



Town of Beaufort, NC
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Board of Commissioners
Regular Meeting
6:00 PM Monday, August 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 saying the pledge of allegiance.

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

Mayor Harker
Mayor Pro Tem Cooper
Commissioner Gillikin
Commissioner LoPiccolo
Commissioner Oliver
Commissioner Spiegler

ABSENT: None

Agenda Approval

Commissioner Cooper made a motion to approve the agenda.

The motion carried unanimously.

Presentations

1. First Tryon- Financial Advisors

Mayor Harker introduced David Cheatwood with First Tryon, the Town's financial advisor.

Mr. Cheatwood discussed several types of financing options that the Town could consider to fund projects in general, and specifically spoke in relation to the waterfront improvement project. He shared the available financing structures in the state of North Carolina and other units of local government. Throughout his presentation, he explained each option in great detail and discussed the pros and cons of each structure viability.

Mr. Cheatwood said while there are financing structures that are legally available to the Town to finance the improvements to the docks, First Tryon recommends that the Town preserve its debt capacity and financial resources to fund the more traditional projects in

its capital improvement plan that provide essential services to Town residents (public safety, water, sewer, stormwater, streets, etc.).

Following the presentation, Commissioner Cooper made the below statement:

Transparency has been the Commissioner's main mission. The recent closed session meetings under the North Carolina General Statute on Economic Development, was not to try to hide anything from the public. It did become apparent that we were in these closed sessions far too long without the community hearing from its Commissioners. Our waterfront is undoubtedly one of our primary economic assets, so we need to protect the character and charm of the waterfront. I have received many phone calls and those in person, who love the charm of Beaufort. Beaufort waterfront is truly priceless and as a Commissioner and as a citizen, we should do all we can to preserve it for now and the generations to come. As a collective community, we need to explore all possible aspects of the dock operation with the independent exploration of the current concessionaire, how we manage it and who finances it. Citizens be assured that whenever a decision is made, it will be made in a public meeting and with full disclosure.

Commissioner Gillikin made a motion that the Town terminate all discussions to include the Letter of Intent with the company of interest as it relates to future management of the Beaufort docks; the second part of the motion was to direct the Town Manager and/or the Assistant Town Manager to work with Beaufort Waterfront Enterprises on a 12-month lease extension that would be approved by the Board of Commissioners no later than September 9, 2024.

Commissioner Oliver suggested that Island Express Ferry Service, and any other direct leases that may expire by the end of the calendar year, be offered a 12-month lease extension as well.

Commissioner Gillikin was agreeable and amended her motion to include a 12-month lease extension with Island Express Ferry Service.

The Board had further discussion on the topic and Commissioner Oliver mentioned that he too was prepared to make a motion concerning extending the BWE Lease but asked that the motion also be amended to delete the termination of the Letter of Intent with the company of interest.

Commissioner Gillikin provided further explanation and stated she would like to keep the motion on the floor as it stands.

Mayor Harker called for a vote on the current motion on the floor.

Voting Yea: Commissioner Cooper, Commissioner Gillikin, Commissioner Spiegler

Voting Nay: Commissioner LoPiccolo, Commissioner Oliver

The motion passed with a (3-2) vote.

Items of Consent

1. Meeting Minutes
2. Annual Rotary 10K Road Race - June 14, 2025

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

The motion carried unanimously.

Quasi-Judicial Proceeding

1. Case # 24-08: 609 Hwy 101 SUP Boat Storage

Commissioner Cooper made a motion to open the hearing.

The motion carried unanimously.

Mayor Harker shared the following statement:

This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this Board must make its decision. The Board of Commissioners must base its decision upon competent, material and substantial evidence in the record. A quasi-judicial decision is a decision constrained by the standards in the Land Development Ordinance and based on the facts presented. All applications for special use permits must be consistent with the Land Development Ordinance for the Town of Beaufort and whether the special use is appropriate in the proposed location. If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion. The Board of Commissioners shall hear relevant information from the parties with standing, as set forth in North Carolina General Statutes 160D-406 and 1402. At the sole discretion of the Board of Commissioners, other witnesses who do not have standing may present competent, material, and substantial evidence that is not repetitive. Parties may appear in person, by designee, or by attorney to present information relevant to the requirements of the Ordinance. Parties may present evidence, call witnesses and make legal arguments. The Board of Commissioners, acting through the Mayor, may subpoena witnesses and compel the production of evidence. For certain topics, the Board of Commissioners may hear opinion testimony from expert witnesses. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Witnesses must swear or affirm their testimony. At this time, we will administer the oath for all individuals who intend to provide witness testimony.

Ms. Lewis administered the oath to the Town of Beaufort representative, Kyle Garner and applicant, Tom Owens.

Mayor Harker called for disclosure by Board members of any ex parte communication, bias and conflicts of interest. Each Board member confirmed they had nothing to disclose.

Mr. Garner, Planning Director, introduced the case and asked that all documents included in the meeting packet and the PowerPoint presentation be entered as evidence and part of the record. He explained the request was for a boat storage building at 609 Hwy 101, on a 13.36 acre tract. He shared the site plan, noting parking spaces, driveway entrances, washdown areas, and landscape buffering. He shared the Planning Board met on July 15, 2014 and recommended approval with several conditions, outlined in the meeting packet. One of those conditions was staff driven, as they recognized the importance of fencing, landscaping buffer, drainage ditches within and around the site, and low impervious surface on the proposed site plan and suggested that maintenance of the components are made conditions of the SUP. He noted the applicant has already agreed to the conditions.

Commissioner Gillikin asked for further clarity on the native tree species.

Commissioner LoPiccolo asked if there had been any objections from surrounding neighbors.

Mr. Garner confirmed there had not been any objections, noting the applicant had done their due diligence and obtained a driveway permit from the NC Department of Transportation (NCDOT).

Commissioner LoPiccolo voiced his concerns about traffic related to Hwy 101.

