



Town of Beaufort, NC

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Board of Commissioners Regular Meeting 6:00 PM Monday, May 09, 2022 Train Depot, 614 Broad Street Beaufort, NC 28516 Minutes

Call to Order

Mayor Harker called the meeting to order at 6:00 pm

Pledge of Allegiance

Mayor Harker 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 Cooper
Commissioner Hollinshed
Commissioner Oliver
Commissioner Terwilliger

Agenda Approval

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

The motion carried unanimously.

Public Comment

Janet Woodward, 2217 Lennoxville Road in Beaufort, distributed documents to the Board of Commissioners and made the following statements:

It is apropos that I come before you the day after Mother's Day. A celebration of mothers America wide of women who have given so much to their families, without, sometimes given the recognition they deserve.

I am here to talk about a woman who is a mother, but more important to this community, she has given over 60 years of her life educating all children into adulthood as to the value of education, history, and kindness. I ask that the small Turner Street Bridge, an entryway into this wonderful caring town, honor her by naming it after her; for all to see who enter, that Beaufort has always been a caring town of its citizens and recognizes her value.

Beaufort, according to Southern Living Magazine, stated that our town is "South's Best Small Town in America" several years ago and a lot of people flocked here. Well, let us make an important statement of Beaufort that will last a lifetime. Let this new majority Board of Commissioners approve a resolution, per North Carolina's DOT Bridge Division for their consideration to name the Turner Street Bridge after Ms. Violet J. Bailey. She is currently 98 years old and a more than deserving native of Beaufort who is a black female, making her the first black female in the state of North Carolina honored for her 60 years of community service while she is still alive; now that is a historical precedence. Ms. Bailey was big on education and encouraged children, black and white, to meet their potential and respect all people they came in contact with.

The North Carolina DOT Bridge Division said on March 10, 2022 that "the naming for Ms. Bailey appears to have substantial local support and meets the criteria for consideration". They stated further in the email, "you can move forward with the next steps of the application process, which is getting resolutions passed by the appropriate local government". This Board of Commissioners is the appropriate local government, and our committee respectfully asks that you put us on next month's agenda to consider doing just that, naming the bridge after Ms. Bailey. We have many people who would like to see this happen, we have many letters and notes of support.

Please give Beaufort an opportunity to show our values by recognizing someone who has lived her faith for 60 years in giving to other's goals of success by placing a sign on that beautiful, small bridge into our town, which I think matches the beautiful spirit of her life. Thank you for your consideration.

John Flowers, 321 Orange Street in Beaufort, discussed Case #19-19 Compass Hotel 18 Month Extension/Re-approval request. He noted at the April 18th Planning Board Meeting, approval of the site plan was recommended, with the condition the buffer adjacent to the neighbors on the south side parking area, previously approved by the Historic Commission, be installed immediately. He explained he was there to ask that the buffering along the north and west side of his property be installed immediately, highlighting the importance of fencing/screening in the area.

Dick DeButts, 320 Orange Street in Beaufort, discussed the parking lot area Mr. Flowers mentioned. He asked that the parking lot be built out to conform with Historic District standards, with hopes the project could move forward in a timely manner.

Kathleen Schurdevin, 119 Sherwood Blvd in Beaufort, shared her concern about a protected wetlands area, associated with the Beaufort Village East development. She explained about a week ago, an excavator cleared the wetland area where flags and a silt fence were, disturbing vegetation. She noted the wetland impact plan provided by the developer did not note any effect in the protected area she was referencing. She requested they ask the developers for an explanation regarding the recent clearing.

Hans Paerl, 100 Holly Lane in Beaufort, explained he was an avid biker and expressed concerns regarding several streets in Town. He shared that he had a bike accident on Broad Street, after hitting a pothole. He also noted Ann Street was not in good condition and asked that street repairs start taking place to ensure safer streets for bicycles and vehicles.

Manager Report

Todd Clark, Town Manager, gave an update on events and projects throughout Town. He shared the notice to proceed for the Turner/Broad Street intersection improvements had been issued and work was expected to start within two weeks. He informed the board the Town will be the recipient of two electric vehicle charging spaces via Duke Energy's "Park & Plug Program", at no cost to the Town; the two spaces will be located along the east bound side of Broad Street at its intersection with Pollock Street. He shared the Fire Department Captain Cowley recently completed the Self-Contained Breathing Apparatus Service Technician Training, which will allow many services and repairs to be done in house for the Fire and Water Department. He noted the grace period for the Golf Cart Ordinance update had expired, and the Police Department will begin education/enforcement efforts as appropriate.

