



**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
City Clerk Cindy Morgan

SUBJECT: Board of Commissioners Meeting – Monday, January 24, 2022 – 7:00 PM

DATE: 1/21/2022

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 January 10, 2022 Board of Commissioners Workshop
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Consent Agenda Item B	American Rescue Plan Act Funds Grant Project Amendment One
Consent Agenda Item C	Resolution #22-R-01: American Rescue Plan Act Funds Grant Cost Principles/Allowable Costs Policy
Consent Agenda Item D	Allocation of \$275,000 from Sewer Fund Retained Earnings to contract with Hazen Engineering for contract administration, engineering services and oversight of the Highway 70 Sewer Outfall Project per the January 10, 2022 Board of Commissioners Workshop

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 - Proposed Text Amendments to Unified Development Ordinance

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 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. Also included in this text amendment are a few additional amendments. The 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. The proposed amendment with the all the referenced sections is attached **(Exhibit #1A)**.

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 Technical Review Committee at their meeting on December 14, 2021. Staff then presented this request to the Planning Board at the January 4, 2022 meeting and the Planning Board recommended approval with a unanimous vote. The Planning Board draft minutes are attached as a reference **(Exhibit #1B)**. All the chapters have been reviewed and the public hearing is scheduled for tonight. A copy of the public hearing notice is included **(Exhibit #1C)**, and meets the established legal requirements.

Staff will be available to answer questions concerning the proposed text amendments.

City Code References: UDO Sections Unified Development Ordinance Sections: 153.12, 156.02, 157.09, 158.02, 159.10, 162.03, 162.04, 163.01

Request: a. Mayor Lewis is to open the public hearing and call upon the Planning Director Katrina Marshall to present the proposed text amendments to the Unified Development Ordinance (UDO).

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 Ordinance Amendment No. 22-O-01, an ordinance amending the UDO for compliance with recent legislation that requires decriminalizing of some local ordinances, effective at 12:01 a.m. on January 25, 2022, as the 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 the local governments and 2) are necessary to comply with the standards set forth in the North Carolina General Statutes for development.

City Manager's Opinion: In order to comply with Session Law 2021-138, the manager supports the adoption of Ordinance Amendment No, 22-O-01 as presented.

Item #2. Monthly Financial Presentation: *December 2021 Report*

Finance Director Lee Tillman shall appear before the Board of Commissioners this evening to present the December 2021 monthly financial report (**Exhibit #2A**). As of this writing, the Finance Officer does not note any concerns but does share the following:

a. Powell Funds received in January were higher than anticipated. City received \$272,972.05 versus the \$196,847.15 October payment. FY 2021-22 budget was \$400,000 so funds received did exceed budgeted amount. The reason for the higher payment was the NC State budget, which was passed and signed, appropriated a higher allocation than last fiscal year. The attached exhibit has additional details (**Exhibit #2B**).

b. As briefly mentioned at the January workshop, the Interim City Manager approved using \$11,000 of contingency funds for anticipated fuel shortages (due to increased cost and usage) in the Fire/EMS departmental budget. There is \$79,000 remaining in General Fund contingency.

- c. Please find shared the FY 2022-23 Budget Schedule (**Exhibit #2C**). As the Board is aware, the process has officially started. In addition, it should be noted that the TEC is not available on May 10, 2022 for one of the scheduled budget workshops. The official BOC meeting schedule will need to be amended after alternate dates/times are determined.
- d. Insurance is now mandated to cover eight (8) Over-The-Counter (OTC)/Home COVID tests a month. The City's third-party administrator has reviewed and the City does not have to amend our specific plan design. As of this writing, employees who purchase a kit can file for reimbursement by the health plan. Employees can also obtain from the preferred provided (Walmart Pharmacy) at no out of pocket expense. Unless the Board objects, the City will purchase approximately \$3,000-\$5,000 in OTC\home tests so that symptomatic employees can be tested on site. The City will utilize tests that are on the NC Department of Health and Human Services approved COVID-19 test list and funding will come from the administration contracted services line item.

City Code References: 32.31(A)

Request: The Board's questions and comments on the report are solicited and welcomed.

City Manager's Opinion: The city manager concurs with the financial report as presented.

Item #3. Memorandum of Understanding: *City of Havelock & Craven County - HWY 101 Recreational Facility*

In an effort to enhance community recreational facilities located at the City's Recreation Complex, Craven County Manager Jack Viet provided the attached executed Memorandum of Understanding (MOU) for Havelock's official approval consideration (**Exhibit #3A**). This MOU includes the construction of two (2) equipment and maintenance metal storage facilities at the recreation complex, along with the replacement of recreational field fencing.

The estimated cost for these projects is \$169,400 of which a 50% City and County cost share is proposed (*City Funding Commitment: \$84,700/County Funding Request: \$84,700*). It should be noted that once both governing bodies approve the presented MOU, the City would need to begin project bid advertisements within 14 days per the MOU.

City Code References: N/A

Request: A Commissioner's motion and a second is being sought to approve a Memorandum of Understanding between the City of Havelock and Craven County for a

50/50 capital needs funding partnership for the HWY 101 Recreation Complex as presented.

City Manager's Opinion: The manager understands that the described capital improvement project has been ongoing and supports a 50/50 funding partnership with Craven County.

Item #4. 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 #4A**) 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