Mr. Garner confirmed NCDOT had signed off on the driveway permit and in review of the site plan, did not suggest a turning lane be added.

Commissioner LoPiccolo asked about lighting on the site.

Mr. Garner explained specific requirements related to lighting could be addressed as a condition.

Commissioner Cooper praised the applicant for planting 627 trees as a buffer.

Commissioner Spiegler also shared concerns about the lighting.

Commissioner Oliver expressed safety concerns related to the lack of a turning lane on Hwy 101.

Tom Owens, applicant, shared his engineer John Wade submitted the driveway application to NCDOT. He invited Mr. Wade to share additional information about the driveway permit. Mr. Wade explained there was not a discussion related to the addition of a turning lane, but noted NCDOT reviewed the proposed use of the property in its entirety.

Commissioner LoPiccolo asked about potential hours of operation and motion sensor lights.

Mr. Owens shared it would be a 24-hour operation and said he would probably do motion sensor lighting in each section. He also discussed the security system he was going to install.

Commissioner Spiegler also shared the importance of regulating the lighting due to the residential homes in the area.

Mayor Harker allowed a property owner on Copeland Road to make a comment. She suggested the width of Copeland Road was not wide enough for boat trailers.

Mr. Owens noted he did not have any authority over state maintained roads.

Commissioner Cooper made a motion to close the hearing.

The motion carried unanimously.

The Board continued deliberation of the request.

Commissioner Cooper made a motion to approve the finding of facts as listed and presented, (a-g) in its entirety.

Voting Yea: Commissioner Cooper, Commissioner Gillikin, Commissioner Spiegler

Voting Nay: Commissioner LoPiccolo, Commissioner Oliver

The motion passed with a (3-2) vote.

Commissioner LoPiccolo suggested adding the conditions of warm lighting in the range of 2700K-3000K and motion sensors as the applicant discussed.

Commissioner Cooper made a motion to add the conditions as suggested by Commissioner LoPiccolo.

The motion carried unanimously.

Public Hearing

1. Voluntary Annexation- 233 Leonda Drive

Commissioner LoPiccolo made a motion to open the Public Hearing.

The motion carried unanimously.

Ms. Lewis provided a recap of the voluntary annexation request of 233 Leonda Drive. She explained there was a draft ordinance in the meeting packet for the Board's consideration.

Mayor Harker opened the floor for public comment on the item.

There was none.

Commissioner Cooper made a motion to close the Public Hearing.

The motion carried unanimously.

Commissioner Oliver made a motion to approve the annexation request of 233 Leonda Drive and to adopt the associated ordinance as presented.

The motion carried unanimously.

Public Comment

Miriam Sutton, 2231 Lennoxville Road in Beaufort:

I just want to thank you for your service to our Town and to our community and for also taking the courage to hit the pause button. I appreciate that very much. I am speaking to you right now as a former member of the Harbor and Waterways Committee, and I am asking you to take this extra time to investigate infrastructure grants that are out there for our community, for such projects as those that are on the table. Based on our findings during the Harbor and Waterways Committee, there were other ways of securing the capital that we so desperately need for these docks without doing a formal public, private, partnership.

Harriett Altman, 103 Leonda Drive in Beaufort:

First thing I want to say, is thank you. I want to ditto to what Miriam Sutton just said. I would think that before any contract or whatever is drawn up with any corporation, that we would make sure we pursued all grant funding that was out there. We need to exhaust all those options before we would make any further decisions. So, thank you all for putting a pause on this so that there is time to do that kind of thing. The Harbor Committee did so much work for a couple years that it just seems like it would be a good idea to bring them back together and also maybe the consultant, and up update them on the financial presentation, but also use their findings and put all that together. They did a lot of good work, and it just seems like that would be a good thing to do. This is sort of a big picture thing, about the future of the community and where we want to go. We hear comments that we want to have the most beautiful harbor; I don't know that we are trying to be any huge state of the art harbor, because really we want to keep it fairly low key, as we are. I think we always need to be thinking about, who are we benefiting when we do these things? Are we benefiting the tourists? Are we benefiting the local citizens? The local citizens should be the first priority. I just would encourage us to just think about what our priorities are... We need to keep, of course, an environmental lens on everything that we do. That are the main things that I wanted to say. Again, thank you so much for all your hard work, for your support and for listening to all the citizens. I am really proud of our community and the way everybody came out and came together.. We got to really think about this and I think we should all be proud. Your decisions here are important for generations.

Susan Schmidt, 1527 Ann Street in Beaufort:

I moved to Beaufort 45 years ago, when the dock was just built, I bought my house 43 years ago. I wrote the CAMA Marina Regs 42 years ago, and I have had a captain's license 41 years. My first comment, reinstate the Harbor Waterway Committee and have more than one person sign the RFP. As I wrote in a letter, local control, local management, and as you hire a contractor, if that is the way you go, know what percentage the Town will share. How much did Haywood Weeks ever earn in 45 years? How much did the Town ever share? Local Workforce; Safe Harbor Jarrett Bay has kicked out local workers. Jarrett Bay was the second largest employer in Carteret County, after Cherry Point, which was the largest employer in the county. Local access; Safe Harbor did not care about small towns or small boats like cruising sailboats. Wonderful people have cruised into Beaufort and swallowed the anchor like, Doug Doubleday, and many others. Local management and access; because we love it. I quote my neighbor, Pricey Harrison. She has lived part time on Front Street for 30 years. She says the Town dock is not just Beaufort's front yard; it is a treasure for the whole state. Pricey, who is a legislator, thinks there is money to protect a state treasure. Just today, I heard a New Yorker magazine editor has asked me to share my research for my next book on ocean currents and sea level rise. Yes; the dock and the boardwalk need to be raised as king tides will flood Front Street a third of the year in ten years.

