

1 **PRESENT:** Mayor William L. Lewis, Jr.; Commissioners Jim Kohr, Josh Kohr, Karen Lewis,  
2 Danny Walsh, and Brenda Wilson

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4 **STAFF**

5 **PRESENT:** City Manager Chris McGee; Assistant City Manager/City Clerk Cindy Morgan;  
6 City Attorney Troy Smith; Information Technology Director Chad Ives; Police  
7 Chief Chris Morning; Fire Chief Tom Dorn; Planning Director Katrina Marshall;  
8 Recreation Director Travis Adams; Public Works Director Patrick Lee; Public  
9 Utilities Director Rick Day; Accounts Payable Technician Jacie McVicker; and  
10 Deputy City Clerk Mary Weigl

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12 Mayor Will Lewis called the recessed workshop meeting of the Havelock Board of  
13 Commissioners to order at 6:06 p.m. on September 22, 2022 at Havelock City Hall with a  
14 quorum present. At this time, Mayor Lewis called for a moment of silence, followed by the  
15 pledge of allegiance.

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17 **WORK SESSION AGENDA ITEMS**

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19 **RESOLUTION SUPPORTING THE DISPLAY OF THE NATIONAL MOTTO AT CITY**  
20 **HALL**

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22 Recently, a resolution was provided and prepared to support the placement of the National  
23 Motto, "In God We Trust" in two locations (interior and exterior) of the City Hall building.  
24 Being that significant edits have been Commissioner(s) suggested, this item is included for  
25 Board discussion to provide all Board members the opportunity to review, discuss and consider  
26 the suggestions prior to adoption consideration. As background, the proposed resolution reads:

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28 ***CITY OF HAVELOCK RESOLUTION #22-R-03***  
29 ***SUPPORTING THE DISPLAY OF THE NATIONAL MOTTO***  
30 ***"IN GOD WE TRUST"***  
31 ***IN A PROMINENT LOCATION AT HAVELOCK CITY HALL***  
32 ***IN HAVELOCK, NORTH CAROLINA***

33  
34 ***WHEREAS, "In God We Trust" became the United States national motto on July 30, 1956, shortly after***  
35 ***our nation led the world through the trauma of World War II; and***

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37 ***WHEREAS, the words have been used on U.S. currency since 1864; and***

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39 ***WHEREAS, the same inspiring slogan is engraved above the entrance to the Senate Chamber as well as***  
40 ***above the Speaker's dais in the House of Representatives; and***

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42 ***WHEREAS, in both war and peace, these words have been a profound source of strength and guidance to***  
43 ***many generations of Americans; and***

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45 ***WHEREAS, the City of Havelock desires to display this patriotic motto in a way to solemnize public***  
46 ***occasions and express confidence in our society.***

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48 ***NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Havelock does***  
49 ***hereby resolve as follows:***

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51 ***Section 1. That the Board of Commissioners of the City of Havelock, North Carolina, does hereby***  
52 ***determine that the historic and patriotic words of our national motto, "In God We Trust" shall be prominently***  
53 ***displayed at Havelock City Hall, 1 Governmental Avenue, Havelock, North Carolina, and the recommendation and***  
54 ***intent is placement in perpetuity.***

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56 ***Section 2. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the***  
57 ***book of resolutions.***

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59 ***PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Commissioners of the City***  
60 ***of Havelock, North Carolina, held on the \_\_\_\_\_ day of \_\_\_\_\_ 2022.***

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

Commissioner Jim Kohr requested the following additions to the proposed resolution:

1. *WHEREAS, The National Anthem of the United States says, "...and this be our motto - In God is our trust;" and*
2. *WHEREAS, the Declaration of Independence recognizes God, our Creator, as the source of our rights; and*
3. *WHEREAS, in 2011, the United States House of Representatives passed House Concurrent Resolution 13, which reaffirmed "In God We Trust" as the official motto of the United States, supporting and encouraging the display of the national motto; and*

Commissioner Kohr stated to the Mayor and Board that these three additions are the same ones, minus one, that Craven County has in their resolution.

Commissioner Lewis questioned the timeline of the scope of this project, stating that her concern is the project not being complete before the election, new commissioners coming on the Board and this project not "coming to pass". The Mayor replied that the resolution would be completed by this Board and forwarded on to the organization who will be providing the motto and then they would arrange for installation. Which, he continued, would come back to the Board for review at a future workshop meeting. Commissioner Jim Kohr stated that the organization already knows which vendor they would utilize and they are just waiting on the resolution being signed in order to move forward with the project.

