



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, September 23, 2019 – 7:00 PM

DATE: 9/20/2019

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 August 26, 2019 Board of Commissioners Regular Meeting
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Consent Agenda Item B	Minutes of the September 9, 2019 Board of Commissioners Workshop
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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. RECOGNITIONS/PRESENTATIONS:

A. Havelock Civitan Club Check Presentation

A representative from the Havelock Civitan Club is scheduled to attend this evening's meeting to present a donation check to the City of Havelock to assist with the costs associated with the replacement of the City Park Picnic Shelter. As aware, this shelter was damaged during Hurricane Florence. The Civitan Club reached out to the City voicing their desires to assist with its replacement.

City Code References: N/A

Request: No official action is needed; however, the Havelock Civitan Club should be applauded for assisting the City with this project.

City Manager's Opinion: The manager shares his appreciation of this gracious offer from the Civitan Club.

B. Craven Co. ABC Board Presentation & Municipal Check Distribution

Craven County ABC Board Chairman Chip Chagnon shall appear before the Board of Commissioners this evening to present the City of Havelock with our municipality check distribution. He will also provide a brief PowerPoint presentation (**Exhibit #1B.1**) outlining their mission, goals and objectives, along with the financial operations of the Craven County ABC Board.

In closing and on behalf of the Craven County ABC Board, the City will be presented with a check in the amount of \$14,947 for the citizens of Havelock.

City Code References: N/A

Request: The Mayor and Board of Commissioners shall formally accept the ABC check on behalf of the City.

City Manager's Opinion: The manager concurs with the acceptance and appreciates their willingness to provide a brief presentation on the financial operations of the ABC Board.

C. Craven Co. Recycling Program Changes

Craven County Manager Jack Veit shall appear before the Board of Commissioners to provide information on the new Craven County Curbside Recycling Program.

Waste Industries/Green for Life (GFL) began delivering 47,000 of the 95 gallon lime green and black rolling recycling carts during the last week in August. The new monthly curbside recycling pickup with the 95 gallon carts will begin on October 7, 2019 (**Exhibit #1C.1**). In addition, the new carts will include information on what is considered recyclable and what is not (**Exhibit #1C.2**), along with a recycling collection schedule (**Exhibit #1C.3**). To assist with the transition, a Frequently Asked Questions (FAQ) list is included (**Exhibit #1C.4**).

City Code References: N/A

Request: No action is needed; however, the Board is encouraged to ask any questions they may have.

City Manager's Opinion: The manager supports this presentation to better inform/educate the citizens regarding the County's recycling program. Additionally, the City appreciates Mr. Veit taking the time to attend tonight's meeting and respond to BOC questions.

Item #2. PUBLIC HEARINGS:

A. Wells Wayside Annexation Ordinance

On May 19, 2010, Wells Wayside Furniture Company, Inc. (Frances Diffie, President) filed a voluntary annexation petition (**Exhibit #2A.1**) with the City of Havelock for Craven County Tax Parcel 6-031-002, located at 901 West Highway 70, in Number 6 Township, Craven County. This petition was filed and based upon 2010 negotiations in connection with the City's construction of the West End Fire Station (**Exhibit #2A.2**).

At the July 22, 2019 Regular Meeting, the Board of Commissioners adopted Resolution #19-R-07, directing the Clerk to investigate the annexation petition received under NCGS 106A-31. On August 12, 2019, the Board accepted the Clerk's Certification of the Wells Wayside Furniture Company, Inc. annexation petition and scheduled a public hearing to be held this evening. As required by NCGS 106A-31, the requisite public hearing notice was published in the New Bern Sun Journal on September 10, 2019 (**Exhibit #2A.3**).

As required by NC Statutes, the Commissioners are to conduct a public hearing on the annexation petition prior to adoption consideration of Annexation Ordinance #19-A-01 for Well Wayside Furniture Company, Inc. (**Exhibit #2A.4**) as presented.

