



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, April 22, 2019 – 7:00 PM

DATE: 4/18/2019

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 March 25, 2019 Board of Commissioners Regular Meeting
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Consent Agenda Item B	Minutes of the April 8, 2019 Board of Commissioners Work Session Meeting
Consent Agenda Item C	Adoption of Resolution #19-R-05, a resolution awarding to retiring Police Officer Brad Elam his badge and service sidearm (<i>To be officially presented at a later date</i>)
Consent Agenda Item D	Schedule a Public Hearing for Monday, June 3, 2019 at 7:05 p.m. or as soon as the matter can be reached to discuss the proposed FY 2019-2020 budget.

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. National Public Works Week

National Public Works Week is May 19-25, 2019. The presented proclamation (**Exhibit #1A.1**) calls upon all citizens and organizations of Havelock to acquaint themselves with the issues involved within public works. In addition, the

proclamation recognizes the contributions which public works officials/staff make every day to our health, safety, comfort, and quality of life.

City Code References: N/A

Request: Mayor Lewis shall publicly submit Proclamation #19-P-04, proclaiming the week of May 19-25, 2019 as National Public Works Week in the City of Havelock.

City Manager's Opinion: The manager concurs with the presented Public Works Week Proclamation. Also as FYI, Interim Public Services Director Sue Sayger indicated that some of her department employees may attend this evening's proclamation presentation.

Item #2. PUBLIC HEARING:

A. Conditional Zoning District Request: Woodfield Landing

South Creek Investments is applying for a Conditional Zoning District to develop an 80-unit apartment complex on 20.94 acres. The application for Woodfield Landing (**Exhibit #2A.1**) with the site plans (**Exhibit #2A.2**) is attached.

The UDO allows Multi-Family Dwelling/Apartment Complex (SLUCM #1606) as a Conditional Zoning District in the HC and RM districts with development standards in Section 155.0703(F). Conditional Zoning Districts require a rezoning process as outlined in the City's Unified Development Ordinance Chapter 160 Amendments.

The site is located on Catawba Road and is zoned RM (Multi-Family Residential) as shown on the aerial map and zoning map (**Exhibit #2A.3**). Abutting the site to the west is Wal-Mart zoned HC (Highway Commercial). Single family residences are located across Catawba Road and are zoned R-10 (Single Family Residential). MCAS Cherry Point abuts the 20.94-acre tract to the north and east and is zoned Military Reserve (MR). The site is in flood zone X, which is not a special Flood Hazard Area.

The property consists of 20.94 acres, which is the balance of the original 33-acre tract. The proposed location on the parcel is currently a wooded area and has no current structures. The tract abuts Woodfield Cove as well as MCAS Cherry Point.

The Conditional Zoning District (CD) application was reviewed by the Technical Review Committee on March 11, 2019 (**Exhibit #2A.4**). Professional Engineer Steve Janowski presented the plans to develop the 80-unit apartment

complex. The plan consists of 10 buildings, each building consists of 8 units, 4 per story and an office building. The plan contains 199 proposed parking spaces with 9 handicap-accessible on the site plan. This meets the UDO as it requires 180 parking spaces, 8 of which must be handicap-accessible.

The site will be served by City water and sewer that the developer is responsible for installing. The water and fire lines will be looped. No irrigation system is proposed. The City Water/Sewer System Development Worksheet has been submitted to determine the fees and according to Mr. Janowski, each unit will have a meter.

A Traffic Impact Analysis (TIA) was previously provided for the Woodfield Cove Development which consists of 72 units. At the time of approval in 2018, Professional Engineer Rynal Stephenson provided a letter dated March 5, 2018 with an updated summary (**Exhibit #2A.5**). The TIA study included the 21 acres of the remaining undeveloped land (proposed Woodfield Landing). To account for this potential traffic, the trip generation was increased by a factor of four. The results of the TIA did not trigger the threshold for road improvements. The 80 additional units now proposed at Woodfield Landing will complete the units to be developed on the balance of the tract.

At the time of the Woodfield Cove approval, the Board of Commissioners conditioned the approval with the requirement that a turning lane be added and the intersection of Education Lane be improved by the developer to create a 90-degree angle at the intersection with Catawba Road.

As noted in the Technical Review Committee meeting on April 9, 2019 of this new phase – Woodfield Landing, Fire Marshal John Lewis requested that the driveway be extended to allow a second full entrance/exit onto Catawba Road. This update was incorporated into the plans prior to the Planning Board meeting.

