



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 Frank Botorff
City Clerk Cindy Morgan

SUBJECT: Board of Commissioners Meeting – Monday, June 24, 2019 – 7:00 PM

DATE: 6/21/2019

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 20, 2019 Recessed Board of Commissioners Budget Mtg
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Consent Agenda Item B	Minutes of the June 3, 2019 Board of Commissioners Regular Meeting
Consent Agenda Item C	FY 2018-2019 Budget Ordinance Amendment Number Three
Consent Agenda Item D	Annual Write-Off of Uncollectible Utility Accounts

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 HEARINGS:

A. Proposed UDO Text Amendment: Section 156.02 Flood Damage Prevention and Section 163.01 Definitions

The proposed text amendment to the Unified Development Ordinance, as provided (**Exhibit 1A.1**), will add a freeboard requirement to Section 156.02 Flood Damage Prevention and amend the definition of Regulatory Flood Protection Elevation in Section 163.01 Definitions.

The City requires the Base Flood Elevation as provided on the FEMA Flood Insurance Rate Maps (FIRM). The City joined the National Flood Insurance Program (NFIP) in 1987 by the adoption of the first Flood Damage Prevention Ordinance. This is required before flood insurance is available for homeowners. The current Flood Insurance Rate Maps are dated July 2, 2004. A local jurisdiction may adopt higher regulatory standards in the local Flood Damage Prevention Ordinance. When additional elevation is added to the base flood elevation, the term is “freeboard.” The addition of a freeboard would further protect structures located in special flood hazard areas from potentially being damaged or destroyed during a flooding event. When a higher elevation is required, it becomes the “Regulatory Flood Protection Elevation,” and that is used to issue building permits. Once adopted, the new requirement would apply to any new construction and existing structures at the time they apply for a building permit to repair or replace due to substantial damage or at the time of substantial improvements.

Further implication about the elevation required by the City is realized when a homeowner pursues financial avenues to elevate or rebuild their home. Whether it is through flood insurance or any type of mitigation grant, the structure will be required to be elevated to the jurisdiction’s required elevation. If the damaged structure is not at that higher elevation, then these properties may have opportunities for elevation assistance. The freeboard would also proactively serve to protect property owners when they build new homes.

A land use plan consistency statement is required as this is a text amendment to the City’s Unified Development Ordinance. The City’s Land Use Plan states under “Objective 13.1: Continue to improve pre-disaster planning and post- disaster response and redevelopment for the City.” In particular, Policy 13.1.1 states “Review adequacy of zoning, subdivision, and flood damage prevention ordinances for control of flooding hazards.” The request is consistent with the City’s Land Use Plan and will protect the public health and safety as the proposed text amendment will provide additional protection for properties located within the Special Flood Hazard Areas and will reduce the risk of flooding.

The procedure for a text amendment includes the request being considered by the Technical Review Committee and the Planning Board. This request was heard by the TRC on April 9, 2019 and the Planning Board on May 7, 2019. The Planning Board recommended approval with a unanimous vote (4-0). A copy of the notes from the TRC meeting (**Exhibit #1A.2**) and the Planning Board meeting minutes (**Exhibit #1A.3**) are provided.

A public hearing notice was published in the New Bern Sun Journal on June 12, 2019 and June 19, 2019, informing the public of this evening's public hearing and meeting the established legal requirements (**Exhibit #1A.4**).

City Code References: UDO Chapter 160: Amendments

Request: a. Mayor Lewis shall open the public hearing and call upon Planning Director Katrina Marshall to present the proposed UDO text amendment to Chapter 156: Environmental and Special Purpose Regulations, Section 156.02 Flood Prevention and Chapter 163: Definitions, Section 163.01; and

b. Solicit public comments; and

c. Upon receiving no further public comments, Mayor Lewis is to close the public hearing; and

d. Solicit comments from the Commissioners; and thereafter,

e. First, a Commissioner's motion and a second is being sought to state that the proposal is consistent with the City's Comprehensive Land Use Plan as the proposed text amendment will protect the public health and safety by providing additional protection for properties located within the Special Flood Hazard Areas to reduce the risk of flooding; and

f. Second, a Commissioner's motion and a second is being sought to approve the Planning Board's recommendation by adopting Ordinance Amendment #19-O-01, an ordinance amending Chapter 156: Environmental and Special Purpose Regulations, Section 156.02 Flood Damage Prevention; and Chapter 163: Definitions, Section 163.01 Regulatory Flood Protection Elevation in order to add a freeboard requirement.

City Manager's Opinion: This proposal was first discussed during the Board's Annual Planning Retreat. Based upon the research conducted and the direction provided, the manager supports the adoption of the text amendment as presented.

B. Proposed UDO Text Amendment: Table 155-8 Table of Permitted Uses and Section 155-0703(A): Manufactured Home on individual lot, not in park (SLUCM #1401)

This request is to amend the Unified Development Ordinance (UDO) to address Manufactured Homes on an individual lot, not in a park (SLUCM #1401). Two items are included: 1) Remove "S" on the Table of Permitted Uses in the R-20 District, and 2) Add text in Section 155.0703(A) to reflect "Manufactured Home on an individual lot, not in a park" is Permitted in R-MH as per the text amendment to the Table of Permitted Uses, approved by the Board of Commissioners in 2016.