City Code References: N/A

Request: a. Mayor Lewis is to open the public hearing and call upon Planning Director Katrina Marshall to briefly present the Wells Wayside Furniture Company, Inc. annexation request; and

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

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

d. Thereafter, a Commissioner's motion and second is sought as to either adopting "or" not Annexation Ordinance #19-A-01 as presented.

City Manager's Opinion: The manager supports approval consideration of the described annexation presented this evening for Wells Wayside Furniture Company, Inc. Also, please note that the effective date of all annexation ordinances, regardless if property commercial use only, is contingent upon US Justice Department approval—which should not be a problem in this case. Per NCGS 120-30.9F, the city attorney of any municipality covered by the Voting Rights Act of 1965 shall submit to the Attorney General of the United States within 30 days of adoption action by the governing body.

Item #3. Local Water Supply Plan

A Local Water Supply Plan is an assessment of a water system's current and future water needs and its ability to meet those needs. By understanding current and future needs, local governments will be better able to manage water supplies and better prepared to plan for water supply system improvements. By way of PowerPoint presentation, Public Services Director Sue Sayger shall brief the Board on the plan, requirements and required action (**Exhibit #3A**).

North Carolina General Statute 143-355(l) requires all units of local government that provide or plan to provide public water service to prepare a Local Water Supply Plan. All community water systems that regularly serve 1,000 or more service connections or serve more than 3,000 people are also required to prepare a Local Water Supply Plan. Each year the plan is updated and every five years the plan must be adopted by the governing body. The City of Havelock completed a plan in 2014 and last updated the plan in 2019 (**Exhibit #3B**).

This plan has been reviewed and approved by the North Carolina Department of Environment and Natural Resources (NCDENR). As requested by NCDENR, a resolution approving the plan is being provided to the Board of Commissioners for adoption consideration this evening (**Exhibit #3C**). The Board's approval of this plan will now be consistent with the timeline of the Water Shortage Response Plan.

City Code References: N/A

Request: A Commissioner's motion and a second is being requested to adopt Resolution #19-R-09, a resolution approving the City of Havelock Water Supply Plan.

City Manager's Opinion: To meet the requirements of NCGS 143-355, the manager concurs with the adoption of the Local Water Supply Plan as presented.

Item #4. Water Shortage Response Plan: *Resolution and Related Ordinance Revisions*

All public and privately owned water systems subject to North Carolina General Statute 143-355 (l) are required to submit a Water Shortage Response Plan (WSRP) as part of their Local Water Supply Plan (LWSP). The rules governing water use during droughts and water emergencies (15A NCAC 02E. 0607) stipulate specific issues that must be included in those plans. The WSRP establishes authority for declaration of a water shortage, defines different stages of water shortage severity, and outlines appropriate responses for each stage.

By way of PowerPoint presentation, Public Services Director Sue Sayger will brief the Board of Commissioners on Havelock's Water Supply and the drivers/actions associated with the City's WSRP (**Exhibit #4A**). A draft of this plan was submitted to the Board at the August 12, 2019 Board of Commissioners workshop. This draft has also been posted on the City's website, along with a notice posted in the water bills, providing citizens the opportunity to provide comments on the plan. Additionally, this plan was submitted to NCDENR-DWR for their review and their approval has been received. The Board of Commissioners must adopt this approved Water Shortage Response Plan (**Exhibit #4B**) by resolution (**Exhibit #4C**).

In order to make this plan and the City's Code of Ordinances consistent, an ordinance amendment is also being provide for adoption consideration (**Exhibit #4D**).

City Code References: 52.130-52.999

Request: First, a Commissioner's motion and a second is being sought to adopt Resolution #19-R-10, a resolution approving a Water Shortage Response Plan for the City of Havelock.

Secondly, a Commissioner's motion and a second is also being sought to adopt Ordinance Amendment #19-O-03, an ordinance amending Chapter 52: Water Conservation of the City of Havelock's Code of Ordinances, thereby making such consistent with the presented Water Shortage Response Plan, effective at 12:01 a.m. on September 24, 2019.

