

APPROVED 6/14/2021

**MINUTES
TOWN OF BEAUFORT
BOARD OF COMMISSIONERS
VIRTUAL REGULAR MEETING
APRIL 12, 2021
6:00 P.M.**

Due to the State of North Carolina's Declaration of Emergency in response to the COVID-19 pandemic and per NCGS § 166A-19.24, the Town of Beaufort Board of Commissioners conducted a remote meeting using the Zoom application. Members of the Board of Commissioners participated in the meeting remotely.

The Town of Beaufort Board of Commissioners met remotely for a regular meeting on Monday, April 12, 2021 at 6:00 p.m. with the following members present:

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

Others Present: Town Manager John Day and Town Clerk and Assistant to the Town Manager Allen Coleman (All other staff members will be identified appropriately below)

Mayor Newton asked Town Clerk Allen Coleman to open the meeting to the public and provide public comment instructions.

Mayor Newton called the meeting to order at 6:03 p.m., welcomed everyone in attendance, and asked Town Clerk Allen Coleman to call the roll.
Roll Call ensued.

[AGENDA APPROVAL]

A motion was made by Commissioner Hagle to approval the agenda as presented.

Mayor Newton called each Commissioner by name (roll call).
Roll call ensued.

VOTE: UNANMIOUS (5-0)

[PUBLIC COMMENTS]

NONE

[MANAGER'S REPORT]

Manager Day said Finance Director Christi Wood, Town Clerk Allen Coleman, and himself were all neck deep in budget and preparing for the recommended budget presentation in the next couple of weeks.

Manager Day said the Town Hall lobby had planned to be open to the public today, but unfortunately the railings going into the lobby did not pass inspection.

Manager Day said the railings would be re-fabricated this week but a definite date was not determined at this time. He said as soon as those repairs and the railings pass inspection, the lobby will be open to the public.

Commissioner Hagle asked if the railing did meet our specifications.

Manager Day said the railing did not meet state code. He said the specifications listed that the railing must adhere to all state code guidance and that it was a requirement to be granted occupancy.

Commissioner Hollinshed said an update on Orange Street was needed.

Manager Day said he would defer to Town Engineer Greg Meshaw.

Town Clerk Allen Coleman said the Town Engineer was not on the call at the present time.

Commissioner Hagle said an update on Turner Street was needed as well.

Manager Day said the last update he received from Assistant Town Engineer Sam Bell was the pavers were anticipated today and could start on that work this week but the project overall was progressing well.

Commissioner Harker said the street sweeper was back in business and it was good to see. She requested staff to publish a street sweeping schedule so that residents would know when to move their cars.

Manager Day said he would make a note of that.

Commissioner Harker said heading south on Turner Street, the left hand turn signal at Cedar and Turner Streets needed adjustment before summertime.

Manager Day said he would contact NCDOT again and obtain a status update.

Commissioner Carter asked for an update on Paid Parking and if everything was in place and ready to go.

Manager Day said recruitment was underway for the Parking Manager and Parking Ambassador positions and everything was going as scheduled.

[ITEMS OF CONSENT]

Mayor Newton provided a recap of the consent agenda items and asked for a motion to approve the consent agenda.

A motion was made by Commissioner Hagle to approve the Consent Agenda.

Mayor Pro-Tempore McDonald said he did not understand why the two items were being voted on together and could someone explain the reasoning.

Mayor Newton said the two items being considered under consent were discussed at the March work session where the Board unanimously agreed to place these items onto the consent agenda.

Mayor Pro-Tempore McDonald said the items should separate.

Mayor Newton said usually items of consent were grouped together based on prior Board actions.

Mayor Pro-Tempore McDonald said he supported the equipment purchase in budget amendment number eight but did not support the twenty-seven cents fee increase, or any amount of an increase.

Mayor Newton said he would recommend since the Board has already agreed by consensus to put the items on consent at the prior work session that Mayor Pro-Tempore McDonald vote with a nay.

Mayor Pro-Tempore McDonald said the record should reflect his support of the HVAC equipment purchase in the budget amendment but he did not support the waste industries fee increase of 27 cents.

Mayor Newton said the record would reflect those comments.

Mayor Newton call each Commissioner by name (roll call).

Roll call ensued.

VOTE: MOTION PASSED (4-1 with Mayor Pro-Tempore McDonald dissenting)

1. Residential Solid Waste Fee Increase

The Board voted to approve a 27 cents per month increase in the Residential Solid Waste Fee; (from \$19.17 to \$19.44).

2. FY 2021 Budget Amendment No. 8

The Board voted to approve the budget, grant, and capital project ordinance amendment for fiscal year 2020-21, which appropriates \$6,500 of General Fund balance to purchase a new HVAC unit for the Public Works Wood Shop.

[PUBLIC HEARING]

1. Text Amendment modifying the Land Development Ordinance Section 20: Special Use Permits – Case No. 21-05

The Board received the Planning Board/staff recommendation, conducted a public hearing, and considered voting to approve the staff-initiated text amendment request contingent upon no public comments being received during the required 24-hour written public comment period (deadline 9:00 a.m. Wednesday, April 14, 2021).

BACKGROUND:

Section 20: Special Use Permits, of the Land Development Ordinance, currently uses the language “public hearing.” Staff is requesting the term “public hearing” be changed to “quasi-judicial proceeding” in order to eliminate confusion between the legislative and quasi-judicial processes. Staff has consulted with the Town Attorney to ensure the request is consistent with the North Carolina General Statutes.

Kate Allen, Town Planner, presented the following PowerPoint presentation:

Slide #1



Case No. 21-05

Text Amendment

Section 20: Special Use Permits

Slide #2 Background - Decision & Hearing Types

Background: “Public Hearing” has been used interchangeably for both Legislative and Quasi-judicial Proceedings

	Legislative	Quasi-Judicial
Applies to...	<ul style="list-style-type: none"> • Zoning Amendments • Text Amendments • Development Agreements 	<ul style="list-style-type: none"> • Special Use Permits • Certificates of Appropriateness • Variance Requests • Appeals of Administrative Decisions
Who Can Speak?	Anyone! Not Under Oath; Time Limits Can be Imposed	Testimony Under Oath; Limited to Parties with Standing
Decision Based On...	Pleasure of the Board	Findings of Fact
Can We Talk About It?	Sure!	No! Ex Parte Communication!

Slide #3 Requested Text Amendment

Summary of Request: Text Amendment modifying language in the Land Development Ordinance Section 20: Special Use Permits.