Table 155-8 Table of Permitted Uses (**Exhibit #1B.1**) illustrates that "Manufactured home on individual lot, not in park" is allowed in the R-20 district as a Special Use (S). As shown in Exhibit 1B.1, §155.0703(A)(1) Manufactured Home

on individual lot, not in park, R-20 is not included where that use is allowed. The text of the Unified Development Ordinance and the Permitted Use Table are inconsistent as highlighted in Exhibit #1B.1. The UDO states when there is a discrepancy, the Table of Permitted Uses shall prevail.

As background, the UDO was adopted on July 25, 2011. The Zoning Ordinance in place prior to that did not allow Mobile Homes (Not in Mobile Home Parks) in the R-20 district. The use was allowed in the R-20A and RA districts as a Special Use. Both of those zoning districts are located in the ETJ. It is Staff's belief that at the time of the ordinance rewrite, manufactured homes were not intended to be allowed in the R-20 district and it was inadvertently entered in the Table of Permitted Uses. The proposed text amendment will make the Table of Permitted Uses consistent with the text and in the districts that were intended.

Secondly, Staff would like to include an update to §155.0703(A)(1), to add "Manufactured home on individual lot, not in park" as allowed in the R-MH district, to be consistent with the amendment to the Table of Permitted Uses approved by the Board of Commissioners on March 28, 2016.

Both amendments are intended for consistency purposes within the Unified Development Ordinance as no changes to allow land uses have effectively been made. The amendments are consistent with the Land Use Plan as the UDO will continue to fairly allow where manufactured homes may be located and it is reasonable to make corrections within the ordinance for consistency and in the public interest.

The Technical Review Committee discussed the amendment at their April 9, 2019 meeting, as shown on the TRC Notes (**Exhibit #1B.2**). The request was then heard at the May 7, 2019 Planning Board meeting (**Exhibit #1B.3**). The Planning Board recommended approval of the land use plan consistency statement and the proposed amendments as presented, with a unanimous vote of 4-0.

A public hearing notice was published in the New Bern Sun Journal on June 12, 2019 and June 19, 2019, informing the public of this evening's public hearing and meeting the established legal requirements (**Exhibit #1B.4**).

City Code References: UDO Chapter 160: Amendments

Request: a. Mayor Lewis shall open the public hearing and call upon Planning Director Katrina Marshall to present the proposed UDO text amendment to Chapter 155: Use Regulations and Standards, Table 155-8 Table of Permitted Uses and Section 155.0703 Development Standards for Residential Uses; and

b. Solicit public comments; and

c. Upon receiving no further public comments, Mayor Lewis is to close the public hearing; and

d. Solicit comments from the Commissioners; and thereafter,

e. First, a Commissioner's motion and a second is being sought to state that the amendment is consistent with the City's Comprehensive Land Use Plan, as the proposed text amendments are consistent with the Land Use Plan as the UDO will continue to fairly allow where manufactured homes may be located and it is reasonable to make corrections within the Ordinance for consistency, public interest and to ensure the information provided is accurate; and

f. Second, a Commissioner's motion and a second is being sought to approve the Planning Board's recommendation by adopting Ordinance Amendment #19-O-02 (**Exhibit #1B.5**), an ordinance amending Chapter 155: Use Regulations and Standards, Table 155-8 Table of Permitted Uses and Section 155.0703 Development Standards for Residential Uses to reflect in the Table of Permitted Uses that a manufactured home on individual lot, not in park is not allowed in the R-20 district and that a manufactured home on an individual lot, not in park is permitted in the R-MH district.

City Manager's Opinion: For consistency purposes, the manager concurs with the proposed text amendments as presented.

Item #2. FY 2019-20 Budget: *Budget Ordinance, Fee Schedule, and Pay & Class Scale*

Per North Carolina State Statute 159-13 (**Exhibit #2A**), it is required that the Board adopt an annual operating budget for the upcoming fiscal year. Finance Director Lee Tillman shall appear before you this evening to request adoption of the FY 2019-20 budget ordinance (**Exhibit #2B**), which begins on July 1, 2019 and ends on June 30, 2020 along with approving the following budget related matters:

- Associated Fee Schedule (**Exhibit #2C**)
- Pay & Classification Plan (**Exhibit #2D**)

Per the Board's directive, the tax levy in the ordinance is at .59 per \$100 valuation. The fee schedule includes water and sewer increase of 4% along with permit and solid waste increases of 1.6%.

City Code References: 30.04, 32.16 (B)

Request: A Commissioner's motion and second is requested to adopt the presented FY 2019-20 Budget Ordinance, along with approving the Associated FY 2019-20 Fee Schedule and Pay & Classification Plan.

Request: A Commissioner's motion and a second is being sought to reappoint Tom Braaten to an At-Large seat expiring June 30, 2022; reappoint Bob Mattocks to an At-Large seat expiring June 30, 2022; appoint Rhonda Murray to the MCAS Cherry Point Ex-Officio Non-Voting Seat with no set terms; and approve the ECAHF Board of Directors selection of Tom Braaten as Chairman. (*Ballots at desk*)

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

Item #4. Elected/Appointed Officials Reports/Comments:

- a. **City Manager:** At this time, City Manager Frank Bottorff 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