Joni Dennis, 611 Front Street in Beaufort:

I'm the director of Save Cape Lookout Foundation. We just got 100 yards of beautiful beach pumped in front of that lighthouse. My family is from here for eight generations, they shipwrecked right here. My family had a home at Shackelford. My family were lighthouse housekeepers. When I look out my house every day at those ponies, my heart is just as full as the first day I ever saw them. I was a chef on

yachts for 40 years, that was my career. I have been in marinas from Monaco to Di Bali, and I am gonna tell you right now, you can't get a 250 foot yacht in Taylors Creek. This group of people have gone belly up in two marinas, because the fact that they did not have an engineer that researched the draft of what each yacht could take through the area it needed to go. I did a lot of digging and got a lot of friends, some that are still captains on yachts all over the world. They have not had one good thing to say about Safe Harbor. As a matter of fact, ten years ago, they warned me about them. I am so happy that you guys are taking this time to look to other solutions, because the Beaufort that I have known all my life that is now the coolest small town, I want our heritage to be here for our grandchildren. I don't have kids, but you want your grandchildren to have that heritage, that small town, beautiful feel to it. Our state and local occupancy taxes can help some fund this project. I don't know what is happening to my property that I live on, my home. It was said that it was sold two weeks ago to the Town of Beaufort. Does anybody know about that? 611 Front Street.

Barry Slade, 109 Planters Way in Beaufort:

I recently retired from a marine industry career spanning 35 years, beginning with ten years in nearby Hatteras yachts and most recently with Freedom Boat Club. I have focused on their nationwide marina, slip management and waterfront development. I have been involved with multi-million dollar infrastructure improvements, so the Town's process is very familiar to me. I would like to stop there and say thank you for all you have done up to this point. The time and effort these processes take is enormous and thank you tonight for listening to the voice of the community. I do have a few concerns and I am grateful for the opportunity to voice them tonight. Let me first establish some context; my comments are assuming that the Town does not pursue available grant funds, bonds or but does in fact decide to partner with a private third party. Marina owner groups and marina management companies come in all shapes and sizes; having worked recently with near all the major marina owner groups and marina management companies, I am very familiar with what makes each of them unique. Some companies prefer larger marinas, where they cater to larger vessels and are commonly referred to as institutional investors. Some specialize in municipal properties. Some like fresh water. Some like salt water. Some are parts of Real Estate Investment Trusts. Some are publicly traded. Many are private, entrepreneurially driven. Each company typically has a preference for specific types of properties and are the best operators to focus on what they do best. There is a lot of nuance in all these differences, more than we can cover tonight. I saw it best summarized recently, asking this question, if you were faced with having brain surgery, would you find the most competent heart surgeon to do the operation? No, you would not. It is not your best option. Similarly, large marinas and service yards operate very differently from small local waterfront docks. Remember, Beaufort does not have a downtown marina. What we have is a priceless downtown waterfront, which is the heart and soul of our Town. Here is my concern, in reaching out to many of the folks I dealt with at these marina groups, it did not take many phone calls to find that some did not even know about Beaufort's RFP and never received a bid package. These same companies, given the chance, would be happy to submit a proposal if that opportunity were presented. Many of these firms are flush with cash, are actively looking for projects and put strong emphasis on relationships, not just the bottom line. I have concerns echoed by many here whether this RFP was adequately distributed, and did we overlook potentially viable partners? My research within the industry suggests perhaps we may have. We citizens, should be given the assurance that a broad net has been cast for this critical partnership. I would add, finally, that any and all proposals should be reviewed, not only using the typical RFP evaluation criteria, but a critical review of the company's experience and expertise in managing municipal waterfront projects in boutique communities like Beaufort.

Charles Llewellyn, 907 Ann Street in Beaufort:

Thank you for this opportunity to make a public comment. I rise to defend transparency in Town government. Beaufort has a tremendous decision to make on how to improve and protect our greatest treasure, our waterfront. But this has been handled in total secrecy this past year. The meetings of the Board of Commissioners have been closed in spite of open meeting laws. Town documents have been sealed in spite of North Carolina Public Records Act. The Town Commissioners and Town employees are prohibited from even discussing this topic with the citizens who elected them and paid for their salaries. There are serious concerns about whether the contracting process is being conducted in

conformance with North Carolina law. As a result, we citizens of Beaufort, the collective owners of this treasure have been kept completely in the dark; we are very concerned and that is shown by the number of people who showed up tonight. Now, I want to thank the Board for its approval of Commissioner Gillikin's resolution; I think that is a really good step forward. But I furthermore request that a new RFP be issued with revised conditions in accordance with North Carolina law for public property construction, which has a lot of openness in it. As per North Carolina law that includes public opening of all bids and public access to the documents; we cannot continue with this era of secrecy and no public communications. We have laws in the state. I believe in those laws, and I also believe in following a paper trail. I requested under North Carolina Public Records Act, copies of the documents submitted in response to the request for proposal. I was denied these as access to public Town documents by the Town Clerk, and was referred to the Town Attorney. I called him and was told to submit to him the request I made to the Town Manager and Town Clerk. I did so in writing, and requested if my access was denied, to please provide with specific statutes being used for the denial. I have heard nothing. You know, Beaufort used to be known as fish town, not for recreational fishing, but for the menhaden industry. When the factory started cooking, everybody in Town knew about it. I remember as a boy scout visiting Beaufort in the 1960s and complaining about this, people would smile and say to me, son, that is the smell of money. Well, until this resolution tonight, I was beginning to smell the money too.

Tipper Davis, 309 Live Oak Street in Beaufort:

Thank you very much for your attention tonight, it is very much appreciated. I have a couple of concerns. I was a member of the original Harbor Waterway Committee, and I would really like to see it reinstated. I would gladly volunteer my time, and I think that others would gladly volunteer their time. We did a lot of work. We held our meetings in public; the public actually came to a lot of them. We were dedicated citizens, and we bought a lot of professional expertise to all of these issues. So, I am sure most of us would gladly step up the plate. There is other talent around here too that we could put to use. I do not advocate that the Town go into debt over this. There are other avenues available. There is grant money and a combination of grant money and private money or private run docks. We need local people running our docks.

