



Town of Beaufort, NC

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Town of Beaufort Board of Commissioners Regular Meeting 6:00 PM Monday, July 12, 2021 - Virtual Draft Minutes

Call to Order

Mayor Newton called the meeting to order

Roll Call

Allen Coleman called roll and declared a quorum present for the meeting.

PRESENT

Mayor Everette Newton

Commissioner Sharon Harker

Commissioner Ann Carter

Commissioner Marianna Hollinshed

Commissioner John Hagle

Commissioner Charles McDonald

Agenda Approval

Commissioner Hagle made motion to approve agenda, motion carried unanimously.

Public Comment

No public comment

Manager Report

John Day: Street lights by the Beaufort Club will be switched to LED by the first week in August, and staff is working to switch the remaining streetlights to LED by the end of the fiscal year. The Harbor and Waterways Master Plan Advisory Committee will hold its first meeting at 3 p.m. this Thursday, July 15 via Zoom, the public is invited to attend. An update on the American Recovery Plan funding: We have not gotten any word yet about when we're going to receive it. The State is supposed to distribute it within 30 days of it's receipt. We haven't heard if they have received it yet. Finally, another announcement the Randolph Johnson Park dedication will be 11 to 1 on August 7. We have free hotdogs from Frank's Frank's for everybody who attends.

Commissioner Hollinshed: Were you able to accommodate everyone by using that date?

John Day: I think it would have been impossible to accommodate everyone based on what we were hearing. So those who can attend will and we'll talk about that more at the meeting (Harbor & Waterways Advisory Committee)

Arey Grady: I want to review the Town's and its elected officials obligations when it comes to quasi-judicial proceedings and matters that may be before the board. There is going to be a project coming to the board for a special use permit and will most likely be a quasi-judicial evidentiary proceeding. There are some unique procedural requirements that pertain to both the evidence that the board has to obtain and the board's ultimate decision both procedurally and factually. I want to remind the board that if a board member has what the statute calls ex parte communications that would result in the board member not being impartial, or forming a fixed opinion that is not susceptible to change, or some other type of discussion that would result in a violation of applicants rights or opponents rights to an impartial decision maker, then we start to have issues with recusal and whether a particular Commissioner can be involved in the hearing. I know the board has been in this position before and is aware of the rules. But I did want to state them again, for the record.

Commissioner Carter: Does that mean when we get the emails in just avoid reading or just simply don't respond to?

Arey Grady: Definitely don't respond to them. I would recommend forwarding them to Allen.

Commissioner Harker: Is there a procedure in which we could actually put forward to let the citizens know where to go and where they want to send their grievances to in this type of case, quasi-judicial?

Arey Grady: I think that certainly, as we collect the emails, we could send a generic responses saying thank you for your email we're responding on behalf of the Town, there will be an evidentiary hearing at some point in the future, that will be noted in the town agenda and otherwise, and you may be able to appear and provide testimony, you also have the ability to go to a regularly scheduled meeting and provide your comments during the citizen comment period.

Commissioner McDonald: I feel that if I receive an email and I have read it then it is already making an impact on me in making a decision. How does that play out?

Arey Grady: After you read the dozens of emails that might come in, are you still able to be an impartial decision maker? If the answer's yes, great, but if the answer is no, for some reason, then you'd be in a

position of asking to be recused. I suggest when you open the email and you see it's going toward a quasi-judicial matter that you stop reading it and forward it to Allen.

Mayor Newton: How does this affect the Planning Board since the Planning Board is advisory and not quasi-judicial?

Arey Grady: It's not as grave an issue with the Planning Board since they are advisory.

Items of Consent

Mayor Newton: Recommends the Board consider adopting a Proclamation Recognizing the Contributions of Glen Livingston Harris.

Commissioner Hagle made motion to approve, and motion carried unanimously.

Items for Discussion and Consideration

1. Site Plan – Front Street Village – Transportation Center; Case No. 21-11
Planning Director Kyle Garner: The applicant wishes to construct a 16,500 square foot Transportation Center as approved as part of the original PUD approval in 2008. Elevation drawings for the center were approved in 2014 and are included as attachments in this proposal. As part of the Town's new sewer allocation policy the applicant is requesting 250 gallons of allocation for this project that has already been taken into consideration by the Town's Engineer. In addition to Planning Staff, the Town Engineer and Fire Chief have reviewed the plans for compliance. The Planning Board at their June 21 meeting recommended 3 in favor and 2 opposed for approval of the site plan. We have Mr. John Wade, who is here as the engineer tonight representing the project, as well as the property owner Mr. Oliver to help answer any questions.

Commissioner Hagle: The private stormwater system and it appears from the information provided that most of the stormwater is going to be controlled by the pervious surface. Is that the case?

John Wade: That's correct the runoff from the parking area will be controlled by the pervious pavement the runoff from the Transportation Center will be treated using a sand filter and then the overflow from both of those will be directed to the existing drainage system along the north side of Lennoxville Rd.

Commissioner Hagle: Is the downstream system capability been monitored enough? And do we know that additional capacity will be able to be carried by that offsite system?

John Wade: We do, when the north side system was designed, it was designed for the flows coming from the northern portions of the property. So, yes, sir, it was designed with that in mind.

Commissioner Hagle: Keeping the pervious surface clean will be the owner's responsibility, is that correct?

John Wade: Yes, that is correct.

Mayor Newton: What is the pleasure of the Board?

