



Town of Beaufort, NC

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Town of Beaufort Board of Commissioners Work Session Meeting 4:00 PM Monday, August 24, 2020 - Held Through Zoom Due to COVID19 Pandemic Minutes

Call To Order

Mayor Newton called the meeting to order.

Roll Call

Mayor Newton called roll. There was a quorum present for the meeting.

PRESENT

Mayor Everette Newton
Commissioner Sharon Harker
Commissioner Charles McDonald
Commissioner Ann Carter
Commissioner Marianna Hollinshed
Commissioner John Hagle

Agenda Approval

A motion was made to approve the agenda as presented.

Motion made by Commissioner Hagle.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

Public Comment

No public comments were made.

Project Updates

Town Engineer Greg Meshaw provided updates on several of the fifteen projects being undertaken by the Town.

He reported the Randolph Johnson Park work is continuing with the parking area paved and the building is primed and painted. He noted the contractor believes he would be finished with the project by September 4, 2020. Items remaining to be done and the placement of sod and fixtures for the bathrooms. The splash pad will then need to be started up and tested.

The street rehabilitation is progressing with many of the streets being paved. The cement stabilization of the base of the streets has been completed and then two lift of pavement down. On some of the streets he replaced some broken curbing. He is beginning to work on the utility work on Howard Jr. Lane and then work on Orange Street.

Tiller School crosswalk is finished. The stripping is thermoplastic since it will last longer.

Topsail Park is back on track after being stopped by a request from an adjacent property owner to possibly gain a portion of the land. The plan has been re-worked and the advertisement has been placed to receive bids on or by September 10, 2020.

Cedar Street Park development is moving forward but at a slower pace than was anticipated. He noted the consultant is working on the plans and the town has been in conversations with adjacent property owners over Right-of-Way (ROW) acquisition. The anticipated date for cost estimates is September 18, 2020.

The Sludge Handling Facility sandblasting and repainting project has been awarded with anticipated work to begin soon.

The USAD funding application is still moving forward. The requested environmental reports for water and sewer have submitted. In all total so far, the project cost is \$20.1 million dollars for water and sewer. He reported the next step was to have a public meeting in September to inform the public and allow for public comment. The next steps are to have a Request for Qualifications (RFQ) and the Statement of Qualifications.

Lastly, the Meeting Street drainage issue clearing has been completed downstream by the Public Works Department. Through the process ditches were found to be completely grown in and a couple of beaver dams. Once that was completed the water level in the ditches fell several feet. During a recent rain event, there was some measured improvement in the flooding issues along Meeting Street. It is not perfect but the severity is less than it would have been. It cleared much quicker than what has typically been seen in the past. The large pump in the pond was also pumping during the rain event which helped with the drainage. He continued by saying in order to completely eliminate the issue, the town will need to complete a topographic survey to evaluate steps that need to be taken if this becomes a project in the future.

Commissioner Carter asked about the sludge shed and why it had not been maintained all along to avoid the need of repair work. Mr. Meshaw commented there has been nothing all along that has caused the loss of metal. He reported the town could have done some work along the way such as routine maintenance. Commissioner Hagle asked if the coatings being used for this project would be better than the original. Mr. Meshaw indicated it should last a bit longer but in this environment longer will not be significantly longer.

Commissioner McDonald asked about Randolph Johnson Park and once that is completed what will happen after September 4th. Mr. Meshaw indicated he did not anticipate the splash pad being opened at that time since the Governor's order allowed for a splash pad to open but not a playground. There is also a concern of opening the use of the picnic shelter due to the COVID19 pandemic.

Town Manager Day indicated in addition to work being completed on Randolph Johnson Park there will be sidewalks installed during the street habilitation project around the park and down to the tennis and basketball courts.

Commissioner Hollinshed asked about what is involved in the Orange Street rehabilitation project. Mr. Meshaw indicated the water line along with services to the houses will be replaced. He also stated the sewer lines are also being replaced. During the replacement of the lines, by-passing pumping will occur.

Once the utility work is completed a new base will be put down with asphalt paving for the travel lanes and on one side of the street pervious concrete for parking spaces. Mr. Meshaw indicated the project is just for the 100 block of Orange Street. He reported a portion of this project is funded by a Clean Water Management grant for the pervious concrete surface for parking. This is the project that was bid out at the same time as Hurricane Florence and was pushed back due to the cost of the one bid that was received.

Commissioner Hagle thanked Mr. Meshaw for his hard work on the projects. He indicated the Meeting Street presentation was interesting and was please with what had been done in the area.