Commissioner Josh Kohr requested the following additions to the proposed resolution:

1. *WHEREAS, the preamble of the North Carolina Constitution declares that "We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, . . ."*
2. *WHEREAS, Section 13 of the Declaration of Rights in the North Carolina Constitution asserts that "All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority shall, in any case whatever, control or interfere with the rights of conscience."*
3. *WHEREAS, Article IV Section 6 of the North Carolina Constitution insists that "The following persons shall be disqualified for office: First, any person who shall deny the being of Almighty God."*
4. *WHEREAS, the national motto is a necessary and consistent general acknowledgment of the principles that are the foundation for the natural rights of man and an affirmation of the government's duty to defend and maintain the rights of freedom of religion and of conscience.*

The Board members agreed with Commissioner Jim Kohr's additions, but not Commissioner Josh Kohr's additions, stating that his were from the NC Constitution and this is the National Motto.

116 After a brief discussion, Commissioner Wilson made a **motion to pass, approve and adopt**  
117 **Resolution #22-R-03 as revised.** Commissioner Jim Kohr seconded and the motion carried  
118 unanimously. (5-0)

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120 Resolution #22-R-03 as revised reads:

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**CITY OF HAVELOCK RESOLUTION #22-R-03  
SUPPORTING THE DISPLAY OF THE NATIONAL MOTTO  
“IN GOD WE TRUST”  
IN A PROMINENT LOCATION AT HAVELOCK CITY HALL  
IN HAVELOCK, NORTH CAROLINA**

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**WHEREAS**, “In God We Trust” became the United States national motto on July 30, 1956, shortly after our nation led the world through the trauma of World War II; and

**WHEREAS**, the words have been used on U.S. currency since 1864; and

**WHEREAS**, the same inspiring slogan is engraved above the entrance to the Senate Chamber as well as above the Speaker’s dais in the House of Representatives; and

**WHEREAS**, in both war and peace, these words have been a profound source of strength and guidance to many generations of Americans; and

**WHEREAS**, the City of Havelock desires to display this patriotic motto in a way to solemnize public occasions and express confidence in our society.

**WHEREAS**, The National Anthem of the United States says, “...and this be our motto - In God is our trust;” and

**WHEREAS**, the Declaration of Independence recognizes God, our Creator, as the source of our rights; and

**WHEREAS**, in 2011, the United States House of Representatives passed House Concurrent Resolution 13, which reaffirmed “In God We Trust” as the official motto of the United States, supporting and encouraging the display of the national motto; and

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the City of Havelock does hereby resolve as follows:

**Section 1.** That the Board of Commissioners of the City of Havelock, North Carolina, does hereby determine that the historic and patriotic words of our national motto, “In God We Trust” shall be prominently displayed at Havelock City Hall, 1 Governmental Avenue, Havelock, North Carolina, and the recommendation and intent is placement in perpetuity.

**Section 2.** The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of resolutions.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the Board of Commissioners of the City of Havelock, North Carolina, held on the 22<sup>nd</sup> day of September, 2022.

**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. 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.

City of Havelock Code of Ordinances – Chapters 130 and 160 read as follows:

177 **§ 130.03 FIREARMS, AIR RIFLES, AND THE LIKE; DISCHARGING, SEIZURE.**  
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179 (A) It is hereby specifically prohibited and it shall be unlawful for any person to shoot or discharge within the  
180 corporate limits of the City any firearms, gun or pistol, air rifle, spring gun or pistol, compressed air rifle or pistol,  
181 or other similar device which impels with force a shot or pellet of any kind.  
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183 (B) This section shall not be applicable to police officers or other law enforcement officers while discharging their  
184 official duties, or shall this section be applicable to private citizens in justifiable self-defense of their person or  
185 property or the defense of others under the laws of the State of North Carolina.  
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187 (C) This section shall not be applicable to organized rifle teams, pistol teams, or other clubs participating in the  
188 sport of marksmanship or to the gathering commonly known as turkey shoots, when the club, team, organization, or  
189 individual conducting the organized match or turkey shoot possesses a permit from the City specifically authorizing  
190 the discharge of the weapons as covered by this section. The permit shall be issued in the name of the club, team,  
191 organization, or individual conducting the rifle or pistol match or turkey shoot and shall name specifically those  
192 individuals responsible for conducting the same. The City Manager or Police Chief of the City is authorized to issue  
193 the permits, which permits shall specify the hours during which the discharge of weapons covered by this section  
194 shall be permitted and the location of the discharge of weapons.  
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196 (D) Any number of the Police Department or the County Sheriff's Office hereby is authorized to seize and hold,  
197 subject to order of the Court, any firearms, guns or pistols, air rifle, spring gun or pistol, compressed air rifle or  
198 pistol, or other similar device referred to in this Section which impels with force any shot or pellet of any kind and is  
199 shot or discharged within the City in violation of this section.  
200