Presentations

1. Budget Presentation

Mr. Clark shared the proposed FY 2023 Town of Beaufort Budget with the Board of Commissioners. Mr. Clark explained this was an introduction to the budget and there were scheduled work sessions to follow; his budget message highlighted the following areas:

- The total proposed budget for Fiscal Year 2023 is \$16,280,959. This represents a decrease of \$510,083 or 3%, from the amended fiscal year budget for 2022.
- The total proposed budget for the General Fund is \$11,668,334. The Fund is balanced at the current tax rate of \$0.46 per \$100 of assessed property value and represents a decrease of \$331,140, or 3%, from the amended fiscal year budget for 2022.
- The proposed Water and Wastewater Enterprise Fund budget is \$4,612,625 and is balanced without a water or sewer rate increase. The proposed budget represents a decrease of \$211,443, or 4%, from the FY 2022 amended budget.

Items of Consent

1. Minutes
2. Case # 22-06 Special Use Permit - Mini Storage 2150 & 2176 Live Oak – Order

Commissioner Hagle made a motion to approve the items of consent.

The motion passed unanimously.

Items for Discussion and Consideration

1. Case # 22-09 Preliminary/Final Plat - 146 Gibbs Court

Kyle Garner, Planning Director, presented the case. He noted the requested action was to subdivide a 4.2-acre tract into two lots. He shared the following information about the property: currently undeveloped, R-20 zoning, located in the ETJ, served by existing streets, and has water and septic permits from the County. He reported there was no bonding of infrastructure required and \$1,259.20 in recreation fees would be required, in lieu of recreation amenities.

Commissioner Hagle made a motion to approve the request as presented.

The motion passed unanimously.

2. Final Plat – Beaufort East Village Phase I

Mr. Garner presented Case #22-10, noting it was a 40.62-acre tract with 108 lots, composed of 79 single-family homes and 29 townhomes. He reported there was 23.44 acres of open space, and the bond request was approximately \$1.4 million. He referenced the vicinity map included in the meeting packet and shared the developers engineer was present should there be any questions for him.

Commissioner Cooper asked for clarity regarding Class A and Class B members, as referenced on page 154 of the meeting packet.

Mr. Garner requested the developer answer that, as it was part of the covenants.

Karl Blackley addressed the question, explaining they were required to submit covenants to the Town for the development. He said he would review the covenants, specifically regarding Class A and Class B, and report back to the Commissioners, as he did not have that information with him. He explained that generally the developer maintains control of the community to a certain point, and typically had rights greater than those individuals who bought property in the area, as they are responsible for all the shortfalls associated with the development.

Commissioner Cooper asked about short-term rentals.

Mr. Blackley explained the covenants allowed for short-term rentals and noted they did not want the rental to be shorter than one week. He added that the owner made the decisions on rental of their property.

Commissioner Oliver asked if all the street accesses this portion of the development opens were paved.

Mr. Blackley responded they were not all paved yet, but they were in the process of doing so, noting the bond amount. He suggested they would start paving at Ricks Avenue and move to the west. He added they do not directly connect to Pineview, an existing Town street.

Commissioner Cooper asked if the 8-foot fence was going to be placed along George Street.

Mr. Blackley confirmed it was.

Joe Boyd, engineer on the job, explained where the fence would be located on George Street. He noted they would only be connecting to it; no street improvements were planned.

Commissioner Cooper asked how many homes were planning to be in the phase.

Mr. Boyd replied there would be 108 homes.

Commissioner Cooper noted concerns about additional traffic in the area.

Mr. Boyd noted there would be an increase and that a traffic impact analysis was approved years ago.

Commissioner Hagle asked about the maintenance of the open spaces, easements, and drainage ditches.

Mr. Boyd confirmed they would be managed through the covenants, noting the developer would be responsible and when the HOA came about, they would take over that responsibility. He said some of the open spaces would be landscaped while other areas would be left at their natural state.

Commissioner Hagle asked if the overflow of the BMPs would go into existing drainage easements.

Mr. Boyd confirmed they would.

