



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

AGENDA COMMUNIQUE

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

FROM: City Manager Chris McGee
Assistant City Manager/City Clerk Cindy Morgan

SUBJECT: Board of Commissioners Meeting – Monday, June 27, 2022 – 7:00 PM

DATE: 6/24/2022

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. REGULAR & CONSENT AGENDA:

The City Clerk respectfully submits to Board, the Regular 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 May 9, 2022 Board of Commissioners Budget Workshop
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Consent Agenda Item B	Minutes of the May 11, 2022 Recessed Board of Commissioners Budget Workshop
Consent Agenda Item C	Minutes of the May 12, 2022 Recessed Board of Commissioners Budget Workshop
Consent Agenda Item D	Minutes of the May 23, 2022 Board of Commissioners Regular Meeting
Consent Agenda Item E	Annual Write-Off of Uncollectible Utility Accounts
Consent Agenda Item F	NC Department of Agriculture and Consumer Services: Streamflow Rehabilitation Assistance Program Contract # 22-080-4005 Stream Debris Removal Allocation in the amount of \$177,420
Consent Agenda Item G	NC Statewide Emergency Management Mutual Aid and Assistance Agreement (Minor Revisions including changes in Authorized Representatives)
Consent Agenda Item H	2022-23 Annual Craven County Board of Education School Resource Officer Contract (no changes from last year)
Consent Agenda Item I	City of Havelock & Havelock Chamber of Commerce - Annual Contract for Visitor Information Center Services (no changes from current agreement)
Consent Agenda Item J	Contract between the City of Havelock and Craven County Tourism Development Authority (TDA) to operate a Visitor Information Center
Consent Agenda Item K	Appoint the City Manager and Finance Officer as the City of Havelock Bid Withdrawal Hearing Panel in accordance with G.S. 143-129.1

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

- A. Consent Agenda as presented; and
- B. Regular 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 regular agenda. As of this writing, the manager understands that the presented consent agenda items are routine and therefore concurs with adopting the presented consent agenda.

V. PUBLIC COMMENTS:

If any citizen wishes to address the City of Havelock Board of Commissioners during this “Public Comments” segment of this meeting, they may do so by signing up prior to the beginning of the meeting.

The City Clerk shall provide the sign-up sheet, which lists the name and address. It should be noted that comments shall be limited to five (5) minutes and Board reserves the right not to act on requests first presented this evening.

VI. REGULAR AGENDA ITEMS:

Item #1. PUBLIC HEARING:

A. 2022 City of Havelock Draft Land Use Plan

Chapter 160D of the North Carolina General Statutes requires local governments that want to enforce zoning to have and reasonably maintain a comprehensive plan or land use plan. Session Law 2019-111, Section 2.9(c) further set the deadline for local government compliance to get a plan in place on or before July 1, 2022.

The City of Havelock’s existing CAMA Land Use Plan was adopted by the Board of Commissioners thirteen years ago, on June 15, 2009. The date of the plan, paired with the change in development conditions, including construction of the bypass, led City staff to pursue an update to ensure compliance with the new state mandate and verify the community vision remained pertinent.

Havelock’s location in one of the state’s twenty CAMA counties (Craven County) requires the land use plan update to be forwarded to the North Carolina Coastal Resources Commission for state certification upon completion. The draft plan was submitted and reviewed for an initial completeness check. To date, staff has received comments that need to be addressed prior to certification.

With the July 1st deadline rapidly approaching, it is in the best interest of the City to adopt the current draft of the land use plan and continue to work through the certification process, then re-adopt the plan with the revisions or updates from the continued discussions with the Division of Coastal Management (DCM).

The task before the Board of Commissioners is to review the draft document and adopt to ensure compliance with state statutory requirements, with an understanding that there will be an amendment to the plan to address DCM commentary prior to state certification.

Minimal changes have been made to the document, including correction of spelling mishaps and grammatical errors, since the Commissioner's work session on April 11, 2022. The full document is attached (**Exhibit #1A.1**) and can also be found on the dedicated project website, <https://publicinput.com/Customer/File/Full/dbbb5a57-1351-46c7-965e-72c845f959a8>.

