

MR. BETTIS: Pardon me?

MR. DAVIS: Open the public hearing.

MR. BETTIS: Oh, sorry.

MS. BENGEL: I make a motion to open the public hearing.

MR. OUTLAW: Second the motion.

MR. BETTIS: There you go. The public hearing is open.

(No response from the public.)

MR. OUTLAW: I make a motion to close the public hearing.

MR. BETTIS: Well, let's -- going once. Anybody want to speak? All right. The motion to close is --

MR. OUTLAW: I made a motion.

MR. BUCHER: I second.

MR. TAYLOR: Second.

MR. BETTIS: We have a bunch of seconds, so that motion is carried. Now, do I hear another motion?

MR. WHITE: Make a motion that we accept, what is that accept there...

MR. BETTIS: Is the motion to adopt a resolution authorizing --

MR. WHITE: Resolution, yeah.

MR. BETTIS: -- the filing of --

MR. DAVIS: Yeah.

MR. BETTIS: -- let's do the first one first. The -- is the first --

MR. WHITE: Motion --

MR. BETTIS: -- adopt a resolution approving the installment finance contract; is that the first -- is that the first motion?

MR. WHITE: That's the first motion.

MR. BETTIS: All right. Second?

MR. BUCHER: I second.

MR. BETTIS: Okay. Good. We are going to do a roll call. Madame --

CLERK: Alderman Bengel?

MS. BENGEL: Yes.

CLERK: Alderman Taylor?

MR. TAYLOR: Yes.

MR. BUCHER: Yes.

CLERK: Alderman Bucher?

MR. KINSEY: Yes.
CLERK: Alderman Kinsey?
MR. WHITE: Yes.
MR. OUTLAW: Yes.
MR. BETTIS: It approves that it's unanimous, or appears that it's unanimous. All right. Do I hear a second motion to "Adopt a Resolution Authorizing the Filing of Application for Approval of a Financing Agreement for the Financing of the Stanley White Recreation Center?"
MR. OUTLAW: Second the motion.
MR. TAYLOR: I make a motion.
MR. KINSEY: Yes.
MR. BETTIS: Is that motion over here?
MR. OUTLAW: Yeah.
MR. BETTIS: Mr. Taylor made that motion?
MR. TAYLOR: I make a motion.
MR. BETTIS: Do I hear a second?
MR. OUTLAW: Second the motion.
MR. KINSEY: Second.
MR. BETTIS: Okay. And let us do a roll call on that motion as well.
CLERK: Alderman Bengel?
MS. BENGEL: Yes.
CLERK: Alderman Taylor?
MR. TAYLOR: Yes.
CLERK: Alderman Bucher?
MR. BUCHER: Yes.
CLERK: Alderman Kinsey?
MR. KINSEY: Yes.
CLERK: Alderman White?
MR. WHITE: Yes.
CLERK: Alderman Outlaw?
MR. OUTLAW: Yes.
MR. BETTIS: It appears that that one carried as well unanimously. Thank you very much. That took care of number five and number six on -- or number four, number five on the agenda. Mr. Wyatt, would you like to --
MR. WYATT: Yeah.
MR. BETTIS: -- tell us about number six, please?
MR. WYATT: Yes, and I'll call upon the Chief. Sir, I'd like to make a few remarks. The police department and the agencies he works with for Homeland Security issues is providing extended funds for a two-year staffing of a senior crime analyst -- crime analyst as well as a second one to accept an approved agreement for some --
MR. BETTIS: Mr. Wyatt, could -- is there any possible way that we could get the volume turned up on that thing?
MR. WYATT: I don't know. I can talk louder.
CLERK: I can't half hear him.
MR. BETTIS: Is -- do we know? All right.
MR. WYATT: I'll speak up right in front. I'll start again. Through the Chief's resourcefulness and the consortium that is dealing with Homeland Security issues and

just crime in general, you will see that a generous funding of two positions, crime analyst and senior crime analyst, along with support that's for a two-year period of time. The second resolution deals with, I believe, software relative to the mission. The reason I wanted to speak before the -- the Chief is going to talk -- is that the best we can ascertain

-- now, these positions are shared positions in addition to 16 agencies including ourselves, law enforcement, sheriffs, town police departments, and so forth. But what I wanted to have assurance of, given our budget dilemma, is that we wouldn't wind up having to pay for it all. And if worst came to worst, maybe we couldn't fund the continuation of it practically. Now, that really doesn't happen very often, but I just wanted to be sure. Mary and I talked with the Chief yesterday just to be sure that by approving this, this didn't obligate you to carry on positions that were not funded -- that the funds terminated after two years. Now, I'll call on the Chief.

MR. FRANK PALOMBO: Thank you, sir. Mr. Mayor, members of the Board, the Eastern Region Information Center is an arm of the ISAC which is the Information Analysis Center for the State of North Carolina. It's a training center funded by the Department of Homeland Security (DHS). Our role in ERIC is to apply regional slants and regional information to the intelligence that's being sent back and forth to ISAC. We have 16 agencies currently involved in ERIC with an attempt to expand to about 30 agencies, and the goal eventually would be everything east of 95 from Virginia to South Carolina -- eventually. But under the current configuration, we currently have one employee, an in -- information technology employee, and the analyst function is being handled by the New Bern Police Department Intel officers and -- and the tech staff and so they're pulling dual duty. This grant will allow us to hire ERIC-only analyst, a senior analyst to manage the day to day operations of the center and also to do high level analysis of the information that we're getting in, and it's -- Homeland Security is -- is a prime concern for the State, but the State and DHS recognizes that regular criminal activity is the prime concern of local agencies, so they combine our ability to do this in this one center. So, we will have a senior analyst and an analyst position and continue the funding on the IT person's position through 2011. There's an issue in the grant for continuation or sustaining the project. And what the agencies that sign onto this, the Memorandum of Understanding that was signed, they have agreed, in principle, because you don't write checks when you're doing principal, but they've agreed, in principle, to maintain the -- the project by adding to their funds, their budgets, their operating budgets, a fair share expense of the annual operating costs of ERIC when the time comes. So should we run out of DHS money at the end of 2011, then these agencies having, in principle, agreed to

continue funding the -- the ERIC project. New Bern hosts the project, and we're the sub-grantee for the State of North Carolina, who's the grantee, from DHS. This would be our third grant, and this would bring our grant monies to a little over \$1 million that we've acquired over the -- since 2006. The grant monies have gone primarily to equipment, software, training exercises in personnel. This particular grant, as I said, gives us two years of -- of a senior analyst, an analyst, and continuing funds for the IT person, and then there's also \$180,000 for equipment, money for training, and money for some exercises and other equipment.

MR. BETTIS: Thank you. Mr. Bucher --

MR. BUCHER: Yes.

MR. BETTIS: -- did you have a question?

MR. BUCHER: Well, I do have a question --

MR. PALOMBO: Sure.

MR. BUCHER: -- Chief. After two years, is it -- is it just done or is it -- is it -- is there an ongoing opportunity for this or what?

MR. PALOMBO: Well, first of all, we would continue to look for continuation funding through the Department of Homeland Security, and we were very fortunate in that information sharing and analysis is a number one priority for the Department of Homeland Security as you've seen in -- in the news. It's very important for us to be able to share information and -- and analyze the information that we're getting, so it's the number one priority. We've been very fortunate to get -- this is our third grant, and it's anticipated that we would see some additional funding not in the 2010-11, but in the 2011-12 budget cycle. We can't guarantee that; we don't know what DHS will do, we don't know what the State's priority is going to be at that time. But, as I said in your Memorandum of Understanding, each of the participating agencies has agreed, in principle, to continue the project by budgeting -- budgeting through their own budgets. Looks like, for instance, would have a share of the operating expense. So, assume for a second, that the operating expense is \$250,000 a year to run the entire project; our share of that would be one-sixteenth or one-thirtieth of -- depending on how many agencies are involved, of that total cost that we would have to budget for or find other grant monies for, use it out of our special law enforcement fund, or something like that. And, also, the -- we provide in-kind services because we provide the facility, the utilities, things like that that are -- we have allocated -- 2 percent of the -- of the space in the department is allocated to ERIC, so, therefore, 2 percent of our cost of the building is allocated to ERIC on an annual basis, and that would be part of our in-kind contribution from New Bern to the project. So, if New Bern's share was \$12,000 and, I'm just guessing a number here, but our in-kind services were -- was \$5,000, we'd have to budget \$7,000 in our operating budget to continue the -- the ERIC function.

MR. BETTIS: Thank you. Any further questions? Mr. Wyatt?

MR. PALOMBO: And with regard to the other grant, the Pin Link grant is a -- it's really -- it's almost hard to call it a grant. They are giving us the soft -- DHS is giving us the software and providing the training, but we have to buy it up front and then they provide the -- the money to us. And all we need to do is show them a check and the invoice, and we're good to go, canceled check and the invoice and we get that money back right away.

MR. BETTIS: Mr. Wyatt?

MR. WYATT: Yes, sir?

MR. BETTIS: This something you agree with?

MR. WYATT: Yes.

MR. BETTIS: Okay.

MR. WYATT: I -- let me say one more thing. There may be a small portion that we may have to pay out of pocket to continue. Most of it, in our case, since we host it, as he mentioned, I think it's important to point that out that the -- the space available, the heating/air conditioning, all can be applied as an in-kind contribution. The reason I talked with him earlier yesterday was to be sure that we just didn't have one of these grants, at the end of the grant period, we wound up having to pick up 100 percent of it.

MR. BETTIS: Yes, sir.

MR. WYATT: That's not the case.

MR. BETTIS: Yes, sir. Thank you. Do I hear --

MS. BENGEL: I'd like to make a motion that we approve the budget amendment for the grant award of \$604,217.

MR. WHITE: I second.

MR. TAYLOR: Second.

MR. BETTIS: I hear -- I heard a second. And shall we do a roll call vote?

CLERK: Alderman Bengel?

MS. BENGEL: Yes.

CLERK: Alderman Taylor?

MR. TAYLOR: Yes.

CLERK: Alderman Bucher?

MR. BUCHER: Yes.

CLERK: Alderman Kinsey?

MR. KINSEY: Yes.

CLERK: Alderman White?

MR. WHITE: Yes.

CLERK: Alderman Outlaw?

MR. OUTLAW: Yes.

MR. DAVIS: Second motion.

MR. BETTIS: In the opinion of the Mayor, it pass --

MR. BUCHER: Needs a second?

MR. BETTIS: Yes, there was two seconds.

CLERK: It was two seconds.

MR. BUCHER: No, there's a second motion.

MR. DAVIS: Well, two -- two amendments.

MS. BENGEL: Two amendments, yeah, do you want me -- I'll -- I'll -- and I'd like to go ahead and make a motion that we approve the budget amendment in the amount of \$40,000 for the software and the training.

MR. KINSEY: I second.

MR. BETTIS: And I just heard a second coming from Mr. Kinsey.

MR. KINSEY: I seconded.

MR. BETTIS: And shall we do a roll call vote?

CLERK: Alderman Bengel?

MS. BENGEL: Yes.

CLERK: Alderman Taylor?

MR. TAYLOR: Yes.

CLERK: Alderman Bucher?