Commissioner Oliver made a motion to approve the final plat as submitted.

The motion carried unanimously.

Commissioner Hagle made a motion to approve the bond amount of \$1,393,829.44, as presented.

The motion carried unanimously.

3. Case # 19-19 Site Plan - Compass Hotel - 18 Month extension request/Re-approval

Mr. Garner presented the request and explained the background. He shared that in September of 2019, the Planning Board recommended conditions the following conditions be placed on the project. He provided an update on those recommended conditions, as highlighted below.

- NCDOT has conveyed the recommended right of way to the property owners.
- The site plans show the marina meeting current sanitary standards.
- The Historic Commission issued a COA for the southern parking lot closing off the Orange Street access.
- The lighting plan has been approved and is shoebox/dark sky compliant.
- A third-party stormwater consultant, WK Dickson, reviewed the potential impacts on downstream properties and stated that the shown improvements reduced stormwater in the neighborhood.
- The Board of Commissioners discussed the parking issue at their November 2019 meeting.
- At their April 18, 2022 meeting, the Planning Board unanimously recommended approval of the Site Plan with the recommended condition that the buffer adjacent to the neighbors on the south side parking area, previously approved by the Historic Commission be installed immediately.

Mr. Garner noted Mr. Joe Thomas, the developer agreed to install the buffer immediately and removed several palm trees as previously requested. He shared a photo referencing where the hotel would be built, explaining there would not be a rooftop bar and the building would not exceed 40-feet in height. He added it was staff's understanding that the environmental permits associated with the project were still active and in good standing.

Commissioner Hollinshed asked if the marina had been completed.

Mr. Garner said it was his understanding all of the slips had been built.

Commissioner Terwilliger asked what the relative plans were for parking at the marina during the construction process.

Mr. Garner shared the original plan from 2019, which involved the parking lot on the south side; he explained that lot would be a lay down yard and parking area for the marina while the hotel was under construction. He added the developer was present, should they have additional questions.

Commissioner Terwilliger noted the sequence of construction was important, suggesting the parking lot should be completed first. He asked if there was any agreement or discussion in place about the buffering and fencing along Orange Street, in terms of completing that first.

Mr. Garner said it was discussed at the Planning Board meeting and there did not appear to be any objection, but it was an excellent question for the applicant.

Mike Baldwin, representing the applicant, addressed several questions raised by the board. He confirmed the parking plan is the same as it was in 2019 and there would be a crush and run type system to help prevent runoff. He also confirmed buffering questions came up at the Planning Board meeting, and shared the client was more than happy to complete the buffering upfront to protect the adjoining properties to the south. He noted traditionally buffering and fencing gets done at the latter portion of the project, but they were going to do it upfront.

Commissioner Oliver asked Mr. Garner if a marina was a permitted use in the BW zone.

Mr. Garner said yes.

Commissioner Oliver asked if a stormwater pond was permitted use in a R-8 Zone.

Mr. Garner said it was permitted in a R-Zone as well as in a local Historic District.

Commissioner Oliver asked how the inspections department managed the building height during the construction period.

Mr. Garner explained when construction was at the fourth floor, the Town would require an elevation shot from a surveyor, indicating the height of the top-level; if the height exceeded the building plans, a stop work order would be issued. He explained it would be measured to the top floor level.

Commissioner Oliver shared his concerns about the amount of parking in the area, suggesting there were not going to be enough spaces and it would be a hinderance to business owners as well the neighbors. He suggested the marina parking and hotel parking together would be a problem. He also questioned the primary use as a hotel. He asked Mr. Garner if the common environmental review was provided in the application.

Mr. Garner confirmed that it was, based on fact that the environmental permitting was active and viable; he noted an improvement to the stormwater plan on the south side.

Mr. Baldwin noted that the parking requirements were no different now than they were when submitted in 2019; he said they were there to request approval of the site plan along with the other permits secured since then. He confirmed all of the permits were still current.

Commissioner Hagle asked if the parking requirement ordinance had changed since 2019.

Mr. Garner confirmed it had not.

Commissioner Cooper made a motion to approve the Compass Hotel 18-month extension request.

Commissioner Hollinshed said the motion should be amended to include a requirement that buffering take place first, as part of the extension.

Commissioner Cooper amended his motion to include the buffering requirement.

The motion passed unanimously.

