

1 **PRESENT:** Mayor William L. Lewis, Jr.; Commissioners, Jim Kohr, Josh Kohr, Karen  
2 Lewis, Danny Walsh; and Brenda Wilson  
3

4 **STAFF**

5 **PRESENT:** City Manager Chris McGee; City Attorney Troy Smith; Assistant City  
6 Manager/City Clerk Cindy Morgan; Information Technology Director Chad  
7 Ives; Planning Director Katrina Marshall; Police Chief Chris Morning; Fire  
8 Chief Tom Dorn; Recreation Director Travis Adams; TEC Sales Manager Pam  
9 Holder; Finance Director Lee Tillman; Public Works Director Patrick Lee;  
10 Public Utilities Director Rick Day; and Human Resources Manager Angie Hall  
11

12 Mayor Will Lewis called the workshop meeting of the Havelock Board of Commissioners to  
13 order at 6:00 p.m. on June 13, 2022 at the Havelock Tourist & Event Center with a quorum  
14 present. At this time, Mayor Lewis called for a moment of silence, followed by the pledge of  
15 allegiance.  
16

17 **WORK SESSION AGENDA**

18  
19 The Work Session Agenda was provided to the Board of Commissioners for their review and  
20 approval. Commissioner Lewis made a **motion to approve the work session agenda as**  
21 **presented.** Commissioner Josh Kohr seconded and the motion carried unanimously. (5-0)  
22

23 **WORK SESSION AGENDA ITEMS**

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25 **FY 2022-23 PROPOSED BUDGET – FINAL WORKSHOP DISCUSSIONS**

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27 Per North Carolina General Statute 159-12(b), the Board of Commissioners held a public  
28 hearing on the proposed FY 2022-23 budget on May 23, 2022.  
29

30 Staff provided an overview of the proposed budget by way of PowerPoint Presentation, which  
31 touched upon the budget schedule, global budget issues (*5.4% COLA, 1.7% Longevity, Market*  
32 *Study Implementation, 3 New Fire/EMS Employees*), Fund Reserve Trends, Budget Year  
33 Trends, Fund Balance Usage of \$2,901,728 and Debt Trends. As a review, the funds and  
34 highlights were summarized as follows:  
35

- 36 • **General Fund: \$15,157,868**
  - 37 ○ Budget Balanced at current rate of .59
  - 38 ○ .01 of tax rate generates \$79,600
  - 39 ○ Permit Fee Increases of 7.5%
- 40 • **Water Fund: \$2,935,023**
  - 41 ○ CPI adjustment of 7.5%
  - 42 ○ No changes in System Development Fees
- 43 • **Sewer Fund: \$4,394,950**
  - 44 ○ CPI adjustment of 7.5%
  - 45 ○ System Development Fee increase of 7.5%
- 46 • **Solid Waste Fund: \$1,271,714**
  - 47 ○ Rate adjustment of 7.5%
- 48 • **Tourist & Event Center Fund: \$473,163**  
49

50 To date, it was noted that the Board received no public or written comments on the proposed  
51 budget. Being that it was understood that the Board wanted to further discuss the market study  
52 results and implementation, a copy of the proposed pay and classification scale was provided  
53 for review. In summary, the provided scale depicted grade increases for a majority of the  
54 City's positions.  
55

56 In discussions, it was revealed that the market analysis compared Havelock's salaries to New  
57 Bern, Morehead City, Newport, Kinston, Carteret County and Craven County. At this time,  
58 Commissioner Walsh voiced his concerns with the accuracy of the study and the anticipated  
59 costs as the numbers keep changing. In response, City Manager Chris McGee explained that it  
60 is difficult to provide exact costs with open and filled positions continually changing, along

61 with probationary increases. For clarification purposes, Finance Director Lee Tillman advised  
 62 that the now presented \$800,000 cost does include benefits. Commissioner Walsh continued to  
 63 voice his concern for the taxpayers. Mayor Lewis understood the concern and advised the  
 64 Board to recognize that in general they will likely have to choose a number higher than  
 65 revenue neutral next year. As the conversations continued, Commissioner Josh Kohr  
 66 explained that it was important to implement the market study, adding that if the Board was  
 67 not committed, such should have been discussed earlier and the overall study should not have  
 68 been pursued. Commissioner Jim Kohr stated that the City clearly has retention issues, mostly  
 69 based on pay, and the Board should consider the real costs to continually train new people as  
 70 well. In addition to the equipment issues, he added that he would rather budget and spend the  
 71 extra money now.