MR. BUCHER: Yes.

MR. KINSEY: Yes.

CLERK: Alderman Kinsey? Alderman White?

MR. WHITE: Yes.

CLERK: And Alderman Outlaw?

MR. OUTLAW: Yes.

MR. PALOMBO: Thank you very much.

MR. BETTIS: And, in our opinion, it's unanimous. Thank you very much, Chief.

MR. PALOMBO: Thank you, sir.

MR. BETTIS: Which brings us up to adopt a resolution, number seven, "Adopt a Resolution Approving a Change Order to William Utilities, Inc. for the Clark's Road Water Main Connection Project." Good evening, sir.

MR. HUGHES: Good evening. Mayor, members of the Board, what you have before you is a final adjusting change order for the contract between the City of New Bern and Williams Utilities for Clark Road Water Main Interconnection Project. Basically, with our utility projects, we did the project on a line item basis based on the -- our -- our engineer's estimate on how much pipe we think we're going to need and how many valves we think we're going to need. Once we get to the very end of the project, we actually adjust the contract through change order to reflect the actual work the contractor's done. In this case, we're actually coming up \$11,050 to the good. We actually came up short on a few things we didn't need, so we're actually taking that money out of their contract. That would just clean the books, and then make everything final.

MR. BETTIS: Thank you. Any questions?

MS. BENGEL: For two reasons.

MR. OUTLAW: I would like -- if you just would summarize what we did with that project.

MR. HUGHES: Sure. The -- the situation we had on Clark's, the City of New Bern and Craven County both have an elevated water storage tank, which through the designs or the current design have no way to be taken off-line and maintained. These tanks need to be taken off-line and drained, and the interior needs to be inspected, and in some cases, recoated every 15 to 20 years. If that's not done,

the interior of the tank will start deteriorating, and the cost of replacement of these tanks, a similar tank we're doing on -- in Township 7 right now, the cost of it is \$1.2 million, so it's very important to keep up with the maintenance of these tanks. What this inner connection allows us to do is be able to take our tank off-line to maintain it. And while our tank's off-line, we're utilizing the County's water system. And vice versa, the County can do the same with ours. Kind of a win-win situation.

MR. OUTLAW: But now, didn't we -- we took over the -- the water primarily on a couple of items out there?

MR. HUGHES: And one of the -- another big benefit to the City, as Mr. Outlaw stated, of this project, is we are now the -- once the project's complete, we'll be the sole water provider to the Craven County Industrial Park. With that, we're picking up several water customers, probably the biggest being Craven County water energy at a rate of about 200,000 gallons per day, which would be a substantial water revenue for the City.

MR. BETTIS: Excellent. Thank you. Any further questions by anybody?

MR. OUTLAW: I make a motion that we adopt the Resolution Approving Change Order to Williams Utilities, Inc. for the Clark's Road Water Main Connection Project.

MR. WHITE: I second.

MR. BETTIS: All right. We've got Mr. Bernard seconding, and we'll have a roll call vote.

CLERK: Alderman Bengel?

MS. BENDEL: Yes.

CLERK: Alderman Taylor?

MR. TAYLOR: Yes.

CLERK: Alderman Bucher?

MR. BUCHER: Yes.

CLERK: Alderman Kinsey?

MR. KINSEY: Yes.

CLERK: Alderman White?

MR. WHITE: Yes.

CLERK: Alderman Outlaw?

MR. OUTLAW: Yes.

MR. BETTIS: And it sounds like it approved -- got approved unanimously. All right. Let's move on to item number eight, "Adopt Resolution Calling for a Public Hearing to Rezone a Tract on the North Side of Pinetree Drive." Well, good evening.

MR. MIKE AVERY: Mayor, Board of Aldermen, what you have before you this evening, as he stated, is a request to call for a public hearing for your next meeting. I believe that's going to be on the 23rd of February. The owner of this, little over, 12-acre tract on the north side of Pinetree is going to have it rezoned from R-10 to R-10A, which would allow multifamily housing. They are trying to secure funding for an elderly housing contract there and rezoning would be necessary, because in an R-10, you can just do single family and duplex, so that's the request. I

-- it was unanimously recommended by the Planning Board, and this Board just needs to call for a public hearing to actually consider it at your next meeting on the 23rd.

MR. BETTIS: Okay.

MR. OUTLAW: Mayor Bettis, this is in my Ward, and - and I've, you know, been right involved, pretty involved, in this, and, at this time, this is just a resolution calling for the public hearing, so I would make a motion that we adopt item number eight, "Adopt Resolution Calling for a Public Hearing to Rezone a Tract on the North Side of Pinetree Drive."

MR. BETTIS: Do I hear a second?

MR. KINSEY: I second.

MS. BENGEL: Second.

MR. TAYLOR: Second.

MR. BETTIS: I hear lots of seconds. And let's have a roll call, please.

MR. KINSEY: Mr. Avery, I -- I had a question for Mr. Avery.

CLERK: Alderman Bengel?

MS. BENGEL: Yes.

CLERK: Alderman Taylor?

MR. TAYLOR: Yes.

CLERK: Alderman Bucher?

MR. BUCHER: Yes.

CLERK: Alderman Kinsey?

MR. KINSEY: Yes.

CLERK: Alderman White?

MR. WHITE: Yes.

CLERK: Alderman Outlaw?

MR. OUTLAW: Yes.

MR. BETTIS: Thank you. The resolution's passed. Mr. Avery, could you just answer one more question, please?

MR. AVERY: Yes, sir.

MR. KINSEY: Isn't he working on something else, low income housing, for individuals? Can you give us a little update on that as well?

MR. AVERY: Yes, but --

MR. BETTIS: Well --

MR. AVERY: I -- I would be glad to, or if you'd like to do it at --

MR. KINSEY: At -- at --

MR. AVERY: -- a --

MR. KINSEY: -- the next --

MR. AVERY: -- later meeting, I'd be glad to --

MR. KINSEY: Yes. Yes. Yeah.

MR. AVERY: -- give you a full report on that.

MR. BETTIS: Mr. Avery, would -- would you mind --

MR. KINSEY: Would you do that?

MR. BETTIS: -- make sure that we get that on -- get with Veronica --

CLERK: An agenda item?

MR. BETTIS: -- or -- and we'll put that on

the --

MR. AVERY: Agenda?

CLERK: Yeah.

MR. BETTIS: -- sorry -- yeah. And we'll, yeah, put that on the agenda for next meeting, please?

MR. AVERY: Okay. Sure.

MR. BETTIS: And we'll -- we'll --

MR. KINSEY: Thank you.

MR. BETTIS: -- have an update on that then.

MR. AVERY: Thank you.

MR. BETTIS: Excellent. Thank you very much. All right. Number nine, motion or we have the approval of the Minutes. Anybody?

MS. BENGEL: I have a question. How did you know that? Or comment, whatever. I -- they're really, is the word, voluminous, and I -- I'm a stickler on -- on Minutes, so it would take a -- a human being -- I mean, there was 248 pages on one meeting, so I can't --

CLERK: 268 pages --

MS. BENGEL: 268, excuse me.

CLERK: -- for the January --

MS. BENGEL: I can't, in good conscience --

CLERK: -- 9 meeting.

MS. BENGEL: -- say that I have reviewed these Minutes --

MR. OUTLAW: Yeah.

MS. BENGEL: -- and that I can approve them because I really have not reviewed them, so I don't know what the answer is to that. I know there's Minutes, I know the public can come out and view these Minutes and look at them, but that's the comment I want to make. I do not feel comfortable approving something that I have really not gone through. I mean, if -- I understand if it's just a summary. I think it's beyond the capability of -- of a lay person like myself.

MR. BETTIS: Okay. Good. And by way of brief background, just for anybody following along in the audience, by way of brief background, we had the perception -- and one of the perceptions that -- that we got from the public was that the Minutes weren't treated with the deference by the last Board. I'm not saying it is or it isn't; I'm saying the perception was that the Minutes weren't necessarily treated with the deference that they deserved to be treated, and there was a bit of suspicion around them. We heard from the public that they wanted the Minutes treated differently. In response to that, we -- in response to that, we hired a --

a --

CLERK: Court reporter.

MR. BETTIS: -- court reporter to take down every last word that is said in this -- in this -- in any of our proceedings. Those records are here and they're accurate taken by a sworn court reporter. What we're looking for, and what we're working with Mr. Wyatt on, is a system where

-- whereby we can have accurate Minutes without producing the voluminous record that we now have. The system that we have now isn't perfect, as Ms. Bengel said. I don't believe the system we had before was perfect either, so we're looking for a system where it's going to be accurate and -- and not so voluminous. And, Mr. Wyatt, I believe we're going to get -- we're going -- we're going to figure that out shortly; correct?

MR. WYATT: Yes.

MR. BETTIS: And Mr. Outlaw actually had a -- in years past, had had a suggestion, and I believe his suggestion would -- would go to streaming video and a -- and digital recording of the meetings, and we're looking into that option as well; correct, Mr. Outlaw?

MR. OUTLAW: Yes, sir, and I -- I would -- under item number nine, I would make a motion to approve the Minutes based on default to the transcribed Minutes that we have, knowing that we're in a refinement period, and, you know, in the next couple of meetings, I'm sure we're going to get where we're -- where we're going.

MR. BETTIS: Absolutely. Do I hear a second on that?

MR. KINSEY: I second.

MR. BUCHER: Second.

MR. BETTIS: Okay. And is this a roll call?

CLERK: (Indicates negative.)

MR. BETTIS: This is not a roll call. All in favor say aye?

(All Alderman respond aye with the exception of Alderman Bengel.)

MR. BETTIS: All opposed say nay.

MS. BENDEL: Nay.

MR. BETTIS: Let the record reflect that Ms. Bengel said nay.

MS. BENDEL: Can I just ask a question regarding the Minutes? Are they now on public -- I'm -- I'm just -- they're available for the public now? I mean, do we put something on our website or how do we -- how do we convey these to the public now?

MR. BETTIS: Well, let's -- let's put it this way, if the public wanted to come down and -- I believe --

CLERK: They are in my office, the ones I have, the 9th, the 12th, and the 19th. The last meeting, the 23rd [sic, 26], I have not received yet.

MR. BETTIS: And do we have them on -- in -- in electronic format as well?

CLERK: Yes.

MR. BETTIS: So, we could provide somebody a CD, with a disk?

CLERK: We could provide them with me emailing them to them.

MR. BETTIS: So, we could provide them email, too, as well; correct?

CLERK: Uh-huh.

MR. BETTIS: Okay. I think that's -- I think that's pretty self explanatory. Thank you. Moving on to adopt -- item number 10, "Adopt Revised Schedule of Board of Aldermen Meetings." That's pretty self explanatory. Mr. Wyatt, would you like to --

MR. WYATT: No.

MR. BETTIS: Nope. We've adopted --

MR. OUTLAW: I make a motion we approve it?

MR. BETTIS: Pardon me?

MR. OUTLAW: I make a motion we approve --

CLERK: You got to --

MR. OUTLAW: -- "Adopt Revised Schedule of Board of Aldermen Meetings."

CLERK: Uh-huh.

MR. BETTIS: All -- do we have a -- a second?

MR. TAYLOR: Second.