Vic Fasolino, 138 Gallants Point Road in Beaufort:

Thank you very much for the action that you took tonight. I know that you have spent lots of time in private meetings, discussing with our potential third party concessionaire to negotiate a contract. I am sure there are hundreds of hours in there, and I know Mr. Townsend has a huge amount of time in there, and we appreciate all that. I think the negotiation perhaps did not quite go in the direction everybody wanted. From what I have heard, there are two considerations, private versus public. That is up there, and that is a concern, and I think it needs more investigation. But more than that, the concern I had was who the third party was. We were looking at a company whose business model is totally different from how the citizens feel about Beaufort. I would encourage us to be more open in the process when we choose a third party or when we weigh alternate third parties so that the public has a chance to weigh in. Thank you for all your work.

Peter Crumley, 108 Ricks Avenue in Beaufort:

I first came to the town in 1979 and I have seen the importance of having the boardwalk and the docks in Town. Beaufort would not be the Town we all know and love if others back in the day had not had the vision to to to make this project happen. I really want to thank the Commissioners tonight for removing a lot of division that has been happening in our Town. We do not need to be at one another. I think that what we were hearing, and what we were not hearing, and all the conspiracies, that we did not have the knowledge that we needed to have. But what we did learn was enough to make some really logical statements. I believe we heard a lot about financial provision tonight. It was very informative and very professionally presented. I think the conversation really has to be to the breadth of the project now, and as I see it, there are four areas of concern. The floating docks I have been told by many that there is life left on those docks. Possibly the docks could be deferred to some future point in time that would claw a lot of money back out of the equation. The bulkhead, I have been told is in better shape than was

originally envisioned. Possibly it could be repaired, or have a raised cap that could potentially give us what we need to protect us from the sea level rise without adding unnecessary dollars to the project. The boardwalk needs to be replaced. It is dangerous to walk on as far as tripping hazards. How that could be done? I will leave that up to better minds. There was talk of extending it down to Grayden Paul Park; that would be great. But, is that really necessary? We have a good footprint now. At some point when we are in better financial shape, we can look at some other alternatives to extend it. The gas tank situation is those tanks, as my understand, are not on Town property. I am sure that there would be serious mitigation to deal with digging those tanks up and dealing with the ground. I am not sure that is the Town's responsibility. The tanks could be put under the parking lot, and that is something obviously that needs to occur if we are going to supply gas to those docks. If we are going to maintain them as operational docks, we need to do it in the proper scientific, ecological way. I think there is a lot of ways to look at this project, and a lot of money that could be clawed back out of it, as to what do we actually need, versus what do some people just want. I would strongly suggest bringing the harbor commission back in play, as others have stated, there is a lot of critical knowledge there; let us get that back into the conversation. Once again, thank you for your action tonight.

Becky Bowler, 107 Harper Street in Beaufort:

Thank you Mayor Harker and Commissioners, for the hard work that you all do; not just the work you have done on the harbor project, but on the many important projects that you are working on. I am currently serving my second term on the Town's Planning Board and I was also a member of the Harbor and Waterways Committee. I love Beaufort. I love being part of the volunteer process here with the Town. When I am not volunteering, my full time job is investment management. So, how projects are funded is something I am particularly passionate about. One of the crucial recommendations that Harbor and Waterways Committee made in 2022 was that the Town consider grants as a funding source for the necessary repairs. I was heartened to hear many of you say tonight, and I know this is something that you have all been looking into, but how can we potentially fund the must do items through some of the grants that are available. I guess the thing I wanted to urge, is that we put together a grant funding framework as a matter of urgency, because there are a number of eminent deadlines. For example, BRIC grants or BIG grants; there are a long list of grants we can consider, some of which we are in a position now to potentially apply for. Others we may not be ready for until we have a shovel ready project, but at a minimum, I think important to have a grant funding framework that is specific to the harbor project. There are just a few things that I hope you all will consider. Number one is communicating to citizens or re-communicating what the must dos are for the harbor project; including the urgency for the must dos. Number two, creating a grant funding framework, and then finally, as other citizens have said, reinstating a citizen harbor and waterways advisory committee. With that, also potentially considering reinstating a consultant like Moffatt & Nichol or another expert team of consultants that you all identify, who have worked with Towns like Beaufort on similar projects. I will end where I started by saying, I want to sincerely thank all of you for the enormous amount of diligence and hard work that you put into projects like this. I also want to thank our fellow citizen, Doug Townsend, who led the Harbor and Waterways Advisory Committee. At my request, I spent about two and a half hours with Doug yesterday afternoon, he answered a lot of questions I had, and as always, it was very clear to me that his intentions are only good in terms of doing what is best for Beaufort. So, for anyone who might have questioned that, please give Doug some grace. He is our neighbor. He wants what is best for Beaufort, and I think that is important for all of us to recognize that.

Ted Morris, 2219 Lennoxville Road in Beaufort:

I want to express my appreciation to all of you, as well as has been stated many times, we as citizens of the community are very grateful for your time, talents, treasure and efforts that you put in on a daily basis. Much of what I might have said has already been spoken to, but I do want to reiterate a few points that I think I have some unique experience with. I have made my living as a professional economic developer for the last 20 years, doing community and economic development, primarily from Raleigh East, throughout all of Eastern North Carolina. I know from personally being involved in raising and managing over \$50 million in grant funding from not only a variety of entities and agencies throughout North Carolina, but around the nation, that that is a verifiable source of funding for a project like this. If you know the landscape and you have the connections, and many of the people on our

community do because they have been a part of the work to build public policy, that then drives those grant making mechanisms. I think we have a lot here to play with that can be utilized to our benefit. I would also offer up much of my experience related to doing partnership development and with NC State Centennial Campus, helping grow that campus into what it became, which was an internationally recognized research campus. Also, being the founder of ECUs Research and Innovation Campus; I think those models of public private partnership and the development of what in those cases are under the Centennial Campus Act and the millennial campus act our state properties offers a lot of lessons for Beaufort to consider. As you think about how you want this public property to potentially be privately managed, which is not an evil in and of itself, I think many of the folks here would agree tonight that it is more about partnership selection in that regard. But, there are a lot of lessons to be learned. One I would really love to leave you with is never lose control of your master plan, both intentionally, unintentionally, directly or indirectly, to lose control of your communities, vision, mission, and intentions when it comes to engaging with private entities. Also, private partners look much simpler than public management through the government process, but the reality is, they have many masters, many of whom can't be seen at the time you forge those partnerships, and they come to be seen later; when things get tough and times get hard and economies change, and you find that suddenly you are dealing with people you did not think you were ever going to deal with. If ever you wanted to pay a trip to the Centennial Campus and talk with folks who have experience in those types of things, I would be glad to help arrange that for you. They can speak specifically to financing, to partnerships, to the legal side, to the enforcement side, which is another issue that I do not think has been directly addressed here tonight, but very much important. The size of your partner pretty much determines from the start whether or not you will ever be able to enforce that partnership.

Jud Kenworthy, 109 Holly Lane in Beaufort:

I did comment on the waterfront project at the last meeting, but I do want to say I really appreciate and thank you for your time, your thoughtfulness and really courageous decision you made tonight. I think, as we have heard this evening, it sounds like people understand these kinds of arrangements. There is a lot of work to be done, and there is the right way to do it; I look forward to seeing it done that way. But actually, what I want to comment on, is item number three under new business. I saw this on the agenda the other day, and got to thinking about it. Just for the sake of the audience, the allocation reservation request is being brought forth by Town and staff ahead of annexation and site development plans. So we have a request for an allotment of sewer and water, but also an impending annexation request that is coming, and maybe some plans. This reminded me of project that you that we have dealt with the last few years, Beaufort Agrihood Development. We went through all this with them. They wanted to be annexed, and they wanted sewer, and they wanted water, and of course, to me asking for sewer before you have all this other stuff is like the calling the cart before the horse, because you do not even know what the project really is and the details of it, and also you have already made a precedent setting decision about annexation. I pulled up the March 11, 2024 minutes and notes from that meeting, and at that meeting you denied annexation to Beaufort Agrihood Development. I'll just read a few of the comments. Commissioner Gillikin suggested the Town of Beaufort needs a strategic growth plan in place before approving any annexation request. She provided several reasons as to why it was not a good idea to instruct the Town Clerk to move forward with the investigation for the petition for annexation. Commissioner Spiegler agreed with Commissioner Gillikin's comments and cautious approach to growth in both she suggested the CAMA Land Use Plan should be considered when discussing the area in question. Commissioner Oliver made a motion, and you denied it unanimously. I am recommending that you follow the decisions you made previously and the precedent you set; do not grant this applicant's request. Unless you have changed your mind about the annexation question, you should not consider the sewer allocation.

James Radford, 809 Ann Street in Beaufort:

I am sorry to bring you back to the waterfront project, but I have a kind of a big picture comment. I know that you all have spent months and are now doomed to continue to spend months dealing with little picture parts of this. The big picture question is this, the the consultant who gave the presentation at the beginning today, gave a very nice exposition on the costs associated with the waterfront project. Such as renovation, plumbing, the gas system and hiring staff to run the waterfront and so on; but, all of

those same costs will accrue to whatever company the city may decide to partner with to perform all of that same work. So, why do we think that a large corporation with a lot of really smart people working for it would believe that with reasonable risk, the returns from operating the docks would cover their investment with sufficient leftover to pay their investors a profit? Could the city of Beaufort not do the same? The city of Beaufort does not even have to pay investors, and might have access to grant funds that can defray part of the cost. I do not understand why we believe that a big corporation would make a mistake in taking on this task, and if they are not making a mistake, then maybe Beaufort would not be making a mistake either.

New Business

1. Case # 23-09 - 153 Kelly Drive Preliminary-Final Plat Subdivision

Mr. Garner presented the case highlighting the ETJ lot is currently a 7.32 acre tract, requesting to subdivide into two lots. He noted the lot is served by septic and well water. He also shared the recreation fees of \$7765.58 will be required at the time of Final Plat recordation.

Commissioner Cooper made a motion to approve Case #23-09 as presented.

The motion carried unanimously.

2. Carteret County- Beaufort Airport Authority Appointment

Commissioner Cooper made a motion to open the floor for nominations.

The motion carried unanimously.

Commissioner LoPiccolo nominated Charles Bucky Oliver.

Commissioner Cooper made a motion to close the floor for nominations.

The motion carried unanimously.

Commissioner Cooper made a motion to reappoint Charles Bucky Oliver for a two-year term on the Carteret County Beaufort Airport Authority.

The motion carried unanimously.

3. Sewer Allocation Reservation Request - Beaufort RV Resort

Sam Bell, Interim Town Engineer shared the following information:

The applicant, West 101 Holdings LLC is requesting that 20,000 gallons per day (gpd) of sewer treatment capacity be reserved for the proposed Beaufort RV Resort. The capacity is being requested for 170 RV units, 1 pool, and 1 clubhouse that are to be constructed on the 16-acre tract located at 1561 Highway 101. The allocation reservation request is being brought forth by Town staff ahead of the annexation request and site development plans. The allocation reservation request will fall within the Priority Level 4 category described by the Town's "Wastewater Allocation Policy". Priority Level 4 projects are generally speculative in nature and represent undeveloped projects outside of Town limits. The applicant's sewer allocation reservation would then be good for a period of 24 months, in which time the applicant would need to produce and submit site plans, a request for annexation, and a preliminary plat for approval.

The Board expressed concerns regarding sewer allocation and available capacity.