201 (1989 Code, § 11-2) (Ord. passed 9-26-1961; Ord. passed 10-13-1975; Ord. 11-O-12, passed 12-12-2011) Penalty,  
202 see §10.99  
203

204 **Statutory reference:**

205 Authority of City as to regulation of firearms, see G.S. § 160A-189  
206 Pellet guns, see G.S. § 160A-190  
207

208 **§ 130.04 FIREARMS, POSSESSION.**  
209

210 (A) Notwithstanding the provisions of G.S. § 14-415.11, and in accordance with G.S. § 14-415.23, it shall be  
211 unlawful to possess or carry a concealed handgun in or on:  
212

- 213 (1) A City building, including any appurtenant premises such as a parking lot;
- 214 (2) A City athletic field during scheduled, organized athletic events, including any appurtenant premises  
215 such as a restroom, concession stand, scoring tower, bleachers, or a parking lot; or
- 216 (3) A City facility used for athletic events, including, but not limited to, a gymnasium.  
217

218 Provided that this prohibition shall be noticed by prominent posting of each such building and appurtenant  
219 premises, athletic field, and athletic event facility by the City pursuant to division (B) of this section. Nothing  
220 contained in this division

221 (A) shall make unlawful or prohibit a person from storing a firearm or handgun within a locked motor vehicle while  
222 the motor vehicle is on property otherwise subject to this section.

223 (B) Pursuant to the authority provided in G.S. § 14-415.23, the City Manager, or his or her designee, is authorized  
224 and directed pursuant to this section to post prominent conspicuous signage on and upon each City building and its  
225 appurtenant premises, and the City athletic fields and athletic facilities hereinafter set forth:  
226

- 227 (1) Athletic fields 1-8, football field, recreation center, three tennis courts, concession areas and  
228 designated athletic fields located at the recreation complex at 1 Recreation Drive.
- 229 (2) Shelter and restroom, basketball court, sand volleyball court, and lacrosse fields located at the Walter  
230 B. Jones Recreation Area at 2 Governmental Avenue, and the athletic fields located across Atlantic Blvd.  
231 from the Walter B. Jones Recreation Area.
- 232 (3) Cheerleading and athletic fields in the open triangle area located at 198 Cunningham Blvd.
- 233 (4) Four athletic fields and concession stand located at 199 Webb Blvd.
- 234 (5) Athletic fields located at 280 McCotter Blvd.
- 235 (6) Athletic fields located at 230 McCotter Blvd.
- 236 (7) Athletic fields located at MacDonald Downs.  
237

238 (C) The provisions of this § 130.04 shall not be applicable to:  
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- 240 (1) Personnel of the Armed Forces of the United States when in discharge of their official duties and acting  
241 under orders requiring them to carry arms and weapons;  
242 (2) Civil and law enforcement officers of the United States;  
243 (3) Officers and soldiers of the militia and the National Guard when called into actual service;  
244 (4) Officers of the State, or any county, city, town, or company police agency charged with the execution of  
245 the laws of the State, when acting in the discharge of their official duties;  
246 (5) Any North Carolina District Attorney, Assistant District Attorney, or investigator employed by the office  
247 of the District Attorney and who has a concealed handgun permit valid pursuant to G.S. § 14-415.24;  
248 provided that this concealed weapon shall not be carried while in a courtroom or while consuming alcohol  
249 or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the  
250 person's body. The District Attorney, Assistant District Attorney, or investigator shall secure the weapon in  
251 a locked compartment when the weapon is not on the person of the District Attorney, Assistant District  
252 Attorney, or investigator; and  
253 (6) Sworn law enforcement officers, when off duty, provided an officer does not carry a concealed weapon  
254 while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled  
255 substance remains in the officer's body.

256  
257 (Ord. 11-O-12, passed 12-12-2011; Ord. 13-O-04, passed 11-25-2013)

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259 **§ 130.08 WEAPONS; DANGEROUS WEAPONS.**

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261 (A) **Definitions.** The following items, as defined herein, are hereby declared to be dangerous weapons for the  
262 purposes of this section.

263 **BILLY CLUB.** Any stick, bat, or similar device having a blunt end, being constructed of wood, metal, or  
264 similar material, and which may inflict serious injury when used as a club or bludgeon, and which is  
265 commonly referred to as a **BILLY CLUB.**

266 **NUNCHAKUS.** Any device constructed, manufactured, or assembled so as to be made of pieces of wood or  
267 other material joined together by a section of cord, rope, chain, or other similar material, having no other  
268 purpose except to be used as a weapon, and commonly known as a **NUNCHAKU.**

269 **STAR.** Any star-shaped device made of tin, iron, or other metal, with pointed or abrasive tips, designed to  
270 be aerodynamically stable in flight and to inflict bodily harm when thrown against the person of another.

