



Town of Beaufort, NC

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Town of Beaufort Board of Commissioners Regular Meeting 6:00 PM Monday, November 09, 2020 - Zoom Meeting - Covid-19 Pandemic Minutes

Call to Order

Mayor Newton called the meeting to order at 6:00 p.m.

Roll Call

Mayor Newton conducted roll call and declared a quorum present for the meeting.

Present: Commissioner Carter, Commissioner Hagle, Commissioner Harker, Commissioner Holinshed, Commissioner McDonald

Agenda Approval

Mayor Newton asked to amend the agenda and move "Minutes Approval" to "Items of Consent."

Commissioner Hagle made a motion to approve the agenda as amended. The motion passed unanimously.

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

Minutes Approval

Mayor Newton asked to amend the agenda and move "Minutes Approval" to "Items of Consent."

Commissioner Hagle made a motion to approve the agenda as amended. The motion passed unanimously.

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

Calendar

Deputy Town Clerk, Rachel Johnson, presented the calendar. Mayor Newton asked the Board for any comments or questions. There were none. Mayor Newton added that last year Toys for Tots had 185 bicycles, and noted that this year the goal is 300.

Public Comment

Mayor Newton asked if anyone was signed up for Public Comment. John Day, Town Manager, confirmed. Mayor Newton explained that public comments are limited to three minutes.

Dr. Matthew Godfrey thanked the Mayor and Commissioners for the opportunity to speak. He said that he does not recommend approving deeding the NCDOT Cedar Street right-of-way to the marina. He said that he believes it sets a bad precedent giving up public land, especially park land, that should be used for all citizens and visitors to Beaufort.

Dr. Liz DeMattia thanked the Board for the opportunity to speak. She said that she would like to echo Dr. Godfrey's point about not deeding over the land to the marina. She said that is land that could be used by everyone, noting that it is waterfront land. She said that it is land that has the possibility of adding to a public space. She explained that the green parks are places that people of all socioeconomic levels can enjoy and added that the area has a lot of fishing and said that the land would be better served as part of the park than as part of the marina. She said that if you want to give the area directly in front, similar to the property that was deeded over to the hotel, that's one thing. The area adjacent to the park would set a horrible precedent of giving over land that could be used by everyone to a private entity.

The following written comment was submitted within the allotted 24-hour period following the meeting:

"Dear Commissioners,

Since July of 2020, a committee, in which I am Chair, have asked to present, in person, a proposal to name the new bridge on Turner Street after Violet J. Bailey. I have NOT been successful in sitting down with either the Town Manager or the Town Mayor to discuss how to go forward with this proposal. Therefore, I have gathered support letters from various non-profit organizations who have been recipients of her many efforts to help the under-served in this county.

I have submitted letters of endorsement on naming the bridge crossing Town Creek to all Commissioners, including the Mayor and Town Manager over several months without a definitive response. ONLY when I pressed the point prior to this town meeting of 11/9/20 did I get a response from Mayor R. Newton that "currently no consensus to rename the bridge at this time" several days before the meeting of 11/9/20. Since the small access bridge into Beaufort is not named after anyone, I don't understand that statement, but let me continue.

I wish to have the support letters from Family Promise, Loaves and Fishes, Amy V. Johnson-Ferdinand— Daughter of L.R. Johnson, Queen Street Missionary Baptist Church, Mt. Zion Missionary Baptist Church, plus other notable people in the community such as Mr. Dan Krautheim, Former Dean of Carteret Community College saying "to thank a native born woman of the town of Beaufort that her life "matters" entered into the record archives for future consideration.

THE END.

Being aware of how things happen in Beaufort, I am also asking a non-profit to archive these letters for future perusal for the history of Beaufort's exceptional volunteers and workers for the betterment of ALL of Beaufort's citizens.

THANK YOU. JANET WOODWARD"

Manager Report

Items of Consent

Mayor Newton briefly discussed the Items of Consent, adding that Ms. Janet Woodward's comments have been included in the minutes of the October 12th Regular Meeting.