MR. BETTIS: All in favor say aye.

(All Alderman respond aye.)

MS. BENGEL: Can I ask a question?

CLERK: Who seconded it?

MS. BENGEL: I'm sorry. I'm sorry, I have a question.

MR. BETTIS: What's your question?

MS. BENGEL: I just want to ask if we need to have additional work sessions, do we have to keep revising this and adopting it every time, or do we --

CLERK: Yes.

MS. BENGEL: -- so --

MR. BETTIS: Let's ask Mr. Davis?

MR. DAVIS: Yes, ma'am.

MS. BENGEL: Okay. So --

MR. DAVIS: This -- this was done through March to see how far that got you.

MS. BENGEL: How far that got us and then we may have to --

MR. WYATT: My suggestion --

MR. DAVIS: Yes, ma'am.

MR. WYATT: -- would be if we know ahead of time, we will add them, then it would probably be best to add them at the Council meeting so we have to do less paperwork --

MR. BETTIS: Yes, sir.

MR. WYATT: -- 48 hour notice.

MR. BETTIS: Yes, sir, and we'll -- we'll get together with that this weekend --

MR. WYATT: Right.

MR. BETTIS: -- I believe, at our retreat.

MR. WYATT: Yes.

CLERK: Who made the second?

MS. BENGEL: Thank you.

MR. BETTIS: Did I hear the motion?

MR. OUTLAW: Yeah, the second was Mr. Taylor.

CLERK: Mr. Taylor.

MR. BETTIS: Mr. Taylor? Now the -- all in favor say aye.

(All Alderman respond aye.)

MR. BETTIS: All opposed say nay.

(No response.)

MR. BETTIS: It appears that the ayes have it.
Moving on to number 11. This is, "Adopt Resolution
Approving Agreement with Ellis Development."

MR. DAVIS: Mayor --

CLERK: It's --

MR. DAVIS: -- I'll -- I'll --

CLERK: That is not --

MR. DAVIS: Yes, ma'am?

CLERK: -- a resolution; it's just --

MR. BETTIS: Yes, sir.

CLERK: -- an agreement.

MR. DAVIS: No, ma'am. Yeah. This is -- pursuant
to your directive at our last work session, I have provided
to you, under separate cover, a draft agreement regarding
the Ellis Sewer Service. I've not shared that with Mr.
Ellis, or his counsel, at this point. I wanted to make sure
you saw it first, and I've described this to you in -- in
general terms, but I wanted you -- you to see it before I --
I proceed.

MR. BETTIS: Okay. I didn't -- can -- may I -- and
just -- may I have a copy of it so I can see that?

MR. DAVIS: Yes.

MR. BETTIS: I didn't get to see that. I stand
corrected, Mister --

MR. DAVIS: Did you find it?

CLERK: You should have one.

MR. DAVIS: Number 11?

MR. BETTIS: Yeah, I --

CLERK: Scott, I didn't have one of those. You
didn't give me one.

MR. BETTIS: All right. I stand corrected. I have
it; I will review it tonight.

MR. DAVIS: And -- and, Mayor and the -- and the
Board, if -- if you'd like, there's certainly some legal
issues here that you may want to discuss in a closed
session; that's your prerogative. I'm -- I'm available if
you want to do it that way or -- or talk about it now, so
it's up to you.

MR. BETTIS: All right. This has not been provided
to Mr. Ellis --

MR. DAVIS: No, sir.

CLERK: Uh-uh.

MR. BETTIS: -- as of yet.

MR. DAVIS: No, sir.

MR. KINSEY: So, we need to go through it.

MR. BETTIS: And what -- what is -- let's -- let's
put it this way, what's your suggestion for tonight?

MR. DAVIS: Well, I -- I just need some direction
from you, from the Board as -- as to how to proceed with the
draft that you've been given.

MR. BETTIS: Well, I -- I -- I just -- I don't think

we got these until today, and --

MR. DAVIS: When was it?

MR. BETTIS: -- or --

CLERK: Yesterday.

MR. BETTIS: -- yes --

MR. WYATT: Yesterday evening.

MR. BETTIS: -- and I -- I apologize to Mr. Ellis, I apologize to the Board, I haven't had a chance to look at it, and I'll just be up front about that, and I would like to look at it, so. As you know my -- I don't know --

MR. DAVIS: Well, what you -- what the Board may consider, I need feedback from you as -- as to how to proceed on this, and there's nothing wrong with you giving some direction to Mr. Wyatt directly that he could pass on to me. And then once I get word as to -- as to how you want to proceed, I can forward copies to -- to Ms. Atkins.

MR. BETTIS: And my -- my, I -- I believe, and I'll just go on the record, my advice to you was, and -- at the last meeting, I saw a letter of commitment that I believed obligated us to providing Mr. Ellis with -- with sewer allocation. I make no bounds about -- about that. The other part of that is, under what conditions do we give the allocations? That wasn't discussed at the previous meeting. And my opinion on that is that, if we're -- if the City is going to be in the business of providing sewer allocation, the -- the recipients will abide the -- the rules the developers in the city have to abide by; that's -- that's where I'm going on that. I don't know if -- if anybody else has thought about it yet, but -- but... Yes -- yes, Mr. Wyatt?

MR. WYATT: It may help with regard to the sort of long standing issue about the service. I was given, today, a proliferation of correspondence between the administrative staff and the developer --

MR. BETTIS: Yes, sir.

MR. WYATT: -- which would demonstrate that there has been quite a bit of discussion, I think, even agreement on the developer's part to upsize the line to 12 inches from eight inches. And, clearly, it's -- it's -- I haven't had the chance to read them other than to be handed -- clearly indicates that this has been in the hopper in addition to that one little letter, and they made adjustments. Again, I go back to the size of -- of the land. One of the things the developer showed me, or the developer's representative, with their attorney was their -- they've -- they've got -- and I thought they had showed it to you the other night when we had the meeting, but they had lot plans, subdivision plans, that I think have been developed commensurate with the approval they were indicated that they would -- they had received as a result of that letter and maybe other things.

MR. BETTIS: I don't -- I don't understand what you're saying.

MR. DAVIS: I -- I think -- forgive me, sir, but I -- I think what Mr. Wyatt is saying is that there is -- there

are several years in the course of dealings with correspondence between the parties working out what, at least at the time, the city staff expected, and none of that correspondence contains the issue that's important to you.

MR. BETTIS: I know, but my whole -- my whole issue with that is that the people who did that correspondence are no longer sitting up here; I am and these -- these new Aldermen are, and I believe that it's a policy decision and not -- I'd like, you know, perhaps we can go in the back room and we can discuss it, but it's my opinion that if -- what I -- what I was told last time was that there was a letter of intent to provide sewer allocation. I told the City that I believe you have to honor that letter of intent. The terms and conditions aren't -- are not something that were discussed at the last meeting. The terms and conditions are that, in my opinion, we're not going to provide allocation, make it, you know, provide unequal allocation -- we're not going to provide allocation to people outside the county unless they're following our rules; that doesn't make any sense because eventually, these -- these developments are going to be -- eventually, these developments are going to be annexed by the City, and then what -- what kind of liability are we taking on? So, I think that we need a special -- if -- if the issue now is the terms, then let's -- let's have a meeting on that unless we want to discuss that tonight. Mr. Outlaw?

MR. OUTLAW: Mr. Mayor, Board members, Staff, public, I know that when we had our workshop, we left that workshop and we instructed the staff to proceed with gathering facts, collating information, working toward whatever the final fruition of this situation is. And so, I think what would be interesting would be for our staff, the engineer, the attorney for the city, whoever else on the staff, our city manager, to make some comments, and then offer Mr. Ellis, his engineer and attorney an opportunity -- because if we were to go into a closed session to discuss this... I think we'd be much more educated about it if we let these people refresh us and give us any new information that they have. So, that would be my thought is just open it up, let the City make a presentation, and then let Mr. Ellis, and then we might decide we want to go discuss it or -- and that might give you a minute to peruse it.

MR. BETTIS: I just did, and I didn't see the terms that I wanted in there --

MR. OUTLAW: Okay. Well --

MR. BETTIS: -- in there.

MR. OUTLAW: -- let's -- let's -- I -- I'd like to see some discussion.

MS. BENGEL: Lee, it's in there.

MR. BETTIS: What's that?

MS. BENGEL: It's in there. I think what you wanted, it is in there.

MR. DAVIS: Section --

MR. BETTIS: Oh.

MR. DAVIS: -- Section 3.8.

MS. BENGEL: Yeah.

MR. BETTIS: Oh, let me see. Sorry. My perusing was --

MR. WYATT: And it's prefaced by the fact it was put in there because of your request.

MS. BENGEL: Uh-huh.

MR. BETTIS: Oh, right. Yeah, yeah, yeah. All right. Sorry, I missed that. You're absolutely right. But this hasn't been shown to the opposing --

MR. WYATT: No.

MR. DAVIS: It's been discussed, but -- but -- but they have not seen this draft document.

MR. BETTIS: So, that -- that's what happens when you read stuff quickly.

MR. WYATT: Well, out of courtesy, it should go to you before they get a copy. Excuse me. I've never been in law, so I'm speaking softly, but we will -- wanted -- you would get a copy of this before we gave them a copy as a matter of courtesy to you.

MR. BETTIS: Oh, okay. I just apologized. I didn't have a chance to read it, and I -- I apologize again. So, what do you propose we do tonight, Mr. Davis?

MR. DAVIS: Well, I'm at your pleasure with what -- I just need some instruction as to how to proceed, as to how the Board wants to proceed. The Board can tell me to give them this draft right now and -- and that's the -- that's the agreement that you want, or you could give me some instruction to -- to do something different. I just need to know what to do.

MR. BETTIS: Okay. Let's open it up for -- let's -- that, I can open up for -- for discussion. Let's start down there with Mr. Outlaw.

MR. OUTLAW: Well, I might get off the subject a little bit 'cause that's a big subject over there on the James City side of New Bern.

MR. BETTIS: Well -- well, if we --

MR. OUTLAW: Would you like to cut me off at the end about three minutes?

MR. BETTIS: Yes, Mr. Kirk.