271 **SWITCHBLADE.** Any knife having a spring-loaded blade in excess of three inches in length and which is  
272 commonly referred to as a **SWITCHBLADE KNIFE.**

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274 (B) **Unlawful acts.** It shall be unlawful for any person to carry or have in his or her possession or within his or her  
275 immediate access a dangerous weapon as defined in division (A) above and going upon the public streets or other  
276 public ways, and when a person is within or upon the premises of any establishment which is open to the public  
277 within the corporate limits of the City, except that this section shall not apply to police officers in carrying out their  
278 official duties. For purposes of this section, the carrying of any of the dangerous weapons defined above in an  
279 unlocked glove compartment, upon the dashboard, or under or upon the front and rear seats of an automobile shall  
280 be defined as being "within the immediate access" of the owner or occupant of any automobile in which any of the  
281 enumerated dangerous weapons are found.

282 (C) **Authority of police.** Any member of the Public Safety Department shall have the authority to confiscate any such  
283 dangerous weapons as described in this section.

284  
285 (1989 Code, § 11-6) (Ord. passed 10-13-1975) Penalty, see § 10.99

286  
287 **§ 160A-189. Firearms.**

288  
289 A city may by ordinance regulate, restrict, or prohibit the discharge of firearms at any time or place within the city  
290 except when used in defense of person or property or pursuant to lawful directions of law-enforcement officers, and  
291 may regulate the display of firearms on the streets, sidewalks, alleys, or other public property. Nothing in this  
292 section shall be construed to limit a city's authority to take action under Article 1A of Chapter 166A of the General  
293 Statutes. (1971, c. 698, s. 1; 2012-12, s. 2(zz).)

294  
295 North Carolina General Statutes 14-269.4 and 14-415.11 read as follows:

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297 **§ 14-269.4. Weapons on certain State property and in courthouses.**

298  
299 It shall be unlawful for any person to possess, or carry, whether openly or concealed, any deadly weapon, not used  
300 solely for instructional or officially sanctioned ceremonial purposes in the State Capitol Building, the Executive  
301 Mansion, the Western Residence of the Governor, or on the grounds of any of these buildings, and in any building  
302 housing any court of the General Court of Justice. If a court is housed in a building containing nonpublic uses in

303 addition to the court, then this prohibition shall apply only to that portion of the building used for court purposes  
304 while the building is being used for court purposes.  
305

306 This section shall not apply to any of the following:

307 (1) Repealed by S.L. 1997-238, s. 3, effective June 27, 1997.

308 (1a) A person exempted by the provisions of G.S. 14-269(b).

309 (2) through (4) Repealed by S.L. 1997-238, s. 3, effective June 27, 1997,

310 (4a) Any person in a building housing a court of the General Court of Justice in possession of a weapon for  
311 evidentiary purposes, to deliver it to a law-enforcement agency, or for purposes of registration.

312 (4b) Any district court judge or superior court judge who carries or possesses a concealed handgun in a  
313 building housing a court of the General Court of Justice if the judge is in the building to discharge his or  
314 her official duties and the judge has a concealed handgun permit issued in accordance with Article 54B of  
315 this Chapter or considered valid under G.S. 14-415.24.

316 (4c) Firearms in a courthouse, carried by detention officers employed by and authorized by the sheriff to  
317 carry firearms.

318 (4d) Any magistrate who carries or possesses a concealed handgun in any portion of a building housing a  
319 court of the General Court of Justice other than a courtroom itself unless the magistrate is presiding in that  
320 courtroom, if the magistrate (i) is in the building to discharge the magistrate's official duties, (ii) has a  
321 concealed handgun permit issued in accordance with Article 54B of this Chapter or considered valid under  
322 G.S. 14-415.24, (iii) has successfully completed a one-time weapons retention training substantially similar  
323 to that provided to certified law enforcement officers in North Carolina, and (iv) secures the weapon in a  
324 locked compartment when the weapon is not on the magistrate's person.

325 (5) State-owned rest areas, rest stops along the highways, and State-owned hunting and fishing  
326 reservations.