Commissioner Cooper made a motion to deny the sewer allocation request.

The motion carried unanimously.

4. Selection of Consultant to Provide Services for Town Manager Search

Commissioner Oliver made a motion to select Developmental Associates as the consultant to provide services related to the next Town Manager search.

The motion carried unanimously.

Manager Report

Charlie Burgess, Interim Town Manager, thanked the Mayor and Board for the opportunity to serve the community and provide support during the interim period.

Mayor/Commissioner Comments

Commissioner Gillikin commended Beaufort Police Department for their recent assistance in rescuing a foal from Rachel Carson Reserve.

Commissioner LoPiccolo spoke on the Waterfront Improvement Project and emphasized the importance of making the best decisions for the community.

Commissioner Cooper thanked all of the citizens who participated in the meeting.

Commissioner Spiegler also thanked those who were in attendance. She acknowledged the Town for receiving a resiliency grant that will help fund the UDO update.

Commissioner Oliver spoke of the importance to look forward and establish a timeline in relation to the Waterfront Improvement Project, noting there was a lot of work to be done.

Mayor Harker shared the Town's website had many project updates and encouraged citizens to frequently tune in to that information. She also made a note thanking Doug Townsend for his volunteer work in the dock project.

Adjourn

Commissioner Cooper made a motion to cancel the Special Meeting for August 15th at 11:00 a.m. and to recess the current meeting until Thursday, August 15th at 11:00 a.m., at the Beaufort Train Depot.

The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk



STAFF REPORT



To: Board of Commissioners
From: Michelle Eitner, Town Planner
Date: August 12, 2024
Case No. 24-08 Special Use Permit – Boat Storage at 609 Hwy 101

THE REQUEST: Special Use Permit (SUP) for dry boat storage at 609 Highway 101

INFORMATION:

Location: 609 Highway 101 (ETJ)
Property Owner: Copeland Road Property LLC (Tom Owens)
Requested Action: Special Use Permit for dry boat storage
Existing Zoning: Residential Single-Family District (R-20)
LUP Future Land Use Map: Rural/Working Lands
Size: 13.36 acres
Flood Zone: AE6 in northwest corner, otherwise Shaded X and X zones
Existing Land Use: Undeveloped
Adjoining Uses/Zoning: Residential (R-20)

OPTIONS:

1. Approval as presented
2. Approval with conditions
3. Denial due to specific failures to meet required findings

EXHIBITS:

- (A) Staff Report
- (B) Vicinity Map
- (C) Zoning Map
- (D) Application Package
- (E) Notification Certification
- (F) CAMA Land Use Plan Future Land Use Map and Classification Type
- (G) NCDOT Driveway Permit

STAFF COMMENTS:

Tom Owens of Copeland Road Property LLC has requested a special use permit to construct and operate dry boat storage at 609 Highway 101. This property is undeveloped and has been cleared of some trees, but otherwise has no improvements on it.

STAFF COMMENTS CONTINUED:

The proposed boat storage includes:

- 239 unpaved parking spaces (220 40ft-long spaces and 19 50ft-long spaces) for boat storage
- Two concrete driveway entrances (off Hwy 101 and Copeland Rd) with retractable gate openings
- 20ft-wide gravel driveways and drive aisles
- 12'-tall downward-facing pole lights
- Washdown area
- Two 4'x8' monument signs, one at each entrance (revised following PB review)
- Three "future boat storage" areas (revised following PB review)
- Fire hydrant
- 21ft (minimum width) landscape buffer including
 - 6'-tall chain link & barbed wire fence
 - Existing drainage ditches
 - Alternative buffer landscaping (per LDO Section 19.C.4.b.ii) to provide opaque buffer but allow for continued drainage ditch maintenance – 627 trees planted at six feet on center of at least 3 species of Nellie Stevens Holly, Spartan Juniper, Hetz Columnar, Green Giant Arborvitae, or approved equal (revised following PB review)

Staff recognizes the importance of the fencing, landscaping buffer, drainage ditches within and around the site, and low impervious surface on the proposed site plan and suggest that maintenance of these components are made conditions of the special use permit.

The Beaufort Comprehensive and CAMA Land Use Plan identifies this property as Rural/Working Lands: "Traditional Rural/Working lands (agriculture, silviculture, ranching and livestock, old farm fields, and homestead farms) predominate this character area. It also includes areas that are vacant or used for hunting or other non-residential, non-urban uses. These areas are generally not served by sewer service, although some suburban areas may be already. Due to typically poor septic infiltration potential for local soils, they are undesirable for residential or other types of development. If homes are present, they are often on very large lots or have been carved out of a larger tract of farmland. On-site septic treatment is one limiting factor to residential density, although the Town may also choose to restrict it further in the interest of maintaining rural character and/or maximizing use of public services (water, police, fire, emergency services, etc.)."

As there is no sewer or septic service to this proposed non-residential, non-urban use, staff asserts that while this is not agricultural, it follows the guidance of the Comprehensive and CAMA Land Use Plan.

The Planning Board met on July 15, 2024 to review the proposed special use permit. Discussion regarding the landscaping buffer width, proposed species within the landscaping buffer, drainage ditches, and signage. The Planning Board unanimously recommended the project for approval with conditions:

- Provide a 4'x8' (or smaller) ground-mounted monument sign at each entrance
- Ensure that the drainage ditches are adequately maintained
- Provide a cross-section to address the variability of landscaping buffer width based on drainage ditch location
- Landscaping buffer should be provided by a mix of NC native species

