



Town of Beaufort, NC

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Board of Commissioners Regular Meeting 6:00 PM Monday, February 13, 2023 Train Depot, 614 Broad Street Beaufort, NC 28516 Minutes

Call to Order

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 Harker
Mayor Pro Tem Hagle
Commissioner Oliver
Commissioner Cooper
Commissioner Terwilliger
Commissioner Hollinshed

Mayor Harker paused and asked that all join in for a moment of silence in remembrance of Beaufort resident, Doug Doubleday; and for those from Down East who were involved in a plane crash on February 13, 2022.

Agenda Approval

Commissioner Hagle made a motion to approve the agenda.

The motion carried unanimously.

Public Comment

There was none.

Presentations

1. Introduction of New Police Officers: Jacob Andrew, Josiah Bedsole, Matthew Maulshagen
Police Chief, Paul Burdette, introduced three new Beaufort Police Department employees.

The Board welcomed the new Police Officers and thanked them for their service.

Items of Consent

1. Meeting Minutes- January 9th & 23rd
2. Wooden Boat Show Event Application

Commissioner Hagle made a motion to approve the Items of Consent.

The motion carried unanimously.

Public Hearing

1. Voluntary Annexation (Davis Bay)

Commissioner Terwilliger made a motion to open the Public Hearing.

The motion carried unanimously.

Ms. Lewis provided the following information:

On January 23, 2023, the Town Clerk presented a Certificate of Sufficiency regarding two petitions for voluntary annexation submitted by the Burdett Family Trust. The associated addresses include 180 and 190 Davis Bay Drive. Notice of the February 13th Public Hearing was published in the Carteret County News-Times on February 1st and 8th, 2023.

Ms. Lewis explained staff was requesting a Public Hearing be conducted on the question of voluntary annexation. If approved, the draft ordinance, attached in the meeting packet, will need to be adopted.

Mayor Harker provided an opportunity for the audience to speak on the item.

There was no comments from the public.

Commissioner Hagle made a motion to close the Public Hearing.

The motion carried unanimously.

Commissioner Hagle made a motion to approve the annexation request and adopt the corresponding ordinance to make it effective.

The motion carried unanimously.

Items for Discussion and Consideration

1. Zoning Text Amendment - Dock Roofs as a Permitted Use on Riparian Lots in the R-8 Zone

Kyle Garner, Planning Director, shared that at the January 9, 2023 Board of Commissioners meeting, additional language was requested regarding the proposed Zoning Text Amendment- Section 2-H-4 (General Provisions Residential Zones – Docks and Piers in Certain Areas of R-8, R-8A & RS-5). He shared that he and the Town Attorney had drafted a revised version of the proposed text amendment, noting it was included on page 54 of the meeting packet reference.

Commissioner Terwilliger asked if Mr. Garner believed the language encompasses all required standards of consideration to ensure the roof is built to meet regulations.

Mr. Garner confirmed he did.

Commissioner Hagle made a motion to approve the proposed Zoning Text Amendment, which reads:

Residential boat docks may include roofs over permitted platform areas not to exceed four hundred square feet. The area under the roof shall not be enclosed or obstructed with features such as netting, panels, coverings, awnings, screens, shutters or other similar improvements, nor shall any roof permitted hereunder allow for second story use. The height of the roof shall not exceed more than a height of sixteen feet above the decking of the dock. Any roof permitted or hereunder shall comply with all applicable legal requirements, including but not limited to the requirements of the North Carolina Coastal Area Management Act and regulations promulgated thereunder and the requirements of the North Carolina State Building Code.

The motion carried unanimously.

2. Sewer Allocation Request- Davis Bay Subdivision

Greg Meshaw, Town Engineer, explained the consulting firm of WithersRavenel (on behalf of the Burdett Family Trust) was requesting that 300 gallons per day (gpd) of sewer treatment capacity be allocated to the portion of the Davis Bay residential subdivision that borders the Beau Coast residential subdivision. He noted the requested capacity was four lots, with 5-bedroom houses. He shared that the allocation represents less than 0.02 percent of the 1.5 million gallons per day treatment capacity of the Town's wastewater treatment plant (WWTP); the most recent accounting shows the sum of the utilized and reserved capacities to stand at approximately 81 percent.

Commissioner Terwilliger made a motion to approve the Sewer Allocation Request for Davis Bay Subdivision.

The motion carried unanimously.