327 (6) A person with a permit issued in accordance with Article 54B of this Chapter, with a permit considered  
328 valid under G.S. 14-415.24, or who is exempt from obtaining a permit pursuant to G.S. 14-415.25, who has  
329 a firearm in a closed compartment or container within the person's locked vehicle or in a locked container  
330 securely affixed to the person's vehicle. A person may unlock the vehicle to enter or exit the vehicle  
331 provided the firearm remains in the closed compartment at all times and the vehicle is locked immediately  
332 following the entrance or exit.

333 (7) Any person who carries or possesses an ordinary pocket knife, as defined in G.S. 14-269(d), carried in  
334 a closed position into the State Capitol Building or on the grounds of the State Capitol Building. Any  
335 person violating the provisions of this section shall be guilty of a Class 1 misdemeanor. (1981, c. 646;  
336 1987, c. 820, s. 1; 1993, c. 539, s. 166; 1994, Ex. Sess., c. 24, s. 14(c); 1997-238, s. 3; 2007-412, s. 1;  
337 2007-474, s. 1; 2009-513, s. 1; 2011-268, s. 5; 2013-369, s. 14; 2015-195, s. 1(b).)

338  
339 **§ 14-415.11. Permit to carry concealed handgun; scope of permit.**  
340

341 (a) Any person who has a concealed handgun permit may carry a concealed handgun unless otherwise specifically  
342 prohibited by law. The person shall carry the permit together with valid identification whenever the person is  
343 carrying a concealed handgun, shall disclose to any law enforcement officer that the person holds a valid permit  
344 and is carrying a concealed handgun when approached or addressed by the officer, and shall display both the  
345 permit and the proper identification upon the request of a law enforcement officer. In addition to these  
346 requirements, a military permittee whose permit has expired during deployment may carry a concealed handgun  
347 during the 90 days following the end of deployment and before the permit is renewed provided the permittee also  
348 displays proof of deployment to any law enforcement officer.

349 (b) The sheriff shall issue a permit to carry a concealed handgun to a person who qualifies for a permit under G.S.  
350 14-415.12. The permit shall be valid throughout the State for a period of five years from the date of issuance.

351 (c) Except as provided in G.S. 14-415.27, a permit does not authorize a person to carry a concealed handgun in any  
352 of the following:

353 (1) Areas prohibited by G.S. 14-269.2, 14-269.3, and 14-277.2.

354 (2) Areas prohibited by G.S. 14-269.4, except as allowed under G.S. 14-269.4(6).

355 (3) In an area prohibited by rule adopted under G.S. 120-32.1.

356 (4) In any area prohibited by 18 U.S.C. § 922 or any other federal law.

357 (5) In a law enforcement or correctional facility.

358 (6) In a building housing only State or federal offices.

359 (7) In an office of the State or federal government that is not located in a building exclusively occupied by  
360 the State or federal government.

361 (8) On any private premises where notice that carrying a concealed handgun is prohibited by the posting of  
362 a conspicuous notice or statement by the person in legal possession or control of the premises.  
363

364 (c1) Any person who has a concealed handgun permit may carry a concealed handgun on the grounds or waters of  
365 a park within the State Parks System as defined in G.S. 143B-135.44.



366 (c2) It shall be unlawful for a person, with or without a permit, to carry a concealed handgun while consuming  
 367 alcohol or at any time while the person has remaining in the person's body any alcohol or in the person's blood a  
 368 controlled substance previously consumed, but a person does not violate this condition if a controlled substance in  
 369 the person's blood was lawfully obtained and taken in therapeutically appropriate amounts or if the person is on the  
 370 person's own property.  
 371 (c3) As provided in G.S. 14-269.4(5), it shall be lawful for a person to carry any firearm openly, or to carry a  
 372 concealed handgun with a concealed carry permit, at any State-owned rest area, at any State-owned rest stop along  
 373 the highways, and at any State-owned hunting and fishing reservation.  
 374 (d) A person who is issued a permit shall notify the sheriff who issued the permit of any change in the person's  
 375 permanent address within 30 days after the change of address. If a permit is lost or destroyed, the person to whom  
 376 the permit was issued shall notify the sheriff who issued the permit of the loss or destruction of the permit. A person  
 377 may obtain a duplicate permit by submitting to the sheriff a notarized statement that the permit was lost or  
 378 destroyed and paying the required duplicate permit fee. (1995, c. 398, s. 1; c. 507, s. 22.1(c); c. 509, s. 135.3(e);  
 379 1997, c. 238, s. 6; 2000-140, s. 103; 2000-191, s. 5; 2005-232, s. 3; 2011-268, s. 14; 2015-241, s. 14.30(cc).)