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

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

1. 2021 BOC Meeting Dates
2. Draft Minutes for the Sept. 28 Work Session & Oct. 12, 2020 Regular Meeting
3. Voluntary Annexation Request for 186 Chadwick Road (Alan Scibal) and 190 Chadwick Road (Sharon Eck)

Public Hearing

Mayor Newton asked Kyle Garner, Planning & Inspections Director to speak. Mr. Garner said that since this is a request for a special use permit, he believes he needs to be sworn in, but said he would defer to the attorney on that. Mr. Arey Grady, Town Attorney, said he would not need to be sworn in for the public hearing portion. He said that Mr. Garner would need to be sworn in at the next meeting when the case is heard. Mr. Garner said that he thought the case was going to be heard tonight. Mr. Grady said that the agenda only mentions the public hearing. Mayor Newton added that there would still need to be a 24-hour public comment period. Mr. Garner said that is not the case with a quasi-judicial proceeding and added that the item has been advertised in the newspaper as a special use permit.

Mr. Grady said that he read the agenda as just having the public hearing tonight, not the actual case. Commissioner Carter asked what the difference is in the two. Mr. Grady explained that the public hearing is the opportunity for anyone to speak on the matter. The actual case is the presentation of evidence and is limited to presentations by the town and other parties with standing. He said that usually it is all conducted as one, as there is not that fine of a distinction, but noted that technically it is two different things. Mr. Grady asked Mr. Garner if the legal advertisement was for the public hearing, the case, or for both. Mr. Garner said that the advertisement was for a special use permit, which does include an evidentiary hearing.

Commissioner Carter said that she thought the public comment was part of the evidence. Mr. Grady said that technically, it is not. Commissioner Hagle said that the Board could hold the public hearing now and consider the case at the workshop. Mr. Grady said that is how he thought it was going to happen. He said that the board could hold the public hearing tonight and consider the evidence at the next meeting to rule on the case.

Commissioner Hagle asked if there needs to be a motion to amend the agenda. Mr. Grady said that the agenda only says public hearing. Commissioner Hagle said that is the agenda category, noting that historically they have been conducted together. Mr. Grady said that the Board can hold the public hearing tonight and schedule the hearing of the case at the next meeting, so the Board would not need to amend the agenda. Mayor Newton asked the Board for a consensus to do so. The Board confirmed.

Mr. Garner provided an overview of the request. He explained that this is a public hearing for Case No. 20-12, a request for a special use permit at 102 Professional Park Drive for a Kennel with Indoor and Outdoor Operation. The subject property is 1.9 acres. He then showed maps of the subject property with a 200-foot buffer which showed adjacent properties which received notice of the request and the current zoning map. He said that the property is zoned TR Transitional. He also discussed the Future Land Use Map which identifies the property as General Commercial. The applicant submitted a site plan showing the existing building and where they plan to construct a 30' x 50' privacy fence. He said they also included an interior layout showing the interior workings of the proposed kennels. He mentioned additional information that will be presented at the quasi-judicial hearing. He said that the applicant has provided information:

Mr. Garner said that the Planning Board recommended that the interior kennel have soundproofing material to dampen the sound of the animals and recommended that a vegetative buffer be installed to provide sound dampening between the outside areas and the residents of Pearl Drive. He said that he would be happy to entertain questions at this time.

Commissioner Carter asked how effective the vegetative buffer would be at protecting the residents behind the kennel from the noise. Mr. Garner said that a Type B buffer is what is in the ordinance, which would be up to 15 feet. He said that the Board of Commissioners can place stronger conditions at the next meeting if it so desires. He said that regarding plant species, he is not sure, but added that an arborist could come in at that time and provide recommendations. Commissioner Carter said that the problem she sees could be ongoing maintenance to make sure it stays fairly thick and intact and asked if that would be part of the condition. Mr. Garner said that could be a condition if the Board adds that at the next meeting.