72  
 73 Next, Commissioner Jim Kohr advised he was ready to take action on the budget now and  
 74 made a **motion to adopt the FY 2022-23 Budget as presented.** Commissioner Lewis  
 75 seconded the motion and discussions continued. Commissioner Josh Kohr relayed that while  
 76 he was in favor of the presented budget, he disagreed with adopting the budget at a workshop  
 77 meeting, adding the adoption should take place at the televised meeting. Based on the  
 78 turnaround time, Commissioner Jim Kohr explained his motion was also an effort to relieve  
 79 the burden on staff; however, he understood the concerns and **withdrew his motion.** After  
 80 further deliberations, it was the consensus of the Board to allow staff to start the calculation  
 81 process for the FY 2022-23 budget to include the implementation of the market study, 5.4%  
 82 COLA, 1.7% longevity and the provided fee schedules adjustments. The official action on the  
 83 proposed budget would take place on June 27<sup>th</sup>, 2022.

84  
 85 **POTENTIAL ORDINANCE AMENDMENT – ALLOWANCE OF CHICKENS IN THE**  
 86 **CITY LIMITS**

87  
 88 The topic of allowing chickens within the City Limits has been discussed and debated since  
 89 2017. Assistant City Manager/City Clerk Cindy Morgan explained that in 2018, the Havelock  
 90 Youth Advisory Committee researched this topic and came up with some options that were  
 91 fairly restrictive (i.e.: ½ acre or larger, 30 ft. minimum from property line or residence,  
 92 maximum of 8-9 chickens cooped, no rosters, and permit required.).The Board was provided a  
 93 copy of the City’s current ordinance, which only allows chickens in public institutions (high  
 94 school) for educational purposes. Mayor Lewis also pointed out that in the past the city  
 95 manager made a couple of exceptions after receipt of medical doctor letters stating that  
 96 property owner’s chickens were beneficial to a child’s anxiety.

97  
 98 In 2020, this topic was again discussed with a majority of Board members voicing that they  
 99 were not in favor of amending the City’s ordinance to include chickens as permitted animals.

100  
 101 Based on current conversations to reconsider, a survey was provided to assist in the decision-  
 102 making process. The below depicted survey includes a list of Cities/Towns that allow  
 103 chickens, the number of chickens allowed and their requirements.

| City/Town            | Chickens Allowed (Y/N) | Number Allowed      |
|----------------------|------------------------|---------------------|
| New Bern             | Yes                    | 10                  |
| Jacksonville         | Yes                    | No amount specified |
| Swansboro            | Yes                    | 6                   |
| Goldsboro            | Yes                    | 10                  |
| Riverbend            | Yes                    | No amount specified |
| Thomasville          | Yes                    | No amount specified |
| Kill Devil Hills     | Yes                    | No amount specified |
| Boiling Springs Lake | Yes                    | No amount specified |
| Morganton            | Yes                    | 5                   |
| Garner               | Yes                    | 4                   |
| Whispering Pines     | No                     |                     |
| Concord              | No                     |                     |
| Morehead City        | No                     |                     |
| Mayodan              | No                     |                     |
| Newport              | No                     |                     |

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In conclusion, Staff sought the Board’s feedback and/or direction on amending the City’s Code of Ordinances to permit chickens within the City limits. The below draft amendment was provided for discussion purposes:

Blue Text: Suggested additions if BOC agrees to allow chickens  
Red Text: Further review if BOC agrees to allow chickens

**§ 90.15 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BARNYARD ANIMALS.** Sheep, goats, cattle, poultry, swine, mules, donkeys, and any other animal typically raised for food or kept for work purposes on a farm, except that the phrase shall not include horses or chickens.

**§ 90.16 PROHIBITED ANIMALS.**

(A) *Prohibition.* It shall be unlawful to own, keep, harbor, maintain, care for, or otherwise possess within the municipal limits of the City any wild animals, barnyard animals (excluding chickens), or any animal with a poisonous or toxic bite. The prohibition of this section shall not apply to any animal within the municipal limits of the City while in the possession of a duly licensed veterinarian for the purpose of care or treatment by the veterinarian, or while in transport directly to or from the office or place of business of a duly licensed veterinarian for such purpose.