380  
 381 In a related matter, City Manager Chris McGee and Police Chief Chris Morning were prepared to  
 382 answer any questions pertaining to the allowance of open carry and concealed carry in all City  
 383 buildings. In generalization, the below chart was provided to aid in those discussions:  
 384

Facility	Current Posting	Allowed Posting*
City Hall	Open Carry Permitted Concealed Carry Prohibited	Facility may be posted to prevent open and concealed carry. Open and concealed carry are allowed unless posted.
Police Station	Open Carry Prohibited Concealed Carry Prohibited	Open carry permitted unless posted. Concealed carry not permitted.
Recreation Building	Open Carry Permitted Concealed Carry Prohibited	Facility may be posted to prevent open and concealed carry. Open and concealed carry are allowed unless posted.
Trails	Open Carry Permitted Concealed Carry Prohibited	Facility may be posted to prevent open and concealed carry. Open and concealed carry are allowed unless posted.
Tourist and Event Center	Open Carry Permitted Concealed Carry Prohibited	Facility may be posted to prevent open and concealed carry. Open and concealed carry are allowed unless posted.
West End Fire Station	Not posted	Facility may be posted to prevent open and concealed carry. Open and concealed carry are allowed unless posted.
Senior Center	Open Carry Permitted Concealed Carry Prohibited	Facility may be posted to prevent open and concealed carry. Open and concealed carry are allowed unless posted.
All other City Facilities	Open Carry Permitted Concealed Carry Prohibited	Facility may be posted to prevent open and concealed carry. Open and concealed carry are allowed unless posted.
*This chart speaks only to North Carolina Law and does not consider Federal Law.		

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 387 It should be noted that City Attorney Troy Smith was in attendance to provide the Board with  
 388 any legal guidance related to suggested amendments to the City's current ordinance. Further, he  
 389 stated that right now, the City is following all state laws.  
 390

391 Commissioner Josh Kohr stated that City Ordinance 130.04 Firearms, Possession, Section (5)  
392 states *“Any North Carolina District Attorney, Assistant District Attorney, or investigator*  
393 *employed by the office of the District Attorney and who has a concealed handgun permit valid*  
394 *pursuant to G.S. § 14-415.24; provided that this concealed weapon shall not be carried while in*  
395 *a courtroom or while consuming alcohol or an unlawful controlled substance or while alcohol or*  
396 *an unlawful controlled substance remains in the person’s body. The District Attorney, Assistant*  
397 *District Attorney, or investigator shall secure the weapon in a locked compartment when the*  
398 *weapon is not on the person of the District Attorney, Assistant District Attorney, or investigator;*  
399 *and”* and went on to say that this is covered in the NC General Statutes and also suggests that a  
400 NC Superior Court Judge, Magistrate, elected Clerk of Court, and the elected Register of Deeds  
401 are also included in this statute. He asked if that puts the City “in conflict” and Attorney Troy  
402 Smith replied “no, you can’t override a statute.” Commissioner Josh Kohr then questioned if the  
403 City should consider removing this section their Ordinance. Mr. Smith replied that you could  
404 but cautioned that all of the people he just named, know this statute very well.

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406 In relation to conceal carry, Commissioner Jim Kohr asked what criminal is ever going to follow  
407 the law? He stated that a criminal is not going to see a “Concealed Handguns Prohibited” notice  
408 and leave if they have ill intent. He ended by saying the only person that will abide by that  
409 posted notice is a law abiding citizen.

410  
411 Commissioner Josh Kohr stated that if a gunman burst into the room, “he would take out the  
412 armed police chief first and then have control of the room, and that ain’t right.” He stated that a  
413 situation such as this has happened already in NC at a Commissioners meeting. It is his opinion,  
414 he said that it is common sense, that the City of Havelock should be allowed to take down the  
415 “Concealed Handguns Prohibited” notices and protect themselves.

416  
417 Commissioner Jim Kohr stated that two different police officers from two different departments  
418 have told him that criminals are looking for “soft targets” and by having a “Concealed Handguns  
419 Prohibited” notice hanging on our building, we have told the criminal that we are a “soft target”  
420 because a law abiding citizen is going to follow that law. He went on to state that “we need to  
421 put our emotions aside and consider the fact that if that is a true statement then do we want to  
422 declare to the City of Havelock that we are a soft target by maintaining the signage that we have  
423 out there? Or, would we rather take the sign down and now we’re not saying anything about it  
424 and a criminal is going to presume that this is a hard target.” He ended by saying that he feels  
425 that this is really the question that needs to be answered tonight.

426  
427 The Mayor relayed that the Board has three options and they are:

- 428 • Leave things as they are; which allows open carry and doesn’t allow concealed carry.
- 429 • Allow both – don’t prohibit either one.
- 430 • Prohibit both.

