



Town of Beaufort, NC
701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Board of Commissioners
Regular Meeting
6:00 PM Monday, February 12, 2024
Train Depot, 614 Broad Street

Call to Order/Pledge of Allegiance

Mayor Harker called the meeting to order at 6:00 p.m. and invited all to join in reciting the Pledge of Allegiance.

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

Mayor Sharon Harker
Mayor Pro Tem Melvin Cooper
Commissioner Paula Gillikin
Commissioner John LoPiccolo
Commissioner Bucky Oliver
Commissioner Sarah Spiegler

ABSENT: None

Agenda Approval

Commissioner Cooper made a motion to approve the agenda as presented.

The motion carried unanimously.

Paul Burdette, Police Chief, introduced three new full-time employees as follows: Officer Daniel Latorella; Officer Justin Turney; Officer Todd Cunningham.

The Board welcomed the newly hired Police Officers.

Recognition of Peter Crumley, Parks & Recreation Advisory Board

Mayor Harker recognized Peter Crumley for his dedicated service to the community, as a vital member of the Parks & Recreation Advisory Board. She noted his expertise in walkability and accessibility have been instrumental in ensuring the parks, streets, and recreational spaces are welcoming and accessible to all. She thanked Mr. Crumley for his service, support, leadership and presented him with a certificate of appreciation and a Town of Beaufort coin.

Mr. Crumley addressed the Board, expressing his gratitude for being able to service the community of Beaufort. He noted the experience had been rewarding and he felt they had accomplished a lot over the past few years. He shared the importance of continuing to improve walkability in the Town of Beaufort.

Items of Consent

1. Meeting Minutes- January 8, 2024
2. Appointment to the Beaufort Fire Department Fire Relief Fund
3. FY 2025 Budget Calendar
4. Juneteenth by the Sea Event Application
5. Beaufort Bridge Run Event Application

Commissioner Cooper made a motion to approve the Items of Consent as presented.

The motion carried unanimously.

Presentations

1. Unified Development Ordinance (UDO) Primer

Kyle Garner, Planning Director, provided an overview of the process to update the Town's Unified Development Ordinance (UDO). He explained the Town would pick a consultant and they would meet with the community to gather an understanding of what they would like to see in the document. After gathering feedback from the residents, a scope of work would be created and then presented to the Board of Commissioners for their consideration and approval. Mr. Garner said he believed the Town knew of a suitable candidate. He noted there was money in the budget for the project. He suggested this project was extensive and predicted it would take about 18-24 months to complete.

Commissioner LoPiccolo asked how much money had been allocated for the project.

Mr. Garner replied \$140,000 had been set aside for the project, explaining the total cost was not known at this point. He noted the 160D updates were already complete, which is a cost saving aspect.

Commissioner LoPiccolo asked if the timeframe would allow the Town to put the project out to bid.

Mr. Garner explained it was at the Board's discretion, but rebidding the project would delay the start time by about six months.

Commissioner LoPiccolo asked if the Town had searched for any grants to help with the cost.

Mr. Garner explained the Town was awarded a grant, but there was a time limit that could not be met.

Commissioner Gillikin asked what type of meeting format would take place when a consultant was selected and directed to meet with Town residents and Board members.

Mr. Garner suggested to accommodate a variety of schedules throughout Town, there would likely need to be multiple outreach meetings at different times to ensure all residents have an opportunity to participate.

Commissioner Cooper asked if other firms were considered in addition to the Town's current preference.

Mr. Garner confirmed several firms were interviewed.

Commissioner Oliver asked for a more detailed timeline of the process.

Mr. Garner shared his goal would be that the consultant would initially meet with the Board in March or early April to begin the process; a series of public outreach meetings would then take place. He suggested a scope of work could be available for review and consideration as early as May 2024.

Commissioner Spiegler spoke on the original RFP that was put out in 2020, sharing applications were received from consultants to update the CAMA Land Use Plan and UDO. She noted the CAMA Land Use Plan had been completed by Stewart, but they did not update the UDO portion.