City Manager's Opinion: The manager concurs with adopting the presented resolution and ordinance amendment regarding the City of Havelock Water Shortage Response Plan.

Item #5. Monthly Financial Presentation: *August 2019 Report*

Finance Director Lee Tillman shall appear before the Board of Commissioners this evening to present the August 2019 monthly financial report (**Exhibit #5A**). As of this writing, the Finance Officer has not noted any concerns. While no action is necessary at this time, the Board's questions and comments are solicited and welcomed.

City Code References: 32.31(A)

Request: No action necessary.

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

Item #6. Appropriation of CIP Funds: *Tourist & Event Center LED/Digital Sign*

As the Board is aware, the Tourist & Event Center (TEC) sign located at the entrance of Tourist Center Drive is inoperable and does not display the current logo. Additionally, over several years, \$108,000 in funding was placed in reserve.

At the direction of the Board, a Request for Proposals (RFP) was released with specifications for a LED component and the re-facing of the existing sign. A brick veneer will be used to cover the existing sign, matching the current Havelock City Hall entrance sign. The sign pillar caps and base caps will be covered in a concrete style finish in a matching brick mortar color. The globes on top of the pillars, diamond design and logo at the bottom of the cabinet will be removed. The size and shape of the existing sign cabinet will not be altered in accordance with Section 161.08 of the City's Unified Development Ordinance (UDO). The existing sign cabinet will be reused.

Three bid proposals were received. Staff and the City Manager reviewed the three bids and it was determined that the lowest responsive bid is \$29,711.17. Staff requests that the Board appropriate \$29,711.17 from the TEC Sign Reserve Account to allow Staff to contract for the repair and LED component (**Exhibit #6A - PPT**).

City Code References: N/A

Request: A Commissioner's motion and a second is being requested to appropriate \$29,711.17 from the Sign Capital Reserve - Tourist & Event Center Enterprise Fund for the repair of the TEC electronic sign and cabinet.

City Manager's Opinion: As the Board is aware, funding has been placed in a Capital Reserve over the last few years for the repair of this sign, along with other facility upgrades/improvements. The manager supports this particular funding request as it is in line with the Board's overall direction in reference to the sign.

Item #7. Sewer Line & Stormwater Repairs: *Award of Bid*

In March 2019, the Board of Commissioners were briefed on some sewer line and associated stormwater repairs needed at Forest Hill Drive, Daniels Court and Shepard Street. Due to the nature of the repairs, Staff did not have reliable costs estimates at that

time. While the Board appropriated funding, the repairs were not completed under the FY 2018-19 budget. The City solicited bids on July 30, 2019. Three bids were received and the lowest responsive bid was from T.A. Loving Company in the amount of \$160,500 (**Exhibit #7A-PPT**).

City Code References: N/A

Request: A Commissioner's motion and a second is being requested to award the Line and Stormwater Repairs of Forest Hill Dr., Daniels Ct., and Shepard St. to T.A. Loving Company in the amount of \$160,500, utilizing a total of \$111,000 from Sewer Fund Retained Earnings for Line Maintenance and Repairs and \$49,500 from General Fund – Fund Balance for Stormwater Repairs.

City Manager's Opinion: The manager concurs with moving forward with the described repairs and associated funding appropriations.

Item #8. Governing Body Appointments: *Recreation Advisory Board*

The terms of Recreation Advisory Board Members Charles Anderson, Albert Lester and Cherrie Sanders expire on September 30, 2019 (**Exhibit #8A**). All three (3) incumbents wish to be considered for reappointment. As of this writing, the City has not received any other applications for consideration.

City Code References: N/A - Established by Resolution, 17-R-05

Request: After a vote by written ballot, a Commissioner's motion and a second is being sought to appoint three (3) individuals to the Recreation Advisory Board for a term beginning October 1, 2019 and ending September 30, 2021.

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

Item #9. 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 #9A**) 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