



City of Havelock
Board of Commissioners
Work Session Agenda
Monday, January 10, 2022
7:00 p.m.
Havelock City Hall

Item #	Agenda Topics	Presenter
I.	CALL TO ORDER	Mayor Will Lewis
II.	OPENING PRAYER/MOMENT OF SILENCE	Clergy Member or Mayor Lewis
III.	PLEDGE OF ALLEGIANCE	Mayor Will Lewis
IV.	WORK SESSION & CONSENT AGENDA: A. <i>Consent Agenda</i> B. <i>Work Session Agenda</i>	Mayor Will Lewis
V.	WORK SESSION AGENDA ITEMS:	
<input type="checkbox"/> 1.	CLOSED SESSION: <i>Per NCGS 143-318.11(a)(3) to Consult with the City Attorney</i>	Mayor Will Lewis City Attorney Troy Smith
<input type="checkbox"/> 2.	REQUEST TO SET PUBLIC HEARING: <i>Proposed Text Amendments to City UDO</i>	Planning Director Katrina Marshall
<input type="checkbox"/> 3.	ARPA \$6.3M Funding Considerations: <i>BOC Projects</i>	City Staff
<input type="checkbox"/> 4.	Brief Reports/Updates: A. <i>Stormwater Program Update</i> B. <i>Census Question Resolution (CQR)</i> C. <i>Interim City Managers Report</i> D. <i>Other</i>	City Staff
VI.	MOTION TO ADJOURN	Mayor Will Lewis



**City of Havelock, North Carolina
Board of Commissioners**

AGENDA COMMUNIQUE

TO: Mayor William L. Lewis, Jr.
Board of Commissioners
City Attorney Troy Smith

FROM: Interim City Manager Jim Freeman
Deputy City Clerk Mary Weigl

SUBJECT: Board of Commissioners Meeting – Monday, January 10, 2022 – 7:00 PM

DATE: 1/10/2022

CC: Department Heads; Press

I. CALL TO ORDER:

Mayor Will Lewis will call the meeting to order.

II. OPENING PRAYER/MOMENT OF SILENCE:

The Mayor or a Board member shall request a clergy member to offer the opening prayer or the Board shall conduct a moment of silence.

III. PLEDGE OF ALLEGIANCE:

Mayor Will Lewis will lead the Commissioners and those in attendance in reciting the Pledge of Allegiance to the Flag.

“I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.”

IV. WORK SESSION & CONSENT AGENDA:

The Deputy City Clerk respectfully submits to Board, the Work Session Agenda and the below Consent Agenda items, which there is thought to be of general agreement and little public interest or no controversy. These items may be voted on as a single group without Board discussion “or” if so desired, the Board may vote to remove any item(s) from the consent agenda and place same on the regular agenda for discussion and consideration.

Consent Agenda Item A	Minutes of the December 13, 2021 Board of Commissioners Regular Meeting
----------------------------------	---

Request: Commissioners motion and second are being sought as to approving or not, the following agenda matters:

- A. Consent Agenda as presented; and
- B. Work Session Agenda as presented.

City Manager’s Opinion: The Board may by majority vote add items to or subtract items from both the proposed consent and work session agenda. As of this writing, the interim manager understands that the presented consent agenda items are routine and therefore concurs with adopting the presented consent agenda.

V. WORK SESSION AGENDA ITEMS:

Item #1. CLOSED SESSION...a motion and a second is requested to go into closed session for the following purpose:

- NCGS 143 – 318.11 (a)(3) – To consult with the City Attorney (Attorney – Client Privilege)

Item #2. Request to Set Public Hearing: Proposed Text Amendment to City UDO

The State Legislature recently adopted Session Law 2021-138, a wide-ranging criminal justice reform law. Among other reforms, the law decriminalizes some local ordinances, including the local government authority for criminal enforcement of local ordinances. These provisions became effective December 1, 2021.

Under the new statutes, a local government must amend ordinances to specifically identify violations that may be enforced criminally; however, the new law specifically prohibits criminal enforcement of local ordinances adopted under Article 19 of G.S. 160A and under G.S. 160D (i.e., land use regulations). The sole exception to this is ordinances related to unsafe buildings (i.e., minimum housing codes and/or minimum maintenance standards).

Staff has reviewed the UDO and identified sections that include criminal penalties and prepared draft amendments for Sections 156.02, 157.09, 158.02; 159.10, 162.03(D), 162.04 of the UDO where misdemeanor penalties were included in the enforcement procedures.

Additionally, language in Section 153.12 is being recommended for amendment to clarify the intent of the ordinance regarding the submission date for Special Use Permits and correcting the location of the Table of Permitted Uses in the UDO. Recommended changes to Section 162.03(C) are to ensure consistency of wording throughout that paragraph.

An amendment to the definition of *Development* in Section 163.01 is recommended to bring it into compliance with the Flood Damage Prevention Ordinance. That section of the definition was inadvertently removed while updating the UDO to comply with G.S. 160D. In summary, the identified amendments to remove the criminal penalties are required by Session Law 2021-138. The additional amendments are needed to ensure clarity of the UDO.

