



Town of Beaufort, NC

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Town of Beaufort Board of Commissioners Work Session Meeting 4:00 PM Monday, November 23, 2020 – Zoom Meeting Due to COVID-19 Pandemic Minutes

Call to Order

Mayor Newton called the meeting to order at 4:00 p.m.

Roll Call

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

Present

Ann Carter

John Hagle

Sharon Harker

Marianna Hollinshed

Charles McDonald

Agenda Approval

Commissioner Hagle asked to amend order of the agenda by switching items #9 and #10.

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

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

Public Comment

None

Project Updates

Town Engineer, Greg Meshaw provided an update on current projects.

- Randolph Johnson Park: Mr. Meshaw stated the project was substantially complete, with final inspection scheduled for the week of 11/30.

- Topsail Park: Mr. Meshaw stated that the start date had been pushed back to 11/30. Work is expected to be completed within seven weeks.
- Street Construction: Mr. Meshaw showed a list of street rehabilitation and construction projects. Paving has been completed on Live Oak Street (100 block), Gordon Street, Laurel Lane, Safrit Drive, Craven Avenue, Carteret Avenue, Pollock Street and Olivia Road. Still to be completed are Live Oak Street (300 block), Marsh Street, Taylors Creek Road and Campen Road. New street construction is complete on Howard Jr. Lane. New street construction is scheduled for the Souza Development Access Street.
- Turner Street 100 Block Street Improvements: Start date on the project has been delayed until January, due to concerns about the impact on retail businesses during the holiday season.
- Cedar Street Water & Sewer Rehabilitation & Replacements: The contract was awarded 11/9 with a preconstruction meeting scheduled for 12/9.
- First Street Culvert Relocations: Work has been completed.
- Wastewater System Inventory Asset Assessment: Mr. Meshaw reported that, through grant funding, the Town would be developing a 10-year Wastewater Capital Improvement Plan. Tasks involved in the development include CCTV inspection of sewers, inspection of wastewater pumping stations, and preparing cost estimates. Inspection has begun, with a 45-day contract period.
- First Street Culvert Relocations: Work completed on 10/27.
- Town Hall Reception Area Renovation: Work is slated to be complete at the end of 1/21.

In response to a question from Commissioner McDonald, Town Manager John Day stated that once lobby renovations are complete and a new handicap-accessible public entrance is complete, the lobby will be reopened for those who wish to conduct utility transactions. In response to a question from Commissioner Harker, Mr. Meshaw stated that the Turner Street project would begin the first week of 1/21, with work lasting approximately 6 weeks. Also in response to a question from Commissioner Harker, Mr. Day stated that a locked door would be installed between the public area and the rest of the building during Town Hall renovations. In response to a question from Commissioner Hollinshed, Mr. Day stated that citizens had access to Town Hall employees by appointment. In response to a question from Commissioner Hagle, Parks & Events Coordinator/P.I.O. Rachel Johnson stated that a dedication ceremony for Randolph Johnson park would be held in the spring of 2021. In response to a question from Mayor Newton, Mr. Meshaw stated that improvements to Howard Jr. Lane would help to mitigate flooding in the area.

Items for Discussion and Consideration

1. Draft Minutes for the Oct. 26 Work Session, Nov. 4 Special Meeting, and Nov. 9, 2020 Regular Meeting

This item was placed on the agenda under Items of Consent

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

Mayor Newton declared the evidentiary hearing open and reviewed the rules for conducting a quasi-judicial evidentiary hearing.

Town Clerk Lance Heater administered the oath to Kyle Garner, Planning and Inspections Director and Sam Barnes, representative of the applicant, Austin Veterinary Clinic.

In response to an inquiry from Mayor Newton, each Board member affirmed that they had no ex parte communication, bias or conflicts of interest regarding the case.

Mr. Garner provided an overview of the case, noting the following: 1) location of 102, Professional Park Drive & 1975 Live Oak Street, request for a kennel indoor/outdoor operation, 1.90 acres; 2) notice having been provided to adjacent property owners; 3) property is zoned TR, Transitional; 3) CAMA land use plan indicating the property as general commercial; 4) site plan showing the existing structure, parking, and proposed privacy fence; 5) interior layout design showing location of kennel areas; 6) 10%

of the square footage of the interior space would be used as kennel space; 7) use of a kennel requires a Special Use Permit per section 8-B-5 of the LDO; 8) existing structure is 7,800 square feet and is not to be extended; 9) parking requirement is 31 spaces and 34 spaces are shown on the site plan; 10) area to serve as the kennel is approximately 10% of the total internal operational footprint; 11) proposed boarding area would accommodate 10 felines and approximately 10-15 canines; and 12) outside play area would only be used between 9am and 5pm.

Mr. Garner outlined staff comments as follows: 1) the application is for the outside kennel portion of the vet operation; the other use is considered as permitted use and the existing site meets all standards; 2) at their 10/19/2020 meeting, the Planning Board recommended approval of the Special Use Permit with the following conditions: that the indoor kennel area have sound proofing to dampen the sound of animals and that the vegetative buffer be designed and installed by an arborist to provide sound dampening between the outside area and the residents of Pearl Drive; 3) the LDO Section 20-B, Special Use Permits, requires a complete application to include a site plan; and 4) a written narrative has been by the applicant as to how the required findings of the Special Use Permit meet the requirements of Section 20-E-1.

Mr. Garner outlined the required findings of the Board of Commissioners before any application for a Special Use Permit may be granted or denied and staff's review of them as follows:

- a. The proposed use is an allowable special use in the zoning district it is being located within—staff testifies that it is an allowable special use.
- b. The application is complete—staff testifies that it is complete.
- c. The location and character of the use will be in conformity with the Town's land use plan and other comprehensive planning elements—staff testifies that it is in compliance with the CAMA future land use plan identifying this area as conducive to business commercial property.
- d. Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with the current traffic engineering standards and Town regulations and found to be adequate for the proposed special use—staff testifies that it is.
- e. The proposed special use will not substantially injure the value of adjoining or abutting properties—staff has not been provided with any information that the use would be harmful to the value of adjacent properties.
- f. The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area (for residential zones, this includes size; height; proportion and scale; roof shape; setbacks; location, size, and number of openings [doors and windows]; materials; color; and texture)—staff testifies that it would be compatible; 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—staff has not been presented with any evidence or testimony to the contrary.

Mr. Garner asked that the materials presented in the Board's agenda packet be entered into the record of the proceeding as Exhibit A.

Mr. Barnes, representing the applicant, testified that although the use is described as a kennel, it is in fact a boarding facility for a veterinary hospital. Mr. Barnes stated that the outside dog area would only be used during business hours while the facility is staffed.

In response to a question from Commissioner Carter, Mr. Barnes stated that the facility would be regularly cleaned to limit any odors that might be generated from the facility and that the sound-proofing and vegetative buffer recommended by Planning Board have been incorporated into the facility's design. In response to a question from Commissioner McDonald, Mr. Barnes stated that the facility would employ 5-7 staff members. In response to a question from Commissioner Harker, Mr. Barnes stated that, although the facility would not be staffed 24 hours per day, personnel would be on call should an

emergency or problem with the facility arise. Commissioner Hagle spoke positively about the applicants' current operation and stated that he had heard no complaints regarding it.

Mayor Newton asked the Board if there were other materials not in evidence which would prevent the Board from determining the case. Each Commissioner stated that there were none.

Mayor Newton conducted a roll call vote on whether a consensus to approve or deny could be obtained:

Voting to approve: Commissioner Carter, Commissioner McDonald, Commissioner Harker, Commissioner Hollinshed, and Commissioner Hagle.