The Planning Board voted unanimously to recommend approval of the City of Havelock Draft Land Use Plan to the Board of Commissioner's at their June 14th meeting. No one from the public spoke in support or opposition to the proposal. Draft minutes are provided as a reference (**Exhibit #1A.2**). A copy of the public hearing notice is attached (**Exhibit #1A.3**), which has met the established legal requirements.

City Code References: UDO Section 152.09 Relationship to Planning Policies and Documents

Request: a. Mayor Lewis is to open the public hearing and call upon the Planning Director Katrina Marshall and Nicole Smith of Insight Planning and Development to present the Draft CAMA Land Use Plan; and

b. Solicit comments from Board and/or public; and

c. Upon receiving no further comments, Mayor Lewis is to close the public hearing portion of this matter, and thereafter;

d. A Commissioner's motion and a second is being requested to adopt the 2022 City of Havelock Draft CAMA Land Use Plan as presented

City Manager's Opinion: The manager supports the adoption of the presented Draft CAMA Land Use Plan for the City of Havelock in order for the City to have a Plan submitted by July 1, 2022 per state statutory requirements.

Item #2. BUDGET MATTERS:

A. FY 2022-23 Budget: Budget Ordinance, Fee Schedule, and Pay & Class Scale

Per North Carolina State Statute 159-13 (**Exhibit #2A.1**), it is required that the Board adopt an annual operating budget for the upcoming fiscal year. By way of PowerPoint Presentation (**Exhibit #2A.2**), Finance Director Lee Tillman shall appear before you this evening to request adoption of the FY 2022-23 budget ordinance (**Exhibit #2A.3**), which begins on July 1, 2022 and ends on June 30, 2023, along with approving the following budget related matters:

- Associated Fee Schedule (**Exhibit #2A.4**)
- Pay & Classification Plan (**Exhibit #2A.5**)

Per the Board’s directive, the tax levy in the ordinance is at .59 per \$100 valuation. The fee schedule includes an increase of 7.5% in permit, solid waste, and utility (water and sewer) fees along with a 7.5% increase in the Sewer System Development Fee. There are also some minor deletions in the TEC equipment rental section due to obsolescence. Appropriations subject to S.B. 473 are presented as a separate ordinance.

City Code References: 30.04, 32.16 (B)

Request: A Commissioner's motion and second is requested to adopt the presented FY 2022-23 Budget Ordinance, along with approving the Associated FY 2022-23 Fee Schedule and Pay and Classification Plan.

City Manager’s Opinion: After budget work sessions and direction provided by the BOC, it is the recommendation to approve the presented FY 2022-23 Budget Ordinance, Fee Schedule and Pay & Classification Plan as presented.

B. FY 2022-23 Budget: S.B. 473 Appropriations Ordinances

As the Board is aware, North Carolina General Statute 14-234.3 (**Exhibit #2B.1**) was adopted effective January 1, 2022. This statute states that no public official shall knowingly participate in making or administering a contract, including the award of money in the form of a grant, loan, or other appropriation, with any nonprofits with which that public official is associated. NCGS further states that the public official shall record their recusal with the clerk to the board and then the remaining officials may enter into contract or appropriate funds to the nonprofits.

As a result, Staff has identified the following organizations and associated appropriations for Fiscal Year 2022-2023 that require at least one official to recuse themselves from a discussion or appropriations (**Exhibit #2B.2 - Overview PPT**).

Organization	Appropriation Ordinance	Amount	Elected Official(s)
Havelock-Craven County Library	1	\$6,000	Comm Lewis
Allies for Cherry Point’s Tomorrow	2	\$11,000	Mayor, Comm Walsh
East Carolina Council of Governments	3	\$4,600	Comm Jim Kohr
C1A	4	\$7,164	Comm Walsh
Military Affairs Council	5	\$525	Comm Wilson
Havelock Rotary	6	\$620	Comm Wilson

City Code References: N/A

Request: The Mayor\Board is requested to:

- 1) Announce the nonprofit/organizations being discussed
- 2) Request Governing Body Member(s) associated with the nonprofit declare recusal
- 3) Adopt Budget Ordinances (**Exhibit #2B.3**) appropriating funds to the nonprofit (motion, second & vote)

City Manager's Opinion: After budget work sessions and direction provided by the BOC, it is the recommendation to approve the presented S.B. 473 Appropriations.