Commissioner Hagle: Move approval as presented

Motion passed unanimously

2. Preliminary Plat – Front Street Village Phase IV; Case No. 21-12

Planning Director Kyle Garner: The applicant wishes to subdivide a 10.44 Acre Tract into 34 Lots Single-Family. As part of the Town's new sewer allocation policy the applicant is requesting 12,240 gallons of allocation for this project that has already been taken into consideration by the Town's Engineer. At their June 21, 2021, meeting the Planning Board unanimously recommended approval of the preliminary plat for Front Street Village Phase IV.

Commissioner Harker: Is that wetlands there to the North?

Kyle Garner: One large area or open space area and yes, ma'am that is a wetland.

Commissioner Harker: Is the engineer prepared to answer questions about is the project on having a negative impact on the wetlands?

John Wade: There will be no impact to the wetlands on the site. There will be a temporary silt fence put up during construction and then taken down once construction is completed.

Commissioner McDonald: Has the sewer allocation been factored in on the 44 or the 34 which one?

Kyle Garner: On the 34.

Commissioner Hagle: Where will that stormwater overflow go? Will it go down Chadwick Rd and is that system capable of handling that extra flow?

John Wade: From the streets of the subdivision will be directed towards portion of it towards Chadwick into the existing drainage swales along the east side of that road, and then the eastern half of that road will be overflow drain towards the existing four wetlands at the end of the cul-de-sac.

Mayor Newton: The two entrances will not be gated, correct?

Kyle Garner: They will not be gated.

Commissioner Hagle: Move approval as presented

Motion passed unanimously

3. Final Plat – Palmetto Plantation at Olde Beaufort Village, Phase 2; Case No. 21-19

Planning Director Kyle Garner: The applicant wishes to subdivide a 1.11 Acre Tract into 4 Lots Single-Family. Sewer allocation, Bond & Recreation Fee Information is included in the Staff Report for this project. At their June 21, 2021, meeting the Planning Board unanimously recommended approval of the Final Plat for Palmetto Plantation @ Olde Beaufort Village, Phase 2. We have Mr. Chase Cullipher with us this evening to answer the questions from the engineering perspective.

Commissioner Carter: Is there going to be drainage problems?

Kyle Garner: It has been vetted by our town engineer.

Chase Cullipher: It has its own pond and has a separate drainage area altogether.

Commissioner Harker: Who is maintaining the pond?

Chase Cullipher: It'll be the owner now and an HOA later would be my assumption. That's how it normally works.

Commissioner Hagle: The overflow from the pond which will occur sometimes, won't it go into the offsite drainage that goes across Highway 70?

Chase Cullipher: I believe that does go underneath the new bypass.

Mayor Newton: What is the pleasure of the board? Do we have a consensus to table this until the work session?

Commissioner Hagle: Move to table it until the next work session.

Motion passed unanimously

4. Final Plat – Live Oak Commons; Case No. 21-20

Planning Director Kyle Garner: The Cullipher Group has submitted the Final Plat for Live Oak Commons showing a 1.28-acre tract into 8 single-family lots. Also, the applicant has submitted bond information to consider as well as a recreation fee in lieu of in the amount of \$1,843.20. At their June 21, 2021 meeting the Planning Board voted 4 to 1 recommending approval of the Final Plat for Live Oak Commons with the stipulation granting the Town legal right to enforce parking and proper signage stating no parking on access road.

Commissioner Hagle: There will be no on street parking?

Kyle Garner: That is correct

Mayor Newton: What is the pleasure of the board?

Commissioner Carter moved to approve with the bond and the parking limitations.

Motion passed unanimously.

5. Low Valley LLC; dba DockHouse Lease Renewal

Arey Grady: Renewal of Lease of the 3-foot strip lease and the adjoining restrooms.

Mayor Newton: John is there a question about the fee in lieu of taxes on this?

John Day: No that doesn't apply to this lease.

Commissioner Carter: The bathrooms there are leased to the Town. Is that correct? Or are they just provided? How does that work?

Arey Grady: I think the construction of the restrooms for the use of the public and the lease to us was basically a condition of continuing with the other lease.

Commissioner Harker: Is the CPI done annually? And do we actually pay them money for the lease of the restrooms?

Arey Grady: Yes, it's done annually and no we don't pay them money, we maintain the restrooms.

Commissioner Hagle: Move to approve as presented

Motion passed unanimously

6. Appointment to the Planning Board (PB)

Allen Coleman: Asking for a nomination to fill a partial term vacancy, that partial term will expire in January of 2023.

Mayor Newton: Motion to enter into nominations.

Commissioner Harker made a motion to enter into nominations. Motion passed unanimously.

Commissioner Hollinshed: I would like to nominate Becky Bowler.

Commissioner Hagle: I nominate Jared Penland.

Commissioner Harker: I nominate Tammy Hunsucker.

Commissioner Carter made a motion to close nominations. Motion passed unanimously.

Mayor Newton: Lets go down the roster for voting.

Commissioner Carter: Bowler

Commissioner Harker: Hunsucker

Commissioner McDonald: Bowler

Commissioner Hollinshed: Bowler

Commissioner Hagle: Penland

Mayor Newton: Becky Bowler is the applicant that has been accepted and appointed.

Mayor/Commissioner Comments

Commissioner Harker: I just would like to thank the Business Association for putting on a great Fourth of July parade.

Commissioner Hollinshed: I'd like to thank everybody who left their name for an application.

Commissioner Hagle: Lots of progress in projects and thanks to everyone for a great 4th of July.

Adjourn

Commissioner Harker made a motion to adjourn. Motion approved unanimously.

Mayor

Deputy Clerk