Reason for Request: Expedite Special Use Permit Application Process (remote meetings law) & changes associated with 160D

4) Public Hearing (Quasi-Judicial) Proceedings Requirements:
The Town shall schedule a public hearing quasi-judicial proceeding for the application and BOC consideration after reasonable opportunity for staff and planning board review by providing public notice no more than thirty days after receipt of the completed application. The notice of a public hearing quasi-judicial proceeding shall be given using the standards set forth in section 3-E of this Ordinance with description of the following:

- 1) The notice shall be given once a week for two consecutive calendar weeks and published in a newspaper having general circulation within Town. The first publishing shall not be less than ten days or not more than twenty-five days before the date set for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included in determining.
- 2) All property owners within two hundred feet (200') of the lot boundaries on all sides of the subject lot or lots in the county may receive notice by the Town a notice of the public hearing quasi-judicial proceeding on the proposed special use application by first-class mail or as addressed for each owner on the county tax sheets. The notice shall identify the location and briefly describe the proposed special use. Section 3-E (2) of this Ordinance gives direction on when the notice shall be mailed.
- 3) The Town shall prominently post a sign giving notice of the public hearing quasi-judicial proceeding on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed special use public hearing not more than ten days prior to the hearing date. The wording of such sign should be similar to what is in section 3-E (4) of this Ordinance.

5) Procedures on Special Use Applications:
In considering whether to approve an application for a special use permit, the BOC shall proceed as follows:

- 1) The BOC shall hold the public hearing quasi-judicial proceeding and consider relevant information regarding whether the required findings under subsection E of this section exist and whether the special use is appropriate on the proposed location. The BOC shall have relevant information from the applicant, adjoining property owners, the Town Manager, the Planning Board, planning officials, and any interested or affected members of the public. Parties may appear in person, by designee, or by attorney to present information relevant to the requirements of this Ordinance.
- 2) The BOC shall consider whether the application complies with each individual required finding specified in subsection E of this section. The BOC need not make the required findings at the time of the hearing and may call for additional information if needed. If the special use permit application is approved, the BOC action shall contain language listing all the required findings under subsection E of this section have been met, and in the absence of specific findings, it shall be conclusively presumed the application complies with all the findings in subsection E of this section.
- 3) The BOC shall render a decision within a reasonable period of time not to exceed sixty days after holding the public hearing quasi-judicial proceeding for the proposed special use application. The BOC need not issue a decision at the time of the hearing if additional information is needed and may continue and hearing until a later date.

Slide #4 Planning Board Review & Requested Action

Planning Board Review

- The Planning Board reviewed the request at the March 15, 2021 Regular Meeting and unanimously recommended approval

Requested Action

- Conduct Public Hearing
- Render a decision on the request with an effective date of 9:01 a.m. Wednesday, April 14, 2021 provided no comments are received in the required 24-hour public comment period*

*If written comments are received before the 24-hour deadline (9:00 a.m. April 14, 2021), the request will come before the Board at the April 20th Work Session for further consideration

Commissioner Harker asked if going forward the Public Hearing items and Quasi-Judicial items would be separated on the agenda.

Kate Allen said once all of the 160-D updates were made to the ordinance, yes. She said as the current ordinance is written, all of the legislative items would still appear under the term public hearing.

Commissioner Harker said maybe the quasi-judicial items could be indicated in parenthesis for clarity.

Kate Allen said yes.

A motion was made by Commissioner Hagle to open the public hearing.

Mayor Newton called each Commissioner by name (roll call).

Roll call ensued.

VOTE: UNANMIOUS (5-0)

Town Clerk Allen Coleman said no members of the public had signed up to speak on this item.

A motion was made by Commissioner Hagle to close the public hearing.

Mayor Newton called each Commissioner by name (roll call).

Roll call ensued.

VOTE: UNANMIOUS (5-0)

A motion was made by Commissioner Hollinshed to approve the staff initiated text amendment modifying the Land Development Ordinance Section 20: Special Use Permits, contingent upon no written public comments being received within the required 24-hour period (deadline 9:00 a.m. Wednesday, April 14, 2021).

Commissioner Hollinshed read the following ordinance amendment:

**BEAUFORT BOARD OF COMMISSIONERS
AN ORDINANCE TO MODIFY THE LAND DEVELOPMENT ORDINACE
SECTION 20: SPECIAL USE PERMITS
ORDINANCE NO. 21-08**

Applicant: Staff Initiated Request

Amendment: Modify the Land Development Ordinance Section 20: Special Use Permits by replacing the term "Public Hearing" with "Quasi-judicial Proceeding" 1

WHEREAS, the Applicant has submitted a request to modify the Land Development Ordinance Section 20: Special Use Permits; and

WHEREAS, the Beaufort Planning Board has convened to consider and prepare a recommendation and consistency statement on the request at its meeting on March 15, 2021, at which time the Planning Board recommended approval of the request; and

WHERAS, the Beaufort Board of Commissioners conducted a public hearing on April 12, 2021 at which time the applicant and/or applicant's representative was given the opportunity to present arguments, and Town staff was given the opportunity to comment on the application; and

WHEREAS, at the April 12, 2021 meeting the Town Board of Commissioners has made the following findings and conclusions:

1. The request is consistent with the spirit and intent of the Land Development Ordinance.
2. The proposed text amendment is consistent with the spirit and intent of the ordinance and the CAMA Core Land Use Plan - Future Land Use Map.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Board of Commissioners on the basis of the foregoing findings and conclusions that the request to modify the Land Development Ordinance Section 20: Special Use Permits is approved and the Town's Land Development Ordinance is amended accordingly.

Enacted on motion of Commissioner Hollinshed and carried on a vote of 5 in favor and 0 against.

This, the 12th day of April 2021
TOWN OF BEAUFORT

Everette (Rett) Newton, Mayor

Allen Coleman, Town Clerk

Mayor Newton call each Commissioner by name (roll call).
Roll call ensued.

VOTE: UNANMIOUS (5-0)

No written comments were received.

2. Modify/Revise the Existing Planned Unit Development (PUD) for Beau Coast Subdivision; Case No. 21-06

The Board received the Planning Board/staff recommendation, conducted a public hearing, and considered voting to approve the PUD modification request contingent upon no public comments being received during the required 24-hour written public comment period (deadline 9:00 a.m. Wednesday, April 14, 2021).