Mayor Newton thanked Mr. Meshaw for his comprehensive reports and attention to detail. Mr. Meshaw indicated Public Works was instrumental in making sure all of the work got done in a timely manner.

Items for Discussion and Consideration

1. Draft Minutes of the July 13, 2020 Regular Meeting and July 27, 2020 Work Session

This item was placed on the agenda under Items of Consent.

2. Renewal of Permit for Hungry Town Tours

Town Clerk Davis indicated she had received the renewal application for the Hungry Town Tours Walking permit. She indicated there were no changes in the walking tours from what has been presented in the past. The permit renewal will be for a two year period. Ms. Davis reported there will need to be a public hearing during the September 14, 2020.

The board members directed Ms. Davis to advertise for the public hearing. This item was placed on the agenda under Public Hearing.

3. Appointment to Airport Authority

Town Clerk Davis reported two applications had been received for the appointment to the Airport Authority. She continued by saying since one of the applicants did not live within the town limits the application could not be considered for appointment. She informed the board members applications could be submitted through August 31, 2020.

This item was placed on the agenda under Items for Discussion and Consideration.

4. FY 21 Budget Amendment #2

Finance Director Christi Wood gave the following report for FY21 Budget Amendment #2.

General Fund

Utility Fund

Additionally, the revenue and expenditures associated with the Wastewater AIA grant (\$150,000) are included in this amendment. The Town match amount of \$22,000 was budgeted for in FY 2021.

Commissioner Carter asked for a copy of the promotional plan presented by the BDA. Ms. Wood indicated Rachel Johnson received the plan and would forward it to all board members.

Commissioner Harker indicated she also would like to see the outline for the plan.

Town Manager Day indicated it was forwarded in June along with a video ad.

This item was placed on the agenda under Items of Consent.

5. FY 21 Budget Amendment #3

Finance Director Wood gave the following presentation. She asked for the budget amendment to be approved during this meeting.

General Fund

• **Public Information**

Total Requested: \$2,000

High quality camera/video camera

Microphone for camera

Lapel microphone – Would like to purchase several to also assist with BOC meetings in the future as the sound is an issue

Video Editing Software

Large moveable logos – Town, Police and Fire

Memory Cards

Possibly a computer dedicated to video

Photoshop or other photo editing software

These items would be used to film updates, virtual newsletters, make important public announcements etc. Additionally, these items to produce a virtual Citizen's Academy as well as other programs that can no longer be held in person due to the pandemic.

• **Finance**

Up to 10 laptops for teleworking -\$12,000

Edmunds Enterprise Software Upgrade \$53,800 – allows for remote time sheet entry (currently a paper process), move Edmunds to the cloud for security, includes HR and Payroll modules, includes conversion fees.

Data Entry Clerk (Temp position) \$18.00/hr. for 6 months \$18,700 may be needed to assist with migration to new HR/PR system.

• **Planning and Inspections**

Equipment to support inspectors working remotely

Two 10.2" iPad Wi-Fi 128GB (space gray) - \$920. Interfaces with Edmunds inspections software – allows inspectors to download daily inspections from system and upload inspection reports remotely.

Drone: Parrot Anafi Extended - \$961. NC Dept of Insurance has authorized use of any technology for live remote inspections. More importantly, during these times NCDOT advises all inspectors to minimize contact with others. This drone will serve a two-fold purpose; First, it allows us to conduct remote inspections of exterior work without coming into contact with any one. Secondly, it will serve as an important damage assessment tool during post storm response. This would help us get more accurate numbers when reporting total damage. Another use is for code enforcement. We can perform remote site visits without coming into contact with anybody.

Commissioner Hagle asked if the software upgrade would allow for accounts payable electronically. Ms. Wood indicated the town currently had that availability the files just needed to be compiled.

A motion was made to approve the FY21 BA#3 as presented.

Motion made by Commissioner Hagle.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

6. July Financial Report/Notes

Ms. Wood reported there was not much to report for the month of July.

Mayor Newton asked about the sales tax revenue for March and April. Ms. Wood reported the numbers have been received and she would provide a comparison from this year to last year.

7. Preliminary Plat for Live Oak Commons

Town Planning Director Kyle Garner the request was for Live Oak Commons which is an eight lot subdivision on the corner of Live Oak Street and Loftin Lane. Mr. Garner indicated the plan had been revised from the original submission to include a hammerhead design for a turn around area. He reported concerns expressed by the Planning Board resulted in the redesign for the turn around. He reported the staff is recommending approval based on the design changes. Staff was

concerned about going from a paved surface to a dirt road since Loftin Lane was a dirt road and not a part of the town street network.

