



City of Havelock, North Carolina
Board of Commissioners

**RECESSED WORK SESSION
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 – Thursday, September 22, 2022 – 6:00 PM

DATE: 9/20/2022

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. WORK SESSION AGENDA:

The City Clerk respectfully submits to Board, the Work Session Agenda for adoption consideration.

Request: A Commissioner’s motion and second are being sought as to approving or not, the following agenda matters:

A. Recessed Work Session Agenda as presented.

City Manager's Opinion: The Board may by majority vote add items to or subtract items from the proposed work session agenda if desired.

V. WORK SESSION AGENDA ITEMS:

Item #1. Resolution Supporting the Display of the National Motto at City Hall

Recently, a resolution was provided and prepared to support the placement of the National Motto, "In God We Trust" in two locations (interior and exterior) of the City Hall building (**Exhibit #1A**). Being that significant edits have been Commissioner(s) suggested (**Exhibit #1B**), this item is included for Board discussion to provide all Board members the opportunity to review, discuss and consider the suggestions prior to adoption consideration.

In a related matter, the specific location options are as follows:

- Exterior - City Hall Entrance (stucco area or brick area of the building)
- Interior - Board of Commissioners Meeting Room

Staff is seeking feedback from the Board regarding the proposed resolution in order for it to be prepared for official adoption at an upcoming meeting. The specific locations are not part of the resolution; and therefore, do not need to be decided this evening.

Item #2. Weapons Ordinance Discussion

During the June 13, 2022 Board of Commissioners Workshop, Commissioner Josh Kohr requested further discussion and research related to the City's current weapons ordinance, specifically identified in the City's Code of Ordinances - *Chapter 130: General Offenses, Section 130.03 Firearms, air rifles, and the like; Section 130.04 Firearms, possession; and Section 130.08 Weapons; dangerous weapons* (**Exhibit #2A**). Based on questions concerning its consistency to State law, Staff was asked to seek a comprehensive legal review of the City's ordinances in comparison with North Carolina General Statutes (**Exhibit #2B**).

In a related matter, City Manager Chris McGee and Police Chief Chris Morning are prepared to answer any questions pertaining to the allowance of open carry and concealed carry in all City buildings (**Exhibit #2C**). In generalization, the additional chart may aid in those discussions as well (**Exhibit #2D**).

It should be noted that City Attorney Troy Smith will be in attendance to provide the Board with any legal guidance related to suggested amendments to the City's current ordinance.

Item #3. City Manager Project Priorities

In order to provide timely, consistent and beneficial updates to the Board of Commissioners on City projects, City Manager Chris McGee will brief the Board on his project priorities. Adding to this discussion, the manager will suggest a method of updating the Board on key topics/projects.

The Board members should be prepared to provide their input regarding desired project updates to include a preferred method of receiving information. Overall, the intent of this discussion is to ensure the manager is meeting the Board's expectations in relationship to communicating/reporting information.

Item #4. Brief Reports:

A. 2022 Brave Enough to Wear Pink Campaign

Fire Chief Tom Dorn will publicly announce the "2022 Brave Enough to Wear Pink Campaign" during the televised September 26, 2022 Board meeting. This evening, Chief Dorn will reveal the shirt design to the Board members.

B. Short-Term Rental Regulations

A short-term rental is typically defined as a rental of dwelling unit for a short period of time (generally stays of less than thirty days).

The City does not regulate "short-term rentals;" however, boarding/rooming houses and bread/breakfast/tourist homes are defined in Chapter 155 of the Unified Development Ordinance (**Exhibit #4B.1**). These uses require a special use permit as identified in Table 155-8 Permitted Uses.

As background, the NC Court of Appeals ruled earlier this year that state law prohibits a registration requirement for short-term rentals as explained in the *Schroeder v. City of Wilmington* case. As a result, guidance has been provided by the NC School of Government for cities/towns that have similar ordinances. Based on the *Schroeder* case, "a local government may not require a short-term rental operator to register with the local government and the local government may not require a permit or permission

under building code or housing code to rent or lease property." However, "a local ordinance may require the operator to obtain some other type of development approval/zoning permit if desired." It appears most ordinances of other cities/towns permit short-term rentals in all zoning districts. Any other restrictions or prohibitions would be based on the bylaws of a Home Owner's Association (HOA).

Overall, and based on Commissioner inquiries, Staff will inform the Board this evening that court actions/decisions have no effect on the City's current ordinances as the City does not and has not regulated short-term rentals.

C. Havelock Senior Center Advisory Board

Recent questions/answers have been sought in reference to the Havelock Senior Center Advisory Board; and as a result, Staff conducted research and is now seeking the Board's feedback/direction moving forward.

In summary, the Havelock Senior Center Advisory Board was created several years ago by a former Senior Center Director and is separate from the authorized Havelock Senior Center Club. The Senior Center Advisory Board consists of nine (9) members, all initially selected by the former Senior Center Director and appointed by the Senior Center Advisory Board over the years. The issue at hand is that this board was not created by the Board of Commissioners and/or Mayor. Only the Board of Commissioners are authorized to create advisory committees and appoint their members by way of ordinance or resolution. In addition, the Mayor may also appoint committees for special purposes per City Code.

While it appears that the Senior Center Advisory Board has been advantageous in assisting with the planning/coordination of special events (i.e. Senior Center Christmas Dinner/Dance, weekly movies, various holiday celebrations, and entertainment/activities), their existence was not appropriately authorized. If the Board has a desire to maintain an advisory board in this capacity, a resolution establishing a Havelock Senior Center Advisory Board should be adopted with all members being appointed by the Board of Commissioners, including appropriate terms.

VII. ADJOURNMENT