Commissioner Harker asked Mr. Garner if the residents on Pearl Drive have had an opportunity to voice their concerns about having a kennel in their back yard. Mr. Garner said that he has not received any comments from residents on Pearl Drive but added that he has received comments from one person across Live Oak Street. Commissioner Harker asked how many dogs they could keep in the outdoor kennel, noting that one or two may not be too noisy, but 20-30 would be a bigger concern. Mr. Garner said that there is no outdoor kennel, only inside. Commissioner Harker asked Mr. Garner to confirm that the outdoor area is for them to walk the dog and allow them to relieve themselves. Mr. Garner confirmed that the outdoor area is an exercise area.

Commissioner McDonald none.

Commissioner Hollinshed said that she has a question that she may need to ask the applicant but said that she would ask Mr. Garner first. Mr. Day said that Dr. Austin and Sam Schmidt are online and available to speak and would like to clarify a few things. Commissioner Hollinshed asked if the outdoor area would be for dogs recovering from surgical procedures where they may not be quite as active as other dogs not in recovery. She also asked how many would be outside at a time.

Commissioner Hagle said that it is a good use for a vacant building. He said that there was a lot of discussion at the Planning Board about noise and sound proofing inside which will help greatly. He added that comments during the Planning Board were that the outdoor area would be strictly an exercise area that would not be used that much, noting that he believes the applicant is sensitive to that issue.

Mayor Newton asked Mr. Day to bring in Dr. Austin and Mr. Schmidt.

Sam Barnes introduced himself and said that he is representing the buyers of the building. He added that he has Dr. Austin and Dr. Schmidt with him and thanked the Board for the opportunity to speak. He added that he was prepared to go through the case and the findings tonight. He said that if the agenda or protocol does not allow that, it is no problem, but he wanted to clarify a few things. He said that to the general public, a kennel can mean a lot of things. He said they want to dampen any fears that neighboring properties, members of the community, or anyone else may have. He said that this is not a shelter operation or outdoor kennel. He said that this is a first-class veterinary hospital where the doctors are looking to expand their ability to serve more of the community. He said that they are taking into consideration and making efforts on the internal rebuild of the building to include sound dampening features – not only insulation, not only a vegetative buffer, but also will have someone on call and on staff 24 hours a day, seven days a week with 24-hour monitoring of any animals that may be causing disruption inside the facility. He said that the outside area is only for daytime use. He pointed out an indoor play area shown on the internal site plan. He said that on nice days, the dogs would be allowed outside to stretch their legs. He said that there is zero intention to cause any disruption to neighboring residents and added that this is a small element of a larger facility that is in compliance with the zoning. He said that he would be happy to entertain any questions at this time.

Mayor Newton asked Mr. Grady to confirm that the commissioners can ask questions at this time. Mr. Gardy confirmed.

Commissioner Carter had no questions.

Commissioner Harker asked if they anticipate any extraordinary noise with the facility after 11 p.m. considering the 24-7 operation and after hours emergencies. Dr. Schmidt said that they will not have an emergency facility with people coming in after hours. He said that animals that are hospitalized or boarded will be monitored overnight.

Commissioner McDonald had none.

Commissioner Hollinshed said that she would like to go back to her original question regarding the number of animals outside at one time. Dr. Schmidt said that they do not have a specific number in mind, but noted that any more than four or so, they worry about dog fights. He said that they do not want any issues there, that the outdoor area is just for them to play. He added that the indoor play area is good for them to exercise as well and noted that the indoor area will be the primary exercise area.

Commissioner Hagle said that he believes they have a great plan and that it will be a great addition to the community.

Mayor Newton asked for a motion to open the public hearing.

Commissioner Carter made a motion to open the public hearing. The motion passed unanimously.

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

Mayor Newton asked Mr. Day to cover the procedure for the public hearing. Mr. Day said that anyone wishing to speak on the matter should type "public hearing" in the chat box at which point they will be called to speak. Mr. Day asked Dr. Austin if she would like to speak during the public hearing. Dr. Austin said that she felt her comments had already been addressed. No one signed up for the public hearing.