BACKGROUND:

The applicant wishes to modify the following standards in the PUD Booklet Dated February 22, 2021 for Beau Coast Subdivision:

- Convert a section of eight (8) 22' wide townhome lots (existing lots 119-126) to four (4) single family lots (50' wide): Net loss of four (4) dwelling units; (See Attachment – A – Vicinity Map for location of lots.)
- Convert two (2) 20 foot wide townhome lots (lots 177 & 178) to one (1) 40' wide single family lot: Net loss of one (1) dwelling unit; o Total net loss of 5 dwelling units. (See Attachment – A – Vicinity Map for location of lots.)
- Add permeable pavement specifications to the PUD document for alleys, on-street parking areas, and sidewalks as an option for use in the PUD;
- Add note regarding lot configuration options

At their March 15, 2021 meeting the Planning Board unanimously recommended to Modify the PUD for Beau Coast Subdivision.

Kyle Garner, Director of Planning and Inspections, presented the following PowerPoint presentation:

Slide #1

Applicants Request

- Convert a section of eight (8) 22' wide townhome lots (existing lots 119-126) to four (4) single family lots (50' wide): Net loss of four (4) dwelling units;
- Convert two (2) 20 foot wide townhome lots (lots 177 & 178) to one (1) 40' wide single family lot: Net loss of one (1) dwelling unit; o Total net loss of 5 dwelling units
- Add permeable pavement specifications to the PUD document for alleys, on-street parking areas, and sidewalks as an option for use in the PUD;
- Add note regarding lot configuration options

Slide #2

Public Notice Information

In accordance with NCGS 160A-384 and the **Town of Beaufort Land Development Ordinance**, Public Notice was provided via

15 - Letters Mailed to property owners included in rezoning area and those within 100 feet. Information based on Carteret County GIS.

Signs - Posted on March 30th

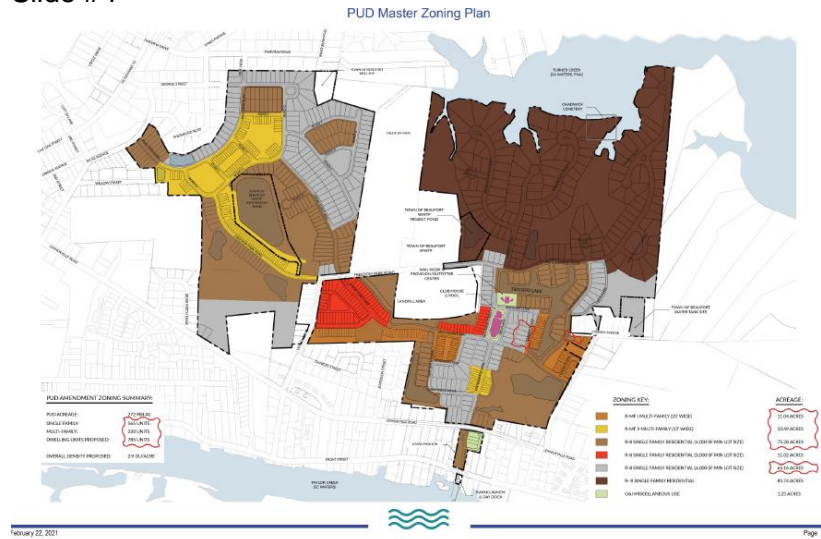
Legal Advertisement – Wednesday March 31st & April 7th 2021



Slide #3



Slide #4



Slide #5

Permeable Paving Options

The developer of Oasys/ East Village PUD may elect to utilize these permeable paving options for the areas cited below. These permeable pavement options are not required to be used. Minor variations to these design specifications can be approved by Town engineering staff without a PUD amendment.

PERVIOUS CONCRETE SIDEWALK DETAIL
NTS

PERVIOUS ASPHALT IN ALLEY AREAS DETAIL
NTS

PERVIOUS CONCRETE IN ALLEYS & PRIVATE PARKING AREAS DETAIL
NTS

February 22, 2021 Page 17

Slide #6

REQUESTED ACTION:

1. Conduct Public Hearing
2. Discussion on request to amend the Master Plan for Beau Coast
3. Decision to approve with the condition that if there are no comments then the request will be approved within 48 hours of the hearing or if there are comments within the 24 comment period then the decision will be made at the next Board of Commissioners workshop.
4. Consistency Statement

Consistency Statement

The Board of Commissioners must provide a consistency statement to support the request, recommend a more restrictive zoning classification, or deny the request as it relates to the surrounding land use development pattern and its relationship to the CAMA Land Use Plan.

In accordance with NCGS § 160A-383, the consistency statement must include one of the following:

- A statement recommending approval of the zoning amendment and describing its consistency with the CAMA Core Land Use Plan
- A statement recommending denial of the zoning amendment and describing its inconsistency with the CAMA Core Land Use Plan
- A statement recommending approval of the zoning amendment containing the following:
 - Declaration that the approval is also deemed an amendment to the CAMA Core Land Use Plan
 - An explanation of the change in conditions the board took into consideration when recommending approval

Consistency statement must explain why the action taken is reasonable and in the public interest

Commissioner Hagle asked who would be responsible for the maintenance of the permeable pavement long term after the project is done.

Director Garner said the Town Engineer, Mr. Karl Blackley, and their Engineers were working on the details on those areas, but the allies would be the developers and the homeowners associations responsibility. He said that language would be included in their land use documents.

Commissioner Hagle asked if special equipment was required to maintain the permeable pavement.

Director Garner said the applicant would likely contract out the work. He said because of the Town's work on Orange Street, the Town Engineer Greg Meshaw was already looking into the equipment for this maintenance.

Director Garner said the new vac-truck that was being acquired has the appropriate mechanisms to clean those type of areas. He said the key points were the dedication to the Town and accepted by the Town before the maintenance would be considered.

Commissioner Hagle asked about the sidewalks.

Director Garner said the same situation applied – if they were dedicated to the Town and accepted by the Town then they would fall under the Town's responsibility. He said right now that particular detail had not been worked out.

Commissioner Hagle asked how the developers would decide which sidewalks to use permeable pavement for.

Director Garner said that was likely a good question for Mr. Blackley, however, it would not surprise him if permeable pavers would be becoming more prevalent throughout the rest of the development. He said the developers see that as a positive for the overall stormwater system and the Town Engineering team was supportive of that as well.

Commissioner Hagle said he agreed but would like to know more about the maintenance aspects since permeable pavers will require more maintenance than regular concrete.

Mayor Newton asked if Mr. Blackley and Mr. Don Mizelle could join the call to answer any of Commissioners Hagle's questions.

Karl Blackley said his development organization was responsible for all of the private alleys. He said the only way the program works is if the permeable pavers is maintained and if the areas fill up with silt, as previously alluded to, then it doesn't work.

Karl Blackley said as a developer, they will go in and vacuum the areas effect by construction and go through an entire cleaning once the homes are built so that it will function properly. He said the responsibility of sidewalk maintenance would be on the Town, however, it is the developer's responsibility to have the permeable pavers in a form or format the Town can maintain.

Karl Blackley said as long as the permeable pavers areas are kept clean and it doesn't start out with debris, the cleaning could potentially not occur for three, four, or five years later.

Don Mizelle said in their research with permeable paver specialist, the initial construction period is when the permeable pavers will absorb the most silt and has the most problems. He said once the develop is stabilized, it is his belief that the maintenance frequency would diminish significantly over time.

Commissioner Hagle asked if Mr. Mizelle could share any other experiences from other developments and if he could explain how the process worked.

Joe Boyd said the maintenance would become more regulated after construction was completed. He said the state set requirements for the maintenance in permeable pavement areas to be inspected and maintained at least once quarterly or four times a year. He said his experience never allows him to see areas for extended periods of time and permeable pavement was relatively new concept, but his experience and research shows this is a good option.

Don Mizelle said his team met with Director Garner and Town Engineer Meshaw on several occasions and together they determined sidewalks to be the least obtrusive place to operate the permeable pavers. He said in researching options for the Orange Street project, the sidewalk route would be easiest to control and maintain long term. He said internally they were looking at alleys, parking lots, and crowded sidewalks to apply the permeable pavement formula.

Commissioner Harker asked if the Town would need to purchase the necessary equipment to maintain the permeable pavement areas.

Greg Meshaw said the plan to procure the street sweeper, which would have sufficient vacuum to vacuum permeable pavement is underway, but likely the machine would not be used on sidewalks.

Karl Blackley said other municipalities had an attachment to their street sweeper, similar to picking up leaves, but he was not aware of the Town had this equipment of functionality.

Greg Meshaw said he would research options that may be available and could certainly see where that would be a ideal approach.

Commissioner Harker said that would certainly offer a cost savings as opposed to purchasing an entirely new piece of equipment.

Commissioner Carter said she wanted to commend Karl Blackley and Beau Coast for looking at stormwater control methods.

A motion was made by Commissioner Hagle to open the public hearing.
Mayor Newton called each Commissioner by name (roll call).
Roll call ensued.

VOTE: UNANMIOUS (5-0)

Town Clerk Allen Coleman said no members of the public had signed up to speak on this item.

A motion was made by Commissioner Hollinshed to close the public hearing.
Mayor Newton called each Commissioner by name (roll call).
Roll call ensued.

VOTE: UNANMIOUS (5-0)

A motion was made by Commissioner Hagle to approve the Planned Unit Development (PUD) modification request for Beau Coast Subdivision, contingent upon no written public comments being received during the required 24-hour period (deadline: Wednesday, April 14, 2021).

Commissioner Hagle read the following ordinance amendment:

**BEAUFORT BOARD OF COMMISSIONERS
AN ORDINANCE TO AMMEND THE PUD DOCUMENT FOR BEAU COAST &
BEAUFORT EAST VILLAGE
ORDINANCE NO. 21-09**

Applicant:	Withers & Ravenel, Engineers for Blue Treasure, LLC
Location:	Beau Coast & Beaufort East Village
Existing District:	PUD (Planned Unit Development)
Meeting Date:	April 12, 2021

Requested: Modification to Existing PUD Document

WHEREAS, the Town of Beaufort Planning Staff has submitted a request to modify the existing PUD for Beau Coast and Beaufort East Village: and

WHEREAS, the Beaufort Planning Board has convened to consider and prepare a recommendation and consistency statement on the request at its meeting on March 15, 2021, at which time the Planning Board recommended approval of the request; and

WHEREAS, the Beaufort Board of Commissioners conducted a public hearing on April 12, 2021 at which time the applicant and/or applicant’s representative was given the opportunity to present arguments, and Town staff was given the opportunity to comment on the application; and

WHEREAS, the Town Board of Commissioners has made the following findings and conclusions:

1. The request is consistent with surrounding land use patterns and zoning in the area.
2. The proposed changes of the PUD are consistent with the spirit and intent of the ordinance and the CAMA Core Land Use Plan.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Board of Commissioners on the basis of the foregoing findings and conclusions that the request to amend the PUD for Beau Coast and Beaufort East Village be approved and the PUD Booklet for Beau Coast & Beaufort East Village be amended accordingly.

Enacted on motion of Commissioner Hagle and carried on a vote of 5 in favor and 0 against.

This, the 12th day of April 2021
TOWN OF BEAUFORT

Everette (Rett) Newton, Mayor

Allen Coleman, Town Clerk

Mayor Newton call each Commissioner by name (roll call).
Roll call ensued.

VOTE: UNANMIOUS (5-0)

No written comments were received.

Mayor Newton asked if the Town Engineer could provide an update on Orange Street. Town Engineer Greg Meshaw said a proof roll was scheduled for 9:00 a.m. tomorrow morning on Orange Street. He said a proof roll is where they take a loaded dump truck and basically run it up and down the street to make sure they do not see any places where the sub grade, that will support the pavement, will give way. He said there is not indication the proof roll will not pass and once this process occurs the contractor plans to begin paving.

Commissioner Hagle asked for an update on Turner Street.

Engineer Meshaw said the work along side the businesses should be completed by the end of this month. He said as long as the weather cooperates, he doesn’t foresee any changes to that schedule.

Commissioner Harker asked for more explanation on the work taking place at Cedar Street and Queen Street.

Engineer Meshaw said this area was effected by the water and sewer line repair work. He said there was an issue with the stormwater line in that area as well and a conflict box had to

be added. He said a conflict box is a big box where stormwater pipes enter and the water goes into the box as a blind pipe for the sewer or water, whatever the conflict is.

Commissioner Carter said if other streets decide to take as long as Orange Street perhaps the Board would consider not doing them or have a tighter schedule for completion.

Engineer Meshaw said there was quite a lot of work that needed to occur on Orange Street and there were some breaks in the work. He said the project may have been completed sooner if the breaks were not as staggered.