Commissioner Carter asked if the lots backing up to Loftin Lane would have access to Loftin Lane or would they only have access to Hwy 70. Mr. Garner reported they will have access to Loftin Lane if they chose to do so.

Commissioner McDonald asked about the 24 feet minimum for street width and the plan only showing 19 feet. Mr. Garner indicated the proposed street width is at 20 feet and will remain as a private street and not maintained by the Town of Beaufort. Commissioner McDonald indicated he understood the Planning Board had turned it down based on those actions. Mr. Garner confirmed for Commissioner McDonald. Commissioner McDonald also asked about the flow of traffic in regards to the hammerhead for a turn around. He continuing by asking if the Planning Board had any additional discussion since the adjustments had been made. Mr. Garner responded the Planning Board had not seen the amended plat. Commissioner McDonald asked would it not be better for the Planning Board to review. Mr. Garner indicated that would be a Board of Commissioner decision. He also stated the applicant and developer ask for the item to move forward for review by the commissioners. Commissioner McDonald indicated he would like for the adjustments to be considered by the Planning Board before a decision is made.

Commissioner Hollinshed stated she had listened to the Planning Board meeting regarding the project. She reported her understanding was their concern was for emergency vehicles to be able to get in and turn around as well as the Waste Industries vehicles. She continued by saying it appears the adjustment with the hammerhead has accommodated concerns of the Planning Board.

Commissioner Hagle echoed Commissioner Hollinshed's comments. He stated he had also had a personal concern of backing out onto Hwy 70 and the hammerhead will be a better option. He also stated he believed access to Loftin Lane would also be a good option.

This item was placed on the agenda under Discussion and Consideration.

8. Soil Mining Request/Proposed High Rate Infiltration System Basin

Town Engineer Meshaw reported the town has received a request from Blue Treasure LLC the developer of BeauCoast to mine soils from a town owned tract. The tract was transferred to the town back in 2006/2007 for the purpose of future wastewater effluent capacity of 350,000 gallons per day. The proposal is to clear the site and mine the soils within their development for use as fill while at the same time mining it for the infiltration system. The developer is also proposing to fund the construction of an odor control system at the WWTP to the tune of approximately \$263,000. The Town has commissioner a preliminary investigation if the site to make sure it can infiltrate 350,000 gallons a day and if so have the hydrogeologist to look at the site and allow us to mine the soils now realizing it may be some time before the use is needed. The hydrogeologist confirmed the site could handle 350,000 gallons per day and it was reasonable to allow Blue Treasure to mine the site. The request is for permission to mine the site to the grades for the infiltration basin and abide by any requirements imposed by the town.

Commissioner Carter asked about the association with the mining and the previously approved odor control project. Mr. Meshaw indicated it was one of the things the developer indicated he was funding as part of the compensation he is willing to provide to the town as a right to mine the soils. Commissioner Carter indicated that was not her understanding when the odor control project was approved. Commissioner Carter also asked about the status of the approval for the reinstatement of the permit. Mr. Meshaw indicated the preliminary work has been completed to make efforts to indicated it was worth moving forward to get the permit. He continued by saying the hydrogeologist indicated the mining could be done in conjunction with the permit process or afterward. Commissioner Carter also asked about the notation the pond would not need to be used as a holding pond. She indicated the holding pond was need during a time of large rain and for hurricane. Mr. Meshaw reported the pond is for disposal of wastewater effluent. He continued

by saying there was mention in the original permit of a five day upset pond due to the package plant that was going to be used by the development and the infiltration pond as the only means of discharge. So, a holding pond was needed. Mr. Meshaw reported the town has an authorized discharge permit so the town would not need a holding pond in order to help with discharge. Mr. Meshaw indicated that portion of the permit would be going away. Mr. Meshaw also reported the town has been looking at the expansion of the NDPS permit for the future.

Commissioner Harker asked for clarification about the 5 day upset plan and it was not necessary for the permit to be issued. Mr. Meshaw confirmed for her. She continued by asking if the mining of the soils would cause any issues down the road. Mr. Meshaw indicated there would be not problem. She also asked about more of the deal with this scrubber. Commissioner Harker indicated she like Commissioner Carter understood it to be an independent deal and not associated with this request.

Commissioner McDonald indicated he also questioned the odor control and how it was going to be given to the town and no bearings on the property he needed. He asked about the status of the odor control project promised to the town. Mr. Meshaw indicated the developer was about to write a check for the equipment. He asked if the only hold up to writing the check was depending on being able to use the soils for fill in the subdivision.