Commissioner Hagle made a motion to close the public hearing. The motion passed unanimously.

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

Mayor Newton said that they will consider the case at the next meeting.

1. Case #20-12 Special Use Permit for a Kennel, Indoor/Outdoor Operation for 102 Professional Park Drive & 1975 Live Oak Street

Items for Discussion and Consideration

1. Cedar Street Utility Rehabilitation and Replacement
Budget Amendment and Bid Award

Mr. Meshaw discussed the Cedar Street Utility Rehabilitation and Replacement Project Summary. He said that the project has been designed and permitted where the Town is replacing about 1200 feet of gravity sewer, 3900 feet of water main, and replacing/rehabilitating features that go along with those things such as manholes and service lines. He said that the work is to occur between Moore Street and Live Oak Street, adding that it is to be done in advance of NCDOT's repaving of Cedar Street.

Mr. Meshaw said that on October 29th three bids were received.

Mr. Meshaw said that the low bidder is Ralph Hodge Construction Company, noting that they were found to be the lowest, responsive, and responsible bidder based upon their history and research after the fact. He added that he has had dealings with Ralph Hodge in the past when Mr. Meshaw was City Engineer in Jacksonville and found it to be a very responsible and reputable firm. He said that between Town staff and our consultant, Rivers and Associates, they are recommending awarding the contract to Ralph Hodge Construction Company, Inc. in the amount of \$1,664,170 to include the base bid and an ad alternate. He said that staff is also requesting the Board consider approving the budget amendment that would move the necessary funds from the Capital Reserve Fund to a Project Fund dedicated to this project, to include a 5% contingency to cover any unforeseen conditions.

Mayor Newton asked the Board if it had any questions.

Commissioner Carter asked if the other two bids are courtesy bids, noting the large difference between the bids received. Mr. Meshaw said that there is definitely a difference. He said that Ralph Hodge statutorily has time to withdraw its bid if it feels like they made an error. He added that they have not, noting that they have been in communication and with Town staff and provided additional documentation as needed. He said that he received an additional email today from them requesting approval of the subcontractor list. He said that their bid is about \$400,000 more than the consultant's original estimate of approximately \$1.2 million. He said that estimate was done prior to the recent ramp up in the construction industry. Mr. Meshaw said that he feels comfortable with the bid. Commissioner Carter said that she just wondered if they were courtesy bids because of the significant difference in the other two. Mr. Meshaw said that one of the things the consultant suggested was that the other two may have had concerns about finishing the job on time and as such may have included liquidated damages for the project. He said he does not recall what those are on a daily basis, probably anywhere from \$250-\$500 per day. He said the consultant thought that perhaps with the bidders schedule and workload they included the penalties. Commissioner Carter said that she definitely prefers the lower bid.

Commissioner Harker said that she is not familiar with the company that is the lowest bidder. She asked if Mr. Meshaw has seen samples of their work and asked if he's heard about their work ethics, etc. Mr. Meshaw said that he has worked with them in the past. He said that he worked with them on a joint job between the City of Jacksonville and the ONWASA (Onslow Water and Sewer Authority). They did work on the Piney Green Road widening, and they were the contractor that did work along that corridor. He said that it is a family owned business and that he found them to be very responsible. He noted an issue on the job with a "rogue" supplier of precast concrete that was brought to the site and set in place which was of inferior quality at a depth of roughly 20 feet below grade. He said that Mr. Hodge ultimately made things right.

Commissioner McDonald asked Mr. Meshaw about Mr. Hodge's company, and asked why they are so determined to get the project. Mr. Meshaw said that most bidders are determined to get a project if they spend the time to put a bid together. He reiterated earlier statements regarding the other bidders potentially including liquidated damages. He added that this is a reputable firm that has done a number of similar jobs. He said that he feels that they put a bid together that they felt would get them the work.

Commissioner Hollinshed had no questions.