Engineer Meshaw said the scope of the Orange Street project included replacing the waterline, replacing the storm water line, replacing the sewer line and there was not only pavement there but concrete underneath the pavement and several unexpected items occurred. He said anytime a project included old infrastructure, unexpected items would occur naturally.

[ITEMS FOR DISCUSSION AND CONSIDERATION]

1. Final Plat – Beau Coast Phase V – Case No. 21-07

The Board discussed an applicant-initiated request to sub-divide a 15.31-acre tract into 86 lots (49 Single Family Residential Lots and 37 Townhome Lots).

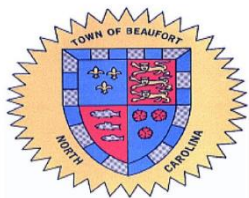
Kyle Garner, Director of Planning and Inspections, presented the following information:

BACKGROUND:

The applicant wishes to subdivide a 15.31 acre tract into 86 lots (49 Single-Family Residential Lots & 37 Townhome Lots). In addition to Planning Staff the Town Engineer and applicants Engineer will also be available to answer questions regarding the proposed infrastructure.

Kyle Garner, Director of Planning and Inspections, presented the following PowerPoint presentation:

Slide #1



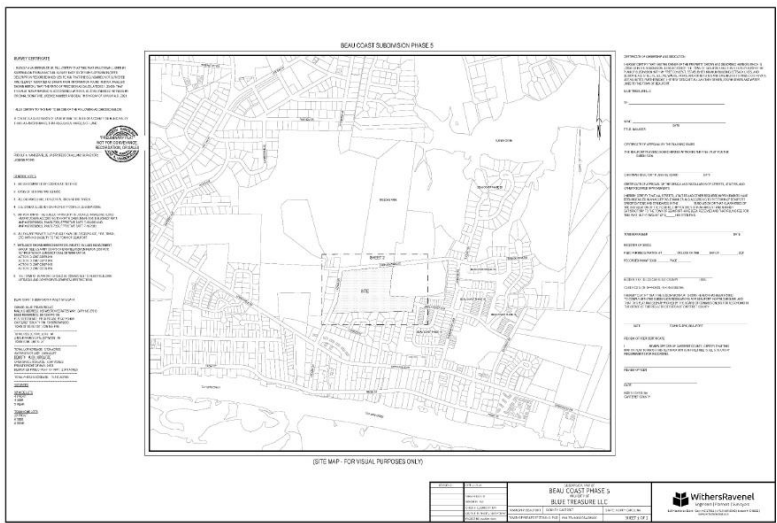
Final Plat Beau Coast – Phase V

Slide #2

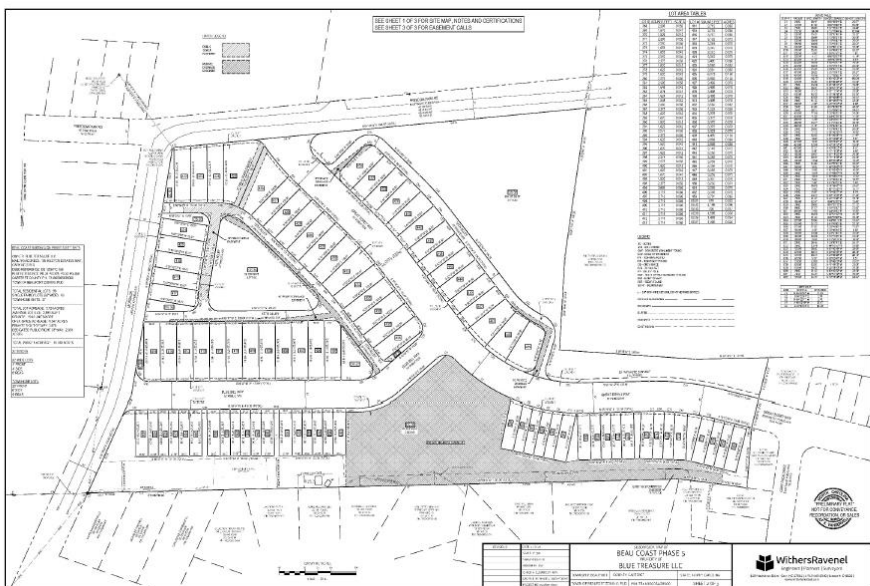
•Location: Leonda Drive & Freedom Park Drive
•Request: Subdivide a 15.31 Acre Tract into 86 Lots (49 Single-Family Lots & 37 Multi-Family Lots)
Acresage: 15.31 Acres
Amount of Wetlands: .17 Acres
Amount of Open Space: 6.347 Acres



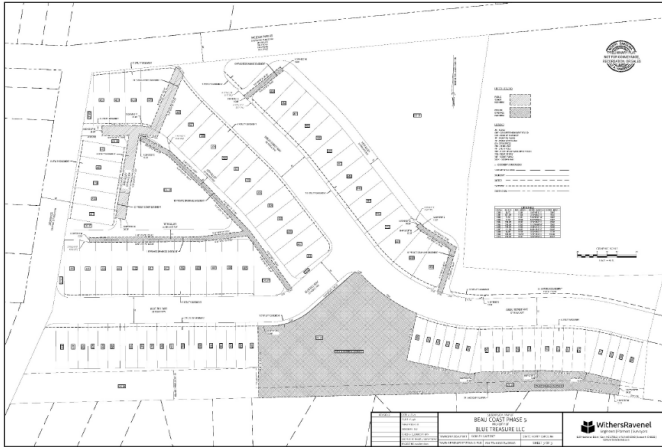
Slide #3



Slide #4



Slide #5



Commissioner Hagle said the materials mentioned pervious surfaces and asked if this would be similar to the previous discussions. He said his assumption would be they would use this on some alleyways or sidewalks.

Director Garner said yes. He said it worked out well tonight to have the modification requests before this item, but the intention was to use permeable pavement in these areas as well.

Commissioner Hagle asked for explanation on the difference between public and private easements.

Director Garner said public easements is for anyone who wants to use and a private easement is either for folks who live in the development or someone like the Town.

Commissioner Hagle said the areas around the pond are listed as private easement.

Director Garner said that was correct as that area is under the ownership of the homeowner's association and they were responsible for the easements in this area.

A motion was made by Commissioner Hagle to approve the applicant's request to subdivide a 15.31-acre tract into 86 lots (49 Single Family Residential Lots and 48 Townhome Lots).