Commissioner Hollinshed indicated she also recollected the area is an insurance policy for the town and given during 2008. She continued by saying she understood discharge could not continue unless the town had the availability. She stated the tract has remained fallow and more angst would be caused when the actually mining will begin. She stated it was part of the overall plan that had been in place for a long time. Commissioner Hollinshed continued by saying it was a win win situation.

Commissioner Hagle asked about an inferred belief that an infiltration basin would not be needed and the site would need to be redeveloped. He asked Mr. Meshaw if his opinion would be the current waste treatment capacity would enable handling of 350,000 gallons without the pond. Mr. Meshaw responded his sense of having the site dedicated for what it was intended is what the town needs. He continued by saying NDPS discharges are hard to get and increase. He continued saying the town had a bird in the hand and if they town decided it did not want to pursue the site for a basin then it could be redeveloped for something else not that is was not needed. Mr. Meshaw also reminded the board members that a change was made in the middle of the construction of the WWTP to allow for a side stream distribution into this infiltration basin. Commissioner Hagle also asked about the excavation and the time period for which it will not be used if the soils will compact from water over time and cause infiltration problems. He asked if there would be some sort of cover protection. Mr. Meshaw indicated that was the purpose of not excavating down to lines and grades leaving some vegetation. He continued by saying the town would need to maintain the vegetation and not be allowed to grow unrestricted.

Developer Karl Blackley of Preseton Development and Blue Treasure, LLC. Mr. Blackley indicated the discussion was held to have an access into the infiltration pond. He indicated a discussion was held at the same meeting the town did not have the funds to go in and install an odor control system at the WWTP. Mr. Blackley indicated the odor was not specific just for BeauCoast but for other areas of Beaufort. He continued the odor was predominantly during the winter months when there is a dominate west wind and not a southwest wind. Mr. Blackley continued by saying is approximately \$300,000 committed to the odor control project. Continuing on Mr. Blackley stated during the first meeting to discuss the odor control indication was made the developer would like to have access to mine the sands out of the infiltration basin. He also stated the developer would leave it in condition so the town would not have as much work to do. Mr. Blackley reported the access would be controlled by a locked gate with the town having a key. He continued by saying the developer had a need for the soil and then the town will have it for use by the town without a great deal of cost to the citizens of Beaufort.

Commissioner Carter stated her main concern was the soil mining would not interfere with being able to get a permit.

Commissioner Harker indicated she was glad the 5 day upset would not be impacted and the scrubber device was going to be put in with no issues.

Commissioner McDonald indicated his concerns were the odor control system not being put in if the soil mining request was not approved.

This item was placed on the agenda under Items of Discussion and Consideration.

9. Navigable Waters Ordinance Amendment

Town Manager Day reported this request was to change the ordinance relating to the evacuations of the town waters with exception of Town Creek. He reported the evacuation would be changed from hurricanes to named storms.

Mayor Newton about how should the town differentiate from named winter storms and named hurricane storms. Town Manager Day responded it could be changed to read named tropical storms.

Commissioner Carter asked how the town would make sure the vessels moving to Town Creek would be properly anchored. Mr. Day reported the Police Department would enforce those regulations.

Commissioner Harker asked about storms that are not during hurricane season and if the police would go out and let them know about the storm and whether or not 4 hours is sufficient time. Secondly she asked about boats coming into Beaufort for provisions just a few hours before the warning. Mr. Day reported no marinas allow them to be docked during an impending storm. The police will enforce the ordinance once a warning has been issued. Commissioner Harker asked about the 4 hours and a warning in this area not for just any area. Mr. Day reported the four hours pertains to once a warning is issued.

Commissioner Hollinshed expressed she was concerned about the enforcement portion when the police may need to be in other areas for more pressing issues rather than making someone's boat is securely anchored. She also stated some of the nor'easters can be quite fierce and named.

This item was placed on the agenda under Items of Consent.

10. Emergency Management Ordinance

Commissioner Carter stated the request was to amend the existing ordinance. She indicated Town Attorney Arey Grady suggested the change to reflect if there is a longer term emergency action then the board must be involved. It does not change anything for the mayor for a short term action. If it is a short term issue and none of the board members are available for longer term decisions then another seven days can be granted until the board members can meet.