Commissioner Hagle made a motion as follows: Having reviewed the record and having considered all evidence submitted and oral testimony for Case # 20-12, I move that the Board of Commissioners conclude the pending application meets the following location standards under the Land Development Ordinance for the Town of Beaufort and is appropriate in the proposed location:

- 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 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 the 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 (for residential zones, this includes size; height; proportion and scale; roof shape; setbacks; location, size, and number of openings [doors and windows]; materials; color; and texture); 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.*

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

3. Case No. 20-11 – Request to Rezone 1205 Lennoxville Road

Kate Allen, Town Planner, asked the Board to schedule a public hearing on the request to rezone property located at 1205 Lennoxville Road from B-1 General Business to TCA Townhomes, Condominiums and Apartments.

This item was placed on the agenda under Public Hearing.

4. Sewer Allocation Policy

Mr. Meshaw presented an amended Sewer Allocation Policy, which reflected comments received from the Board since the last meeting. Mr. Meshaw noted that language had been added in Section 7 which required that applicants outside of the Town limits request annexation as part of the application process. Requests would be considered only after the site had been annexed or an agreement for out-of-Town services had been approved. In response to a question from Commissioner Carter, Mr. Meshaw stated that under the policy either an individual property owner or a group of owners within a subdivision would need to petition for annexation prior to

consideration of any request for sewer service. Commissioner Carter suggested that the Board could also choose to extend sewer service but to defer the request for annexation until a future time of the Town's choosing. In response to a question from Commissioner McDonald, Mr. Meshaw stated that if adopted, the Sewer Allocation Policy would be a policy and not an agreement. Commissioner Harker stated that she would support language in the policy which incorporated thresholds of capacity. In response to a question from Commissioner Harker, Mr. Meshaw stated that the wastewater system inventory assessment would assist with regard to decisions about growth. Commissioner Hollinshed asked that the language in Section 7-B-1 allowing for allocation requests without annexation be deleted from the policy or that it be made clear that such requests would only be approved by the Board. Commissioner Hollinshed also asked that Section 3-A Extensions be removed or the wording "at the sole discretion of staff" be removed. In response to a question from Commissioner Hagle, Mr. Meshaw stated that the tier system applied to all requests. Also in response to a question from Commissioner Hagle, Mr. Day stated that the term "infill" as used in the policy only applied to properties within the Town limits. Commissioner Hagle stated that he would prefer language be added which would set a cap on when the Board would not allow further out-of-Town service based on plant capacity, perhaps at 70-75%. Mr. Day asked if the Board wanted to impose limits on the Board's discretion to approve requests at some threshold.

It was the consensus of the Board that they would like to see a draft of the policy reflecting the comments of the Commissioners as well as information regarding the potential capacity for in-Town expansion prior to further consideration at a future work session.

5. Short Term Rental Regulations

Mayor Newton suggested that these regulations be included in the UDO and not be considered as a separate set of regulations. In response to a question from Commissioner Carter, Town Attorney Arey Grady stated that the proposed regulations, although based upon those developed by the City of Wilmington which are currently in litigation, do not contain items that are the subject of that litigation. Commissioner Carter suggested that the Town consider postponing adoption of the regulations until the Wilmington case was adjudicated. Commissioners McDonald and Harker concurred with Mayor Newton on incorporating the regulations into the UDO. Commissioner Hollinshed suggested that the Board develop a consensus on issues regarding parking, noise, and trash which would then be incorporated into the UDO. Commissioner Hagle noted that these regulations concern a business operating in a residential area and that B&Bs are required to obtain Special Use Permits in the current LDO. Mr. Grady stated that incorporating the regulations into the UDO was perhaps the safest method to pursue.

6. Turner Street Traffic Calming

Mr. Day stated that a request had been made to add a traffic calming device in the 200 block of Turner Street in the form of a raised crosswalk such as the one planned for the 100 block of Turner Street. The estimated cost is \$10,000. Commissioner Hollinshed expressed support for installing devices on all corners of the intersection of Broad and Turner and asking the County to support it.