3. NC Department of Transportation Cedar Street Abandonment

Mr. Meshaw explained the North Carolina Department of Transportation Division of Highways (NCDOT) was proposing to abandon from the secondary road system, that portion of Cedar Street (SR 1493) from SR 1493 Live Oak Street (SR 1493) to Turner Street (SR 1174). He noted means that NCDOT intends for the Town to assume maintenance of this segment of Cedar Street once it is abandoned. The portion of Cedar Street from Turner Street to its western end will remain part of the secondary road system; however, abandonment of this segment by NCDOT is expected at a later date, once complete. He explained NCDOT was requesting that the Board of Commissioners adopt a resolution supporting abandonment of the road and that an "Abandonment Petition" be filed by the Town with NCDOT.

Commissioner Terwilliger asked if staff had done a study to determine how much it would cost the Town to perform yearly maintenance on Cedar Street.

Mr. Meshaw confirmed they had not.

Commissioner Terwilliger noted it would be something to consider in future budgets. He asked if the Town had requested that NCDOT certify the traffic lights associated at the intersections on Cedar Street.

Mr. Meshaw noted the Town would assume responsibility for the lights at the Turner Street intersection, but not the intersection at Live Oak Street. He shared the Town had not made any inquiries regarding the status of the traffic lights at either intersection.

Commissioner Hollinshed asked about the remaining pieces of Cedar Street, from Turner to Orange Street.

Mr. Meshaw explained NCDOT was holding off because there is a claim being made at the far end of the Cedar Street, and the road should revert to the property owner once it is abandoned. He noted other parties were working through that situation and the Town

was waiting for an outcome; NCDOT will then follow up with the remaining abandonment which involves Orange Street.

Commissioner Hagle asked what kind of testing the Town would require for the stormwater system.

Mr. Meshaw explained they would be observed to make sure they were functioning properly.

Commissioner Hagle asked if all underground line issues had been addressed.

Mr. Meshaw confirmed the Town had done rehab and replacement of sewer lines along Cedar Street.

Commissioner Oliver noted there was one bioretention area that they were not installing; he asked if there were anything in that area that needed special stormwater attention.

Mr. Meshaw explained there would be a bioretention area where Commissioner Oliver referenced, but it would be smaller. He confirmed the Town would have complete authority to set the speed limit on the street as well.

Commissioner Hagle made a motion to adopt the resolution as presented, regarding the abandonment of Cedar Street from Live Oak Street to Turner Street; and instructed Town staff to file an "Abandonment Petition".

The motion carried unanimously.

4. Police Department- Handheld Radio Replacement Project

Chief Burdette explained the Police Department was requesting the Board select a vendor to go with for handheld radio replacement project. He shared their current radios are severely outdated and this project started in 2021. He noted there was a grant associated with this project, and it was a 75/25 percent match; with the Town being responsible for the twenty five percent. He explained two quotes had been obtained, one from ECI Communications and the other from Motorola Solutions. Details of the estimates and request for proposal documents are included in the Board's meeting packet.

Commissioner Cooper asked if there was funds appropriated in the budget to cover the Town's match.

Chief Burdette confirm the funds were available in the current budget.

Commissioner Cooper made a motion to select ECI Communications as the vendor for the handheld radio replacement project.

The motion carried unanimously.

5. Volunteer Board Appointments

Mayor Harker shared volunteer board appointments needed to be made for the Planning Board (3 members) and the Historic Preservation Commission (2 members).

Commissioner Hollinshed made a motion to open the floor to nominations for the Planning Board.

The motion carried unanimously.

Commissioner Oliver nominated John LoPiccolo.

Commissioner Hollinshed nominated Laura Holland.

Commissioner Cooper nominated Becky Bowler.

Commissioner Hagle nominated George Stanziale.

Commissioner Hagle made a motion to close nominations for Planning Board.

The motion carried unanimously.

Mayor Harker called for a vote of each nominee. The results are as follows: John LoPiccolo, 5 votes; Becky Bowler, 4 votes; George Stanziale, 3 votes; Laura Holland, 1 vote.

Mayor Harker confirmed that John LoPiccolo, Becky Bowler and George Stanziale received the top three votes, and deemed their appointment to the Planning Board.

Commissioner Terwilliger made a motion to open the floor to nominations for the Historic Preservation Commission.

The motion carried unanimously.

Commissioner Terwilliger nominated Bradley Hedrick.

Commissioner Hollinshed nominated Marissa Morris.

Commissioner Cooper nominated Margaret Powell.

Commissioner Hagle nominated John Stephens.

Commissioner Hollinshed made a motion to close nominations for Historic Preservation Commission.

Mayor Harker called for a vote of each nominee. The results are as follows: Bradley Hedrick, 5 votes; Marissa Morris, 4 votes; John Stephens, 1 vote; Margaret Powell, 1 vote.