Mayor Newton called each Commissioner by name (roll call).

Roll call ensued.

VOTE: UNANIMIOUS (5-0)

2. Preliminary Plat – Beaufort East Village Phase 1 – Case No. 21-08

The Board discussed an applicant-initiated request to subdivide a 41.79-acre tract into 108 lots (60 Single Family Residential Lots and 48 Townhome Lots).

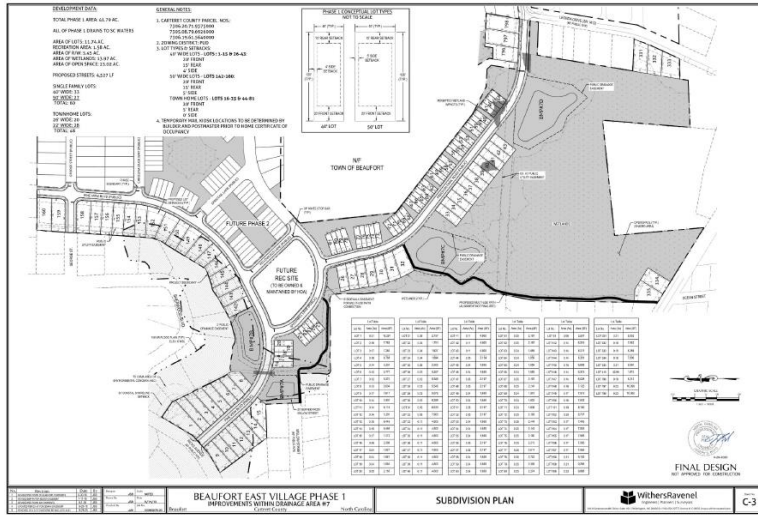
Kyle Garner, Director of Planning and Inspections, presented the following information:

BACKGROUND:

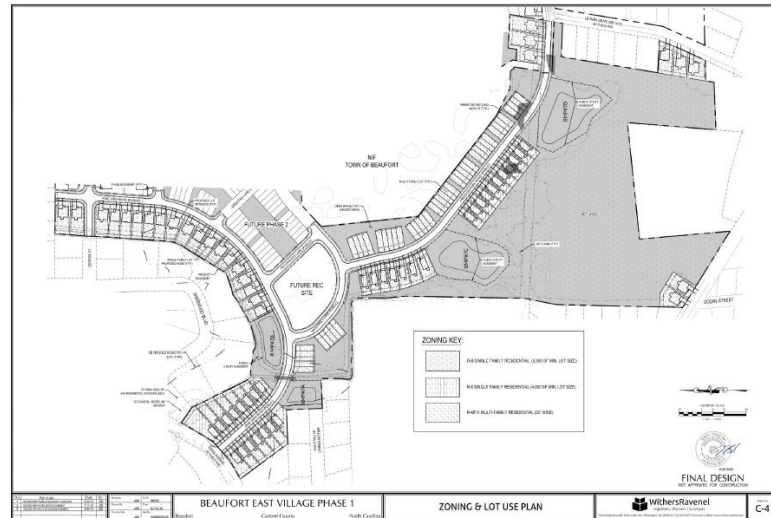
The applicant wishes to subdivide a 41.79 Acre Tract into 108 Lots (60 Single-Family & 48 Townhouses). In addition to Planning Staff the Town Engineer and applicants Engineer will also be available to answer questions regarding the proposed infrastructure.

At their March 15, 2021 meeting the Planning Board recommended unanimously to approve the Preliminary Plat.

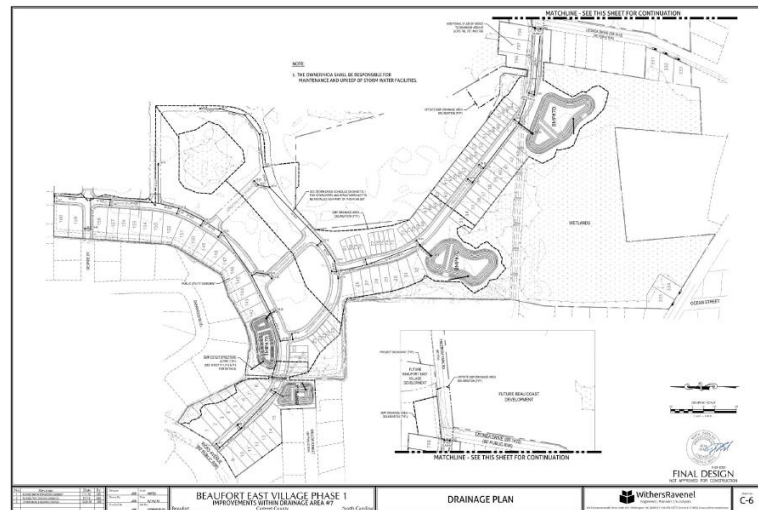
Slide #4



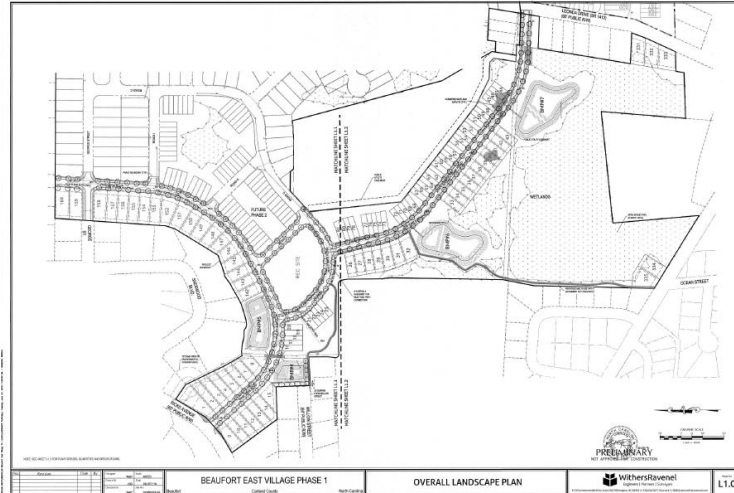
Slide #5



Slide #6



Slide #7



Commissioner Hagle said he would like a review of the BNP drainage and where they go to and asked if we could check the capacity of the downstream of these with the discharge of the ponds. He said particular the buffering along the lots that are adjacent to the Sherwood Boulevard lots.

Director Garner asked if that was request or a question.