(B) *Not applicable to public institutions.* The provisions of division (A) shall not apply to a public institution of secondary education (Grades 9 through 12) with respect to chickens (excluding adult male chickens) located upon the premises of such institution for only educational and instructional purposes, provided that such shall be located not less than 600 feet from any residential structure.

**90.17 PERMITTED ANIMALS.**

(A) *Conditions.* Those animals not specifically prohibited by § 90.16(A) shall be permitted subject to the following conditions.

(1) *Animals at large.* It shall be unlawful for any owner to allow or permit any animal to run at large within the municipal limits of the City.

(2) *Animals which constitute a nuisance.* Upon determination by a police officer, animal control officer, or other authorized representative of the City that an animal is a public nuisance animal, the police officer, animal control officer, or other authorized representative of the City shall cause a written notice thereof to be served on the owner or other person having custody of the public nuisance animal. The notice shall state the name of the person so served, shall describe the public nuisance animal sufficiently to identify it, shall recite that the person is in violation of this section, and shall order the person to abate the nuisance within seven (7) days after notification. Service of the notice may be effected by one or more of the methods described in § 90.16(C) or by any other method permitted by law. If the person so notified shall not comply with the order of abatement within the time stated in the notice, the person shall be subject to a civil penalty per day per animal in violation. A second violation shall subject the violator to an increased civil penalty per day per animal in violation. The third and each subsequent violation shall subject the violator to an increased civil penalty per day per animal in violation. The foregoing civil penalty amounts are as set forth in the City Fee Schedule. The police officer, animal control officer, or other authorized representative of the City may issue citations for any violation of this division (A)(2). The civil penalties stated in this division (A)(2) are in addition to any other fees or penalties for a violation, redemption, or impoundment provided in this code.

(3) *Horses.* It shall be unlawful for any owner to keep or maintain within the municipal limits of the City any horse at a distance less than four hundred (400) feet from the nearest dwelling.

(4) *Animals kept in numbers.* It shall be unlawful for any owner to keep or maintain within the municipal limits of the City any permitted animals in the numbers or so housed as to result in noxious or offensive odors or loud or disagreeable noises, thereby constituting a public nuisance.

(5) *Pot-bellied/miniature pigs.* The keeping and raising of registered purebred miniature Vietnamese pot-bellied pigs (*Susscrofa bittatus*) and other similar registered purebred miniature pigs (miniature pigs) as household pets shall be allowed in all residential districts, subject to the limitations stated below. The term **REGISTERED** shall mean registered with a nationally recognized miniature pig association.

(a) Only one miniature pig shall be kept in any household. The pigs shall be kept in a restrained area at all times and shall not be allowed to run at large. No miniature pig shall be allowed outside of the premises of its owner except on a leash or duly restrained in a vehicle.

(b) The breeding and raising of miniature pigs shall not be allowed in the City. Permitted pigs shall be neutered or spayed or when any such pig shall give birth to piglets, the mother pig and all piglets shall be removed from the City for weaning and raising.

177 (c) All miniature pigs kept as household pets must be routinely vaccinated against infections  
 178 and all communicable diseases common to the animals. The owner of any miniature pig growing tusks  
 179 must have the tusks surgically removed by a veterinarian.

180 (d) Any outside area occupied by a miniature pig shall be regularly sanitized and kept free of  
 181 waste. No area shall be allowed to become muddy or unsanitary.

182 (e) The provisions of § 90.16(A) prohibiting barnyard animals and wild animals within the  
 183 municipal limits of the City shall not apply to miniature pigs only to the extent the pigs are permitted  
 184 pursuant to this section.

185 (6) **Chickens.** Chickens are permitted for personal domestic use in the corporate limits as provided  
 186 herein:

187 (A) No more than six chickens are allowed per single family parcel in the corporate limits. Roosters  
 188 are not permitted.

189 (B) Chickens shall be confined on the property within an enclosure. Such enclosure shall be  
 190 restricted to the rear yard, and shall meet the accessory structure setback requirements of the  
 191 prevailing zoning district, refer to the Unified Development Ordinance, Chapter 154, Zoning Districts  
 192 and Zoning Map. Enclosures shall allow for a minimum of three square feet per fowl. A building permit  
 193 will be required, but there shall be no fee.