Mr. Garner confirmed the information.

Commissioner Spiegler asked what the next options would be if the Board determined the preferred consultant selection was not going to meet the Town's needs.

Mr. Garner explained it was ultimately the Board's decision and the Town could always develop another RFP.

Commissioner Spiegler asked about the process of forming a working group, as noted in the agenda packet.

Mr. Garner explained the UDO working group members would be appointed by the Mayor, similar to processes in the past.

Commissioner Spiegler commented on future grant opportunities and shared she would be working with Mr. Garner to explore those options.

Mayor Harker deemed a consensus for the Town to move forward with the UDO process as discussed.

New Business

1. GFL Contract Extension

Todd Clark explained Town staff were requesting that the Board of Commissioners consider a five year extension of the current GFL contract for residential sanitation and recycling services, which is set to expire on February 28, 2024. He noted that the GFL contract for commercial sanitation services was separate and that was set to expire June 30, 2024; it was requested a five year extension be executed on that contract as well. He explained it was the Board's discretion to renew with GFL or put out a bid for services. He shared that Norma Yanez with GFL was present at the meeting to answer any questions the Board might have.

Commissioner LoPiccolo referenced a past letter from Waste Industries to the Town of Beaufort, noting several areas of potential partnership, such as a Police Community Watch Program, donations of \$10,000 to non-profit organizations, and applying for grants associated with solar recycling containers.

Ms. Yanez shared the first year of the contract, they did donate \$10,000 to the Friends of the Maritime Museum and they also helped with Backpack Blessing, a program at one of the local churches. She explained there had not been many requests for the \$10,000 over the years but did welcome those requests in the future. She also noted they were willing to work with the Police Department and if there was an interest in applying for the solar compactors, they would be able to assist in that process as well.

Commissioner LoPiccolo asked for some clarification on recycling.

Ms. Yanez shared that regular garbage was not mixed with recycled material, and explained the recycled items were sent to Jacksonville, North Carolina for processing.

Commissioner Gillikin commented that she had similar questions as Commissioner LoPiccolo, and it did seem to be a see something, say something situation for the Town.

Commissioner Cooper noted a great deal of waste companies were getting out of the recycling business. He asked Ms. Yanez if she could foresee GFL doing that because it is not profitable.

Ms. Yanez said they had a big commitment to recycling, the infrastructure was in place, and they had no intentions of getting out of the business. She encouraged local organizations to reach out to her regarding yearly donations.

Commissioner Oliver asked for clarification of the actual name of the company, as it was listed differently on the original contract.

Ms. Yanez explained under the paperwork filed with the North Carolina Secretary of State, the company name is Waste Industries LLC doing business as GFL.

Commissioner Oliver noted recent customer service concerns. He questioned the terms of the agreement, as well as potential options of going through the RFP process.

Ms. Yanez shared GFL was getting ready to make a 7.5-10 million dollar investment in the Carteret County location. She explained these would be environmental investments in the County, with plans to upgrade trucks, install new fueling tanks, and update current facilities.

Commissioner Oliver asked when the new trucks would be in Beaufort.

Ms. Yanez said hopefully by the end of the summer. She said they would be willing to take a lesser term than the five year contract, but explained they had a budget and could not drop services to a month by month period.

Commissioner Spiegler noted the growing population in Beaufort and asked Ms. Yanez if her company could meet those expansion needs, especially during the seasonal periods.

Ms. Yanez confirmed they could, noting they were fully staffed and the new trucks coming would help with coverage.

Commissioner Spiegler commented on the importance of community engagement.

Mayor Harker commented on the donation piece of the agreement, she asked if the Board decided to go with GFL again, would there be another \$10,000 for charitable donations included?

Ms. Yanez confirmed she would add in the \$10,000 donation piece and noted the Town would keep the current pricing, which is a pre-covid system of pricing.