Commissioner Hagle asked Mr. Meshaw if this firm does a lot of underground work like this. Mr. Meshaw said that utility work is their specialty. Commissioner Hagle asked if Mr. Meshaw felt a 5% contingency would be enough. Mr. Meshaw said that any project he takes on, he does his best to make sure that they stay within the 5% amount if necessary.

Mayor Newton asked Mr. Meshaw if he has an estimate of when they will be able to get started with the project. Mr. Meshaw said he anticipates on the groundwork will likely begin at the beginning of the year, noting time needed to draft the contract and draft shop

drawings of materials for approval. He said that it is a six-month contract. Commissioner Hagle asked where they would start first. Mr. Meshaw said that it is up to them but said that most likely work would begin at the Moore Street end.

Mayor Newton said that it would be nice to have a better understanding of the layout as it gets closer and noted potential traffic issues. He then asked the pleasure of the Board.

Commissioner Hagle made a motion to approve as presented. Mayor Newton asked for an amendment to the motion to approve the contract and the budget amendments.

Commissioner Hagle amended the motion to approve the contract for Ralph Hodge construction and to approve the two capital reserve amendments. The motion passed unanimously.

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

2. Homer Smith Marina Covenant Amendment

Mr. Day reminded the Board of discussions at the September 28th and October 26th Work Sessions regarding a request from Homer Smith Marina for the town to support NCDOT abandoning 19,409 square feet of right-of-way which would be used for parking needed to support expansion of the marina. He added that the marina owner offered to contribute \$125,000 toward the construction of the restrooms/kiosk at the new Cedar Street Park and agreed to other conditions described in the Homer Smith Marina Expansion Agreement Summary included in the Board's packet.

Mr. Day said that the Board asked the town attorney to draft an amendment to the 2011 covenant between the Town and the marina that governs the maximum number of slips permitted to be constructed so that there can be an increase in the total number of slips to 178.

Mr. Day added that there are two optional amendments. The first requires phasing of construction, and one that does not.

Mr. Day then referenced Commissioner Carter's earlier comment and presented a map of the subject property and proposed right-of-way to be abandoned. He explained that the location of the right-of-way is removed from the actual portion of the park where activities would take place. He said that it would be difficult to incorporate the property into the park itself based on the proximity between the parking lot for the park and the parking area for the marina, as well as the marina itself.

Mr. Day explained that the town attorney drafted the amendments and is available to answer any questions the Board may have. He added that Ron Cullipher, representative for Homer Smith Marina, is also available to answer questions.

Commissioner Carter asked if the Town can legally prohibit anyone from using Town parking when it is available for everyone else. Mr. Day said that he would defer to the attorney on that question. Mr. Grady said that he believes that the Town can under this particular situation because patrons of the marina, their use is derivative of the property ownership. Once you have the property owner to sign off on it, it is going to bind whoever is there under the property owner.

Commissioner Harker asked for clarification on the parking decal portion of the request. She said that if she is a citizen of Beaufort and a patron of the marina and has a decal, will that decal prevent her from parking in public spaces when not using the marina? She asked if the decal has to be permanently fixated or if it could be something displayed in the window. Mr. Day said that

the idea of the decal came out of a concern that if it were not affixed to the vehicle, then there would be a reluctance to display it if one was going to park in a spot that is public. He said that this is entirely up to the Board. Commissioner Harker said that the parking that is additional to what is already in place, the likelihood of marina patrons utilizing Cedar Street parking will be lessened. She added that she cannot see prohibiting a citizen from parking in a public place because of a decal.

Commissioner Harker then pointed out that the property is right underneath of a powerline which limits any potential use of the property. Mr. Day confirmed.

Commissioner McDonald had no questions.