This item was placed on the agenda for Items for Discussion & Consideration.

7. October Financial Report/Notes

Christi Wood, Finance Director, provided the October Financial Report. Ms. Wood reported on property tax collections and sales & use tax distributions. Ms. Wood noted that Budget transfers from Non-Departmental Capital Outlay- Vehicles were made during October to the Police Department and Public Works for vehicles and equipment. During the budget process staff had not finished prioritizing the vehicle needs of each department. A lump sum amount was budgeted in the Non-Departmental account to be disbursed once needs were reviewed and prioritized with

each department. In response to a question from Commissioner Hollinshed, Ms. Wood stated that 3 police vehicles, 2 pickup trucks, 1 dump truck and a backhoe had been purchased.

8. FY 21 Budget Amendment #4

Ms. Wood stated that in the prior year Town moved to a purchase card program that allowed for rewards to be earned on purchases. As of November 5, 2020, rewards available were \$16,125. The reward dollars were not budgeted in the annual budget. Ms. Wood recommended approval of Budget Amendment #4 which would allow for these funds to be appropriated to the Public Works budget to fund renovations to the Town Hall lobby area. In response to a question from Commissioner Harker, Mr. Day stated that these funds would cover the cost of the project.

This item was placed on the agenda under Items of Consent

9. Harbor Master Plan Committee

Commissioner Carter stated that a number of citizens had requested to have input in the process of developing a Master Plan for the Harbor and suggested the formation of a Harbor Committee to act as a steering committee to work with the consultants in the development of the Plan. Commissioner Carter suggested that applications be taken and considered by the Board. Commissioner McDonald suggested the matter be tabled, as it may be too soon to consider it. Commissioner Harker concurred. Commissioner Hollinshed spoke in favor of forming the Committee, noting that government often moves slowly and that the Board should form a vision to direct how the Committee should be structured. Commissioner Hagle concurred. Mayor Newton voiced opposition, stating that input could be obtained in a transparent manner involving all stakeholders without formation of a committee. Mayor Newton stated the proposal contained in the agenda packet for development of a Harbor Master Plan included engagement with stakeholder meetings as a part of the process. Mayor Newton also expressed concern regarding the additional workload of staff resources to support the committee. Commissioner Hagle suggested the Board hold a special called meeting in January to address the issue. Mayor Newton stated that he would email the Board to determine an appropriate time to schedule such a meeting.

10. Capital Project Street Rehabilitation and Pedestrian Improvement Budget Amendment #1

Ms. Wood stated that during the October 12, 2020 meeting the Board approved Capital Reserve Fund Budget Amendment #5 to transfer funds to the Capital Project Street Rehabilitation and Pedestrian Improvement for Turner Street improvements. Budget Amendment #5 transferred the funds out of the Capital Reserve Fund. Ms. Wood stated that Budget Amendment #1 is needed to receive the funds in the Street Rehabilitation and Pedestrian Improvement Capital Project.

This item was placed on the agenda under Items of Consent

Mayor/Commission Comments

Commissioner Carter had none.

Commissioner McDonald stated that whatever is decided regarding the Harbor Master Plan, input should be solicited from the current leaseholder.

Commissioner Harker wished everyone a happy Thanksgiving and thanked those who were going to be feeding those in need during the holiday. She also encouraged use of the three "W"s to prevent COVID and encouraged getting the flu vaccine.

Commissioner Hollinshed also wished everyone a happy Thanksgiving and expressed appreciation for those who would be helping others during the holiday.

Commissioner Hagle wished everyone a great Thanksgiving and asked that everyone pay attention and focus on driving and to wear their masks.

Adjourn

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

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

The meeting was adjourned at 6:19pm.

Mayor Everette S. (Rett) Newton

Lance Heater, Town Clerk