4. Sewer Allocation Request- Proposed Compass Hotel

Greg Meshaw, Town Engineer, presented the request. He explained Beaufort Partners, LLC was requesting 19,350 gallons per day (gpd) of sewer capacity be allocated for the 105-room Compass Hotel. He noted their proposed calculation below:

120 gpd/hotel room x 105 hotel rooms = 12,600 gpd
30 gpd/marina boat slip with bathhouse x 59 slips = 1,770 gpd
10 gpd/pool deck area occupant x 498 occupants = 4,980 gpd
19,350 gpd total request

Mr. Meshaw explained he recently discovered the boat slip usage was already covered, suggesting a requested total of 17,580 gpd be more suitable. He also explained the breakdown of the pool calculations, noting the design engineer made recommendations based on the pool accommodating hotel guests as well as marina slip owners/renters.

Commissioner Hollinshed asked about the requirements for the fees involved with the request.

Mr. Meshaw explained they would have to pay system development fees for the wastewater capacity, noting it was an allocation request, not a reservation.

Commissioner Terwilliger questioned the 498-occupant total used in the calculation, suggesting it was a very conservative number. He added the number could probably be cut in half and it would not exceed the actual usage on a normal day.

Mr. Meshaw confirmed it was indeed a conservative calculation.

Commissioner Oliver asked who suggested the 498-occupants.

Mr. Meshaw said it was the applicant's suggestion.

Commissioner Oliver made a motion to approve a total allocation of 13,600 gpd, basing the pool calculation off 100-occupants.

The motion carried unanimously.

5. FY 2022 Budget Amendment 9

Mr. Meshaw explained one portion of the Budget Amendment requests appropriation of \$30,000 fund balance for the High-Rate Infiltration Basin (HRIB) project so that the force main transmitting groundwater from the HRIB underdrain system can be placed within the portion of the Beau Coast West subdivision currently under construction. He explained an additional appropriation of \$2,500 is requested for the project to extend water and sewer mains to the 1809 Live Oak Street property.

Commissioner Hagle made a motion to approve the budget amendment.

The motion carried unanimously.

Public Hearing

1. Annexation Request

Mayor Harker addressed the group by explaining only those who were residents or owned property in the area described in the petition, or residents owning property in the Town of Beaufort shall be given an opportunity to be heard during the Public Hearing.

Arey Grady, Town Attorney, confirmed it was not a typical Public Hearing in which anyone could speak on the matter. He echoed the Mayor and also explained who was able to address the board, noting the North Carolina General Statute was very clear on the subject.

Commissioner Hagle made a motion to open the floor for the Public Hearing.

The motion carried unanimously.

Mr. Clark invited the applicant to come forward to make their formal request.

Beth Clifford, Ann Street in Beaufort, explained the area she was requesting for annexation, as referenced in the application included in the meeting packet. She shared the area in question was currently going through preliminary plat approval at the Planning Board level. She noted a request for sewer allocation had also been made for consideration.

Mayor Harker noted they were only going to entertain the annexation request currently.

Commissioner Oliver asked why the entirety of the property was not being requested for annexation, only a portion.

Ms. Clifford said the Town advised her to match the annexation request with the subdivision request, noting what is included in the annexation application matches the plans submitted for preliminary plat approval. She added the next phase of the development would follow similar steps, an annexation request and preliminary plat approval submitted at the same time.

Commissioner Oliver confirmed it was to match the phase of the development the applicant was requesting approval for at the time.

Ms. Clifford said that is correct.

Commissioner Oliver asked Ms. Clifford why annexation was being requested; was it needed?

Ms. Clifford provided multiple reasons for the request; noting the desire to be a full-time citizen of Beaufort, pay taxes, and be able to use public utilities. She suggested public utilities were a better option than private septic tanks.

Commissioner Oliver asked what was in it for Beaufort.

Ms. Clifford noted the tax revenue would benefit Beaufort, suggesting a projection of over \$400,000 in property tax as a result of the development. She also shared her team would be bringing a great project to the area, giving 81 residences an opportunity to participate in all the Town of Beaufort has to offer.

Commissioner Oliver asked that she consider what services the Town would need to supply as a result of the annexation, that would not need to be supplied otherwise.

Ms. Clifford responded it was really only water and sewer, which could provide a possible benefit to the Town, as usage increases.