Commissioner Hollinshed thanked everyone who emailed remarks on the subject the last several days. She said that the idea of having a park at the stub of Cedar Street when the drawbridge was removed probably goes back as far as 1999. She said that when R-3307, otherwise known as Gallants Channel Bridge Replacement Project broke ground on April 30, 2014, it looked more like a reality. The old bridge was removed beginning in 2018, and she believes it was completed in March 2019. She added that this concept is not new. She said that the park was also added to the August 2018 Bicycle and Pedestrian Plan that is incorporated into the Small Area Plan. Now Stewart has been charged to come up with a formal plan to present to the Board of Commissioners for approval once the right-of-way is approved. Infrastructure repairs made along with a transfer of the property in some form from DOT to the Town. A great help to the project is the remainder of the \$2 million gift that the Town received for the park. The cost for the Cedar Street Park was projected at \$250,000 with annual maintenance of \$5,000 using February 2016 Capital Improvement figures. Annual maintenance is now projected to be \$3,000 with no final figure for the park itself in the 2021 5-year Plan. So, what we have to give up if we give up if we abandon this small section of land. First, the right of way contains less than 1/3 the square footage of a football field including the ten-foot goal line area. The right of way to the south is very narrow abutting the marina property and Cedar Street. It does flare out as it moves west, but it has another landowner identified on the map as Flowers that abuts to the northern water access portion. The portion, though larger, has the right of way restrictions on use covered by Duke Energy's Electric Transmission Rights-of-Way. She added that she has a copy of that. She said that is included, but not limited to, drainage, grading, fixed structures, vegetation and parking within the wire zone and also the boarder zone making most of the area unusable except for as parking. She believes the best use of the parcel would be to enhance the parking at the Homer Smith Marina therefore relinquishing maintenance for the town and allowing off-street parking for marina clients. Yes, she added, at certain times there will be a parking crunch there, as in many cases of areas in Beaufort. She said there is no precedent of giving away Town property – each case stands on its own merit, much like the HPC. The park concept includes contained parking. For the size of the park, it appears adequate based on the plans of two different planning groups, Hatchell and Stewart. As for the phasing, I see no advantage and only a nuisance for the ability of the marina to plan and get permits. I also believe it sets the Town up for a lawsuit in two years. The weather usually acts as a natural phasing resource. She said that she walks by the proposed park many afternoons, and to retain the best portion of the traditional uses of viewing, fishing and wading without additional cost to the town will be another enhancement for the Town.

Commissioner Hagle said that Commissioner Hollinshed covered a lot of the points he was going to address. He said that he has thought heavily about the proposal in terms of the use for the park, and for the reasons noted by Commissioner Hollinshed, it doesn't really add to the value of the property. He noted that there is marsh to the north side that should not be disturbed, as well as Duke Energy powerlines. He said he also thought heavily about the impact on the neighborhood. He said that having organized parking for the marina will lessen the impact of traffic and parking for that neighborhood. He said it is a busy area, with a hotel and park coming.

He added that the original plans for the park were for a small, low maintenance park, which he feels is still the case. Commissioner Hagle further added that he sees no benefit to phasing the project.

Mayor Newton asked the pleasure of the Board.

Commissioner Carter made a motion to approve allowing the right-of-way to be turned over to the marina, as well as approval of the full number of slips with no phasing. Commissioner Harker asked the Board to look seriously at the decals for vehicles. Commissioner Carter agreed and amended her motion to replace parking decals with parking placards that can be removed. The motion passed unanimously.

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

3. Noise Ordinance Revisions

Mr. Day reminded the Board of the discussion at the October 28th Work Session where the Board considered revisions to the Noise Ordinance. The changes are reflected in the resolution included in the Board packet. Mr. Day asked if the Board would like to go through the Ordinance again. Mayor Newton asked the Board for any questions or concerns.

Commissioner Carter mentioned concerns expressed by Donald Fulcher, noting future interpretation of the ordinance may impact the businesses on the waterfront. She said she was not sure if that interpretation could be avoided. Mr. Day said that he was unsure how the ordinance could be misinterpreted and noted limits on how loudly music can be played, even in the downtown area. He said that there are permits available, though he does not recall receiving any permit applications for the area in his time with the Town. He said he is also unaware of any complaints downtown in that timeframe. Discussion ensued.