MR. OUTLAW: It -- it appears -- it -- it appears that, way back, if you are on one side of Highway 70 and you were where the County had the step system and you wanted to do 30 lots, or 50 lots, or 20 lots, the -- the City seemed to take the same pattern the County had. The -- I think it was a Farmer's Home Administration loan that provided Township 7 with sewer because the -- the soil conditions were so marginal that that system was only to provide sewer for areas of Township 7 that had such marginal soil conditions as they were not conducive to a standard septic tank. From that time, it kind of proliferated and did a lot of other things. But when the City got involved, it appeared to me, and this is my opinion only, that it looked

like that if a large developer came in and wanted some sewer, they didn't want that step system. They wanted the gravity feed system, and the City took and ran an eight-inch out to the first and that was Taberna. And the City looked at it and said here is some land that's worth, I'm just using an example, \$1,000, and as soon as that sewer line gets there, it's going to be worth a lot more than \$1,000, and the development started. And so on one hand you had, it appeared, patterned that the more affluent areas of town -- of Township 7 that were on the right side of the highway got the gravity feed, and then some of the smaller deals out that way, the Croatan Woods, the Crooked Runs, you know, I could name a bunch of them, went on the step system, and so you had this fragmented growth pattern, and -- and something I -- I hated to see the City involved in, and I don't want to see the City involved in the future. I want, you know -- we do owe Mr. Ellis a -- an answer to his -- to the letter. We need to decide what we're going to do. I'm -- I'm -- I -- I don't want to keep every time we get together not making a decision on this, but there's a lot of moving parts to this, and one part that the City is going to have to come to terms with at some point is does it want to continue the fragmented growth patterns, does it want to continue to disenfranchise and doughnut hole certain areas of Highway 70 that -- that we're all about bringing growth to the area, commercial growth, and we can't even get sewer to some of these areas because, traditionally, it's been step, and now, Mr. Hughes, our -- our position is that, yeah, you can have our sewer if you want to spend \$3,000 or \$4,000 to run a line over here to serve one item and several others are in James City, at this time, doing that. And the problem I see with that, and I, you know, this is getting away from Mr. Ellis a little bit, but somebody's going to come back to this city one day and say, wait a minute, now that you've opened up and run that trunk line and you've now made the decision as a Board, I had a project over there and I had to spend \$300,000 to serve five commercial office condos and I want my money back because you made me do something the next guy got to do with a line run to him or some other economies of scale. So, I'm just saying there's a lot of inconsistency over there, and I -- I -- I'm -- I have my opinions, and my opinion is that the City probably, if it wants to grow, we ought to -- if -- if somebody wants the sewer bad enough, they ought to come into the City to get it, and that's just my position on it, but others have other opinions.

MR. BETTIS: So, let me just clarify. So, if -- if the City was obligated -- if -- if the city was obligated to Mr. Ellis, which -- to provide him sewer allocation out there, is it your opinion that he would have to abide by the rules and regulations of the City?

MR. OUTLAW: Well, we -- we've got another problem out there. The City went past the line of demarcation. They -- they went past Catfish Lake Road, which was kind of

an informal agreement that the City of New Bern would stay on this side of Catfish Lake Road and -- and Havelock would stay on that side, and so then we wrote a letter obligating ourselves to some form of sewer for that development. Mr. Meadows indicates that there might be some other Weyerhaeuser property that we have quasi committed ourselves to, and so there's just that -- all them little issues out there that this -- this City needs to have some visionary pattern of what they want to do. If you want to continue that -- you know, that situation and you can, there's other issues, too, can we supply water? I don't know that we can. I don't know if that's the -- you know, obviously the City normally provides water, but, in the case of Bridgeton, we're over there annexing -- voluntarily annexing people all day long and that's on First Craven Sanitary Water; it's not on the City of New Bern water, so that answers your question that we've annexed places before that don't have city water. Do we -- can we provide city police and fire, I can only speak for the fire. On some occasions, we contract out. Now, that's interesting that if it was contracted out, we're going to have to contract it with somebody that, you know, is probably not going to be happy with the City of Havelock because that would fall under the City of Havelock's, what do you call it down there, Bobby?

MR. BOBBY ASTER: The -- the response area or the --

MR. OUTLAW: Yeah, that. So -- so you got a lot of issues there.

MR. BETTIS: Okay. I think my -- my question is going to be even more specific. Did you look at Section 3.8 of this agreement?

MR. OUTLAW: Well, go ahead and read it to me. I don't have it right in front of me.

MR. BETTIS: All right. I'll -- I'll read it to you. Section 3.8 of the agreement that Mr. Davis drafted says, "The developer shall comply with the City's land use regulations as provided in Appendix A entitled Land Use of the Code of Ordinance of the City of New Bern other than any section requiring special use and conditional permits. To ensure that each phase of the development of the property complies with the City's land use ordinance, developer shall submit a land use and review and development plan to the City's Planning Department and attend a technical review meeting. The development may not proceed with construction of any phase of the development until it has received written confirmation of approval from the City's Planning --

MR. OUTLAW: See --

MR. BETTIS: -- Department."

MR. OUTLAW: -- see, you're going right there and making matters worse. You're expecting that man to do something you've never had anybody else do out there.

MR. BETTIS: I'm not expecting anything.

MR. OUTLAW: I'm -- I'm just saying; I'm just pointing that out. Here again, we -- we're going to invent another incumbrance on people that -- that is not pattern.

There -- it's just a, you know, it -- it would be just simply either annex, annexation, or not annexation. I -- I can't see how you go out there and make him have to do land use plans and you didn't make anybody else.

MR. BETTIS: Well --

MR. BUCHER: Let --

MR. BETTIS: Mr. Bucher?

MR. BUCHER: Yeah, Dana's probably got more to say, but let me give him -- let him take a breath. To me, it -- it's incomprehensible, is that a good word --

MR. OUTLAW: Probably.

MR. BUCHER: -- that we have done things the way we've done them with this hit and miss, you know, you get it, you don't get it, et cetera. I -- I find it just amazing. And, to me, we need a comprehensive plan that says here's what the City of New Bern will do and won't do, and, to me, it's pretty simple. We have a -- we have a separate issue -- and that's what we need to do, but we have a separate issue here in that we told this developer that we would provide him sewer and we didn't say if we'll -- if you'll do this, this, and this. We just said we'll provide you with sewer at a higher rate than we provide sewer in developments that are within the city; okay? I'm not commenting on whether that was a smart move or not a smart move. The reality of it is, in my opinion, we need to -- we need to let this -- this gentleman move on with his project, and we need to, from this point forward, have a comprehensive plan on exactly what we will and won't do that will prevent us from getting in the situations that Mr. Outlaw just described.

MR. BETTIS: All right. Let me -- and let me just -- let me just say that we -- I agree with you that we -- and I agree wholeheartedly, that we obligated ourselves to provide allocation; that's what that letter said. Do we have a copy of that letter, Mr. Davis?

MR. DAVIS: Not with me, no, sir.

MR. BETTIS: The -- there's no doubt -- there's no doubt that we obligated ourselves to provide allocation. The letter is moot on what -- what the other terms are, and that doesn't -- the -- the other -- it's moot. It doesn't say anything about the terms and conditions, so --

MR. BUCHER: Let's talk about --

MR. BETTIS: -- so we're not --

MR. BUCHER: It -- it did talk about price, if I'm not mistaken. There were terms -- there were -- there were -- what the tap fees were, et. cetera --

MR. BETTIS: Who --

MR. BUCHER: -- that was part of that agreement.

MR. BETTIS: We need a -- we need the -- we need the -- a copy of that letter. Mr. Hughes, did you have a copy of that letter?

MR. HUGHES: I have it at the office.

MR. DAVIS: I have it. (Passes it forward.)

MR. BETTIS: Thank you, Mr. Davis. I'm

holding -- I'm holding a letter dated June 13, 2007; is this -- is this the correct letter --

MR. DAVIS: I believe it is.

MR. BETTIS: -- to -- to do -- to --

MR. DAVIS: Taylor Downing?

MR. BETTIS: -- yeah, Taylor Downing?

CLERK: Uh-huh.

MR. BETTIS: That's the letter?

MR. DAVIS: Uh-huh.

MR. BETTIS: (Reads letter.) "Please accept this letter from the City of New Bern as commitment to serve to the sewer -- to serve sewer to the undeveloped property located between the railroad and Highway 70 near the intersection of Carolina Pines Road and Highway 70 East of New Bern. The sewer service will be contingent on submittal of sewer plans approved by the City and subsequent submittal of approval to construct the facilities by the North Carolina Department of Environmental and Natural Resources. The number of taps shall be limited to 600. The developer shall be responsible for the cost of all infrastructure and improvements. The City will accept the flow at the regional lift station located off Waterscape Way and Carolina Colours." So, what it says, the sewer will be contingent on submittal of sewer plans and approved by the City.

MR. OUTLAW: So, you see, that letter also says in there that -- that they're going to give gravity feed; it's not step because it refers back to that sewer system.

MR. BETTIS: And so my -- my point is, the -- the only point, and I want to bring this up for everybody's discussion, this -- this letter appears to obligate us to provide sewer allocation. I think we -- we have a problem that the past Board did that. They did things like this, but it did. You know, now that we're stuck, and I agree with you, Mr. Outlaw, that we're stuck in a bad situation with letters like this, but it also says that we're allowed to approve the terms and conditions under which the allocation is granted.

MR. OUTLAW: Well, again, the difference -- the difference that you're -- you're talking about tonight is -- is if it was 10 home sites, 50 home sites, that's one thing. It's 600 home sites, and this -- I, you know, Mr. Hughes, or somebody there can correct me, but I don't know when we've ever done a development that size, that substantial, in James City with gravity feed that the development didn't come into the city limits. Now, I mean, am I wrong, Mr. Avery? I mean, we've done Carolina Colours and Taberna, and is there anything else? And, of course, Stillwater -- I don't know how many lots that had, but have we ever done anything big like that -- that --

CLERK: Uh-uh.

MR. OUTLAW: -- that we ran gravity feed to that -- that didn't come into the city --

MR. HUGHES: No, sir, I -- I don't think --

MR. OUTLAW: -- out there?

MR. HUGHES: -- I don't think we have a development of that size that's in Township 7 that is not within the City -- New Bern's city limits.

MR. OUTLAW: And the other interesting thing is, being on the other side of Catfish Lake Road, I probably have my answer, but why -- way back, I don't know, Havelock's known for quite a while they've got some capacity allocation problems, but, obviously, it would -- it would just -- we wouldn't be here tonight if Havelock had been able to give them the sewer because it's on their side of Catfish Lake Road. And, I'm not trying -- I'm not trying to make the situation worse; I'm just trying to bring out all the moving parts to this that you've got to deal with.

MR. BETTIS: Absolutely, and I think that's -- that's what we're here for. Mr. White? Oh, Mr. Kinsey?

MR. KINSEY: I'd like to hear Mr. Ellis' comment on some of these things.

MR. BETTIS: So, Mr. Ellis or Mr. Ellis' attorney?

CLERK: His attorney's here.

MR. KINSEY: Yes, please.

MS. BETH ATKINS: Good evening.

MR. WHITE: Good evening.

MS. ATKINS: I think I've spoken with some of you about this since I got a call after the last meeting saying that they wanted me to -- the Mayor wanted to add this provision on land use ordinance? Our position on this commitment is it does have the conditions in here, and the only condition it has in here is that sewer service will be contingent on submittal of sewer plans approved by the City, and Mr. Ellis has been working with the city engineer and the city staff for two and a half years on the sewer plans. They've had two sets of sewer plans done, at a cost of about -- over \$200,000 to meet the City's requirements. They did that based on receiving this commitment for sewer. They've also been working on their subdivision plans with the understanding that they would be in Craven County's jurisdiction for the subdivision approval. All their work that they've done for two and a half years has been based on the good faith negotiations with this City, and Mr. Davis, and the city staff about the sewer plans that -- the sewer the City wanted to see. In fact, we provided to the City today proof that the City had actually signed off on an application to the State for a permit, signed off on an application to the federal government to run the pipes through Croatan Forest, signed off on an application to DOT to run the lines down the easements along the highway. There -- there is all sorts of evidence that the City committed to provide the sewer, and that all Mr. Ellis had to do to was satisfy them about the sewer system. Not once, in two and a half years, has anybody asked for him to meet the land use ordinance, for him to meet the Craven County -- I mean, the City of New Bern's subdivision ordinance. As a matter of fact, somebody asked me a question the other day about what size lots he was going to have, and I didn't even

know --

MR. BETTIS: Once again --

MS. ATKINS: -- because it's never been an issue.