Commissioner Hagle said he would like to know where these pumps drained to and if the capacity downstream was adequate to handle the discharge from these ponds.

Joe Boyd said this section of the development is discharged to Town Creek not Taylors Creek. He said Beau-Coast phase one and phase five all go to Taylors Creek, but this development would go through a wetland area, a large ditch, then deposit into Town Creek, and this would not effect those on the Beau-Coast side. He said tests had been completed to meet all town and state regulations for all four ponds.

Commissioner Hagle asked if their was any buffering between the lots on Sherwood Boulevard.

Joe Boyd said there was no buffer but there was an easement.

Commissioner Hagle asked how large the area was between the two lots.

Joe Boyd said approximately 20 feet.

Commissioner Hagle asked if the homeowners' association was responsible for maintaining the stormwater facilities, including the ponds, and if there was a force main pump in this area, too.

Joe Boyd said yes, and there was a sewer pump stage proposed in this phase.

Commissioner Harker asked if the trails that are leading within this neighborhood could be accessed by anyone.

Director Garner said yes.

Commissioner Harker said that means anyone can walk the trail within that area.

Commission Harker said to clarify the recreational facilities outside would be for individual use from outside patrons.

Director Garner said his understanding was, yes, anyone would be able to use the recreational facilities. He said the pool would not be for general public use.

Commissioner Hagle asked if more explanation could be give on the lot labeled as 42 acres.

Joe Boyd said that was the remaining open space and not a lot.

Mayor Newton said if the stormwater is going to flow westbound down to Town Creek verses eastbound to Taylor's Creek then he would need to followup with Greg Meshaw. He said the Board had not stressed the culverts underneath Live Oak Street to really determine if they were designed to handled that much extra stormwater discharge. He said it gets lost on people that Beaufort is bisected by this marshland that goes from Town creek all the way over to Turner Creek.

Commissioner Hagle said additional information needed to come before the Board on the 100 year storm event calculations.

Don Mizelle said the recreational facilities were not open for public use in Beaufort East Village, but the walking trails were open for public use.

A motion was made by Commissioner Hagle to approve request to subdivide a 41.79-acre-tract into 108 lots (60 Single Family Residential Lots and 48 Townhome Lots).

Mayor Newton called each Commissioner by name (roll call).

Roll call ensued.

VOTE: UNANMIOUS (5-0)

3. Beaufort Harbor and Waterways Master Plan (BHWMP) Advisory Committee

The Board discussed the charge and composition for the proposed Beaufort Harbor and Waterways Master Plan Advisory Committee (BHWMP).

John Day, Town Manager, presented the following information:

BACKGROUND:

As discussed at the February 2020 Town Board retreat, a comprehensive harbor and waterways master plan is needed to address water quality, harbor management, the expiration of the current Beaufort Docks and National Park Service leases in 2024, the possible development of a mooring field, and how such items impact the timing of the replacement of the Front Street bulkhead and boardwalk.

At this year's Town Board retreat it was decided that an advisory committee should be appointed to assist in the effort. This committee will engage the public and work with the town's staff and consultant to advise the Board of Commissioners during the formation of a Beaufort Harbor & Waterways Master Plan.

The Board also discussed preparation of an updated application for appointments to boards and committees, including a question related to applicants' "connection" to Beaufort. There was consensus that there should not be a residency requirement for all appointees to this committee, and that there should be full disclosure of any potential financial implications for members.

At the March 22, 2021 Virtual Work Session, the Board recommended the Beaufort Harbor & Waterways Master Plan Advisory Committee be comprised of six members, with the term limits being set for the duration of the project. The Board unanimously agreed to follow the normal process for advertisement, recruitment, and appointment of the six new/vacant positions. In addition, the Board directed staff to begin working with Moffit and Nichols on a consulting contract.

A revised description of the committee' background, charge, and composition is attached.

Commissioner Hagle said the scope of the committee seemed large and he was concerned the committee would not be able to accomplish all of the items listed. He said the Board may want to consider appointing an Commissioner to service on this ad-hoc committee. He said a timeline should be included and a progress reporting timeline should be incorporated so the Board is up-to-date with the committees progress.

Manager Day said progress reports could be provided at each work session or quarterly similar to the project updates, but it was up to the Board to advise how frequent they would like to receive those updates. He said the plan was for the plan to be completed by the end of fiscal year 2022.

Commissioner Hagle said he would recommend that completion date.

Mayor Newton said as a reminder their was a generous benefactor who has offered ten thousand (\$10,000) for a group to travel to similar communities to gather lessons learned then report back to the committee.

Commissioner Hollinshed said she supported the items Commissioner Hagle mentioned and also would like to see a more defined and narrow scope and build components onto those elements. She said a Commissioner needed to be on the committee to help with reporting back to the Commissions so there was open communication and regular updates.

Mayor Newton said the Board's work session agendas could be tweaked to include an update under the project updates header. He said this would work similar to when the Board received bridge opening updates.

Commissioner Harker said of the six proposed positions a definition needed to be incorporated on whether outside applicants would be considered. She said since this is a Beaufort project preference should be given to Beaufort residents but perhaps a ETJ member or two could be appointed while the other members are in-town.

Commissioner Harker said the length of the scope is concerning and while there are a lot of items listed that need to be unpacked, she would prefer to keep the scope broad. She said some items affect others and the committee may need that flexibility as they are planning and fitting together the many pieces.

Commissioner Harker said updates are critical but did not see a need to have a Commissioner as an ex-officio member. She said all of the meetings were open to the public and any Commissioner is able to attend.

Commissioner Carter said the outline was far too excessive and the committee could be overwhelmed trying to deal with black and grey water or others. She said she did not anticipate the committee being completed by the end of the fiscal year but rather it functions for a period of time on certain elements of priority until the plan is fully complete.

Commissioner Carter said she was not concerned about committee members being local or outside of town if they provided the expertise that would help this committee be successful. She said she strongly supported selecting an ex-officio Commissioner as a member of this committee.

Mayor Newton said this was a real opportunity to look holistically at our waterways and black and grey water would not be daunting task. He said several other communities had dealt with this issue and this is not be the only limitation of this committee as the Town works towards a clean water coastal community.

Mayor Newton said the Board had somewhat of consensus around having an ex-officio Board member on this community. He asked if any additional revisions were needed to the proposed scope.

Commissioner Hagle said a timeline needed to be incorporated into the committee's plan.