194 (C) Slaughter is not permitted.

195 (D) Other domestic fowl, such as (but not limited to) peacocks, geese, and turkey, are prohibited.

196 (E) The provisions of § 90.16(A) prohibiting barnyard animals and wild animals within the municipal  
 197 limits of the City shall not apply to chickens only to the extent the chickens are permitted pursuant to  
 198 this section.

200 As the Board discussed the specifics of the provided ordinance, they agreed that they would  
 201 prefer a residential table allowance included in the ordinance, such as the following:

202

| Property Size/Zone            | Maximum Number of Chickens Allowed |
|-------------------------------|------------------------------------|
| R7 – R10                      | 4                                  |
| R15 - R20                     | 6                                  |
| Above R20                     | 9                                  |
| Property in excess of 2 acres | 12                                 |

203

204 Regarding the zoning/setbacks, the Board concurred with the use of existing setbacks for  
 205 accessory buildings. In addition, the majority of the Board was in favor of a building permit  
 206 fee (current accessory permit fee: \$67.00) for the coop, but no registration fee. As a result,  
 207 Staff was instructed to draft an ordinance amendment for official adoption consideration at a  
 208 future meeting.

209

210 **BOARD COMMENTS/REPORTS**

211

212 Commissioner Jim Kohr presented an option for the Board’s consideration in regards to  
 213 including the U.S. Motto “In God We Trust” on the exterior of the City Hall building and the  
 214 interior of the Board Chambers. Furthermore, he provided a mockup of a potential design,  
 215 explaining that there would be no cost to the City. Rick Lanier, Co-Founder of the U.S. Motto  
 216 Action Committee provided a letter of invitation to incur the full cost of the displays.  
 217 Commissioner Jim Kohr read the following statement included in the invitation letter;  
 218 “Displaying the motto gives ceremonial honor to public occasions and expresses confidence in  
 219 our society. On July 30, 1956, during the Dwight Eisenhower administration, the U.S.  
 220 Congress adopted “In God We Trust” as the official National Motto of the United States of  
 221 America. Thus, displaying our Motto is a legal right, protected by the first amendment.”

222

223 While the Board was in favor of pursuing, Mayor Lewis pointed out that from Staff’s  
 224 perspective, they have an obligation to first protect the City’s assets; therefore, the design,  
 225 product and location would need to be evaluated before moving forward. City Manager Chris  
 226 McGee also relayed that placement on stucco could be a concern. As far as any legal concern,  
 227 City Attorney Troy Smith advised that the risk level would be very small based on the fact  
 228 that such is the National Motto.

229

230 The Board briefly discussed warranty and contract options and concurred to have Staff contact  
 231 Mr. Lanier for additional information and provide the research information at a future  
 232 workshop to include location options.

233

234 Regarding other business, Commissioner Jim Kohr announced that he recently attended a  
 235 COG meeting whereby the new director, David Bone attended. He added that he was very  
 236

237 pleased with the presented direction of the COG under new leadership.

238

239 Commissioner Lewis requested a status update of the Jaycee/Cunningham intersection. City  
240 Manager Chris McGee responded that Staff recently met with NCDOT officials to discuss  
241 possible options. After consultation, the best option is a resurface of Jaycee Street to include a  
242 re-channelization and new paint lines. The earlier presented 4-way stop and one-way option  
243 was not viable. Secondly, Commissioner Lewis asked the Board to consider moving the Board  
244 meetings to 5:30 p.m. to possibly increase citizen attendance and provide ease to Staff. The  
245 remaining Board members were not in favor; therefore, the 7:00 p.m. time will remain. Lastly,  
246 as the liaison to the Appearance Commission, Commissioner Lewis explained their desires to  
247 create a subcommittee to assist the Planning Department with nuisance abatement. Prior to  
248 further discussions, Mayor Lewis stated that the City's current ordinance would need to be  
249 researched to determine if such would even be allowed. Once determined, further discussions  
250 could take place with the Appearance Commission.

251

252 Commissioner Wilson announced that the annual MAC meeting/social would take place on  
253 June 24<sup>th</sup>. She also added that TDA has been increasing their promotions of Havelock and she  
254 is excited to see what the future will include.

