

PLANNING BOARD
REGULAR MEETING
MINUTES
January 4, 2022
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1 **PRESENT:** Ernest Cutler, *Vice Chair*; Iris Wooliever; William Alfred Gray;
2 Jackie Attaway; Bob Warren; Joshua Monnens

3
4 **EXCUSED:** None

5
6 **STAFF PRESENT:** Katrina Marshall, *AICP, Planning Director*; Sue Steinhauser,
7 Zoning Officer; Sandra Gahlinger, *Clerk to the Board*

8
9 **ALSO PRESENT:** None

10
11 **A. CALL TO ORDER**

12 Planning Board Vice Chair Ernest Cutler called the January 4, 2022 City of Havelock Planning
13 Board Meeting to order at 5:30 p.m.

14
15 **B. MOMENT OF SILENCE**

16 In memory of Chairman Henry Sermons who passed away on December 13, 2021.

17
18 **C. PLEDGE OF ALLEGIANCE**

19
20 **D. SWEAR IN NEW MEMBER JOSHUA MONNENS**

21 Postponed until Mr. Monnens arrived. He was sworn in after the approval of the minutes.

22
23 **E. ELECTION OF OFFICERS**

24 Ms. Wooliever nominated Mr. Cutler for Chair. Ms. Attaway seconded. There were no further
25 nominations. The vote was unanimous (5-0). Mr. Gray nominated Ms. Wooliever for Vice-Chair.
26 Mr. Warren seconded. There were no further nominations. The vote was unanimous (5-0).

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28 **F. APPROVAL OF MINUTES**

29 After reviewing the minutes, Ms. Wooliever moved to waive the reading of the minutes. Mr.
30 Warren seconded. The motion carried unanimously (5-0).

31
32 Chairman Cutler asked for discussion or corrections. Ms. Wooliever, referring to Mr. Sermons
33 suggestion that the minutes and packet be sent out by email only, stated that she would prefer a
34 hardcopy. Ms. Marshall said that any member who would like a hard copy can contact the Planning
35 Department. Chairman Cutler called for a vote to adopt the minutes as presented. The minutes
36 were adopted as presented (5-0).

37
38 **G. OLD BUSINESS**

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40 **AGENDA ITEM G-1 DISCUSS SIDEWALK ORDINANCE**

41 The Planning Board has expressed interest in reviewing the Sidewalk Ordinance with the intent of
42 recommending changes to the Board of Commissioners (BOC).

43

44 After discussion at the Board meeting of September 7, 2021, this item was tabled to the next
45 Planning Board meeting.

46

47 At this meeting, the Board needs work towards the following timeline items:

- 48 • Determine and draft an official recommendation regarding sidewalks; and,
- 49 • Create a sidewalk map.

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51 Discussion:

52 The Planning Board voted at the last meeting to order a sidewalk study. In order to move ahead,
53 there must be a scope of work. There were questions about what the Planning Board could propose
54 regarding sidewalks, if the proposal would be directed at the sidewalk ordinance or the
55 construction of sidewalks, and whether the sidewalk money is earmarked for repair or
56 construction/replacement. After some discussion regarding sidewalks, it was determined that a
57 study could not be done at this time. Ms. Wooliever made a motion to rescind the study. Ms.
58 Attaway seconded. The vote was unanimous (5-0).

59 **H. NEW BUSINESS**

60

61 **AGENDA ITEM H-1 ZONING TEXT AMENDMENT REQUEST**

62	153.12	156.02	157.09
63	158.02	159.10	162.03
64	162.04	163.01	

65

66 The State Legislature recently adopted Session Law 2021-138, a wide-ranging criminal justice
67 reform law. Among other reforms, the law decriminalizes some local ordinances, including the
68 local government authority for criminal enforcement of local ordinances. These provisions
69 became effective December 1, 2021.

70

71 Under the new statutes, a local government must amend ordinances to specifically identify
72 violations that may be enforced criminally; however, the new law specifically prohibits criminal
73 enforcement of local ordinances adopted under Article 19 of G.S. 160A and under G.S. 160D
74 (i.e. land use regulations). The sole exception to this is ordinances related to unsafe buildings
75 (i.e. minimum housing codes and/or minimum maintenance standards).

76

77 Staff has reviewed the UDO and identified sections that include criminal penalties and prepared
78 draft amendments for Sections 156.02, 157.09, 158.02; 159.10, 162.03(D), 162.04 of the UDO
79 where misdemeanor penalties were included in the enforcement procedures.

80

81 Additionally, language in Section 153.12 is being recommended for amendment to clarify the
82 intent of the ordinance regarding the submission date for Special Use Permits and correcting the
83 location of the Table of Permitted Uses in the UDO. Recommended changes to Section
84 162.03(C) are to ensure consistency of wording throughout that paragraph.

85

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86 An amendment to the definition of *Development* in Section 163.01 is recommended to bring it
87 into compliance with the Flood Damage Prevention Ordinance. That section of the definition was
88 inadvertently removed while updating the UDO to comply with G.S. 160D.

89
90 The identified amendments to remove the criminal penalties are required by Session Law 2021-
91 138. The additional amendments are needed to ensure clarity of the UDO.

92
93 The amendments were reviewed by the TRC at their meeting on December 14, 2021. The TRC
94 notes are attached (Exhibit A). The draft revised chapters are also attached (Exhibits B-1 through
95 B-8).

96 Staff feels that the proposed amendments are both reasonable and in the public interest for the
97 following reasons: 1) They do not make major policy changes or shifts in the scope of authority
98 granted to local governments and 2) are necessary to comply with the standards set forth in the
99 North Carolina General Statutes for development.

100
101 Staff is requesting the Planning Board review the proposed amendments and recommend approval
102 of these sections and determine that they are both reasonable and in the public interest for the
103 reasons identified above.

104
105 Discussion:

106 Ms. Marshall reviewed the Zoning Text Amendment requests.

107
108 Ms. Attaway made a motion to forward the proposed amendments to sections 153.12, 156.02,
109 157.09, 158.02, 159.10, 162.03, 162.04, and 163.01 of the UDO to the Board of Commissioners
110 recommending approval. We have determined that the proposed amendments are both reasonable
111 and in the public interest for the following reasons: 1) They do not make major policy changes or
112 shifts in the scope of authority granted to the local governments and 2) are necessary to comply
113 with the standards set forth in the North Carolina General Statutes for development. Mr. Warren
114 seconded. The vote was unanimous (5-0).

115
116 **I. UPDATE FROM PLANNING DIRECTOR**

117 Ms. Marshall shared that the Planning Department's staff has increased. The department now has
118 a part-time Nuisance Abatement Officer and a full-time Building Inspector Trainee.

119
120 The new City Manager, Chris McGee, starts January 18, 2022.

121
122 The Land Use Plan Public Participation meeting was held December 6th and had good
123 participation.

124
125
126 **J. ITEMS FROM THE CHAIRMAN AND/OR BOARD**

127 There was a request for status update on Woodhaven bridge. Ms. Marshall reported that the permit
128 has been submitted and issued so the work should be moving forward.

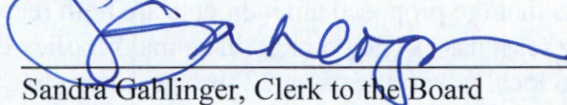
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It was suggested that as part of the Land Use Plan meetings, identifying a downtown needed to be a priority as does utility infrastructure so that the utility upgrades are determined by the City's needs and priorities.

K. ADJOURNMENT

There being no further discussion, Mr. Warren made the motion to adjourn. Ms. Wooliever seconded. The motion carried unanimously (5-0). The meeting was adjourned at 6:36 p.m.

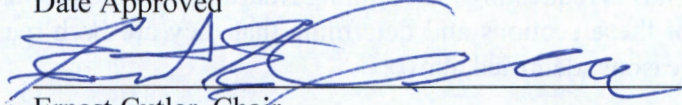
Respectfully Submitted,



Sandra Gahlinger, Clerk to the Board

March 1, 2022

Date Approved



Ernest Cutler, Chair