MR. BETTIS: And -- and I agree.

MS. ATKINS: For -- I -- I don't understand how someone can meet the subdivision ordinance in the City of New Bern and they're not going to be permitted and inspected and they're going to be in Craven County's jurisdiction. I just see a nightmare. I see a bureaucratic nightmare, and nobody's ever been required to do that before --

MR. BETTIS: And -- and --

MS. ATKINS: -- and we don't understand how he would --

MR. BETTIS: -- Ms. Atkins, let me -- and I'll just -- and I'll explain the -- the harsh facts of life are that I think that the last Board of Alderman did a terrible job at this sort of thing and that's why they're not sitting here. I think that they left us all in a -- in a bad way. It's a bad way up there with over promise --

MS. ATKINS: And -- and you've had a group that's working on it.

MR. BETTIS: And -- and pardon me. And pardon me. And I'll -- it's -- they left us in a bad way. We're doing the best we can here to -- to pull it out. I look at this letter and I agree that Mr. Ellis has -- Mr. Ellis has absolute -- we're obligated to 600, up to 600, you know, homes, tap lines; that's -- that's no problem, but the, you know, that -- there is no other agreement that I've seen. And unless you can produce another agreement, I'm not going to change my opinion on that. You know, you -- the -- did the last Board do a bad job? Yes. Is the last Board sitting up here? No. Are we under an obligation right now to decide the future of this city? Yes. Is the future of this city to -- to continue this sporadic annexation like Mr. Outlaw says? I don't think so, but that's, you know, and that's -- and that's my two cents, and that's said -- let's go back to the Board. Mr. White?

MR. WHITE: My opinion is that when we met with Mr. Ellis and his people maybe a couple of weeks ago or more, I was under the impression that we agreed with them and everything was going to be okay. As it stands right now, I still feel that way. I'm an Alderman and not a mayor. Aldermans [sic] makes the decisions; the mayor helps on the decision. I mean, I'm not the person that's up here that -- that's going to be somebody just everybody can lay out and you just fall. We have six Aldermans. You six Aldermans have to make up your own mind, go by your own decision. There's some things that have been done wrong and we see that; we need to straighten it out. So, when we're trying to straighten it out when it's already been at hand, you know, we have people has spent thousands and thousands of dollars, and then we'll be coming along later on, and I'm not saying we're going to do that. I just say, no, it's not

going to happen that way; you've got to do something else. You know, I mean, I -- I don't understand. I mean, I just know that whenever you commit to a person or you shake a man's hand, that's old school. I'm still old school, and that -- that stands -- everything is agreeable. And then when -- when we're agreeable, then all of a sudden later on, I find out later on that -- that some other things has been stirred up in the pot. I mean, you can't stir up anything in the pot without all of us knowing about it. It's a lot of things that I don't know about until I see it in an email. I don't -- I don't appreciate that. I mean, I don't get a chance to meet with everybody and then we can't meet unless it's two of us or three of us, but we need to work together a little bit better than we've been working, and we need to try to help the community grow. I'm -- I'm for growth. I don't want New Bern to suffer behind things that we do that doesn't turn out right. I don't want to go back and keep talking about the previous administration. I mean, they are -- they're gone. Everything is on our shoulders now, so we need to do what we can to keep going forward, you know, and that's the only way I see it. We're Aldermans, and we are -- have a -- the job assignment; we need to do that. I don't believe in a buddy/buddy system. I don't have it, so I may be up here by myself, but at least I am one by myself. I'm -- I'm -- I mean, believe that Mr. Ellison [sic] has been through enough, even with the other Board, so that's all I have to say about that.

MR. BETTIS: Thank you very much. Do we have any other?

MR. TAYLOR: Yes, sir. As we adjourned the last meeting, it was -- Mr. Ellis came and gave the report. I, too, was under the agreements that everything was good to go. Like Dana was saying in his comments, we understand that things are done in this area this way, and this area this way, and this area that way; it's not all the same. But as of henceforth, we should be able to go forward on one common ground. The past is the past. Mr. Ellis and his group has done everything that was asked of them. I think we just need to let them go forward and just go forward.

MR. BETTIS: Mr. Outlaw?

MR. OUTLAW: Well, I'm just going to give you a hypothetical. You -- Mr. Hughes, correct me if I'm wrong. You're down to about 30,000 to 50,000 gallons of sewer with this approval here, without spending \$7 million to get some a tandem line back to New Bern?

MR. HUGHES: At the end of our -- our work session, a few weeks ago, I think the Mayor tasked me with --

MR. DAVIS: Jordan. (Indicates microphone.) Okay.

MR. HUGHES: I'm sorry. At the end of our work session, or in your work session a few weeks ago, and the Mayor tasked me with trying to go back and dig deep and make sure that we account for everything that we have that's possibly been allocated like this. Over the last few weeks, I have been digging deep through files and talking to

Weyerhaeuser representatives and developers and trying to make sure that we are very sure of -- of our -- what our current situation is. I have not had a chance to fully finalize --

MR. OUTLAW: Well, is it a fair statement that, and I remember your -- your information that you shared with us, if we do the 600 home sites, which is about 360 gallons a household, we're down to about 30,000 to 50,000 gallons after that, that commitment, without spending about \$7 million to run a tandem line back to New Bern to -- to increase that transmission, though; is that a fair assessment?

MR. HUGHES: Yes, sir. The full 216,000 gallons a day of -- of capacity that the Ellis development needs, if you were to commit to providing that to them all at one time, up front, day one, it would use a large majority of our --

MR. OUTLAW: Okay.

MR. HUGHES: -- available capacity with our existing infrastructure.

MR. OUTLAW: I just heard two Aldermen tell me that if somebody over there in -- in James City had -- is in the city limits presently and wants some sewer that is already in the city, you're not going to be able to give it to them because you used your allotment up, whatever you want to call it, on a development that -- that you don't want to be in the city limits of New Bern. And, I don't think it's fair to somebody that wants to come into the city limits of New Bern and get the services we provide and pay the taxes that people in the city pay. I don't think it's fair that -- that somebody that wants to bring real property, ad valorem tax revenues to the city is not allowed to come in because you just gave your -- what we would call Havelock, an allocation of.

MR. BUCHER: I don't think it's --

MS. BENGEL: Okay. Did you just say bring someone into the city? Or, are you talking about people who are already in the city? I -- I think you just said --

MR. OUTLAW: I'm saying that if tomorrow a major industry --

MS. BENGEL: There are -- there are people in this city right now --

MR. BETTIS: One at a time.

MS. BENGEL: -- in James City --

MR. BETTIS: One at a time.

MS. BENGEL: My question is are there people in James City right now that cannot get onto our sewer system?

MR. BUCHER: They're not in the city.

MR. OUTLAW: They're not in the city, but now --

MS. BENGEL: Okay.

MR. OUTLAW: -- that's a -- and that --

MS. BENGEL: That's why I'm confused.

MR. OUTLAW: -- doesn't involve Mr. Ellis and he shouldn't have to suffer that. That's all about a different

situation. That's a step system, and -- and the contractual obligations we have to fulfill that we took over the contractual obligations of the County; that's a different deal. All I'm saying is that if you use this -- this up on -- on Mr. Ellis or anybody that doesn't think enough of the city to want to be annexed by the city, then you -- until you spend \$7 million that creates the ability to get that sewer back to New Bern over the Trent River, you have used up within 30,000 to 50,000 gallons the ability to bring in an annexed property to the city that can create tax base funds like Taberna or Carolina Colours; you can't do it anymore because you gave it up on a 600-home site development that doesn't want to be in the city. And -- and, you know, if we just had beaucoup of sewer, I wouldn't be saying all this. If we had -- if -- if it didn't cost a lot of money to treat sewer, I wouldn't be saying all this. But the truth of the matter is, is this is not my sewer, it's not anybody's -- this is the City of New Bern's sewer; it's got to be used wisely. It's got to be the -- the optimal return for the citizens of New Bern, every deal we make.

MR. BETTIS: And can I just make something more -- more poignant just so that this Board knows exactly what we're talking about? We're talking about a development that is not in the city and will not pay taxes. You know how serious an issue that we're dealing with? And, you know,

I -- there's a little -- a little sewer district up in Pamlico County that provides sewer allocation to a lot of -- it provides sewer allocation -- sewer to the entire Pamlico County area, Bay River. They are going under moratorium by the end of the week, which -- you know what that means? All the allocation's gone. I --

MR. OUTLAW: Well, you add up that \$12,000 tap fee on top of that.

MR. BETTIS: Yeah. Well, that means that, I just heard from the Superintendent today, that the State is going to place them under a moratorium.

MR. OUTLAW: Uh-huh.

MR. BETTIS: That means if we give our building -- if we give our sewage allocation away, we'll have about 40,000 left. Mind you, we'll have about 40,000 gallons a day left. Now you say let's give this guy what he wants and move on, do you know how many Mr. Ellises there are out there?

MR. OUTLAW: And you got to spend \$7 million real soon --

MR. WHITE: There are a lot of Mr. Ellises out there.

MR. OUTLAW: -- to put that tandem line in.

MR. BETTIS: At this point, I asked Mr. Hughes -- what Mr. Hughes just told us at the end of the last meeting, I told him -- I asked him to go out and find out how many more Mr. Ellises are out there. He hasn't even found out

how many Mr. Ellises are out there. So the next Mr. Ellis comes up, you're going to say give him allocation, and guess what?

CLERK: He won't.

MR. BETTIS: There isn't going to be any; that's the whole point --

MR. WHITE: I have something I have to say.

MR. BETTIS: -- then there's no more development for New Bern. Our developers -- our developers no longer can build; that's stifles development.

MR. WHITE: I have something to say.

MR. BETTIS: Go ahead, Mr. White.

MR. WHITE: What -- what I'd like to say is that cut out all the scare tactics. First, we were going to -- we were going to allow them people to do what they need to do if they abide and went by our rules. You didn't say nothing about no water. You didn't say anything about water. And now you come back and you're saying if they -- if they tap on the water, the outcome of it. The City of New Bern, we're going to do fine. The City of New Bern going to always do fine.

MR. BETTIS: Mr. White, we're not talking about water at all.

MR. WHITE: No, you're talking about the tap on fees.

MR. BETTIS: The tap on fee is tapping on the sewage line.

CLERK: The sewage line.

MR. WHITE: Yeah, and then they was talking about the amount of water it was talking to Mr. Hughes about.

MR. BETTIS: No, no, no, it's all -- we haven't -- we haven't brought water in. What you said, the first part --

MR. WHITE: They going to need water.

MR. BETTIS: -- the first part -- the first part of what you said is actually true. The last time we said, well, we agree to the -- your -- we agree to give you the allocation if you abide by the city's rules; correct?

MR. WHITE: Yeah, you said that.