Mayor Newton indicated the commissioners could currently ask for a special meeting in an emergency situation. Mr. Grady confirmed the statement. Mayor Newton asked that currently the board can with consensus can rescind any orders made by the Mayor. Mr. Grady confirmed. He asked for a clarification of the seven to fourteen day window the commissioners could not reverse the Mayor's decision. Mr. Grady reported that was not the intent when drafting the ordinance. He reported his intent was to limit the time horizon of the order. Mayor Newton stated he believed the board members had super powers such as calling meetings, the ability to rescind the Mayor's orders and the ability to vote. He commented he did not want a seven to fourteen day window. He indicated the board with the right circumstances should be able to question the Mayor order. He continued by saying the window time was not good for transparency and did not think the super powers of the commissioners should be chipped away.

The commissioners indicated they did not see the change in the amendment as described by the Mayor. Commissioner Hagle indicated the change could be made the same day or at any

moment. Mayor Newton then asked why the change was needed. Commissioner Hagle commented the purpose was not have to rescind something. Mayor Newton indicated he wanted the commissioners to do their job. He continued by saying that if there is ever a time when a conflict occurs then the commissioners need to come up with a consensus and make the changes.

Commissioner Harker indicated she did not see it reading that way either. She stated it read that if they were not all available to make the decision then the Mayor had the authority to make the decision and start the process until everyone can get together up to seven days.

Town Attorney Grady indicated the suggested amendment does not call for any pre-approval requirement. He reported the action of the Mayor would only be active for seven days without board input and decision. He stated it is an outside window so the Mayor can issue proclamations without having the board approval.

Commissioner Harker indicated he could still move forward but there should be some form of communication after the seven days for the board assessment. Mr. Grady confirmed this understanding for Commissioner Harker and stated the proclamation is no longer active after the seven days if the board does not meet. Mr. Grady stated the seven day time frame is arbitrary.

Mayor Newton asked what had precedent if this amendment was approved; did the seven days come first or the board powers for reversal. Mr. Grady reported the board always has the power. Mr. Grady also stated the powers of the board are not changed by this amendment.

Commissioner Harker stated that when the Mayor makes decisions it is not totally in a bubble because a reasoning has to be provided to support the decision. She asked if there was a crisis communication plan to help guide the mayor and the board. Town Manager Day indicated the Public Safety folks advised the Mayor on situations.

Commissioner McDonald indicated in his previous life of Police Chief the staff along with the Mayor made decisions based on recommendations made by the staff. He continued by saying he hoped the staff recommendations would still continue to be highly relied upon.

Commissioner Hollinshed stated she thought it was coming down to the golden hour with trying to get the communication after the known event is going to occur. She continued by saying they needed to be advised. She continued by saying she thought it came down to the essence of timing.

This item was placed on the agenda under Items of Consent.

Mayor Newton asked the commissioners to please not let politics get involved during an emergency.

11. USDA Project Financing

Town Manager Day indicated the USDA project financing requires a general public meeting held within sixty days of the application. He reported this will need to be on the agenda as a presentation at the September 14, 2020 meeting.

This item was placed on the agenda under Presentation.

Mayor/Commission Comments

Commissioner Carter asked about the sewer allocation currently and the status on 400 Pollock Street. Town Manager Day asked Engineer Meshaw if he had any information for the usage allotted. Mr. Mewshaw indicated he did not have the numbers in front of him but would check the number and get the information out. Mr. Day reported the Mayor had emailed the representatives of Preservation NC (PNC) and was informed the closing was on schedule.

Commissioner Harker indicated she hoped PNC met the deadline for closing on the property at 400 Pollock Street. She stated today was the first day of in person school in the county and hoped everyone enjoyed their day. She thanked the staff and teachers for what has been done to get ready for the first day

of school. She reminded everyone it is hurricane season and to please be aware. She also urged everyone to remember the three Ws; wash, wait and wear. She thanked the town for their hard work and the ownership the Public Works department has taken. She also stated she has been a member of the Beaufort Women's Club for five years and they have been in existence for 99 years this year.

Commissioner McDonald had no comments.

Commissioner Hollinshed urged everyone to please get out and vote.

Commissioner Hagle urged everyone to please pay attention on the roads since kids are back in school and school buses are on the roads. He indicated he was glad to have two engineers on staff.

Adjourn

A motion was made to adjourn the meeting. The meeting adjourned at 6:00 pm.

Motion made by Commissioner Harker.

Voting Yea: Commissioner Harker, Commissioner McDonald, Commissioner Carter, Commissioner Hollinshed, Commissioner Hagle

Mayor Everette S. (Rett) Newton

Michele Davis, Town Clerk