Commissioner Oliver noted they were going to need to think of items associated with growing in that direction, like Fire Stations. He suggested Ms. Clifford consider those ideas and suggested they could work together in the future.

Harriet Altman, 103 Leonda Drive in Beaufort, also proposed the question regarding how the annexation would benefit Beaufort. She discussed the current infrastructure issues throughout Town, noting several roads need repair. She suggested addressing current issues before branching out further and providing services to more people. She also reminded the group the proposed development previously mentioned had not been approved yet, suggesting it was a cart before the horse situation. She emphasized the importance of the Land Use Plan and expressed her concern environmental impacts in the area.

Daphne Littiken, 102 Stanton Road in Beaufort, discussed how Town Creek has been affected as a result of the Turner Street Bridge. She spoke on environmental factors, expressed concerns about flooding and noted development in the area.

Commissioner Hollinshed made a motion to close the Public Hearing.

The motion passed unanimously.

Mayor Harker asked what the pleasure of the board was regarding the annexation request.

Commissioner Hagle made a motion to approve the annexation request.

Commissioner Cooper discussed the flooding concerns in Beaufort.

Mr. Grady commented on the effective date of the annexation if the motion carries. He explained the draft ordinance included in the agenda packet mentions two conditional items: the applicant must acquire the property; and the preliminary plat is approved. He suggested adding an additional condition to the ordinance, regarding approval of the sewer allocation request.

Commissioner Hagle amended his motion to include the sewer allocation approval, noting the condition be added as number 3(c) on the draft ordinance.

Commissioner Oliver asked Mr. Grady if this addressed the question about the cart before the horse.

Mr. Grady explained there was not a defined script on when these items were approved; and often jurisdictions manage the process differently. He suggested the items were all implicitly connected, and one of the items had to be decided on first. He suggested this type of conditional approval would adequately address the concerns of the property owners, applicant and ensures potential projects meet the Town's requirements.

Mayor Harker asked Mr. Meshaw to speak on the sewer allocation portion.

Mr. Meshaw explained until there was an approved site plan for the development, the request would be a reservation for sewer, not an allocation.

Mr. Grady confirmed final action should be taken soon, suggesting the sewer request would automatically fall into the correct category following a decision on the proposed preliminary plat. He clarified the board was not approving the sewer reservation right now; it would be a separate agenda item at a later date. He also confirmed they were not approving the preliminary plat, as that was before the Planning Board. He explained the action to annexation was conditioned on those boxes being checked.

Mayor Harker reminded the board there was a motion on the table by Commissioner Hagle, to approve the annexation request, and to add a condition to the draft ordinance regarding the sewer request.

Voting Yay: Commissioner Hagle, Commissioner Hollinshed, Commissioner Oliver, Commissioner Terwilliger

Voting Nay: Commissioner Cooper

The motion passed with a (4-1) vote.

Mayor/Commissioner Comments

Commissioner Cooper shared Policeman Day was coming up soon. He praised Samantha Burdick on her recent presentation at the Spring NCBIWA Event. He announced his upcoming office hours at the Train Depot.

Commissioner Hollinshed mentioned it was budget season. She reminded the group many guests would be visiting Town in the upcoming weeks, and noted it needed to look nice as possible.

Commissioner Terwilliger thanked staff for their hard work on the budget. He suggested the Town was headed in a good direction and noted how citizens seemed to be opening up and voicing their opinions in positive ways. He also announced his upcoming office hours at the Train Depot.

Commissioner Oliver followed up on a few outstanding items/topics from past meetings: 104 Chestnut Drive, 400 Pollock Street, and utility collection efforts.

Commissioner Hagle thanked staff for their continued work throughout Town and budget preparation. He noted the Wooden Boat Show was a great success. He ended with a safety message regarding safe walking along roads and sidewalks.

Mayor Harker commended the Commissioners on their hard work. She shared she witnessed law enforcement staff playing with youth in the area and praised them for that. She mentioned the new Big Red Bus Mural on Middle Lane. She shared she was recently interviewed by Mitchell Whitley, who was on a journey to meet every mayor across the State of North Carolina. She ended by thanking staff for all of their work on the proposed budget.

Adjourn

Commissioner Hagle made a motion to adjourn the meeting at 8:20 pm.

The motion carried unanimously.

Sharon Harker, Mayor

Elizabeth Lewis, Town Clerk