



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, January 23, 2023 – 7:00 PM

DATE: 1/20/2023

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.

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| Consent Agenda Item A | Minutes of the January 9, 2023 Board of Commissioners Workshop |
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| Consent Agenda Item B | Minutes of the January 17, 2023 Board of Commissioners Special Meeting |
| Consent Agenda Item C | BluePrint Business Communications Contact for Services: TEC Digital Marketing from February 1, 2023 - June 30, 2023 at a cost of \$11,666.66 funded from General Fund |
| Consent Agenda Item D | Resolution #23-R-01, a resolution authorizing the donation of surplus, obsolete, unused property, identified as a Wazer Water Jet Cutter, Serial Number: M150208100, to Craven Community College Foundation |

Request: A Commissioner’s 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. Make Havelock Shine Awards

The City of Havelock Appearance Commission solicited nominations for the "2022 Make Havelock Shine Awards." The nominated houses/businesses, lawns/yards had to be in the City Limits with unique and/or exciting decorations for the holidays. While

nominations are accepted by the public, the Appearance Commission determined the winners. Each winner will be recognized this evening. They will be presented as follows:

- Carolina Christmas: The Cano Family, 315 Coachman Lane
- Religious Theme: The Bullock Family, 511 Hollywood Boulevard
- Joyce Blackburn Award: The Cerjan Family, 334 Lee Drive
- Children's Theme: The Round Family, 102 Dane Court
- Techno Christmas: The Brewer Family, 103 S. Forest Circle
- Best Business Window Decorations:
 - Tagg/ Whiteman's Engraving, 235 W. Main Street
- Best Business Live Display:
 - Nightmare Factory & Rules of Engagement, 29 Park Lane/19 Park Lane

City Code References: 33.28

Request: Members of the Appearance Commission and the Board of Commissioners shall publicly recognize the winner's at this evening's meeting

City Manager's Opinion: Being a responsibility under City Code Section 33.28, the Appearance Commission is to be commended for initiating and maintaining this holiday event.

Item #2. PUBLIC HEARINGS:

A. UDO Text Amendment for Signs and Billboards

The applicant for the proposed text amendment is Michael Sutherland, agent for Scotty Outdoor, LLC. The request is to increase the maximum size of any sign in Section 157.09(B)(5) from 200 sq. ft. to 600 sq. ft., and in Section 157.09(E), to reduce the billboard setback from the public right-of-way and any residential dwelling from 50 feet to 20 feet (**Exhibit #2A.1**). The Planning Board heard this request at the January 3, 2023 meeting and a copy of the packet provided to the Planning Board is included (**Exhibit #2A.2**) and contains the staff assessment and the text amendment application. Also attached are the draft minutes (**Exhibit #20A.3**) with the Planning Board's recommendation.

The Planning Board discussed each part of the request submitted by the applicant and further recommends disapproval of the applicant's request as presented being that the request is not consistent with the City's Land Use Plan. However, in a related matter, the Planning Board recommended a secondary alternative to amend the UDO (pertaining to the ETJ) to allow a maximum of 378 sq. ft. for billboards, allow a 20 feet setback from the public right-of-way, and leave the setback at 50 feet from a residential dwelling, as such is consistent with the City's Land Use Plan. The vote was unanimous. The size and setback to the public right-of-way is in keeping with Craven County billboard regulations and many of the existing billboards in the ETJ on US 70. A copy of the public notice is

attached (**Exhibit #2A.4**), which meets the legal requirements to conduct a public hearing on this matter this evening.

City Code References: UDO Chapters 157.09(B)(5) and 157.09(E); and UDO 160.05 and 160.06

Request: a. Mayor Lewis is to open the public hearing and call upon the Planning Director Katrina Marshall to present the requested UDO Text Amendment for Sign and Billboards; 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 on this matter, and thereafter

d. First, a Commissioner's motion and a second is being sought to "approve or deny" the Planning Board's first recommendation to deny the applicant's request to amend UDO Section 157.09(b)(5) to increase the size of signs from 200 square feet to 600 square feet and 157.09(E) to reduce the setback from 50 feet to a public right-of-way or residential dwelling to 20 feet, as the proposed amendments are not consistent with the CAMA Land Use Plan Implementing Action 2.1.3 in that enlarging the billboards to 600 square feet will not contribute to improving the attractiveness of the City. Additionally, reducing the distance from a residential dwelling to 20 feet will not protect the safety and general welfare of the public.

e. Secondly, if the Board of Commissioner's approves the Planning Board's first recommendation to deny the applicant's request , the BOC shall consider the Planning Board's secondary alternative to amend UDO Section 157.09(E) to include 378 square feet as the maximum size for a billboard; 20 feet as the minimum distance from a public right-of-way; and 50 feet as the minimum distance from a residential dwelling by adopting Ordinance Amendment #23-O-03, as presented and effective at 12:01 a.m. on January 24, 2023. Further, this amendment is consistent with the Land Use Plan as it will maintain the existing uniformity of the billboards and will continue to protect the safety and general welfare of the public (**Exhibit #2A.5**).