Item #3. Wellhead Protection Plan

The City of Havelock drafted a Wellhead Protection Plan in order to protect wellhead areas within Havelock's jurisdiction from contaminants (**Exhibit #3A**). The plan allows communities to take charge in protecting the quality of their drinking water by identifying and managing areas that supply groundwater to public wells.

In compliance with the Safe Drinking Water Act, a public notice (**Exhibit #3B**) was published in the Sun Journal on May 26, 2022 informing interested parties that the City of Havelock Wellhead Protection Plan would be available for public inspection. As of this writing, no verbal or written comments have been submitted. Public Utilities Director Rick Day will present the plan and respond to any questions the Board may have.

City Code References: N/A

Request: A Commissioner's motion and a second is being requested to adopt the City of Havelock Wellhead Protection Plan as presented.

City Manager's Opinion: With the assistance of the NC Rural Water Association and being that there have been no submitted comments, the manager supports the adoption of the Wellhead Protection Plan as written.

Item #4. WWTP Influent Pump Station Project Bid Award

As the Board may remember when this project was briefed and approved at the Fall 2021 retreat, it abandons the sewer plant drywell and converts the existing wet well to a pump station at the first stage aeration basin. The project, which has been a priority for

Request: After a vote by written ballot, a Commissioner's motion and a second is being sought to appoint one (1) City member as a City Alternate on the Board of Adjustment for a term beginning July 1, 2022 and ending June 30, 2025.

City Manager's Opinion: The manager recognizes that appointments are made at the Board's discretion; and therefore does not offer an opinion.

B. Eastern Carolina Aviation Heritage Foundation: *Appointments*

Due to upcoming seat expirations (**Exhibit #5B.1**), the Eastern Carolina Aviation Heritage Foundation (ECAHF) Board of Directors request that the Board of Commissioners make the following appointments:

- Reappoint Mr. Tom Braaten to a three year term in his current At-Large Seat; and
- Reappoint Ms. Mary Beth Fennell to a three year term in her current Educational Outreach Seat; and
- Appoint Mr. Timothy Clark to a three year term in an At-Large Seat; and (*Current member Mr. Bob Mattocks did not want to be considered for reappointment*)
- Appoint Mr. John Langdon to a three year term in an At-Large Seat; and (*Current member Mr. Walter Phillips did not want to be considered for reappointment*)

In addition, the ECAHF Board of Directors asks that the Board of Commissioners approve their selection of Mr. Tom Braaten as Chairman.

City Code References: N/A (as directed by the ECAHF charter approved by the BOC)

Request: After a vote by written ballot, a Commissioner's motion and a second is being sought to reappoint Tom Braaten to an At-Large seat expiring June 30, 2025; reappoint Mary Beth Fennell to an At-Large seat expiring June 30, 2025; appoint Timothy Clark to an At-Large seat expiring June 30, 2025; appoint John Langdon to an At-Large seat expiring June 30, 2025; and approve the ECAHF Board of Directors selection of Tom Braaten as Chairman.

City Manager's Opinion: The manager recognizes that appointments are made at the Board's discretion; and therefore does not offer an opinion.

Item #6. Elected/Appointed Officials Reports/Comments:

- a. City Manager:** At this time, City Manager Chris McGee submits a manager's report as referenced in the agenda packet (**Exhibits #6A**) and at this evening's meeting may offer other comments.

- b. **City Attorney:** At this time, City Attorney Troy Smith is provided an opportunity to report on any related City business matters.
- c. **Commissioners:** At this time, Commissioners are provided an opportunity to report on any related City business matters.
- d. **Mayor:** At this time, Mayor Will Lewis is provided an opportunity to report on any related City business matters.

VII. ADJOURNMENT/RECESS