431  
432 Commissioner Walsh shared that in his opinion there needs to be more than one armed person in  
433 the Board meetings and he doesn’t care if they are in uniform or civilian clothing. He then stated  
434 that he thinks it would be a good idea for Staff to call the League and ask for a document of 10 to  
435 15 other municipalities across the state or nation, that each allow open carry or have concealed  
436 carry ordinances.

437  
438 Commissioner Jim Kohr asked for someone to explain the thought process of the Board of  
439 Commissioners in 2013 when they decided to install “Concealed Handguns Prohibited” signage  
440 on City buildings. The Mayor stated that this was done after amendments to NC General Statute  
441 NCGS 14-415.11 and NCGS 14-415.23 in 2013, made it necessary to amend the city ordinance  
442 in order to comply with the General Statutes regarding firearms possession and carry of  
443 concealed weapons in parks and recreation areas of the city. In accordance with NCGS 14-  
444 415.23 it shall be unlawful to possess or carry a concealed handgun in or on a:



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- A City building, including any appurtenant premises such as a parking lot;
  - A City athletic field during scheduled, organized athletic events, including any appurtenant premises such as a restroom, concession stand, scoring tower, bleachers, or a parking lot; or
  - A City facility used for athletic events, including, but not limited to, a gymnasium.

451 After extensive discussion, Commissioner Jim Kohr made a **motion to not make any changes**  
452 **to the City's Code of Ordinances specifically, Chapter 130, which would allow open carry**  
453 **and prohibit concealed carry of firearms.** Commissioner Lewis seconded and the motion  
454 carried with Commissioner Josh Kohr opposing. (4-1) Further, Staff was given direction to  
455 compile a spreadsheet for the Commissioners on 10–15 other municipalities in North Carolina  
456 and their status regarding conceal carry and open carry in their respective buildings. This can be  
457 done by reaching out through listserv.

458  
459 **CITY MANAGER PROJECT PRIORITIES**  
460

461 In order to provide timely, consistent and beneficial updates to the Board of Commissioners on  
462 City projects, City Manager Chris McGee briefed the Board on his project priorities.

463  
464 Adding to this discussion, the manager suggested a method of updating the Board on key  
465 topics/projects.

466  
467 The Board members provided their input regarding desired project updates to include a preferred  
468 method of receiving information. Overall, the intent of this discussion was to ensure the manager  
469 is meeting the Board's expectations in relationship to communicating/reporting information.

470  
471 **The Board concurred to have these reports in spreadsheet format, with changes**  
472 **highlighted in yellow for quick reference, every Friday or as major changes occurred.** It  
473 was also agreed that this report would include a “project completion percentage” column where  
474 possible, on finite projects. This is also completely independent of any managers report that the  
475 City Manager is already creating for the Board packages.

476  
477 Continuing on, the following list are the major topics that the Board discussed and the timeline in  
478 which they want updates:

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495
- SOC – Weekly
  - Wayfinding Signage – Weekly
  - Properties of Concern \*with a subcategory from Katrina Marshall – On hold for Spring Planning Retreat
  - Nuisance & Abatement Process – Review at Fall Retreat for future work at Spring Planning Retreat
  - Emergency Operations Manual – On hold for Spring Planning Retreat. What is the City’s readiness rate as a percentage?
  - Fort Macon Property Progress – As changes occur
  - ARPA Projects – As a group. Track as percentage complete, with an estimated targeted completion date
  - NCDOT Projects \*High priority changes\*
    - Havelock By-pass
    - U-3431
    - Slocum Bridge

496 Other topics for weekly updates from the Board:

- 497  
498
- (Commissioner Josh Kohr) City Strategic Plan – Review/Discuss at Fall Retreat

- 499       • (Commissioner Walsh) Connector streets between the City and the Bypass. The City  
500       Manager stated that we are already in discussions with several entities about this. This  
501       would be a future Workshop item.
- 502       • (Commissioner Walsh) Where do we need employees? Commissioner Walsh would like  
503       a report for the Board from Human Resources consisting of the number of vacancies,  
504       why the position was vacated, or if the position was filled. He would like this report for  
505       the Board on a monthly basis.

506

507       **BRIEF REPORTS**

508

509       **2022 Brave Enough to Wear Pink Campaign**

510

511       Fire Chief Tom Dorn will publicly announce the "2022 Brave Enough to Wear Pink Campaign"  
512       during the televised September 26, 2022 Board meeting. This evening, Chief Dorn revealed the  
513       shirt design to the Board members. All Board members agreed that this years was the best  
514       design yet.

