



**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 Bottorff
City Clerk Cindy Morgan

SUBJECT: Board of Commissioners Meeting – Monday, December 10, 2018 – 7:00 PM

DATE: 12/7/2018

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 November 26, 2018 Board of Commissioners Regular Meeting
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Consent Agenda Item B	Adoption of Resolution #18-R-09, a resolution awarding to retiring Police Officer James MacRoberts his badge and service sidearm (<i>To be presented at his retirement luncheon on January 11, 2019</i>)
Consent Agenda Item C	Martin Starnes & Associates Contract to Audit Accounts for Fiscal Year 2017-2018 Extension
Consent Agenda Item D	The Franklin Partnership – Federal Lobbying & Consultant Services Contract Renewal/Extension (<i>no changes in current agreement</i>)

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. McCotter Canal Utility Access Stabilization Bid: *Consideration of Award*

On November 9, 2018, the City received and opened bids for the McCotter Canal Utility Access Stabilization Project. Four bids were received ranging from \$757,826 to \$1,063,550. The City originally established a budget of \$595,155 for the project with \$536,150 for the work itself. Remaining funds were for design, bid and contract administration, permits, etc. The Golden Leaf Foundation provided \$476,000 in funding

for the work and the City contributed \$119,155 in matching funds. (The City utilized a portion of the \$337,812.63 restricted Community Development Block Grant (CDBG) Funds received).

The City anticipated that the bids would be over the original budget since the repair length was greater than originally submitted to Golden Leaf. Damage to the canal bank has continued to occur at a rapid rate. The bid document was prepared such that the City received unit prices per linear foot per repair area. The low bidder is \$221,676 over the original budget for the work itself. Dr. Matthew Jones with Hazen and Sawyer has reviewed the bids and recommends award to Shamrock Environmental (**Exhibit #1A**). The bid tabulation is summarized as follows:

Vendor	Base Bid
Shamrock Environmental	\$757,826
Cieszko Construction	\$854,991.50
Thomas Simpson Construction	\$1,009,005.62
Trader Construction Company	\$1,063,550

As briefed at the November Board meeting, Staff requested additional funding of \$177,282 from the Golden Leaf Foundation to further assist with this project (**Exhibit #1B**). The City received informal notification on Thursday December 6th that Golden Leaf awarded the City the additional \$177,282. The City will receive formal notification in the coming weeks along with a modified grant agreement. In summary, Staff recommends that the Board award the project to Shamrock Environmental for \$757,826 utilizing the additional \$177,282 from Golden Leaf and authorizing the use of an additional \$44,394 from the CDBG-Restricted Revenue.

City Code References: N/A

Request: A Commissioner's motion and a second is being sought to award the McCotter Canal Utility Access Stabilization Project to Shamrock Environmental in the amount of \$757,826, utilizing a total of \$653,282 in Golden Leaf Funds and a total of \$104,544 City Funds-CDBG Restricted Revenue.

City Manager's Opinion: The manager concurs with awarding this project to Shamrock Environmental.

Item #2. Major Subdivision Request – 1 Commercial Lot

Jackson Family, LLC has submitted a Subdivision Request to create one commercial lot at Westbrooke Shopping Center, 500 US HWY 70 W (Parcel ID #6-216-026).

Professional Land Surveyor James Simmons, Jr. prepared the application **(Exhibit #2A)**, along with the Site Plan **(Exhibit #2B)**.

The proposed outparcel is 0.83 acres to be subdivided from the 11.45-acre parcel. The proposed lot will front on the US 70 service road near the middle entrance to the shopping center. It will be located beside the proposed Cook Out Restaurant lot with the shopping center entrance to the north of the lot and an existing parking lot to the south **(Exhibit #2C - Aerial Map)**. The site and all surrounding parcels are zoned HC (Highway Commercial) with the exception of Westbrooke Subdivision to the rear of the entire tract, which is zoned R-10 **(Exhibit #2D - Zoning Map)**. This parcel is not visible to the residential area.

The applicant was advised of comments from the Technical Review Committee on November 13, 2018 **(Exhibit #2E)**. As for the review of utilities, all infrastructure exists. Water and sewer mains run by the site. Additionally, a fire hydrant is located in front of the proposed lot. Electric service is by City of New Bern Electric. Sewer allocation for commercial development is determined by the City Manager. The applicant will need to establish water and sewer services and the System Development Fees contained in the City's Fee Schedule will apply.