City Manager's Opinion: The manager supports the Planning Board's recommendation to deny the applicant's request to increase the maximum size of any sign in Section 157.09(B)(5) from 200 sq. ft. to 600 sq. ft., and in Section 157.09(E), to reduce the billboard setback from the public right-of-way and any residential dwelling from 50 feet to 20 feet, as it does not meet the criteria outlined in UDO Section 160.06(B) (**Exhibit #2A.6**). The manager does agree that the second alternative recommended by the Planning Board, and identified as Ordinance Amendment #23-O-03, is consistent with the Land Use Plan as it will maintain the existing uniformity of the billboards and will continue to protect the safety and general welfare of the public; and as a result, is supportive of its adoption as presented. It should be noted that the BOC does have the option to deny both recommendations if desired.

B. 2022 Craven County Comprehensive Transportation Plan (CTP)

NC Department of Transportation (NCDOT) Project Engineer Ms. Hemal Shah will present the draft Craven County Transportation Plan (CTP) and address any questions. Ms. Shah has provided a consolidated flyer with an overview and the basics of the CTP (**Exhibit #2B.1**).

A CTP is a multimodal transportation plan, which identifies transportation deficiencies and provides recommendations to be implemented within a 25-30-year timeframe. The CTP is being developed in an effort to determine the county's future transportation needs based on the best information available including: population, economic conditions, traffic trends, and patterns of land development. The CTP addresses the following modes of transportation: highway, public transportation, rail, transit, and pedestrian and covers needs through 2040. Recommendations made will provide for the efficient, cost-effective, and environmentally sensitive use of the transportation system while addressing current and future travel needs. A copy of the Executive Summary of the draft Craven County CTP is attached (**Exhibit #2B.2**).

The NCDOT Planning Division, the Down East Rural Planning Organization, and our local communities have been working on the CTP to identify long-term transportation needs and recommendations for the county. This has been a multi-year process that was significantly delayed by COVID, but the end of the process is near as we are now in the adoption process for the CTP.

The Craven County Board of Commissioners adopted it on October 3, 2022. The CTP will also need to be adopted by all of the municipalities in the county. To view the draft plan online, you may click the following link:
https://connect.ncdot.gov/projects/planning/Pages/CTP-Details.aspx?study_id=Craven%20County.

Notable projects in the CTP for the Havelock area include:

- Future I-42/ US 70: Upgrade the existing facility from Jones County to Carteret County to interstate standards (page 2-8 of the CTP)
- US 70 (Havelock Bypass): Construct a freeway on a new location from North of Pine Grove to North of Carteret County Line, scheduled completion in spring 2024 (page 2-9)
- NC 101 (Fontana Blvd) / Miller Blvd: The dates for this project are R/W acquisition in 2026 and begin construction in 2028 (page 2-12 and 2-13).

At the November 1, 2022 Planning Board meeting, Ms. Hemal Shah, NCDOT Project Engineer, presented the project recommendations in the CTP with an overview that included reviewing the maps that comprise a large part of the CTP. After Ms. Shah's presentation and discussion, the Planning Board recommended approval of the draft CTP to the Board of Commissioners. They determined that the plan is both reasonable and in the public interest as it is a key element to implementation of the CAMA Land Use Plan, especially the transportation policies. A copy of the minutes is attached (**Exhibit #2B.3**). The next step is to hold the public hearing and consider adopting the CTP by Resolution

(Exhibit #2B.4). A public notice was published, meeting the established meeting requirements to conduct this evening's public hearing **(Exhibit #2B.5).**

City Code References: N/A

Request: a. Mayor Lewis is to open the public hearing and call upon the Planning Director Katrina Marshall to introduce NCDOT Project Engineer Ms. Hemal Shah to present the draft Craven County Transportation 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 on this matter, and thereafter

d. A Commissioner's motion and a second is being sought to adopt Resolution #23-R-03, a resolution adopting the Craven County Transportation.

City Manager's Opinion: The manager supports adoption of the plan and the noted Havelock projects.

Item #3. Code of Ordinances Text Amendment: *Chapter 90 Animals - Public Institution Exemption*

During the January 9, 2023 Board of Commissioners Workshop, members of Havelock High School presented a request for the Board to consider amending Chapter 90.16 of the City's Code of Ordinances in order for the high school to expand its agricultural education program with the inclusion of goats.