As for open space and recreation area, the following will be provided: The development must reserve 1,000 square feet of open space per dwelling unit [$1,000 \times 80 = 80,000$ sf. (1.84 acres)]. The current plans have a proposed 2.1 acres of open space. A payment in lieu of public recreation area will also be required. The developer of each multi-family/apartment complex development that includes dwelling units that are not constructed for the purpose of sale to individual owners shall be required to reserve a portion of land for private recreational development. This area was increased to 1.4 acres to meet the 1.38 acres minimum requirement.

As discussed with the developer of Woodfield Cove, a Disclosure Form is required to be given when land is sold or leased, to disclose information about accident potential and noise impact from the military base located in the vicinity of the property. The project will be low density for the state stormwater permit as the project will be under 24% built-upon area. The City Land Clearing / Stormwater

application will be submitted to the Planning Department and then sent to the City Engineer for review and approval for the Neuse River Basin Nitrogen Control in the City Code.

The City's Comprehensive Land Use Plan identifies this site as desirable for future development of multi-family residential as it is zoned multi-family residential. The UDO allows multi-family dwellings in the HC (Highway Commercial) and RM (Multi-Family Residential) Districts with a Conditional Zoning District. The Conditional Zoning District process is provided to allow site specific plans as mutually agreed by the developer and the City, and requires review and action by the Board of Commissioners. As per the NC General Statutes, a Land Use Plan consistency statement is required to be approved by the Board of Commissioners prior to an approval of a map amendment (rezoning).

The Planning Board heard this request at their April 2, 2019 meeting. Discussion included concerns about drainage in the area and what the developer was providing to improve the current situation. Project Engineer Steve Janowski provided information about the plan and items they would be providing to address drainage and stormwater issues. The Planning Board voted 4 to 1 to recommend the land use plan consistency statement and approval of the application to the Board of Commissioners, as noted in the draft Planning Board minutes (**Exhibit #2A.6**).

A public hearing notice was published in the New Bern Sun Journal on April 10, 2019 and April 17 2019, informing the public of this evening's public hearing and meeting the established legal requirements (**Exhibit ##2A.7**). A copy of the notice was also provided to MCAS-Cherry Point via certified mail and abutting property owners (**Exhibit #2A.8**).

City Code References: Unified Development Ordinance Chapter 160 Amendments. Multi-Family Dwelling/Apartment Complex (SLUCM #1606) as a Conditional Zoning District in the HC and RM districts with development standards in Section 155.0703(F).

- Request:**
- a. Mayor Lewis shall open the public hearing and call upon Planning Director Katrina Marshall to present the conditional zoning district request; and
 - b. Solicit public comments; and
 - c. Upon receiving no further public comments, Mayor Lewis is to close the public hearing; and
 - d. Solicit comments from the Commissioners; and thereafter,
 - e. First, a Commissioner's motion and a second is being sought to state that the proposal is consistent with the City's Comprehensive Plan as the site is identified as a desired site for future development of multi-family residential

development and the plan states the City supports continued multi-family development initiatives on a case-by-case basis to increase and improve housing choices. Additionally, the request is reasonable and in the public interest as the UDO allows for multi-family development in the HC and RM Districts through the Conditional Zoning District process; and

f. Second, a Commissioner's motion and a second is being sought to approve the Planning Board's recommendation in support of the Conditional Use District request as presented with 80 units on 20.94 acres.

City Manager's Opinion: If the Board of Commissioners approves the Planning Board's recommendation to approve the request, it should be noted that the Board of Commissioners may attach conditions as deemed reasonable and agreed upon by developer if desired.

Item #3. Monthly Financial Report: *March 2019*

Finance Director Lee Tillman has submitted the March 2019 monthly financial report (**Exhibit #3A**). Ms. Tillman will not be present at the meeting but will certainly answer any questions at a later time.

As of this writing, the Finance Officer has noted several revenue concerns. EMS Revenues, Sewer Billing Revenues and TEC revenues are lagging and revenues, in general, will be discussed in detail at the Budget Kickoff Meeting on May 6th. 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 #4. Governing Body Appointments: *Appearance Commission*

The terms of Appearance Commission members Marlene Lynch, Agnes Curran-Tonkin, Mary Eastman and Zoraida Terry expire on April 30, 2019 (**Exhibit #4A**). Marlene Lynch, Agnes Curran-Tonkin and Mary Eastman would like be considered for reappointment; however, Zoraida Terry does not due to other commitments. As of this writing, the City has received one (1) additional application for appointment consideration (**Exhibit #4B**).

City Code References: 33.26

Request: A Commissioner's motion and a second is being sought to appoint four (4) members to the Appearance Commission for a term beginning May 1, 2019 and expiring April 30, 2022.

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

Item #5. 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 #5A**) 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