The site plan was sent to NCDOT Representative Dwayne Smith for comments. The applicant will be required to meet any provisions set by NCDOT for access on the service road. Prior to final plat approval, a driveway permit will be required. As per the subdivision requirements, a sidewalk will also be required. The subdivision plan shows a 10' sidewalk easement with new 5' concrete walk at the edge of the service road right-of-way as the sidewalk will not fit within the right-of-way. If not installed before Final Plat approval, it will need to be guaranteed or payment will be made in lieu of.

This request is only to create the lot. Any proposed use is required to have a site plan approved, either as a permitted use or by a special use permit. The process for a commercial subdivision must follow the Major Subdivision requirements (per UDO Chapter 158). The Preliminary Plat request must be heard by the Planning Board and recommendation is then provided to the Board of Commissioners for action. After Preliminary Plat approval, the owner makes any required improvements and then requests Final Plat approval. The Final Plat is reviewed by the Technical Review Committee and the Final Plat is approved by the Planning Director. In the event the required improvements have not been completed, then a Surety or Improvement Guarantee may be presented to the Board of Commissioners with the Final Plat request for approval.

The Planning Board heard this request at its December 4, 2018 meeting and recommended approval of the Preliminary Plat with a unanimous vote **(Exhibit #2F)**.

City Code References: UDO Chapter 158.04

Request: A Commissioner's motion and a second is being sought to approve the Preliminary Plat for the 1 commercial lot subdivision at Westbrooke Shopping Center, 500 US HWY 70 W (Parcel ID #6-216-026).

City Manager's Opinion: The manager concurs with this request.

Item #3. Hurricane Florence Storm-Related Permit Fees: *Requested Extension of Fee Waiver*

The NC General Assembly (NCGA) passed the NC Hurricane Relief Act (Session Law 2018-136, Senate Bill 3, Third Extra Session 2018) on October 15, 2018 for those impacted by Hurricane Florence. The legislation waived permit and inspection fees for manufactured homes, buildings, dwellings or structure damage in counties deemed disaster areas until December 31, 2018. The Planning Department continues to receive a steady number of storm-related permit applications with no sign of them tapering off any time soon. With the construction industry saturated with work, it may be several months before homeowners will be able to obtain a contractor or subcontractors. In light of this situation, Staff is requesting the Board to consider extending the time period for permit fees to be waived.

Staff polled other jurisdictions in the Craven and Carteret County area and received the attached information as to whether they may be extending the period by their local Boards **(Exhibit #3A)**.

As a result, Staff provides the following options for the Board to consider:

- A. Extend waiver of permit fees through March 31, 2019 and reassess prior to expiration; or
- B. Extend waiver of permit fees through April 15, 2019; or
- C. Extend waiver of permit fees through May 31, 2019

City Code References: N/A

Request: Being that such fees are part of the City's Annual Fee Schedule adopted by the Board of Commissioners, a Commissioner's motion and a second will be required to extend any waiver of permit fees beyond the NCGA's imposed permit fee moratorium through December 31, 2018.

City Manager's Opinion: Given the amount of repairs still needed at this time for our citizens, the manager is supportive of waiving the fees through at least March 31, 2019.

Item #4. 2019 Board of Commissioners Meeting Schedule

The presented 2019 Havelock Board of Commissioners Meeting Schedule (**Exhibit #4A**) includes all regular meetings, work session meetings, retreats and proposed budget meetings known at this time. Granted, there may be some adjustments to the schedule for unforeseen meetings during the year.

City Code References: 31.20

Request: A Commissioner's motion and a second is being sought to adopt the 2019 Board of Commissioners meeting schedule as presented or revised.

City Manager's Opinion: The manager concurs with the meeting schedule as presented. It should be noted that a couple of revisions were required due to conference conflicts.

Item #5. Governing Body Appointments: *Library Board*

The term of Library Board Member (Havelock Seat) Gunter Von Der Heyde expires on December 31, 2018 (**Exhibit #5A**). Mr. Von der Heyde wishes to be considered for reappointment; and as of this writing, the City has not received additional applications for the Board's consideration. As background, the Library Board consists of eight (8) members. The membership includes four (4) members appointed by the City and four (4) members appointed by the County.

City Code References: N/A

Request: A Commissioner's motion and a second is being sought to appoint one (1) City member to serve on the Library Board for a term beginning January 1, 2019 and expiring December 31, 2021.

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

Item #6. 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 #6A**) 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