MR. BETTIS: Yeah, and that's exactly what I'm saying, abide by the city's rules. No problem with that; that's exactly what we're talking about. I agree with you on that. Mr. Kinsey?

MR. KINSEY: I was thinking about Ms. (Stevie) Bennett also and she mentioned that this other individual that lives in the city that can't even receive sewer, so my question back to Mr. Ellis, are ya'll planning on being annexed into the city?

MR. OUTLAW: Ma'am, he had a question.

MR. BUCHER: Johnnie Ray, at the last meeting, they said they were willing to do that. We didn't want to do that because of --

MS. ATKINS: If you -- I'm sorry. I was asking him a question. But if your question was about annexation --

MR. BUCHER: Yes, ma'am.

MS. ATKINS: -- we asked about annexation a long time ago, and we were told by the City after they went back and looked at it, Mr. Davis can confirm this, the City did not want to annex the property. It was too far, there was too much -- too much expense for the water, too much expense for the fire, too much expense for the police, and we were told they didn't want it. We were also told that we were in the Havelock annexation district. This is a unique piece of property. It's 325 acres. It's a mile and a half -- one end of it is mile and a half from Havelock, the other end of it is two and a half miles from New Bern. That puts you where your -- part of the ETJ of each city touches part of the subdivision, and you could not annex this property without the permission of Havelock and it would have to be voluntary because of the distance. We asked, we were told -- so now everybody is trying to make it sound like we don't want to be a part of the city. That -- that's not the way that all of this happened. I think people are ignoring some of the history of how we got where we are. We got the commitment, we did everything we were asked to do, we asked about being in the city, we were told no that it was not appropriate, it wasn't cost effective for it to be in the city, and that we -- we should proceed on with the sewer plans, and that's where we are.

MR. BETTIS: Let's see. Do we have some questions down here? Mr. Taylor?

MR. TAYLOR: (Indicates negative.)

MR. BETTIS: Ms. Bengel?

MS. BENDEL: (Indicates negative.)

MR. BETTIS: Mr. Bucher?

MR. BUCHER: Yeah, well, I -- I'm sure that the Board that follows this Board will look at us and say we screwed some things -- some things up.

MR. BETTIS: Probably.

MR. BUCHER: The -- the -- the reality of it is, the Board didn't make that decision. The Board -- the Board -- as I understand it, the city engineer made the decision, and the city manager, and I don't know that the Board was even involved in it; that's my understanding. I could be right or I could be wrong, but the point is that we, as a Board, are going to give the City Manager and hence his department managers the decision-making ability, but we're also going to give him some guidelines on what we think is appropriate. I don't think we should fill in the swimming pool, I don't think we should leave the bridge open, and I don't think we should delay this man's sewer, and I don't -- I don't -- do I think we should have agreed to it? No, I don't think this letter should have ever been written; okay? But I -- I -- my -- my position is, we've -- we've strung this man out long enough and told him to wait, and to wait, and to wait, and I -- I just think it's unfair, on our part, to -- to delay him any longer.

MR. BETTIS: Any -- thank you. Any questions down here?

(No response from Mr. Kinsey, Mr. White or Mr. Outlaw.)

MR. BETTIS: I'd like to know -- I'd like to know what that letter means to you, what it -- what it says we agreed to.

MR. BUCHER: It says we agreed to provide him with 700 -- 600 residential units and that we would accept the flow, and it doesn't say, We're going to come back to you and say you're going to have to jump through some other things. It just says we're going to provide you with sewer and --

MR. BETTIS: Contingent on submittal of sewer plans approved by the City.

MR. BUCHER: -- and -- correct, and I think we should have that sewer plan, but I don't think that has anything to do with other requirements that -- that were -- that the attorney wrote; that's just my opinion.

MR. BETTIS: And the other --

MR. BUCHER: I don't think that's part of a sewer plan.

MR. BETTIS: All right. Thank you. At this point, does the -- does the Board want to continue debate?

MR. OUTLAW: I think that you ought to let the Ellis team make a presentation.

MR. BETTIS: Does the Ellis team want to make a presentation?

MS. ATKINS: Well, I think I have said what I most -- I wanted to say, other than that a lot has been made about developers being treated differently, and I can't answer how developers have been treated all up and down Highway 70; I can only say that this commitment was made two and a half years ago. This person -- this group has done everything they were asked to do multiple times, revised plans, and I don't see how you can file a land use ordinance. I'm not sure it's legal, and Scott might have that legal argument for the City to require somebody to file this land use ordinance outside its jurisdiction by contract, and we can't do it otherwise, statutorily. And, every subdivision is different. This project has some very unique situations because of where it's located. To say that everything along 70 is going to be treated the same is not realistic because it's not going to happen; they're all different because some are closer to lines, water lines, sewer lines, power lines. It depends on where you're located and what you get. This city is addressing the issue for the future that you -- you mentioned. Some of the people in this room are sitting on a committee right now with the City to decide what policy to use for people going forward, so they're addressing the issue. But this issue is something that was decided two and a half years ago, and what this was supposed to be about was improving the final agreement details, and I went and read the transcript of the 19th meeting today, and what was said

was that Mr. Davis was going to use the term sheet that was presented that night and go draw an agreement, and that the only thing that Mr. Hughes was asked to research after that meeting to add was whether it was the cost of the City paying for the difference for an eight-inch line and a 12-inch line, and what should be included about the -- in the agreement about that. That's the only directive about additional research for consideration or ideas that was to be added. And I think one of the last things you said is we need to let this man -- you said, We need to let this man do his business and get out of his way.

CLERK: Uh-huh.

MR. BETTIS: I agree with that statement.

MS. ATKINS: And that's the way -- and that's the way it was left, and that's -- that's what we operated on. Now, I've got the term sheet --

MR. BETTIS: And --

MS. ATKINS: -- and I haven't seen the agreement, so I don't know if it meets the term sheet or not, but -- but that's what we were prepared to review, and -- and talk about, and that's what we expected to see.

MR. BETTIS: And just so you know, just so you know, when we were at that meeting, we were discussing this letter. And based on this letter, I wholeheartedly agree that we need to provide this man his allocation, you know, submit the plans to the City for approval according to our land use. I -- I was incredulous that we would actually provide someone outside our city limits an economic advantage over our developers. You know --

MS. ATKINS: It's not an economic --

MR. BETTIS: -- let -- no --

MS. ATKINS: Do you know how much --

MR. BETTIS: -- one -- please, please, Ms. -- Ms. --

MS. ATKINS: -- it's going to cost to get the sewer?

MR. BETTIS: -- Ms. Atkins, I let you --

MS. ATKINS: It's going to cost --

MR. BETTIS: -- I let you speak.

MS. ATKINS: -- \$2 million --

MR. BETTIS: Please.

MS. ATKINS: -- to get the sewer.

MR. BETTIS: Please, and I understand your position, but developers in the city are required to -- would you agree that developers in the city are required to abide by our land use ordinances?

MS. ATKINS: Yes, they are, and --

MR. BETTIS: Correct.

MS. ATKINS: -- in exchange for --

MR. BETTIS: And now --

MS. ATKINS: -- that they get city services like police and fire or trash pick up.

MR. BETTIS: Correct.

MS. ATKINS: -- and the water and sewer lines run right by your neighborhoods. They don't have to pay \$2 million to run six miles of line to get the sewer.

MR. BETTIS: And -- correct, and that's --

MS. ATKINS: So, there's cost to be in the city and there's cost to be out of the city, and they're -- they wash each other out.

MR. BETTIS: And for the -- for the Board of Aldermen, can you tell us that -- can you tell us that if -- if the cost per unit -- the cost per unit of -- of houses outside the county where they don't have to comply with the land use ordinances is significantly lower?

MS. ATKINS: I don't know if it is or not because it depends on how much you have to pay to get the services. It depends on what quality of subdivision you built.

MR. BETTIS: I think it's safe to say that the -- it's going to be about \$8,000 to \$10,000 cheaper per unit.

MS. ATKINS: I don't think you can say that plainly.

MR. BETTIS: Do -- and maybe that's something we need to find out, but in my -- I'm not -- I don't have a vote right now, so let's go back to the Aldermen. Any further questions?

MS. BENGEL: I would like to, you know, the numbers don't mesh out to me as far as the expenses for the City. I mean, the -- I don't know -- I've seen it someplace, but I don't have it in a letter that they were going to pay double tap fees, so --

MS. ATKINS: Yeah.

MS. BENGEL: -- each of the 600 homes will pay eighty- seven --

MS. ATKINS: \$8,750 per tap.

MS. BENGEL: So, that's twice as much that --

MR. DAVIS: In today's --

MS. BENGEL: -- as we would get --

MR. DAVIS: -- today's dollars.

MS. BENGEL: Excuse me?

MR. DAVIS: In today's dollars. That's today's tap fees.

MS. BENGEL: Today's tap fees.

MS. ATKINS: Today's tap. It would be whatever it --

MR. DAVIS: Yeah, whatever --

MS. ATKINS: -- is at the time, the non-resident, I think, what Scott said would -- it would be the non-resident's fee for people south of the Trent River --

MR. DAVIS: Whatever the --

MS. ATKINS: -- on the gravity system.

MS. BENGEL: So, that would be twice as much as in town people would -- would pay, and then they'll pay increased sewer fees --

MS. ATKINS: Sewer rates.

MS. BENGEL: -- above and beyond what we pay.

MR. DAVIS: Twice.

MS. BENGEL: I don't -- you know, whatever that number is, I haven't seen it. I really would like it in writing some place. It doesn't really state that.

MS. ATKINS: It's on the --

MS. BENGEL: Well, I haven't --

MS. ATKINS: -- it's on a term sheet.

MS. BENGEL: -- seen it in this agreement that --

MS. ATKINS: No, it's on the term sheet.

MS. BENGEL: -- that we got, Scott, so I didn't see that included in this so I would know. Now, I'm concerned about the cost of fire, and police, and all that that we have to put in these areas. I think we need to really think about, when we annex places in how we can provide them services. That explicitly. We all witnessed what happened by not having the services we need out there, so I don't need to say anymore about that.

MR. OUTLAW: Well, you got the police chief and the fire chief here, that -- that's --

MS. BENGEL: Well, they'll tell you that we don't have enough services out -- isn't that where we -- I mean, we've built a satellite fire station.

MR. OUTLAW: There's the man right there who can answer your questions.

MS. BENGEL: Their resources are strained as it is.

MR. OUTLAW: I'd like --

MR. ASTER: I'm not exact --

MR. OUTLAW: Go ahead.

MR. ASTER: Excuse me. Mayor and members of the Board, I'm not exactly sure where this project is located, but if it's anywhere near Catfish Lake Road, I can --

CLERK: Uh-uh.

MR. ASTER: -- assure you that we cannot provide the services needed to provide fire protection and keep the same ISO rating that as the citizens in -- in the -- the New Bern area are having. Providing the contract for fire protection is great when we do have the capability of doing that; however, unless we can be a first responder along with that contracted fire department, they're going to take the ISO rating of that contracted department, and I -- I think, if -- if I have any idea where this place is located, I think it's going to probably be Township 6 Volunteer Fire Department, which would be the -- the nearest department to them, but -- but we're not going to be able to provide them fire protection and maintain the same insurance premium ratings of what the people in New Bern currently have.