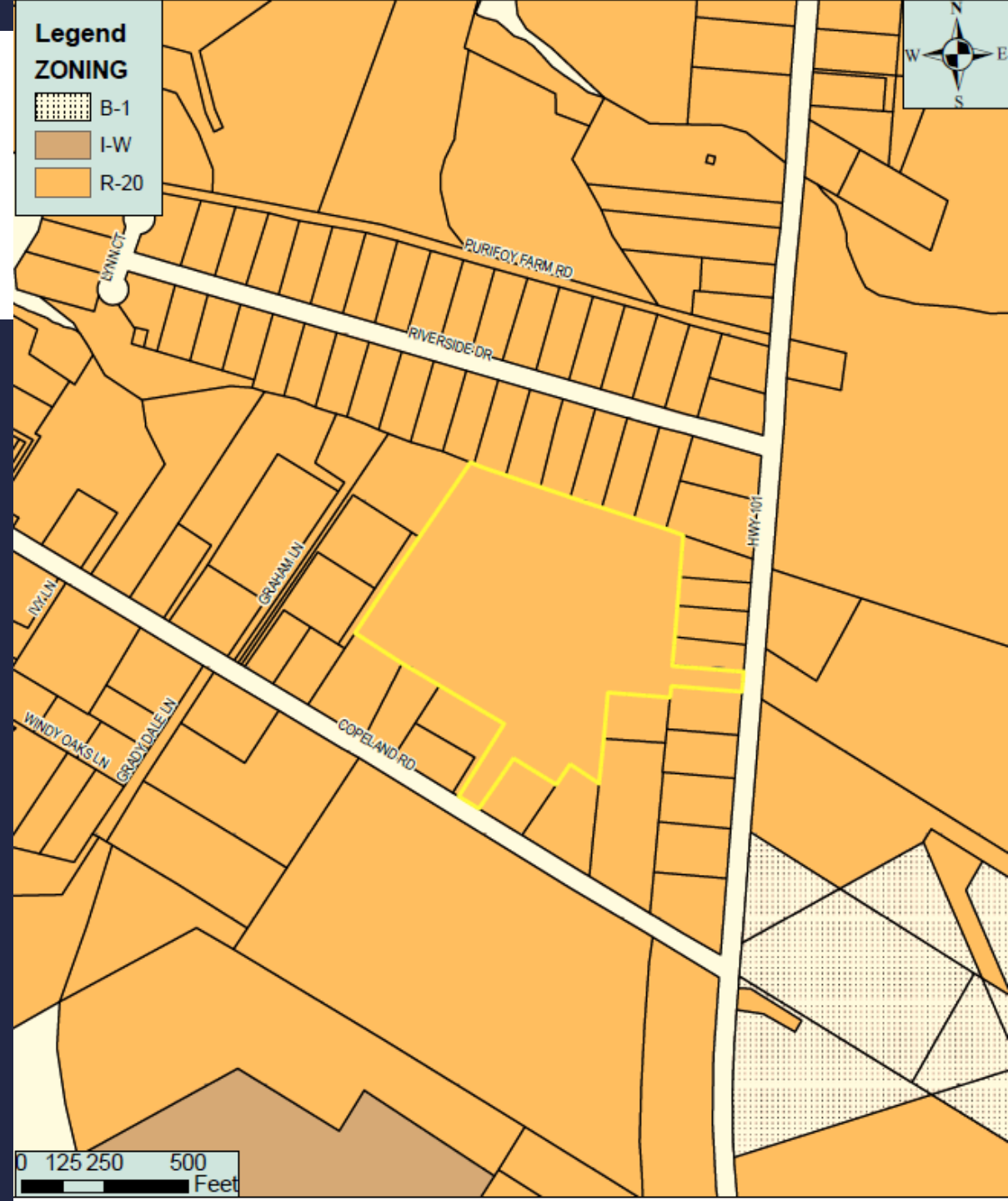
The applicant revised the application to reflect these recommended changes/conditions to show the landscaping buffer cross-section detail, increased number of species for the buffer landscaping, two monument signs (one at each entrance), and future boat storage locations. The changed components are identified as "revised following PB review" in the site features list above. The proposed species are not listed in LDO Section 14.E. Native Shrubs and Trees of Carteret County, nor are they listed as NC native in the NC State Cooperative Extension website.