515

516       **Short-Term Rental Regulations**

517

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

520

521       The City does not regulate "short-term rentals"; however, boarding/rooming houses and  
522       bed/breakfast/tourist homes are defined in Chapter 155 of the Unified Development Ordinance.  
523       These uses require a special use permit as identified in Table 155-8 Permitted Uses.

524

525       As background, the NC Court of Appeals ruled earlier this year that state law prohibits a  
526       registration requirement for short-term rentals as explained in the *Schroeder v. City of*  
527       *Wilmington* case. As a result, guidance has been provided by the NC School of Government for  
528       cities/towns that have similar ordinances. Based on the Schroeder case, "a local government may  
529       not require a short-term rental operator to register with the local government and the local  
530       government may not require a permit or permission under building code or housing code to rent  
531       or lease property." However, "a local ordinance may require the operator to obtain some other  
532       type of development approval/zoning permit if desired." It appears most ordinances of other  
533       cities/towns permit short-term rentals in all zoning districts. Any other restrictions or  
534       prohibitions would be based on the bylaws of a Home Owner's Association (HOA).

535

536       Overall, and based on Commissioner inquiries, Staff informed the Board this evening that court  
537       actions/decisions have no effect on the City's current ordinances as the City does not and has not  
538       regulated short-term rentals. After little discussion, the **Board concurred to not explore**  
539       **regulating short-term rentals at this time.**

540

541       **Havelock Senior Center Advisory Board**

542

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

546

547       In summary, the Havelock Senior Center Advisory Board was created several years ago by a  
548       former Senior Center Director and is separate from the authorized Havelock Senior Center Club.  
549       The Senior Center Advisory Board consists of nine (9) members, all initially selected by the  
550       former Senior Center Director and appointed by the Senior Center Advisory Board over the  
551       years. The issue at hand is that this board was not created by the Board of Commissioners and/or  
552       Mayor. Only the Board of Commissioners are authorized to create advisory committees and

553 appoint their members by way of ordinance or resolution. In addition, the Mayor may also  
554 appoint committees  
555 for special purposes per City Code.

556  
557 While it appears that the Senior Center Advisory Board has been advantageous in assisting with  
558 the planning/coordination of special events (i.e. Senior Center Christmas Dinner/Dance, weekly  
559 movies, various holiday celebrations, and entertainment/activities), their existence was not  
560 appropriately authorized. If the Board has a desire to maintain an advisory board in this capacity,  
561 a resolution establishing a Havelock Senior Center Advisory Board should be adopted with all  
562 members being appointed by the Board of Commissioners, including appropriate terms.

563  
564 After little discussion, the Board concurred to disband the Senior Center Advisory Board and  
565 rebuild it legally with direction to the City Manager to inform them that the Board of  
566 Commissioners is choosing to go through a process of rebuilding a Senior Center Advisory  
567 Board and further, encourage each of them to submit a volunteer application to the City. In  
568 conclusion, Staff will report back to the Board on agreed upon goals that they will need from a  
569 Senior Center Advisory Board.

570  
571 **High School Football Game Security**

572  
573 The City Manager reported that at the last Havelock High School football game, the school  
574 requested extra police due for added precaution due to in-fighting recently at the high school.  
575 The school system liked having a large law enforcement presence at the game. Chief Morning  
576 has a scheduled meeting with Mr. Nick Lucas, the Director of Safety and Security for Craven  
577 County Schools, to discuss the potential of having added law enforcement presence at all games.  
578 Chief Morning will have an update from that meeting at a later meeting.

579  
580 **COMMISSIONERS REPORTS/COMMENTS**

581  
582 Commissioner Jim Kohr reported that this past Monday was the God & Country banquet at the  
583 Tourist & Event Center and it was well attended. Everyone had great reviews of the TEC and  
584 their Staff.

585  
586 Commissioner Lewis had no report.

587  
588 Commissioner Wilson had no report.

589  
590 Commissioner Josh Kohr had no report.

591  
592 Commissioner Walsh had no report.

593  
594 **MAYOR'S REPORTS/COMMENTS**

595  
596 Mayor Lewis reported that the ACT Board of Directors now meets at Havelock City Hall,  
597 because they have outgrown the Conference Room at the TEC. Therefore, are no longer paying  
598 the rental fees to the TEC.

599  
600 **ADJOURNMENT**

601  
602 With there being no other business to discuss, Commissioner Jim Kohr made a **motion to**  
603 **adjourn.** Commissioner Josh Kohr seconded and the motion carried unanimously. (5-0)

604  
605 The meeting recessed at 9:52 p.m.

606  
607 Date approved: \_\_\_\_\_

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Attest:

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Mary C. Weigl  
Deputy City Clerk

William L. Lewis, Jr., Mayor