Commissioner Carter said the Board was not involved in the development of the proposed elements of the new committee. She said the dock lease didn't expire until 2024 and

was not clear why the plan for implementation was being rushed for completion at the end of fiscal year 2022.

Mayor Newton said this document was included in several agenda packages.

Commissioner Carter said she did not agree with those versions either and the Board had been very minimally involved in the prioritize of the work for this committee.

Mayor Newton asked what items needed to be removed.

Commissioner Carter said waterway quality was an ongoing issue and should be included in all of the Town's plans but not a primary citation. She said black and grey water was not a primary concern as there were other higher and more pressing elements. She said all of the items included within the list are important but the prioritization order was critical so the committee understands the Board's critical need for this committee.

Manager Day said he understood the perception that some of the items listed had a higher priority so the Board may want to indicate which of these items should be addressed first by the committee as opposed to letting them have free range.

Commissioner Hagle said he saw this committee having two major focuses in the beginning the remaining could be incorporated in as the committee progressed.

Commissioner Hollinshed said the Board needed to prioritize different elements of the Committee especially if items have more of a timeliness about them.

Mayor Newton said he understood the comments of the Board but asked to not lose this opportunity to look holistically. He said there were constant problems in Town Creek after storms.

Commissioner Carter said more discussion on this needed to occur at the next work session.

Commissioner Hollinshed said the process to collect quality applicants may take longer than this discussion but the committee should be comprised on individuals with expertise regardless of their living location. She said individuals who have cruised our waterways and know Beaufort would be ideal.

Mayor Pro-Tempore McDonald said the plan should be comprehensive and include how Beaufort needs and wants over the next five years or so. He said he was not as concerned with the prioritization of the various reporting elements, but they were all important.

Commissioner Harker said the committee being discussed was a Beaufort Harbor and Waterways Master Plan Advisory Committee and the elements were essentially two major projects. She said the items being discussed were not placed in a numerical order of importance but rather a list of discussion points to be considered during the compilation of the master plan.

Commissioner Harker said she agreed with Commissioner Carter that the Board may want to provide firmer detail to the committee on what the priority items were but that each of the elements would overlap at some point.

Mayor Newton said this committee was critical in the future of Beaufort and the proper guidance was needed at the very beginning for this committee to be successful.

Manager Day asked if the recruitment for this Committee could begin.

The Board did not vote but agreed to begin advertisement of the newly created Beaufort Harbor and Waterways Master Plan Advisory Committee positions.

[MAYOR/COMMISSIONER COMMENTS]

Commissioner Hagle said he appreciated all of the work Greg and his team were doing on the streets and all over town. He said anytime infrastructure had to be completed in an old town areas of concern would pop up.

Commissioner Hagle said he enjoyed the pre-meeting music and the communications provided by the Town Clerk Allen Coleman pre and post meetings. He said thank you to the employees in the police department, fire department, public utilities department, and public works department. He said those folks provide a great deal of support to our citizens each and every day and their dedication was commended and their positive attitudes were appreciated.

Commissioner Hagle said his safety message was related to safety at home and safety on the highways. He said spring time was here and be careful using ladders and other power tools around the house. He said focus on your driving and stay safe. He said it's always good to keep a clear distance between your vehicle and others.

Commissioner Hollinshed said the Town had been extremely busy over the past two weeks with easter break and spring break for schools and the merchants seemed to be supportive.

Commissioner Hollinshed said Carteret County had released a memo today that COVID-19 shots would cease as of the 30th and encouraged everyone to go to a nearby clinic and be vaccinated.

Commissioner Hollinshed said the Beaufort Farmer's Market reopened this coming Saturday and for patrons to wear a masks and support those local vendors.

Mayor Pro-Tempore McDonald said he hoped the Board would do everything in their power to keep the charm of Beaufort alive and well.

Commissioner Harker said a public meeting was held last month to discuss Beaufort's Comprehensive Plan and said thank you to Town Planner Kate Allen and Stewart for a fabulous job facilitating that session. She said the breakout sessions during the public meeting were wonderful and another survey was ending tomorrow.

Commissioner Harker said April 22nd was Earth Day. She said when we take care of the Earth, the better the earth is able to take care of us.

Commissioner Harker said thank you to the Parks and Recreation committee as well as Back Street Pub for joining in the Carteret Big Sweep. She said this group would be cleaning up the public access along front street to help keep the waterways free of debris.

Commissioner Harker said thank you to Town Clerk Allen Coleman for the jewels being left around Town. She said for those that had not noticed, a color calendar of the board's meeting schedule had been published and was very easy to read.

Commissioner Harker said even though the vaccine clinics were closing down this did not mean the opportunity to get a shot was closed. She said most likely your local physician would have a supply and check with your primary care facility.

Commissioner Carter said she would be working the vaccination clinics in May so the dates may be revised.

Commissioner Carter asked if Town Hall was fully staffed.

Manager Day said not every day, but the staff that was required to be there each day was.

Commissioner Carter asked when Town Hall would be opened and fully staffed.

Manager Day said as soon as the lobby reopened staff would resume being on site.

[CLOSED SESSION]

Pursuant to North Carolina General Statutes § 143-318.11 (a)(3) "to consult with an attorney retained by the Board in order to preserve the attorney-client privilege between the attorney and the Board"

A motion was made by Commissioner Harker to enter into closed session at 7:28 p.m. Mayor Newton called each Commissioner by name (roll call). Roll call ensued.

VOTE: UNANMIOUS (5-0)

Town Clerk Allen Coleman asked for a pause to remove any unauthorized individuals from the closed session and to stop the live streaming to Facebook.

A motion was made by Commissioner Harker to return to open session at 8:40 p.m.
Mayor Newton called each Commissioner by name (roll call).
Roll call ensued.

VOTE: UNANMIOUS (5-0)

Mayor Newton said the Town had been presented with two lawsuits labeled Queen Street Priorities and the other O'Neal.

A motion was made by Commissioner Hagle to authorize the attorney's to make an offer of up to \$15,000 for the O'Neal case.
Mayor Newton called each Commissioner by name (roll call).
Roll call ensued.

VOTE: UNANMIOUS (5-0)

[ADJOURN]

A motion was made by Commissioner Harker to adjourn the meeting.
Mayor Newton called each Commissioner by name (roll call).
Roll call ensued.

VOTE: UNANIMOUS (5-0)

The meeting adjourned at 8:43 p.m.

Everette "Rett" Newton
Mayor

Allen Coleman
Town Clerk