Staff feels that the proposed amendments are both reasonable and in the public interest for the following reasons: 1) They do not make major policy changes or shifts in the scope of authority granted to local governments and 2) are necessary to comply with the standards set forth in the North Carolina General Statutes for development. The amendments were reviewed by the TRC at their meeting on December 14, 2021. Staff then presented this request to the Planning Board at the January 4, 2022 meeting and the Board recommended approval with a unanimous vote. The draft revised chapters are attached (**Exhibit A**).

At this time, unless the Board desires otherwise, the required Board of Commissioners advertisement process for a Monday, January 24, 2022 Public Hearing will begin.

Item #3. ARPA \$6.3M Funding Considerations: BOC Projects

ARPA Project Consideration

As the Board is aware, the City was awarded \$6,327,419 in funding from the American Rescue Plan Act. The Board has officially accepted the funds and late 2021 appropriated \$750,000 of those funds to the Sewer Plant Dry Well.

Also, at the Board of Commissioners November 8, 2021 Planning Retreat, the Board was invited to provide input to Finance on these potential ARPA projects (**Exhibit #3A**). Tonight, Staff will present other, plus Retreat discussed projects for Board consideration. Staff would like to remind the Board that final guidance has still not been received from U.S. Treasury but does offer the professional opinion that the presented projects are eligible to be funded under ARPA.

Hwy 70 Sewer Outfall Line

Rick Day

\$3,000,000

As previously discussed with the Board, Hazen and Sawyer along with Staff have identified the need to replace the sewer outfall line near the intersection of Hwy 101 and 70. This is one of the corrective actions contained in the City's SOC with the State. Engineering for this project is not included in the above cost and if this project moves forward, Staff will

Building Ventilation Systems

Patrick Lee

\$75,000

During the past few years, it has become apparent that a need for updated building ventilation systems exists via air purification systems. According to the EPA, 68% of diseases relate back to indoor air pollution. Popular air purifiers feature Needlepoint Bipolar Ionization. Ions help clump airborne particulate to make them capable of being captured by filters. A perfect example is when tiny viruses are suspended in the air, charged ions are drawn to those viral particles. When the ion connects to that virus the cell wall is broken down and the virus is eradicated. The non-viable detritus is clumped into larger particle clusters and can now be caught in the HVAC systems air filter. Without ionization, these particles would otherwise be too small to filter out. It is our hope that via an updated air purification system within ventilation systems that we will cut down on the spread of viruses within our public buildings.

Buildings requested: West End Fire, East End Public Safety, City Hall, Senior Center, Tourist and Event Center, Parks and Recreation. Staff may also consider other facilities as funds allow. **(Exhibit 3F)**

PPE/Decontamination Equipment

Lee Tillman

TBD

There are always personal protective safety items and decontamination equipment requirements. Staff proposes that these items be considered after the above items are contracted and/or completed. Since these items can generally be purchased readily and in a timely manner, Staff can utilize remaining ARPA funds to ensure that all funds are spent. **(Exhibit 3G)**

Request: Staff is seeking Board of Commissioners direction on presented projects.

Item #4. Brief Reports/Updates:

A. New Neuse River Stormwater Rules and the City's Local Stormwater Program

Please find the provided information from Planning Department Director Katrina Marshall regarding this subject matter.

Please find reported that the NC Department of Environmental Quality (DEQ) notified the City of Havelock that new Neuse Stormwater Rules were State adopted in 2020 and the City is required to revise its program accordingly. As a start, affected local jurisdictions are to submit a draft revised local program incorporating these new rules for DEQ's review. Local implementation of the revised stormwater program was state scheduled to begin in year 2021.

As further general background, in mid-November, DEQ staff provided comprehensive information which included a local program development guide, a model ordinance and a model stormwater management plan. City Planning and Public Works staff

participated in a Teams meeting with DEQ Environmental Program Consultant Trish D'Arconte to get an overview of what is required by the local government.

To move forward, Planning and Public Works staff will in the next month, review the City's current ordinance in order to determine necessary revisions. Additionally, current City engineer Matthew Jones of Hazen & Sawyer who reviews our stormwater development applications will be involved as to compliance with the new regulations.

After our internal reviews, there will be a process to later conduct a public hearing and ultimately seek the governing body's program ordinance amendment approval.

B. Census Question Resolution (CQR)

Please find reported by IT Director Chad Ives the following:

Background: The bicentennial census was conducted and certified as of April 1, 2020. Due to many issues City staff are of the opinion that the count has under represented the population for Havelock. City staff would request that we participate in the CQR.

The City was notified in August 2021 of the population number from the 2020 Census and the resulting count was 16,621. The OSBM (Office of State Budget and Management) has revised that number to 17,759 as of 7/1/2021. City staff believe these numbers are underrepresented and plan to participate in the process to challenge these results. The Census Bureau has a process called the Count Question Resolution which gives municipalities the opportunity to dispute the Census results. The CQR will begin on January 3, 2022 and end on June 30, 2023. City staff have been working for the last several months to gather all the relative data to put toward the effort to challenge the Census results. City staff plan to officially enter a challenge case in the CQR and plan to work with the Census Bureau to improve our population statistics. Any questions can be discussed by staff with the BOC at the workshop on January 10, 2022.

C. Interim City Manager: At this time, Interim City Manager Jim Freeman submits a manager's report as referenced in the agenda packet (**Exhibits #1A – 4A**) and at this evening's meeting may offer other comments.

VII. ADJOURNMENT/RECESS