Subsection B of 90.16 was added in 2011 when the Board decided to allow chickens at the high school. It was explained the addition of goats would provide students with a first-hand learning experience, increase career/interest opportunities, and allow Havelock High School to remain competitive with other high schools. In conjunction with public institution chickens exemption, the proposed location of the goats would meet the current residential distance requirements of at least 600 feet.

In addition to an option to include goats in this exemption (*Option 1*), an alternate option is provided to include barnyard animals as an exemption (*Option 2*). Based upon the Board's direction, Staff has included Option 2 for adoption consideration in an effort to continue and increase student development in the future.

City Code References: 90.16

Request: A Commissioner' motion and a second is being sought to adopt Ordinance Amendment #23-O-01 **(Exhibit #3A)** to include Option 1 (goats) "or" Option 2

(barnyard animals) as prohibited animals not applicable to public institutions, effective at 12:01 a.m. on January 24, 2023.

City Manager's Opinion: The manager would like to take this opportunity to formally acknowledge and commend Havelock High School Agricultural Education Teacher and FFA Advisor Regan Tell and HHS Student Isabelle Colantoni for the research, information and professionalism they put forth in their presentation/request during the January 9th BOC workshop. Furthermore, the manager supports the barnyard animals exemption, as such would be more beneficial to the students at Havelock High School in the future.

Item #4. Code of Ordinances Text Amendment: *Chapter 130 General Offenses - Urinating & Defecating in Public*

During the January 9, 2023 Board of Commissioners Workshop, Police Chief Chris Morning briefed the Board on complaints/issues in reference to individuals urinating in public. Being that there is no specific state statute that clearly addresses this matter, many cities/towns have implemented municipal ordinances. Given the Board's direction to pursue an ordinance, Ordinance Amendment #23-O-02 (**Exhibit #4A**), is provided for adoption consideration. This ordinance prohibits urinating or defecating in public and has been reviewed and supported by the City's legal team.

City Code References: Chapter 130 General Offenses

Request: A Commissioner's motion and a second is being requested to adopt Ordinance Amendment #23-O-02, an ordinance prohibiting urinating or defecating in public as presented, and effective at 12:01 a.m. on January 24, 2023.

City Manager's Opinion: In an effort to legally address the increasing concerns, the manager supports the adoption of the provided ordinance as presented.

Item #5. NCDOT Safety Improvements Resolution of Support: *All-Way Stop at Intersection of Miller Boulevard & Lake Road*

North Carolina Department of Transportation (NCDOT) Division Two Planning Engineer Len White approached Staff with a Safety Proposal for the intersection of Miller Boulevard and Lake Road. Due to the strong patterns of frontal impact crashes (48 over 5 years, or almost 10 per year), an all-way stop control (AWSC) has been recommended. This would be an interim safety measure until the U-3431 project constructs the roundabout as planned at this intersection. According to the analysis, 37

people have been injured in collisions at this intersection in the past 5 years, and it sounds like there are at least 5 more years until the STIP project comes through.

All-way stops are known to be an extremely cost-effective safety measure to prevent frontal impact crashes (angles and left turns) and fatal/injury crashes. NCDOT is not aware of any fatal crash statewide having occurred at an all-way stop controlled intersection. For low volume intersections (ADTs less than 7,500 on each leg), an all-way stop does not pose a threat to traffic operations. The 2018 AADTS at this intersection are between 4,400 and 7,100 vehicles per day on Miller Boulevard and between 1,700 and 5,000 vehicles per day on Lake Road/Church Road, so well within the volume limits where we expect AWSC to operate acceptably.

After discussing this at the BOC workshop on January 9, 2023, Staff prepared a resolution for the Board to officially request NCDOT for the safety improvement project of the all-way stop control at this location (**Exhibit #5A**).

City Code References: N/A

Request: A Commissioner's motion and a second is being requested to adopt Resolution #23-R-02, a resolution in support of an all-way stop at the intersection of Miller Boulevard and Lake Road and submitting such to NCDOT as a safety improvement.

City Manager's Opinion: After a review of the crash analysis at this particular site, the manager is in agreement with NCDOT regarding this safety proposal and supports the Board's adoption of the resolution in support as presented.

Item #6. Monthly Financial Presentation: *December 2022*

Finance Director Lee Tillman shall appear before the Board of Commissioners this evening to present the December 2022 monthly financial report (**Exhibit #6A**). The Finance Officer as of this writing does not have any items on the watch list. The Board's questions and comments on the report are solicited and welcomed.

City Code References: 32.31(A)

Request: No action necessary.

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

Item #7. 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 #7A**) 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.
 - *Under his report, Mayor Lewis will be announcing various BOC/Staff committee appointments (Exhibit #7D)*

VII. ADJOURNMENT/RECESS