255

256 Commissioner Josh Kohr took this opportunity to provide the Board with a copy of the City's  
257 Ordinance, Chapter 130: General Offenses and specifically the sections related to weapons,  
258 NCGS 14-415.25, NCGA 160A-189, NCGS 14-269.4, NCGS 14-34 and a NC Criminal Law  
259 Blog from UNC School of Government pertaining to open carry. In addition, the following  
260 document was provided for review:

261

**N.C. Regulated Firearms Carry Areas for Private Citizens**

| Regulated Carry Area  | Open Carry Allowed*                              | Concealed Carry Allowed   |
|---|--|---|
| Educational Property  | NO   | NO, must be secured in a vehicle or on the permittee who remains in the locked vehicle. |
| <b>Private</b> Educational Property that is POSTED.   | NO   | NO  |
| Where Alcoholic Beverages are sold and consumed   | NO   | YES - Unless Posted   |
| Certain State Property, Courthouses, & State parking facilities. (This does not address Legislative office properties.) | NO, must be secured in a vehicle and not carried | NO, must be secured in a vehicle and not carried  |
| Parades or Funeral Processions  | NO   | YES -Unless Posted  |
| State Owned Parks   | NO   | YES   |
| State owned Rest Areas, Rest Stops and hunting and fishing reservations.  | YES  | YES   |
| Picket lines, Private Health Care Facilities  | NO   | NO  |
| Posted Property   | NO   | NO  |
| Law Enforcement or Correctional Facility  | YES – Unless Posted                              | NO  |
| Federal Property  | NO   | NO  |
| While consuming alcohol or while alcohol or controlled substance is in the blood  | YES  | NO  |
| Establishments where alcoholic beverages are sold but <b>NOT</b> consumed.  | YES – Unless Posted                              | YES – Unless Posted   |
| Assembly where admission is charged   | NO   | YES - Unless Posted   |
| Posted local government recreational facilities   | NO   | NO  |
| City or County Buildings  | MAY POST PROHIBITING                             | MAY POST PROHIBITING  |

\*Please be aware of the NC Common Law "Going Armed to the Terror of the People." Even though an individual maybe lawfully able to carry a firearm (handgun or long gun) in an area, the person should be vigilant not to violate this common law misdemeanor.

"By common law in North Carolina, it is unlawful for a person to arm himself/herself with any unusual and dangerous weapon for the purpose of terrifying others, and go about on public highways in a manner to cause terror to others. The N.C. Supreme Court states that any gun is an unusual and dangerous weapon for purposes of this offense."

As of: August 2015

262 Commissioner Josh Kohr relayed that his reasoning for bringing this issue forward is that  
 263 based upon his research, he does not believe the City's ordinance, and specifically Section  
 264 130.04 is consistent with the State Law. Therefore, he asked the remaining Board members to  
 265 consider removing this particular section. After extensive discussion on this matter, Mayor  
 266 Lewis suggested having legal review the City's ordinance to determine if the City is complaint  
 267 with any State level changes. The Board agreed and understood that this matter would be  
 268 discussed at a future workshop after legal review.  
 269  
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271 In closing, Commissioner Josh Kohr stated that he had the privilege of attending the NCLM  
 272 State Dinner in Raleigh, which he described as productive and important to maintain valuable  
 273 elected relations.  
 274

275 Commissioner Walsh touched upon some of Commissioner Josh Kohr's comments in  
 276 reference to weapons. He suggested that the City should sit down with County officials to  
 277 determine if there is anything the City can do to assist the school system based on the recent  
 278 national news and school shootings. An example provided was to form a partnership to create  
 279 and enhance a group task force.  
 280

281 Mayor Lewis thanked City Attorney Troy Smith for attending this evening's workshop. He  
 282 concluded by thanking Staff for all of their work on finalizing a budget.  
 283

284 **ADJOURNMENT**  
 285

286 With there being no other business to discuss, Commissioner Josh Kohr made a **motion to**  
287 **adjourn**. Commissioner Wilson seconded and the motion carried unanimously. (5-0)

288

289 The meeting adjourned at 8:47 p.m.

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291 Date approved:

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William L. Lewis, Jr., Mayor

293 Attest:

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295

296

297 Cindy K. Morgan

298 City Clerk

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