CASE 24-08 SPECIAL USE PERMIT (SUP) FOR
DRY BOAT STORAGE AT 609 HIGHWAY 101

CASE # 24-08 SUP BOAT STORAGE

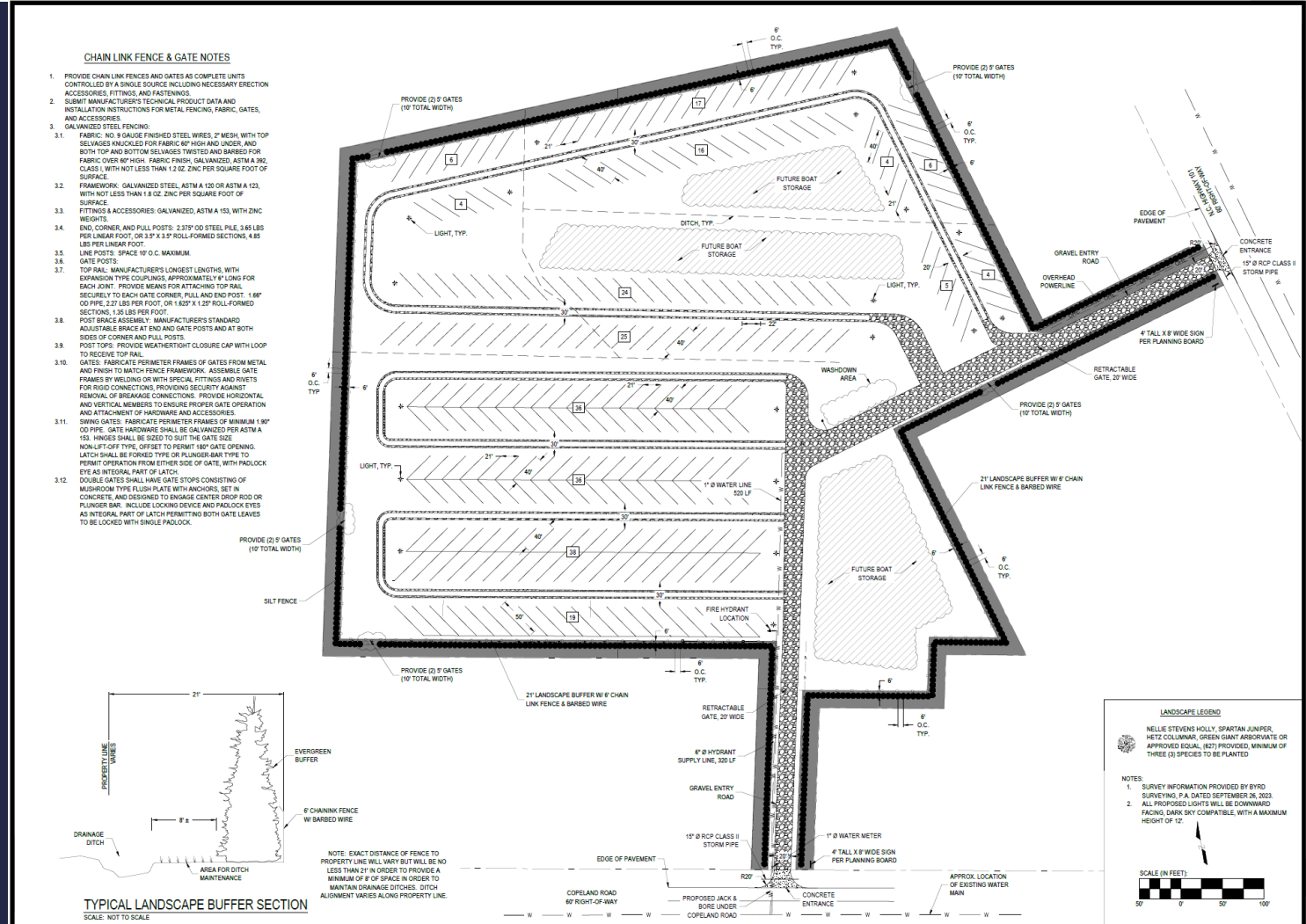
609 Hwy 101

13.36 acre tract between
Copeland and Highway 101



CASE # 24-08 SUP BOAT STORAGE

- 239 unpaved parking spaces (220 40ft-long spaces and 19 50ft-long spaces) for boat storage
- Two concrete driveway entrances (off Hwy 101 and Copeland Rd) with retractable gate openings
- 20ft-wide gravel driveways and drive aisles
- 12'-tall downward-facing pole lights
- Washdown area
- Fire hydrant
- 21ft (minimum width) landscape buffer including
 - 6'-tall chain link & barbed wire fence
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PROJECT MANAGER: JWW
DESIGNED: JWW
DRAWN BY: JWW
CHECKED: JWW
SCALE: 1" = 50'
DATE: 02/27/2024

ARENDELL ENGINEERS
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North Carolina Certification No. C-1599
OWNER: COPELAND ROAD PROPERTY LLC
100 SHERWOOD BLVD.
BEAUFORT, NC 28516

PROJECT: STORAGE FACILITY
608 HIGHWAY 151
BEAUFORT, NORTH CAROLINA
CARTERET COUNTY, NC

DRAWING: SITE PLAN
Preliminary Drawing
Not For Construction

NO.	DATE	BY	EDS	SMITZKA	JAW	SMITZKA
1						
2						

REVISION: TOWN COMMENTS
TOWN COMMENTS
PLANNING BOARD COMMENTS

SHEET NO. C1
OF: 01
JOB NO. 23129

CASE # 24-08 SUP BOAT STORAGE

609 Hwy 101

13.36 acre tract between
Copeland and Highway 101



CASE # 24-08 SUP BOAT STORAGE

- Section 20.D.5 “Notwithstanding the specific requirements of this Ordinance, the BOC may impose additional conditions and reasonable requirements upon the requested special use permit in order to ensure the use is consistent with the required findings as specified under Section 20(E).”
- Staff recognizes the importance of the fencing, landscaping buffer, drainage ditches within and around the site, and low impervious surface on the proposed site plan and suggest that maintenance of these components are made conditions of the special use permit.

The Planning Board met on July 15, 2024 to review the proposed special use permit. Discussion regarding the landscaping buffer width, proposed species within the landscaping buffer, drainage ditches, and signage. The Planning Board unanimously recommended the project for approval with conditions:

- Provide a 4’x8’ (or smaller) ground-mounted monument sign at each entrance
- Ensure that the drainage ditches are adequately maintained
- Provide a cross-section to address the variability of landscaping buffer width based on drainage ditch location
- Landscaping buffer should be provided by a mix of NC native species

The applicant revised the application to reflect these recommended changes/conditions to show the landscaping buffer cross-section detail, increased number of species for the buffer landscaping, two monument signs (one at each entrance), and future boat storage locations. The changed components are identified as “revised following PB review” in the site features list above. The proposed species are not listed in LDO Section 14.E. Native Shrubs and Trees of Carteret County, nor are they listed as NC native in the NC State Cooperative Extension website.

CASE # 24-08 SUP BOAT STORAGE

E) *Required Findings.*

- 1) In addition to any other findings or requirements as specified by any other section of this Ordinance, before any application for a special use may be granted or denied, the BOC shall make each of the following findings:
 - a) The proposed use is an allowable special use in the zoning district it is being located within;
 - b) The application is complete;
 - c) The location and character of the use will be in conformity with the Town's Comprehensive and CAMA Land Use Plan and other comprehensive planning elements;
 - d) Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with current traffic engineering standards and Town regulations and found to be adequate for the proposed special use;
 - e) The proposed special use will not substantially injure the value of adjoining or abutting properties;
 - f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and,
 - g) The proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.

- Deliberate required findings
- Decide whether to
 - Recommend approval of the special use permit as requested,
 - Recommend approval of the special use permit with conditions, or
 - Recommend denial of the special use permit