Commissioner Cooper made a motion to approve both contract extensions for five years, as presented, and under the guidelines discussed.

The motion carried unanimously.

2. Award of Construction Contract FY23 Street Rehabilitation and Construction

Sam Bell, Assistant Town Engineer, shared that sealed bids for the construction of the FY23 Street Rehabilitation project were received on Thursday, January 18, 2024. The work for which bids were obtained includes the proposed rehabilitation of eight street segments and construction of two new street connectors to the Beau Coast development. He explained the bid tabulation shows Thomas Simpson Construction Co. submitted the lowest bid at \$1,089,718.35, which is within the Town's remaining budget for street rehabilitation projects. He shared that Town staff recommends award of a construction contract to Thomas Simpson Construction Co. in the amount of the bid, plus an approximate five percent contingency to cover unforeseen conditions. He explained the recommendation translates to an approximate contract amount of \$1,089,718.35 and a contingency in the range of \$54,500, with an expected reimbursement of \$104,012.50. He noted that the five percent contingency, or any remaining portion of it, can be expended to

construct additional improvements once it becomes clear to Town staff that the likelihood of encountering unforeseen conditions is negligible.

Commissioner Gillikin asked how the street repairs are prioritized and how deep the work will go.

Mr. Bell explained staff reviewed a street quality report from 2018 to identify the worst street segments in Town. Staff then overlaid that information with the upcoming USDA project, to determine which streets would not be part of that construction, to be most efficient in prioritizing the needed street resurfacing. He shared these segments would be mostly resurfacing.

Commissioner Cooper asked about Ann Street.

Mr. Bell said that would be part of the USDA project.

Commissioner Spiegler asked for confirmation for the total number of bids received.

Mr. Bell confirmed there were two bids received.

Commissioner Oliver asked when the project would start and end.

Mr. Bell estimated a start time of late March or early April and an end time of June.

Mayor Harker commented on the importance of informing residents as to when the work will begin.

Commissioner Oliver made a motion to award the construction contract to Thomas Simpson Construction Co., as presented.

The motion carried unanimously.

3. Case #24-02 Davis Bay Final Plat

Michelle Eitner, Town Planner, explained the request was from WithersRavenel, on behalf of property owner, Blue Treasure LLC. She said the request was to subdivide two tracts, totaling 20.08 acres, into four lots. She noted the lots would be served by Phase 3 of the Beau Coast Development. The preliminary plat for this area was approved in January 2023 for installation of infrastructure improvements. She stated at their January 16, 2024, meeting, the Planning Board recommended unanimous approval of the Final Plat to the Board of Commissioners. She shared that the recreation fees total was \$2,310.80 and that they have been received by the Town.

Commissioner LoPiccolo asked if there were any changes from the preliminary plat to the final plat.

Ms. Eitner confirmed there were not.

Commissioner Cooper made a motion to approve the Davis Bay Final Plat as presented.

The motion carried unanimously.

4. Volunteer Board Appointments

- Commissioner Cooper made a motion to open the floor to receive Planning Board nominations for the 3-year term, beginning February 29, 2024.

The motion carried unanimously.

Commissioner Gillikin nominated Ryan Neve.

Commissioner Cooper nominated Ralph Merrill.

Commissioner Oliver made a motion to close the nomination floor.

The motion carried unanimously.

Mayor Harker called for a vote for Ryan Neve.

In favor: Commissioner LoPiccolo, Commissioner Gillikin, Commissioner Oliver, Commissioner Spiegler

Mayor Harker called for a vote for Ralph Merrill.

In favor: Commissioner Cooper

Mayor Harker confirmed Ryan Neve had the majority vote and was appointed to serve as a member on the Planning Board for a full three-year term.

- Commissioner Gillikin made a motion to open the floor to receive Planning Board nominations to fulfill the term ending February 13, 2026.

The motion carried unanimously.

Commissioner Cooper nominated Ralph Merrill.

Commissioner LoPiccolo nominated Victor Fasolino.

Commissioner Oliver made a motion to close the nomination floor.

The motion carried unanimously.

Mayor Harker called for a vote for Ralph Merrill.

In favor: Commissioner Cooper

Mayor Harker called for a vote for Victor Fasolino.

In favor: Commissioner LoPiccolo, Commissioner Gillikin, Commissioner Oliver, Commissioner Spiegler.

Mayor Harker confirmed Victor Fasolino had the majority vote and was appointed to serve as a member on the Planning Board, effective immediately, to fulfill the term ending February 13, 2026.

- Commissioner Cooper made a motion to open the floor to receive Board of Adjustment nominations for the three-year term, beginning February 29, 2024.

The motion carried unanimously.

Commissioner Gillikin nominated Catherine Reeve.

Commissioner Oliver made a motion to close the nomination floor.

Mayor Harker called for a vote to appoint Catherine Reeve to serve another three-year term on the Board of Adjustment.

In favor: Commissioner LoPiccolo, Commissioner Gillikin, Commissioner Cooper, Commissioner Oliver, Commissioner Spiegler.

The Board unanimously voted for Catherine Reeve for re-appointment to the Board of Adjustment.

- Commissioner Cooper made a motion to open the floor to receive Historic Preservation Commission nominations for the 3-year term, beginning February 29, 2024.

The motion carried unanimously.

Commissioner Oliver nominated Bradley Cummins for re-appointment.

Commissioner Oliver made a motion to close the nomination floor.

The motion carried unanimously.

Mayor Harker called for a vote to appoint Bradley Cummins to serve another three-year term on the Historic Preservation Commission.

In favor: Commissioner LoPiccolo, Commissioner Gillikin, Commissioner Cooper, Commissioner Oliver, Commissioner Spiegler.

The Board unanimously voted for Bradley Cummins for re-appointment to the Historic Preservation Commission.

- Commissioner Cooper made a motion to open the floor to receive Parks and Recreation Advisory Board nominations to fulfill the term ending September 30, 2026.

The motion carried unanimously.

Commissioner Oliver nominated Ronald Dupuis.

Commissioner Gillikin made a motion to close the nomination floor.

The motion carried unanimously.

Mayor Harker called for a vote to appoint Ronald Dupuis to serve on the Parks and Recreation Advisory Board, effective immediately, with a term ending September 30, 2026.

In favor: Commissioner LoPiccolo, Commissioner Gillikin, Commissioner Cooper, Commissioner Oliver, Commissioner Spiegler.

The Board unanimously voted for Ronald Dupuis to serve on the Parks and Recreation Advisory Board.

Due to lack of applicants, Town Staff was directed to re-advertise for the Board of Adjustment alternate member (three year-term) and Historic Preservation Commission member (three-year term). It was suggested these positions be advertised for 30 days and brought back to the Board of Commissioners for consideration.

Public Comment

Pat Wesson: 1539 Ann Street, Beaufort NC

Ms. Wesson spoke of an upcoming senior resource fair that is set to take place in Beaufort on March 9th. She discussed the need for a community center in the area for all ages, but especially for senior citizens.

Steve Tulevech: 114 Town Creel Drive, Beaufort NC

Mr. Tulevech shared the Crystal Coast Triathlon would not take place in 2024, due to lack of participation and a few other factors. He shared a letter from the Crystal Coast Board of Directors that thanked the Town of Beaufort and all those individuals involved in making the event successful in the past.

Harriet Altman: 103 Leonda Drive, Beaufort NC

Ms. Altman spoke on how well the CAMA Land Use Plan was put together and the positive community involvement throughout the process. She expressed the importance of having citizen involvement throughout the course of the UDO update. She shared concerns related to growth and development in the area. She also commented on recycling in Beaufort and suggested GFL could have more bins in the downtown area.

Janet Woodward: 2217 Lennoxville Road, Beaufort NC

Ms. Woodward commented on the importance of recycling in Beaufort. She also asked there be a report provided regarding the Board of Commissioners Annual Retreat. She shared that she spoke with Mayor Jerry Jones from Morehead City and explained they too had moved their public comment down on the agenda. She suggested public comment should be allowed during Town's work session

meetings. She expressed the importance of citizens being informed and working with Town officials on different things happening throughout the community. She shared that the Town of Morehead was in the process releasing closed session minutes from the past few years.

Manager Report

Mr. Clark shared there would be minutes and a detailed summary of the Board of Commissioners Retreat available in the next few weeks.

Greg Meshaw, Town Engineer, provided an update on the USDA project. He specifically spoke on the areas where the project has been reduced. He also shared information on the financing piece of the project, noting resolutions and other documents would be before the Board for approval at the March 11th Regular Meeting.

Mr. Garner provided an update on the Compass Hotel project. He shared it was his understanding that the Compass Hotel owners were still working with their lenders to finalize the loan, noting this process had been going on for some time. He explained the Town had not received a closing date as of today. He also provided an update on the NC DOT access management project, that will effect the future Live Oak Street roundabout.

Mr. Clark shared various highlights from the monthly Manager's Report, which can be accessed online by visiting the following link: <https://www.beaufortnc.org/boardofcommissioners/page/managers-report>

Mr. Clark asked Arey Grady to speak on live streaming Town of Beaufort volunteer board meetings.

Mr. Grady said that generally, there were no real legal issues with live streaming Town meetings. He discussed NC General Statute 160D-109(d) and NC General Statute 160D-301(b)(6), explaining the Board of Commissioners should not watch or participate in any volunteer board meeting associated with a quasi-judicial proceeding.

The Board consensus was for the Town to move forward with determining the logistics of live streaming volunteer board meetings, specifically the Planning Board meeting. The Board also acknowledged their duty to abide by the code of ethics, understanding they should not view or participate in any quasi-judicial matter before the Planning Board.

Mayor/Commissioner Comments

Commissioner LoPiccolo thanked Town staff for making the transition for the new Commissioner smooth and efficient. He commended those who helped make the Mardi Gras event successful. He noted the importance of a community center in Town that would welcome all ages.

Commissioner Gillikin also commented on a very positive and successful Mardi Gras event. She spoke about the Davis Bay Final Plat and discussed the importance of the UDO update in a timely manner.

Commissioner Cooper spoke of the excellent Mardi Gras event and parade. He spoke on Black History month and those who have represented Beaufort in a positive way.

Commissioner Oliver thanked the Beaufort Business Association (BBA) for a wonderful Mardi Gras event. He commented on the January financial report, noting he believed the Town would have a positive variance in revenue and expenditures at the end of the current fiscal year.

Commissioner Spiegler thanked all those in attendance as well as those viewing the meeting online. She commended Peter Crumley and his service to the Parks and Recreation Advisory Board. She also spoke about the upcoming UDO process, noting her excitement and hopes for a large amount of citizen engagement. She shared that there had been a recent change to the CAMA rules and encouraged those who were interested to read more about it online and participate in the public comment period.

Mayor Harker commented on the vibrant community of Beaufort, noting the success of the recent Mardi Gras event. She also commented on February being Black History Month as well as Art History Month. She again welcomed the new employees in the Police Department. She shared that the Governor of North Carolina visited the area recently and she was able to meet him at East Carteret High School, as he was exploring the school's CTE program.

Closed Session

1. Pursuant to NCGS 143-318.11 (a) (3) and NCGS 143-318.11 (a) (4)

Commissioner Cooper made a motion to enter closed session, pursuant to NCGS 143-318.11 (a) (3) and NCGS 143-318.11 (a) (4).

The motion carried unanimously.

Adjourn

Commissioner Cooper made a motion to adjourn the meeting at 10:37 p.m.

The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk