

**City of New Bern  
Board of Aldermen Meeting  
December 13, 2011  
City Hall Courtroom 7:00 P.M.  
300 Pollock Street**

1. **Meeting Opened by** Mayor Lee W. Bettis, Jr. Prayer by Steve White of West Street Christian Church. Pledge of Allegiance.
2. **Roll Call.** Aldermen Sabrina Bengel; Victor Taylor; Denny Bucher; Johnnie Ray Kinsey; Bernard White; and Dana Outlaw.
3. **Recognition of New Bern High School Football Team.**

Mayor Bettis read a proclamation and recognized members of the New Bern High School Football Team as well as their coach, Bobby Curlings. The Board of Aldermen also presented the team and coaches with a city bear pin. The team recently competed in the final playoffs for the 4A East Regional Championship.

New Bern High School Football Team went 12-2-0 in the conference during the 2011 season; their record of accomplishment includes 2011 Mid Eastern Conference Champion, East Pod Champion, and 4A East Region Runner-up. The team has provided a valuable service to this community by teaching the youth of our community sportsmanship and the competitive will to win, as well as furthering physical fitness and well-being through healthful association with other young persons.

Alderman White congratulated the team for their accomplishments and stated he coached some of the players during their younger ages as they played Pop Warner football.

Alderman Bengel congratulated the team for being the 4A East Region Runner-up and thanked the coaches of New Bern High School as well as the staff. The board publicly commends the team for their fine efforts.

#### **4. Request and Petitions of Citizens.**

There were no citizens wishing to speak. Mayor Bettis stated “It is a Christmas Miracle, a star in the East”.

#### **5. Public Hearing and Consider Adoption of New Bern Historic Preservation Plan.**

Mike Avery, Director of Planning & Inspections, stated the city received a grant in 2010 from the NC Historic Preservation office, and the city contributed local funds to prepare its first ever Historic Preservation Master Plan. The city contracted with Hanbury Preservation Consulting firm and appointed a steering committee to assist with the process. A series of public workshop steering committee meetings and surveys ended in a draft plan in the late summer of 2011. The draft has been reviewed, revised and recommended to the Board of Aldermen by the Planning and Zoning Board and Historic Preservation Commission.

Mary Ruffin Hanbury of the consulting firm presented a power point presentation to the board explaining the vision, goals, recommendation and actions. The vision statement for New Bern’s Historic Preservation Plan: “create a distinctive and high quality of life by balancing the past and the future, private rights and public values, expansion and infill, reflecting the diversity of people and resources which make it unique”.

The six (6) goals of the master plan are to protect New Bern’s resources; expand designation, recognition, and participation to include more diversity; increase awareness and education about New Bern’s history, resources, and preservation; identify and increase the resources for preservation and build capacity among partners; review and improve existing municipal preservation program infrastructure and implementation; and develop policies to address development including infill, parking, and height issues.

Some of the recommendations of the plan include mapping of historic areas, preparing National Register nominations for properties, sponsoring an archaeological assessment of the city through examinations of documents and maps, creating a directory of headstones in historic

cemeteries and sponsoring an impact study on how preservation benefits the community. A website also was created: <http://newbern-nc.org/PI/index.php>.

Alderman Bengel stated she was pleased with the plan, but had concerns because many plans have been brought before the board in the past and some of them have stayed on the shelf. Every participant that worked on the plan put in a lot of “time and effort and she does not want to see it go nowhere”. Alderman Bengel also suggested all the groups come together as one, (Uptown Business and Professional, Riverside Association and Historic Dryborough).

Mayor Bettis stated the plans are to create a redevelopment commission.

Mayor Bettis opened the public hearing for public comment. No one spoke in favor or against the Historic Preservation Plan.

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

Alderman Outlaw made a motion to consider adoption of the New Bern Historic Preservation Plan, seconded by Alderman Taylor. The motion carried unanimously.

**6. Approve Ordinance Amending Section 30-40 “Districts in Which Flammable, Combustible Liquids and Liquefied Petroleum Gasses May Be Stored” of Article II “Fire Prevention Code” of Chapter 30 “Fire Prevention and Protection” of Code of Ordinances of City of New Bern.**

Mr. Epperson, City Manager, stated the Fire Department received a request from SIMS Metal Management, Inc. located at 2912 Neuse Boulevard to install five (5) above-ground storage containers to reclaim flammable liquids removed from salvaged automobiles. The ordinance must be amended to address this request. SIMS Metal Management, Inc. has submitted certified engineered plans which meet all fire department regulations for above-ground storage containers. Currently, there are fifteen districts and now there will be sixteen (16) districts in which storage

of flammable and combustible liquids and liquefied petroleum gases in outside aboveground tanks is permitted. A retaining wall is also built around the tanks.

Alderman Outlaw asked if this change will affect any additional request for such tank installations. Danny Hill, CFI Fire Marshal, explained that any additional request for such district would have to be brought to the Board of Aldermen for approval. Alderman Outlaw asked Chief Aster if he would create a new district for any new request. Chief Aster stated if the request was for a small project such as the one in front of the board tonight, the department would support it and request approval from the board; however, the department would not be in support of a distribution operation (retail stores) with above ground tanks in an area such as on Broad Street.

Alderman Bucher made a motion to adopt the ordinance amending Section 30-40 "Districts in Which Flammable Combustible Liquids and Liquefied Petroleum Gases maybe stored Chapter 30 "Fire Prevention and Protection of the Code of Ordinance, seconded by Alderman Outlaw. Upon a roll call vote, the motion carried unanimously.

#### **7. Adopt Resolution Calling for Public Hearing on Proposed Redistricting Plan for City of New Bern.**

Mr. Epperson, City Manager, stated this resolution is calling for a public hearing on redistricting to be held January 10, 2012. A Decennial Census was taken of all United States citizens in April 2010. Review of Census data shows a population increase of 27% in the City of New Bern since the previous Census was conducted, and the population within each ward is not out of balance. The Equal Protection Clause of the United States Constitution requires that where districts (wards) are used, they must be substantially equal in population.

There are redistricting maps located in the foyer of city hall, posted in the Dunn building on the 4th floor and on the city's website.

Alderman White stated the maps may not be correct according to the layouts, even though he has not reviewed them.

Alderman Taylor made a motion to adopt the resolution calling for public hearing on January 10, 2012 on a proposed redistricting plan, seconded by Alderman Bengel. Upon a roll call vote, the motion carried unanimously.

#### **8. Update on 2009 Brownfields Assessment Grant and Brownfields Area-Wide Planning Pilot Grant Program.**

Mike Avery, Director of Planning & Inspections, stated as part of the Brownfields Grant Program, the staff is required to provide the board and the public quarterly updates on the progress of the project. The City was awarded two (2) City-Wide Brownfields Assessment Grants by the US Environmental Protection Agency in the amount of \$200,000 each: one to assess potential petroleum sites and one for potential hazardous substance sites.

EPA Brownfields Assessment Grant Phase II assessments were conducted in the Five Points area. AMEC is finalizing the reports and gearing up to perform Phase I Environmental Site Assessments in the Riverstation area. The reports will be completed and forward to the City during the next quarter.

The Brownfields Area Wide Planning Pilot Grant provides funding for the City to procure the necessary services to review existing plans, including the 2000 Urban Design Plan, and develop a transformation plan for Five Points and the adjacent residential neighborhoods. Goody Clancy conducted a visioning forum for the public to obtain input on the strengths and needs of the community. The name “New Bern Gateway Renaissance” was adopted as the name of the project. This name will carry through to future implementation projects. A project website has been developed: [www.newbernrenaissance.com](http://www.newbernrenaissance.com). Also, the city has been selected to participate in the EPA/FEMA Community Resilience Planning in a Coastal North Carolina technical assistance program. This will help the city use the best data to determine how climate change might impact local land use and infrastructure investments and to develop strategies that reduce vulnerability to known hazards, build long-term community resilience, and provide economic, environmental, and social benefits.

In January, Goody Clancy will present to the Steering Committee a rough draft of the plan they are developing. This will include information from the market analysis that is being conducted.

## **9. Adopt Resolution in Support of Application for Grant Through Main Street Solution Fund.**

The Main Street Solution Fund, administered by the North Carolina Department of Commerce, Division of Community Assistance provides economic development planning assistance and grant support to active North Carolina Main Street communities. Local governments in collaboration with a main street organization, downtown organization, or downtown economic development organization, and the small businesses directly benefitting from these funds may apply for the grants.

The City has been an active Main Street community since 1980. City staff has been working with Swiss Bear to identify small businesses that may qualify for the funds. The application will be submitted in collaboration with Swiss Bear and the small businesses that will benefit from the funding, having a submission date of January 6, 2012. The Craven Arts Council has been identified as a business which is ready to move forward with a project. The Art Council has plans to renovate and enlarge the gift shop in the Bank of Art building. Twenty-five thousand dollars (\$25,000) will be requested to assist in funding the project. The Arts Council will commit to providing the required match and creating one (1) full-time position to meet the requirement of the application. There are no funds coming from the city.

Alderman Bengel has been a charter member of the Main Street organization. There are more main street grants available for projects of this nature. She would like to see the city become a more proactive member of the downtown organization.

Mike Avery, Director of Planning & Inspections, recently found out another downtown business would be able to participate in the application process. The old Pak-A-Sak building on East Front Street will be renovated for office spaces. There will be one (1) to (4) four businesses located within the building.

Alderman Bengel made a motion to adopt the resolution in support of application grant through main street solutions fund, seconded by Alderman Kinsey. Upon a roll call vote, the motion carried unanimously.

**10. Approve Final Subdivision Plan for Longleaf Pines Phase Seven Section A.**

Mike Epperson, City Manager, stated LPS Developers, LLC is requesting subdivision final plan approval of Longleaf Pines Phase Seven Section A. The 28 lot residential planned unit development is located on a 9.89 acre tract off Thurman Road on Austin Avenue in the R-8 Residential District. The developer has submitted a \$34,200 letter of credit to guarantee completion of the incomplete improvements. The planning staff has reviewed the subdivision plan and all requirements have been met; therefore, final subdivision plan approval is recommended.

Alderman Bucher made a motion to approve final subdivision plan for longleaf pines phase seven section A, seconded by Alderman Kinsey. The motion carried unanimously.

**11. Adopt Resolution Approve Budget Amendment and Amend Declaration Relating to Virtualization Project.**

- a. Adopt Resolution Accepting Quote from and Awarding Project to NWN Corporation.
- b. Approve Budget Amendment for Additional \$20,600 Needed to Complete Project.
- c. Amend Declaration of Official Intent to Reimburse to Reflect Additional Cost of Project and Need to Increase Financing by \$20,000.

Keith Fiaschetti, Director of Finance, and Mark Trail, Information Technology Manager, explained the Virtualization Project. Mr. Trail presented a power point presentation on virtualization during the FY 2011-12 budget process. The project would allow the city to move aging server infrastructure into a virtual environment. The VP project allows the city to virtualize 18 windows-based servers, and give full redundancy of 18 servers at the remote data center located at the Police department. It also virtualizes 25 desktops as a pilot project. The project was approved with a



\$170,000 budget. A necessary Core Fiber Switch was budgeted for an additional \$90,000. Due to the need to replace some core pieces of the City's current network infrastructure, the cost of the project is approximately \$41,800 more than budgeted. This difference will be funded with \$21,200 from transfers within the Informational Technology budget and \$20,600 in additional installment purchase funds. The investment in this technology will exceed the cost of the project within a five (5) year period.

**a. Adopt Resolution Accepting Quote from and Awarding Project to NWN Corporation.**

The resolution accepts NWN Corporation's quote in the amount of \$222,348.12 for Virtualization Project and authorizes the execution of a contract with NWN Corporation.

**b. Approve Budget Amendment for Additional \$20,600 Needed to Complete Project.**

The budget amendment authorizes an installment purchase in the amount of \$20,600 more for increased proceeds for the Virtualization Project.

**c. Amend Declaration of Official Intent to Reimburse to Reflect Additional Cost of Project and Need to Increase Financing by \$20,600.**

A core Fiber Switch for the Virtualization Project will be financed in the amount of \$90,000. The resolution amends the Declaration of Official Intent to Reimburse to show the cost of the switch as \$110,600, an increase of \$20,600.

Alderman Bengel wanted clarification as it relates to borrowing the money. Mr. Fiaschetti stated it would be a consolidation loan with other items to be purchased. It will not be a loan on its own.

Alderman Outlaw requested how the North Carolina State pricing worked. When quotes are received from the state, it limits the former bid process, but because the project was over budget, the finance department got two (2) additional quotes. This particular quote came in low at state pricing, stated Mr. Fiaschetti.



Alderman Outlaw made a motion to adopt the resolution and amend declaration of official intent to reimburse as well as adoption of the budget ordinance for (a); (b); and (c), seconded by Alderman Taylor. Upon a roll call vote, the motion carried unanimously.

## **12. Adopt Resolution Authorizing Purchase of 2012 Digger Truck and Chassis.**

Mr. Epperson, City Manager, stated the utilities division is requesting the approval of the purchase of a new 2012 Digger Derrick Chassis Truck. In order to ensure the division has a full fleet, it is necessary to replace the City vehicle U-62, a 1999 Digger Derrick which has reached the end of its useful life. The replacement of this truck was budgeted at \$185,000, and was approved as part of the Public Utilities Department budget for the current fiscal year. This price includes the credit for the trade-in of truck U-62 to Terex Corporation of \$17,000 and a \$95 optional winch extension. The replacement of a digger derrick truck is part of the capital plan presented to the board during the 2011-2012 budget process which was approved.

Alderman Bengel made a motion to adopt the resolution authorizing purchase of 2012 Digger Truck and Chassis, seconded by Alderman Kinsey. Upon a roll call vote, Aldermen Bengel, Taylor, Bucher, Kinsey, White, and Mayor Bettis voted "Yes, Alderman Outlaw voted "No" The motion passed 6-1.

Alderman Outlaw stated he does not think the city should be buying capital equipment, but instead use contractors such as MasTec. Progress Energy uses MasTec to do all their work. Ultimately, this will lower electric rates.

Alderman Bengel informed Alderman Outlaw that this purchase was approved in the 2011-12 budget process.

## **13. Adopt Resolution approving Closing 300 Block of Pollock Street from 5:00 P.M. to 7:00 P.M. on Thursday, December 15, 2011 for Christ Episcopal Church Community Carol Singing.**

Christ Episcopal Church requested to close the 300 block of Pollock Street from 5:00-7:00 p.m. on Thursday, December 15, 2011 for their annual community carol singing.

Alderman Bengel made a motion to adopt the resolution approving closing the 300 block of Pollock Street for Christ Episcopal Church carol singing, seconded by Alderman Kinsey. Upon a roll call vote, the motion carried unanimously.

#### **14. Adopt Resolution Approving Closing Certain Streets on Saturday, January 14, 2012 for Annual Martin Luther King, Jr. Parade.**

The Martin Luther King, Jr. Scholarship Award Committee requested closing certain streets for their annual M.L. King, Jr. Parade on Saturday, January 14, 2012. The streets (Trent Boulevard, First, Broad, and George Street) will be closed to vehicle traffic during the parade. The parade will disband on George to the 700 block of Cypress Street.

Alderman Taylor invited the board to participate in the parade and suggested the Aldermen walk. Alderman Taylor further stated this would be one of the better parades than those previously.

Alderman Taylor made a motion to adopt the resolution approving closing certain streets on Saturday, January 14, 2012 for the Annual Martin Luther King, Jr. Parade, seconded by Alderman Bengel. Upon a roll call vote, the motion carried unanimously.

#### **15. Adopt Resolution Approving 2011-12 NCEM Eastern Regional Information (ERIC) Grant Proposal.**

Mr. Epperson, City Manager, stated the New Bern Police Department requests authorization to submit an application for the 2011-12 DHS/NCEM Grant for Eastern Regional Information Center (ERIC). ERIC was initiated and funded by the U.S. Department of Homeland Security in 2006 through NCEM. ERIC's mission is to compile, evaluate and share information regarding criminal and terrorism-related activity. The information is analyzed and produces actionable intelligence that law enforcement can utilize in the fight against crime and terrorism. The grant request of

\$353,334 is requested to be fully funded through NCEM and will maintain a ERIC Fusion Center operation for another two-year term. The police department provides office space for ERIC operations and the grant requires no match by the city at this time.

Alderman Bucher made a motion to adopt the resolution approving 2011-12 NCEM Eastern Regional Information Center grant proposal, seconded by Alderman Kinsey. Upon a roll call vote, the motion carried unanimously.

**16. Adopt Resolution Approving Agreement with American Towers, LLC.**

Mr. Epperson, City Manager, stated as part of the radio replacement project, the city is adding a second tower for improved communication for all departments on the system within the city. The second tower is located at Riverdale and will be leased from American Towers, LLC. The cost of this item was not originally provided for in this year's budget, but the power production division has sufficient funds available in its budget to cover the cost.

Alderman Taylor made a motion to adopt the resolution approving agreement with American Towers, seconded by Alderman Bengel. Upon a roll call vote, the motion carried unanimously.

**17. Motion to Appoint Mayor Pro-Tem for 2012.**

Alderman Kinsey made a motion to appoint Alderman Victor Taylor as Mayor Pro-Tem for the year 2012, seconded by Alderman Outlaw. The motion carried unanimously.

**18. Approve Minutes.**

Alderman Bengel made a motion to approve the minutes for the November 8, 2011 and November 22, 2011 board meetings, and November 15, and 16, 2011 Work Sessions, seconded by Alderman Kinsey. The motion carried unanimously.

**19. Appointments.**

Mayor Bettis appointed Rachelle Martin as a replacement to fill the position of Richard Peeler as a member of the Housing Authority Board of Commissioners.

Mayor Bettis appointed Carol Becton to fill a new position as a member of the Housing Authority Board of Commissioners.

Mayor Bettis appointed Tracy Spellman as a replacement to fill the position of Alice Underhill as a member of the Housing Authority Board of Commissioners.

**20. Attorney's Report.**

Attorney Davis had nothing to report.

**21. City Manager's Report.**

The City Manager had nothing to report.

**22. Announcements.**

Alderman Bengel announced the Naughty Paws Parade on December 17, 2011, 8:45 a.m. beginning at Mitchell's Hardware Store located on Craven Street. The furry friends will be parading on the sidewalks. Alderman Bengel thanked the citizens for shopping locally, keeping the dollars in Craven County. Please be reminded to help those in need, remembering the reason for the season. She further thanked the citizens for allowing her to serve.

Alderman Taylor thanked the board for selecting him to serve as Mayor Pro-Tem for the fiscal year of 2012, and wished everyone a Merry Christmas.

Alderman Bucher wished everyone a Merry Christmas and a safe holiday. Please be reminded to keep the military and their families in your prayers.

Alderman Kinsey encouraged those that can to help the needy during the holidays. Also, Colony Estates will be hosting their Christmas Party at the Courtyard on December 17, 2011 at 6:00 p.m.

Alderman White thanked the board for allowing him to serve as Mayor Pro-Tem for the fiscal year 2011, and congratulated Alderman Taylor for being selected as Mayor Pro-Tem for the fiscal year 2012.

Alderman Outlaw suggested the January 10, 2012 meeting be moved to Stanley White Recreation Center. Merry Christmas and Happy New Year!

Mayor Bettis announced the Harvey Mansion has reopened after the devastation of Hurricane Irene. It was closed for repairs. Also, Bosch announced the expansion of the New Bern BSH plant. The expansion will mean 225 new jobs for New Bern/Craven County over the next five years.

**23. Adjourn.**

Alderman Outlaw made a motion to adjourn the meeting, seconded by Alderman Bengel. The motion carried unanimously, time being 8:45 p.m.

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Mayor

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City Clerk