MR. OUTLAW: Well, let me ask a question. Have we got an ISO rating of 3 right now?

MR. ASTER: Correct.

MR. OUTLAW: And with the limited pressure down at Stillwater and where the new half-million gallon water tank's going on Wilcox Road, which is much closer to the Ellis land than the Stillwater project, and not knowing anything about pressures and knowing that the Thurman Road's Fire Department is -- is -- is probably no further, and I might be wrong, to Catfish Road than it is -- Road than it is to Stillwater, how did you -- how did you do Stillwater and you wouldn't consider serving this?

MR. ASTER: Well, it's -- it's all based on --
MR. OUTLAW: Did we do it with Bryce's Creek over
there?

MR. ASTER: It's all -- right, it's --

MR. OUTLAW: Did you contract with them?

MR. ASTER: -- and -- and we would have to contract
with -- with them.

MR. OUTLAW: Uh-huh. So, you couldn't contract with
somebody like this Stillwater deal?

MR. ASTER: Well, yeah, absolutely, we can. We can
contract with Township 6 Fire Department if Township 6 Fire
Department is willing to provide the contract. The
difference is how far is it from Township 6 from -- I mean,
from Thurman Road Fire Station to their location.

MR. OUTLAW: Yeah.

MR. ASTER: If it's greater than five miles, then
they're basically going to have an ISO rating of a 10.

MR. OUTLAW: But if you had two fire trucks, and you
had two fires, one at Stillwater and one at this Ellis land,
would there be any difference in the efficiency in the
service to put a fire out at -- at this location versus the
City of New Bern going to Stillwater out on Bryce's Creek
Road?

MR. BETTIS: Okay. We're getting way off the
subject with this right now.

CLERK: Yes.

MR. BETTIS: We're here for -- I just --

MR. OUTLAW: I'm just trying to see if we can
provide the service. I --

MR. BETTIS: I know. I mean, I'm looking at number
11, and I'm probably part of the problem on this one.
"Adopt Resolution Approving Ellis Agreement," so let's --
let's just -- let's bring it back full circle.

MR. DAVIS: I just need some direction, just some
direction from you. I -- I've got a copy I can hand to Ms.
Atkins. I think you just need to tell her with paragraph
3.8, without it, with annexation, without annexation.

MR. BETTIS: Well, let's go around. Let's go
around. With paragraph 3.8, or without, Mr. Outlaw?

MR. OUTLAW: I'm all for doing the -- the Ellis deal
tonight with their agreement to -- subject to Havelock would
have to approve the annexation, it's right there in that
agreement; it -- it talks about in that sewer agreement,
that we -- we never consummated. I'm ready to do the Ellis
deal if they want to come into the City of New Bern; that's
my position.

MR. BETTIS: Mr. White?

MR. WHITE: I like the Ellis deal, but I'm -- I
would --

MR. BETTIS: With 3.8 or without 3.8?

MS. BENGEL: I think he wants it the way it is. I
think he wants it the way it was originally stated.

MR. BETTIS: The way it is, is with 3.8 in it.

MS. BENGEL: Then I don't think he wants it.

MR. BUCHER: Let -- let me -- make -- let's make it simpler.

MR. BETTIS: Hold on, let's -- and let's --

MR. BUCHER: Can we make it simpler?

MR. BETTIS: Yes, sir.

MR. BUCHER: The Ellis deal, the way we originally set it, or the Ellis deal with the revisions that are in there.

MR. WHITE: The way we originally set it.

MR. BETTIS: The way we originally set it. Mr. Kinsey?

MR. KINSEY: I second.

MR. BETTIS: Well, I don't know if there's a motion. I'm just asking if there's --

MR. KINSEY: I mean, I agree.

MR. BETTIS: With -- you agree with Mr. White?

MR. KINSEY: Yes.

MR. BETTIS: Okay. Any further comments?

MR. BUCHER: That's my position as well.

MS. BENGEL: That's my position.

MR. TAYLOR: Same.

MR. BETTIS: All right. Then I think you're getting your -- I think you're getting some guidance.

MR. DAVIS: I appreciate that, members of the Board. What I'll do is I'll give this to Ms. Atkins. And -- and in her defense, too, understand again, she's not even seen this draft. What I hope and expect is that we'll get together, we'll get the city staff involved, and we'll put before you next meeting what, at least, staff supports and the Ellis folks support, and then you'll see the final draft at the next meeting to approve if you so choose.

MR. BETTIS: Thank you. And, look, and I got to tell you, Ms. Atkins, I -- I appreciate you guys being here. This is a tough issue. And, like I said while we were debating this, I think this is a tough issue that was remaining from the -- from the -- from the past Board. We're going to have to -- we're going to have to go on, and we're going to have to deal with a lot of these things. I'm proud of the Board for discussing it, and I'm, you know, and --

MS. ATKINS: Thank you.

MR. BETTIS: -- thank you for bearing with us.

MS. ATKINS: Thank you all for your time and consideration.

MR. BETTIS: Yeah, the process is important, so I'm glad that -- I'm glad that we're here to discuss it openly like this. All right. Moving on to number 12, "Adopt Rules of Procedure for Small Local Governing Boards."

MR. WYATT: Mr. Mayor, you asked us to put on there. You -- Mr. Mayor, excuse me, you asked us to put it on there. Those were the rules that came as a growth -- outgrowth, I think, of talking with Professor Bell from Chapel Hill.

MR. BETTIS: Oh, that was the rules from the -- the

-- yeah.

MR. WYATT: And you asked to put it on there just to -- to approve what, I think, you all were starting with when we had that meeting with Mr. Bell.

MR. BETTIS: Okay. So, this is the revised rules for municipalities.

MR. WYATT: Yeah --

MR. BETTIS: Yeah.

MR. WYATT: -- for small towns.

MR. BETTIS: For small towns.

MR. WYATT: Yeah.

MR. BETTIS: Anybody have anything to say about this?

MS. BENGEL: I'm not in agreement with it. I mean, I don't know why we just can't keep Robert's Rules. I think we were doing, I mean, and I know they're complex. This -- I -- I want to make sure that I understand in this that we're adopting that -- to do -- to make the second that -- you know, there was some funky things in there that I just was not real -- it was different. You know, I -- I'm old fashioned. You know, I've been trained if you go to a meeting, you make a motion, you make a second, you have discussion, you know, not all the intricacies.

MR. BETTIS: Okay.

MS. BENGEL: I'm -- I'm just -- I'm old school.

MR. BETTIS: All right. Just so that we're all on the same page. Approximately a month ago --

MS. BENGEL: Yeah, a guy was here.

MR. BETTIS: -- we had a gentleman who wrote the book on the Revised Roberts Rules of Procedure for Small Towns and Municipalities. He came here from the Institute of Government, Professor Bell. He spoke to us for approximately a half an hour and recommended that we adopt these new rules, the revised rules of Roberts because they're a lot easier for small towns like us to -- to be following. So, that's where we are. Open it up for discussion? Mr. Outlaw?

MR. OUTLAW: You know, it seems very simplified. I tell you, we -- we -- in a trade association I'm in, we -- we actually had to wind up paying Roberts Rules of Order expert \$1,000 a day to try to figure out what Roberts Rules of Order were. I -- I'm -- I'm all for, you know, this new Board got elected because I think the populous wanted to see some things changed -- changed, and -- and I -- I think that that is a positive deal. I think it's something we're going to have to get used to. I think it's something that we've got so much on our plate right now, we don't particularly want another thing to have to deal with, but I -- I think it's a positive thing to -- to adopt it. Something we're all going have to get used to.

MR. BETTIS: All right. Thank you. Mr. White?

MR. WHITE: I'm a little more accustomed to the Roberts Rules of Order, and I understand that this new system that we have is a little shorter, maybe, and easier

for people to understand and go through the procedures on.
I -- I really don't have a problem with it.

MR. BETTIS: Okay. Mr. Kinsey?

MR. KINSEY: Well, I agree along with Mr. Outlaw and Mr. White that it's supposed to help us go along with something that you can live with and learn to work with.

MR. BETTIS: Okay. Thank you. Mr. Bucher?

MR. BUCHER: I don't have strong feelings one way or the other. I have no objection to -- to going forward with it. I think the key thing is that each Alderman gets an opportunity to share his or her feelings on whatever topic we're discussing.

MR. BETTIS: And I agree with you on that. Mr. Vic Taylor?

MR. TAYLOR: Roberts Rules of Order, also.

MR. BETTIS: Okay. So, do I hear a -- do I hear a motion from the Board?

MR. DAVIS: Mayor -- Mayor? Forgive me, Mayor. The -- the model rules, and -- and I don't have a copy. I -- I have a copy from the meeting a month ago. But within each rule, it -- it requires that the Board choose certain options before you adopt it. And what I might suggest if you want to go down the path of using these rules in lieu of Roberts, you might direct the City Manager to get with me or staff to narrow your choices down a little bit so that you can have --

MS. BENGEL: I have these, too --

MR. DAVIS: -- something...

MS. BENGEL: -- here.

MR. DAVIS: Yes, ma'am, and then you'll have something a little more streamlined.

MR. BETTIS: Okay. Perfect. Do I hear that motion, Mr. Outlaw?

MR. OUTLAW: Yeah, I make that motion.

MR. BETTIS: Do I hear a second?

MR. KINSEY: I second.

MR. BETTIS: All in favor say aye.

(All Alderman respond aye with the exception of Ms. Bengel and Mr. White.)

MS. BENGEL: Can you tell me what -- is the motion --

MR. WHITE: What's the motion.

MS. BENGEL: What's the motion?

CLERK: What's the motion?

MR. BUCHER: The motion is that we're going to have a -- a simplified version --

MS. BENGEL: Okay.

MR. BUCHER: -- presented, prepared for us.

MS. BENGEL: Okay.

MR. BETTIS: All right. All in favor say aye.

(All Alderman respond aye.)

MR. BETTIS: All opposed say nay.

(No response.)

MR. BETTIS: I didn't hear a nay.

MR. OUTLAW: Who seconded that?
CLERK: White.
MR. OUTLAW: Mr. Kinsey.
MR. BETTIS: Mr. Kinsey. All right. Mister -- Mr. Davis, Mr. Wyatt, we'll work -- you guys will work to get that done?
MR. WYATT: (Indicates affirmative.)
MR. DAVIS: Yes.
MR. BETTIS: Excellent. Moving forward. Number 13, "Appointments to the Electric Service Board," and that is Jon -- or no, no --
MR. WYATT: Mr. Mayor --
CLERK: Yeah.
MR. WYATT: -- I think you were going to hold over the discussion of Electricities --
CLERK: Uh-huh.
MR. WYATT: -- Power Agency until our meeting next week --
MR. BETTIS: Yes, sir.
MR. WYATT: -- in conjunction with the Service Board and how it functions --
MR. BETTIS: Yes, sir. Then --
MR. WYATT: -- at the workshop.
MR. BETTIS: -- number 14, "Attorney's Report."
MR. DAVIS: Nothing to report, sir.
MR. BETTIS: Yes, sir. Number 15, Mr. Wyatt, "City Manager's Report."
MR. WYATT: A few things, and I may be --
CLERK: What about the other appointments?
MR. BETTIS: Oh, I'm sorry. I apologize, Mr. Wyatt. I apologize, Mr. Wyatt. There is a North Carolina --
CLERK: Municipal --
MR. BETTIS: -- let's see, the Brownfield Steering Committee appointment. Yes, sir.
MR. AVERY: Yes, Mr. Mayor, Board of Aldermen, we're in the process of appointing the Brownfield Steering Committee that will be helping us as we carry out this -- the two and a half, three year Brownfield's effort that we're working on. One of the things that we would like to have very much is a liaison from this Board to the Brownfield Steering Committee as we go through this, and we'd like to ask if you would consider appointing one of the Board members to serve in that capacity?
MR. BETTIS: Coincidentally, I spoke with Mr. Bucher before the meeting, and, Mr. Bucher, would you like to -- would you accept that appointment?
MR. BUCHER: I would -- I will do that.
MR. AVERY: Okay.
MR. BETTIS: And let's -- let's just open it up. Anybody have any feelings, strong feelings, one way or another with appointing Mr. Bucher?
MR. TAYLOR: No.
MR. BETTIS: Mr. White?
MR. WHITE: No, sir.

MR. BETTIS: Mr. Outlaw?

MR. OUTLAW: No, sir. vor say aye.
(All Alderman respond aye.)

MR. BETTIS: All opposed say nay.
(No response.)

MR. BETTIS: The ayes have it. Pardon me. I'm sorry, I -- sorry about the --

MS. BENGEL: That's okay. I just try to make sure we are legal.

MR. BETTIS: All right. Mr. Wyatt, city manager's report.

MR. WYATT: It's very brief snippets. This may be what was asked about earlier, and it comes from Mr. Avery. We're petitioning to receive -- unofficially receive word from North Carolina Housing Finance Agency that our application for \$75,000 grant under the 2010 Urgent Prepare Program has been tentatively approved. The funds can be used to alleviate housing conditions which pose imminent threat of life or safety to low income households with special needs or to those -- who their ability to remain in the house independently of an institution provides a maximum of \$5,000 grant, may be spent for the odd cost of each house. The City has committed -- the City commits to the supplement of \$75,000, \$7,500 in local grants. By definition, very low income is defined as 30 percent of the area's median income. Currently, the annual income of a household of two cannot exceed \$12,850. I would like to, and I don't think I've done this, to commend Mr. Avery with regard to Brownfield. At least, a number of years ago, the only parties who were really accessing the Brownfield money was large urban -- were large urban communities such as Charlotte, Raleigh, Durham, and so forth, and I -- I commend the staff in being able to obtain these funds because it's really designed, because of the paperwork and all involved in it, for -- for very large cities. The next item I'd like to point out that the next -- next meeting of the North Carolina Eastern Municipal Agency Board of Commissioners is next Wednesday the 24th. Jon would be pleased to carry any of you that would like to go to this meeting. I would encourage one of you to ultimately serve as a commissioner and alternate along with Jon one other council member. Typically, you have an awful lot of people such as city managers, staff people on that board, but there are a number of elected officials on the board. And I think, given the fact that we are one of the larger electric communities in eastern North Carolina and the fact that I think we can benefit more by your involvement, I would highly recommend you appoint one of your members to this commission along with a second party as an alternate and Jon, also an alternate. They meet on the fourth Wednesday -- normally the fourth or third Wednesday of each month in Wilson. The next meeting is Wednesday the 24th, as I've already mentioned, but he would be glad to carry you. And, a lot of attention, obviously, is focused on the issue of

electricity. And the reason I'm so pointed about it, years ago, there was a quarterly meeting, but they meet every month because of the seriousness of many issues that you are acquainted with, certainly better than I, with regard to the electric business. I would like to point out one other thing, and the Chief may need to -- the Chief may need correct me. The courthouse is having some work done for over a two-week period of time, February 22-26, as well as from March 1-5. You all normally approve the closings of streets, but we understand that one of the lanes of traffic would -- would be open there, so I don't think you need to approve that. I would point out that free parking space will be available for use at the courthouse during this time and that access, a driveway access, for daycare would -- will not be obstructed. But, I report that as a matter of information unless you feel inclined to have to approve it. Since it's not a total closing, I don't think you would need to approve it. And also, one other thing, I almost forgot. I would like to thank Mr. Kinsey as I already have in the memo. He has lined up an appointment with Congressman Butterfield to come and visit us on the 17th at 3:30 in the executive conference room downstairs. He also is going to be in the position to talk about grants. I've asked Mr. Avery to see if hopefully we get -- can identify some grants that he could help us with them -- with or perhaps help us with earmarking, which is -- translates into pork barreling. And those funds -- but frankly, they go to very good purposes in the community. To some extent, they have thinned out in recent years, but they're still available. I'm not sure we can -- could turn around a project 'cause we don't have a shelf project right off the bat unless he's trying to shock me but I think it's great Mr. Kinsey has been able to get Congressman Butterfield here. I will tell you he's an extremely responsive person. He is in the leadership of the -- of the House, the U.S. House, and he is a resident of -- of Wilson, where I live. That's all I have.

MR. BETTIS: Thank you very much, Mr. Wyatt. I want to -- I just want to -- and I didn't -- I forgot to acknowledge this earlier when I said Mr. Mattingly was here and thank you very much. My eyes are -- I did not see Mr. Sampson back there; the County Commissioner sitting behind Mr. Bonnici. But, thank you very much for being here tonight as well. Good. City Manager's report. (A note is passed forward.) Just so you know what it says, it says, we need the volume turned up 'cause I can't hear it either. All right. Do I hear a motion to adjourn -- before we -- before we stop, I just want to say, look, we had a meeting earlier on the bridge downstairs, tough issues down there. I'm proud of the way the Board handled that meeting. We have a lot of -- you know, we had -- we have a lot of issues that were left on us that are going to require debate. And, like I told each one of you individually, you vote your consciences, whatever way you want to vote, perfect. I

think the debate tonight --

MS. BENGEL: Wouldn't we have a follow up --

MR. BETTIS: -- I -- I was proud of --

MS. BENGEL: -- follow-up meeting on that to prepare us? I mean, looks like there's --

MR. BETTIS: For the bridge?

MS. BENGEL: -- time --

MR. BUCHER: No, I think Bobby needs --

MS. BENGEL: It's time sensitive.

MR. BUCHER: -- Bobby needs some direction.

MS. BENGEL: Yeah --

MR. BETTIS: Yeah, we'll --

MS. BENGEL: -- they really need some direction. Do we know when we're going to try to get together or what we're going to do?

MR. BETTIS: On -- on Mr. Ellis or on the bridge?

MS. BENGEL: On the bridge.

MR. BETTIS: Oh, we're going -- we're going to come up with that. We just have to get our schedules together. Perhaps next -- next week?

MS. BENGEL: I don't know. I mean, don't you have to do something by the 15th? I heard we had to -- is that true?

MR. TAYLOR: 15th.

MS. BENGEL: Is that by the 15th? Which is Monday.

MR. TAYLOR: I think that's the date.

MS. BENGEL: Yeah.

MR. BETTIS: Well, actually, what we're going to do is we're going to talk to Mister -- we're going to find out what our -- I -- I talked to Mr. Wyatt already. There's -- I don't have anymore -- and I don't think any of us have a free night this week, but I think by next week Monday, if we can, we need to call a special meeting --

MR. WYATT: Well, let me mention --

MR. BETTIS: Yes, sir?

MR. WYATT: Excuse me. Let me mention, you all have a workshop next Tuesday.

MR. BETTIS: Next Tuesday? All right.

MR. WYATT: Yeah.

MR. BETTIS: Perfect.

MR. WYATT: Yeah.

MS. BENGEL: Well, is that -- is that okay?

MR. BETTIS: Perfect.

MS. BENGEL: I mean --

MR. WYATT: Yeah.

MR. BUCHER: Is that --

MS. BENGEL: -- is that okay for Bobby? I mean --

MR. BUCHER: Yeah, I guess, his -- his --

MS. BENGEL: -- 'cause that's the --

MR. BUCHER: -- time frame is the concern.

MS. BENGEL: -- issue here.

MR. WYATT: I -- I --

MR. ASTER: It would just -- it --

MR. WYATT: Well, he needs to answer. That's all he --

CLERK: He needs to answer.

MR. ASTER: The -- the whole -- again, the whole issue is that we have a -- some training sessions that would begin on the 15th, and again on the --

CLERK: That's Monday.

MR. ASTER: -- 22nd, we have training sessions for -- to certify operators, so. Actually, our contractor was asking me if there was something happened tonight, to -- to call him tonight so he could try to be in New Bern tomorrow morning and make arrangements to -- to start advertising to hire people so he could get them in that training session, and he thinks it's going to take him at least a week or 10 days to advertise and -- and hire bridge tenders and get them insured, and then --

MR. BETTIS: Thank you.

MR. ASTER: Yes, sir.

MR. BETTIS: Thank you very much.

MR. WYATT: You got SAS and you got the Electric Service Board. There may be one other item for our work session.

MR. BETTIS: Mr. Wyatt --

MR. WYATT: Well, I also want to go over the radio system with you --

MR. BETTIS: At the --

MR. WYATT: -- to become more familiar with it, so.

MR. BETTIS: Next -- next week?

MR. WYATT: Yes, sir, Tuesday night.

MR. BETTIS: And, Mr. Wyatt, is there any reason, in your opinion, that we can't wait until Tuesday night to give you direction or to give Mr. Aster direction on the bridge or do we need to call a special meeting --

MR. DAVIS: Let -- let me -- forgive me, Mayor, I don't mean to interrupt you.

MR. BETTIS: Yes. No, no, no.

MR. DAVIS: I just -- let me suggest an idea, and -- and Chief Aster may be able to speak with this contractor to see if he's willing to come on some kind of hourly basis without signing the annual contract. I think what we're stuck in is signing the annual contract or not. If you can get him here on some kind of hourly basis for some kind of nominal expense until the final decision is made, it would let him proceed and then you can still paper contract rights later.

MR. WYATT: Bobby --

MR. ASTER: And -- and what may be a better solution is if maybe I can ask him just to postpone the -- the 15th training session and maybe try to start it on the 16th if they'll work with me on that, and that way we'll --

MS. BENGEL: Well, we won't meet until the 16th.

MR. BETTIS: Well, this -- this is something if -- we're going to discuss tomorrow with Mr. Wyatt. If we need to call a special meeting, we'll do it. It's --

CLERK: Hmm.

MR. BETTIS: -- it's -- it's not on the agenda

tonight, so unless there's -- and it's -- if we need a special meeting, Mr. Wyatt, I will be more than happy to call one, but I think we need to -- I think we need to do that. Yes, sir? Do I hear a motion to adjourn?

MR. WHITE: I'd like to make a motion that we adjourn.

MR. TAYLOR: I make a motion we --

MR. BETTIS: All right. Do I hear a second?

MR. TAYLOR: Yes.

MR. BETTIS: All in favor say aye.

(All Alderman respond aye.)

MR. BETTIS: All opposed say nay.

(No response.)

****THE BOARD OF ALDERMEN MEETING CONCLUDED AT 9:40 P.M.****