Commissioner Harker said that as long as the ordinance reflects what it means, it should read clearly. She asked what Mr. Fulcher feels is unclear. Commissioner Carter said that she was not sure what Mr. Fulcher was referring to; Mr. Day agreed. Commissioner Harker said that changes could be made in the future if necessary.

Commissioner McDonald asked if the Board could grandfather in the portion Commissioner Carter referred to earlier. Mr. Grady said that is possible and added that with a noise ordinance, is it a continuous noise source, or an occasional noise source. If you had a particular business or industry that made noise daily or five days a week, that would be a case you would look closely at grandfathering. He said that an occasional or sporadic use would not necessarily warrant grandfathering. Discussion ensued. Mr. Day explained that the difference between the two ordinances regarding the downtown area is that originally 75 decibels were allowed until midnight, whereas the new ordinance allows 75 decibels until 10 p.m.

Commissioner Hollinshed said she feels this ordinance is a better tool that is more enforceable.

Mayor Newton asked Mr. Day to confirm that Chief Burdette is comfortable with the enforcement aspect of the ordinance. Mr. Day confirmed.

Commissioner Hagle asked about Section 91.05 for Special Prohibitions. He said that they discussed construction time at the last meeting. He said in the new format, it has 7:30 p.m. to 8:00 a.m. He said that he thought the Board decided to change the start time to 7:30 a.m. Mr. Day said he believes that is the case and said it was an oversight. Mr. Hagle then said items I through M in Section 91.05, in the current ordinance, those items referred to the downtown area specifically from 10 p.m. to 8 a.m. He said there is no heading in the proposed ordinance for those items which should be applicable to the downtown area. Mr. Day asked to confirm that those items would be prohibited between the hours of 10 p.m. and 8 a.m. Commissioner Hagle confirmed. Mr. Day said that those changes can be included in the motion if the Board so desires.

Commissioner Hagle made a motion to approve the Noise Ordinance revisions with the two amendments discussed regarding Section 91.05. The motion passed unanimously.

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

4. Sewer Allocation Policy
5. Bailey v. the Town of Beaufort, et. al, 19 CVS 311

Arey Grady, Town Attorney, said that this is to ratify the prior approval of the settlement agreement in this case. He noted that the settlement agreement does not involve Christi Wood as she was dismissed from the case early on based on a procedural motion. The courts determined that the allegations against Christi were without merit, even though she was named as a defendant at one point, therefore she is not signing the agreement. He said that pending any questions or comments from the Board, he would like to take a vote ratifying the agreement and authorizing Mr. John Day to sign it.

Mayor Newton asked the Board for any questions. There were none.

Commissioner Hagle made a motion to approve the request to ratify the settlement agreement. The motion passed unanimously.

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

Mayor/Commission Comments

Commissioner Carter said that she would like to see the Board appoint an ad hoc committee or a permanent Harbor Committee to make suggestions regarding the upcoming Harbor Management Plan. She said that it would be good to get feedback from citizens and what they want rather than what a consultant thinks they want.

Commissioner Harker encouraged everyone to continue to adhere to the 3W's. She also encouraged everyone to get the flu shot. She added that Saturday was a historic moment for women and women of color when Kamala Harris made history and broke into politics highest ranks to be voted Vice President of the United States. She said that she is a female advocate and has always wanted to see women rise to positions that can fill these voids.

Commissioner McDonald had none.

Commissioner Hollinshed thanked staff for publishing the paving schedule on the Town's website.

Commissioner Hagle said that there has been a lot of discussion about the marina and noted strong opinions on both sides. He said that he appreciates the comments and the Board's work on that. He said that he agrees with Commissioner Carter regarding the Harbor Committee and said that the Board should be involved in

selecting those members. He said that his safety message for the night is to continue practicing the 3W's and to focus on your driving. He shared a recent experience involving a bicyclist and encouraged everyone to stay focused on driving.

Adjourn

Commissioner Hagle made a motion to adjourn. The motion passed unanimously.

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

Chair

Board Secretary