Mayor Harker confirmed that Bradley Hedrick and Marissa Morris received the top two votes and deemed their appointment to the Historic Preservation Commission.

Following the appointments, there was a brief discussion on the volunteer board application process; it was suggested the Town Clerk make efforts to streamline the process in the future.

6. Town of Beaufort Charter Amendment

Mr. Grady provided background on the item and discussed the process of amending the Town of Beaufort Charter and Town Code of Ordinances. The proposed ordinance was presented as follows:

WHEREAS, the Town of Beaufort (hereinafter "Town") has determined that Town has historically suffered a loss of continuity in leadership based on the mayoral term being set for 2 years and the term for Commissioners being set for 4 years; and,

WHEREAS, the extension of the mayoral term from 2 to 4 years will benefit Town and its citizens by providing continuity in leadership; and,

WHEREAS, N.C. Gen. Stat. § 160A-102 provides in part:

By following the procedure set out in this section, the council may amend the city charter by ordinance to implement any of the optional forms set out in G.S. 160A-101. The council shall first adopt a resolution of intent to consider an ordinance amending the charter. The resolution of intent shall describe the proposed charter amendments briefly but completely and with reference to the pertinent provisions of

G.S. 160A-101, but it need not contain the precise text of the charter amendments necessary to implement the proposed changes.

WHEREAS, N.C. Gen. Stat. § 160A-101 provides in part:

Any city may change its name or alter its form of government by adopting any one or combination of the options prescribed by this section:

(8) Selection of mayor:

WHEREAS, pursuant to N.C. Gen. Stat. §§ 160A-101 and 102, the Board of Commissioners of Town adopted a RESOLUTION OF INTENT on December 12, 2022, to signify its intent to amend Town's Charter and Code of Ordinances to change the term of the mayor from 2 to 4 years, to be effective beginning with the 2023 mayoral election.

WHEREAS, on January 9, 2023, and after due advertisement as required by law, Town's Board of Commissioners held a public hearing regarding the amendments to Town's Charter and Code of Ordinances as above described.

NOW, THEREFORE, be it resolved and ordained by the Board of Commissioners in and for the Town of Beaufort as follows:

Section 1. The recitals set forth above are incorporated herein as an integral part hereof.

Section 2. Section 5 of the Charter of the Town is amended by deleting the phrase "**and every year after**" from the first sentence and adding a sentence which reads "**The term of the Commissioners is 4 years, and the term of the mayor is 4 years.**" Any other provision of the Charter, of the Charter, or amendments thereto, providing for a 2 year mayoral term is hereby amended to reflect a 4 year mayoral term so as to conform to the amendments herein adopted.

Section 3. A new Section 30.27, entitled "Term of Office," shall be added to the Town's Code of Ordinances, which shall state "**The mayor shall be elected for a 4 year term, beginning at the regular municipal election to be held in 2023.**"

Section 4. The Clerk to the Board of Commissioners shall (a) file a certified true copy of this Ordinance with the North Carolina Secretary of State and the North Carolina General Assembly's Legislative Library (b) take such steps as may be reasonably necessary to update the Town's Code of Ordinances to reflect the actions herein taken.

Commissioner Hollinshed made a motion to adopt the ordinance as presented and to move forward with the procedures to amend the Town of Beaufort Charter and Code of Ordinances.

The motion carried unanimously.

Manager Report

Mr. Clark shared his February 2023 Manager's Report, highlighting upcoming events, dates, meetings and projects within the Town. This full document can be found on the Town's website at: <https://www.beaufortnc.org/boardofcommissioners/page/managers-report>

Mr. Clark also shared several topics that would be discussed at the Board of Commissioners Retreat on March 9th and 10th, such as the Harbor & Waterways Master Plan and Space Needs Study to name a few.

Mayor/Commissioner Comments

Commissioner Terwilliger suggested they revisit the volunteer board process, to ensure the best applicants are being selected.

Commissioner Hollinshed, Commissioner Hagle, and Commissioner Oliver all shared kind words about Mr. Doug Doubleday and the positive impact he made on the Town of Beaufort.

Commissioner Cooper thanked all who were in attendance and those who were watching the meeting online.

Mayor Harker commended Town staff for their hard work. She also thanked the citizens for their continued involvement. She shared a letter of appreciation to the Coastal Federation, which noted their support, partnership and funding for projects within the Town of Beaufort.

Adjourn

Commissioner Hagle made a motion to adjourn the meeting at 7:05 p.m.

The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk