



## **Town of Beaufort, NC**

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### **Town of Beaufort Board of Commissioners Regular Meeting 6:00 PM Monday, July 13, 2020 - Held Electronically Through Zoom Due to COVID-19 Pandemic Minutes**

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#### **Call to Order**

Mayor Newton called the meeting to order.

#### **Roll Call**

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

#### **PRESENT**

Mayor Everette Newton  
Commissioner Sharon Harker  
Commissioner Charles McDonald  
Commissioner Ann Carter  
Commissioner Marianna Hollinshed  
Commissioner John Hagle

#### **Agenda Approval**

A motion was made to change the order of the public hearings and approve the agenda as amended.

Motion made by Commissioner Hagle.

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

#### **Calendar**

Town Clerk Davis reviewed the calendar noting Chat with the Chief would be held on July 21, 2020. She also noted the Farmer's Market is still open on Saturday mornings.

Mayor Rett Newton indicated the organizers of the Pirate Invasion would be making an announcement in the near future the event is postponed until a date in the future.

## **Public Comment**

No public comments were made.

## **Project Updates**

Town Engineer Greg Meshaw provided updates on projects. He indicated there was a new storm water project currently being added.

He reported the Tiller School project crosswalk is moving forward since the encroachment agreement had been received from the NC Department of Transportation. He reported the markings will be thermoplastic since they have a tendency to last longer.

He reported Topsail Park is behind at this time but staff is revisiting the plan for the park design.

A new project is the design for First Street culvert location at the corner of First Street and Live Oak Street. He indicated the plan is to move the drain and tie it into the catch basin located on Live Oak Street. The reason for the location is due to plans for a structure to be built on the parcel where the line is currently located.

Mr. Meshaw reported Randolph Johnson Park playground area is complete. The splash pad is also complete but awaiting a test. The anticipated completion date is around the beginning of August.

Mr. Meshaw reported the street project has begun and with paving done around town. He indicated the bases of most of the streets are being stabilized by mixing cement into the base to help with the strength of the pavement base. Each street will get two layers of asphalt before the project is completed.

He reported on the Meeting Street project also. Mr. Meshaw indicated the plan implemented was to clean the drainage ditches across Hwy 70 over to Hwy 101. Additionally, the ditches in the immediate area of Meeting Street will be cleaned within the next two weeks.

All commissioners were concerned over the process to maintain the clearing of the ditches in order to avoid future flooding issues. Town Engineer Meshaw indicated the town would need to develop a plan/policy and possibly obtain easements to allow the town on certain properties. They also expressed concern over the maintenance of the drainage ponds.

Commissioner McDonald asked if the original paving project was to use the cement to strengthen the base. Mr. Meshaw responded in the affirmative.

Commissioner Harker asked if the the replacement of the storm water drainage pipe in the First Street area would cause drainage issues for the two houses on Live Oak Street. Mr. Meshaw indicated it would not impact the drainage of those properties. She also asked about the material put down in the playground area of Randolph Johnson Park. Mr. Meshaw indicated it was a granular rubber product with reinforcement bars then covered with a bound rubber surface.

All commissioners were also pleased with the paving project and seeing asphalt being put down. Commissioner McDonald asked if the method of adding cement to the bases was a method of longevity. Mr. Meshaw indicated information he had reviewed did provided support for the longevity of the paving. Mr. Meshaw also reported the cost for this process was included in the budgeting for the project.

## **Manager Report**

Town Manager Day reported all signatures had been received for the sale of 400 Pollock Street.

Commissioner Hollinshed asked Town Manager Day to please have staff move forward with the stripping for parking on side streets. She also asked for the parking of trailers on streets to please be enforced.

Commissioner McDonald asked about the odor control process at the WWTP. Town Engineer Meshaw indicated staff had received 90% of the plans.

Commissioner Hagle asked about 1509 Ann Street. Town Manager Day indicated there was an appeal hearing scheduled for later in the week.

### **Items of Consent**

A motion was made to approve the Items of Consent as presented.

Motion made by Commissioner Hagle.

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

2. Dark Skies at Night Resolution
3. Minutes of Meetings

### **Public Hearing**

4. Case #20-08 513 Front Street - Micro Distillery/Restaurant

Mayor Newton outlined the process for the public hearing since the request for this item was a Special Use Permit. Commissioner Hollinshed made a motion to open the evidentiary hearing. The vote was unanimous for the opening of the evidentiary hearing.

Town Clerk Davis administered the oath for those speaking as witnesses. Planning Director Kyle Garner was the only one taking the oath.

Mr. Garner reported the request was for a Special Use Permit for 513 Front Street for a Micro-Distillery/Restaurant outside and Tavern/Bar outside submitted by Nelson Owens the owner of the property. Mr. Garner reported notification had been provided to all property owners within 200 feet of 513 Front Street.

Mr. Garner indicated the zoning and the land use is consistent with the CAMA Land Use Plan. There will be an addition of a small building with decking along with three parking spaces to the rear of the structure. The actual micro-distillery will be in the small building and not in the original structure. Mr. Garner reported there was a requirement for a site plan submittal and any outside components for the property will need to be reviewed by the Historic Preservation Commission since the property was located in the district.

Planning Director Garner indicated since this was a special use permit the required findings must be addressed. He testified all requirements were in compliance and consistent with what is being requested.

Commissioner Hollinshed asked about the character of this business and how this distillery would work as far as scrubbing odor or an excessive noise associated with a distillery.

Nelson Owns, property owner and applicant was affirmed in by Town Clerk Davis. Mr. Owens reported the odor would not be different from the current microbrewery on Turner Street and would have little to no noise during operation.

Commissioner Harker asked Mr. Garner if any of the neighboring businesses provided any comments. Mr. Garner indicated he had not received any comments. Mr. Owens indicated the distillery would not begin production until the building behind the original structure was completed.

Commissioner Carter asked Mr. Nelson to confirm the original structure would remain the same and asked about uses for the structure. Mr. Nelson reported he was restoring the structure under the State Historic requirements with the first floor being a restaurant and the upstairs being two one bedroom rental units.

Commissioner Hagle asked about the fire suppression. Mr. Nelson indicated it would be what is required per the building code.

Commissioner McDonald asked if there would be any odor and if so what can be done to control the odor. Mr. Nelson indicated he did not believe there would be a problem with any odors.

Commissioner Hagle also asked about the increase of pervious surface. Mr. Nelson indicated everything being put in would be pervious surface.

Commissioner Hagle made a motion to close the public hearing. The vote was unanimous.

A motion was made to recess this item until the July 27, 2020 work session.

Motion made by Commissioner Hagle.

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

5. Modify/Revise the Existing Planned Unit Development (PUD) for Beau Coast Subdivision

Town Planning Director, Kyle Garner indicated the request was to amend the master plan for the PUD Beau Coast Subdivision. He reported the original approval was in 2008. The applicant requested to modify the street cross sections to create a new type of street detail (D2) which has a 57' right of way which will replace a 63' right of way for part of Phase V. The second request for the amendment is the lot type to reduce the number of 22' wide town home lots from 131 lots to 90 lots resulting in a reduction of 41 lots. Additionally, the request is to reduce type A and D lots which are 40' wide single family lots from 181 to 171 lots and increase the number of B2 type lots with are 32' wide single family lots from 120 to 69 lots. Also as a part of their master zoning plan to reduce the multi family 22' wide residential area from 29.8 acres to 24.10 acres. Mr. Garner indicated the overall number of units is staying the same. He indicated the original design showed 520 single family homes and 271 town homes. With the requested changes there will be 560 single family homes and 231 town homes.

Town Planning Director Garner indicated there were several comments made at the Planning Board meeting regarding the requested changes.

Commissioner Hagle indicated he was not clear on the proposed number of structures from the previous plan. Mr. Garner reported for this particular phase there is an increase of 50 to 60 units from the previous plan.

Commissioner Hollinshed indicated she understood the developer was just moving around the configured units and open space. Mr. Garner indicated that was correct and the actual open space was increasing slightly.

Commissioner McDonald asked if there would be an increase in the projected price points from what had previously been submitted. Mr. Garner indicated that answer would need to be provided during the public hearing portion of the discussion.

Commissioner Harker asked Mr. Garner for clarification on the number of increase in units and the type would be single family homes. Mr. Garner confirmed this for Commissioner Harker.

Mr. Garner confirmed for Commissioner Carter there was not an increase in the overall number of units but some of the types of units as well as the size of lots would be changing.

Mayor Newton asked about the possibility of water coming in from Davis Bay and Turners Creek and how that will be mitigated for a Hurricane Florence type situation.

Commissioner Hagle made a motion to go into Public Hearing. The vote was unanimous.

Hunter Freeman, Director of Sustainable Storm Water for Withers Ravenel, the storm water expert spoke about the Mayor's questions. Mr. Freeman reported the storm water control measure was designed to handle the 100 year storm. He further indicated this area was outside of the FEMA regulated area and did not expect inundation up to the 500 year storm level. The water is diverted just to the west of Phase I.

Don Mizelle, Withers Ravenel, indicated he would like to expound on some statements made by Kyle Garner. He stated the initial plan was done in 2008 with some updates occurring in 2015. There are 706 units with 38% open space. Mr. Mizelle indicated discussions were held with the adjacent property owners on Charles, Willow and Jefferson Streets. As a result of those discussions, the developer set aside some permanent buffers for those adjacent neighborhoods. He reported those buffers were identified as 20 foot in 2015. Mr. Mizelle indicated the only amendments being requested tonight are for Phase V. He indicated the reshuffling of the units was resulting in a loss of two lots resulting in a reduction of impervious surface.

Mr. Mizelle referenced a letter from surrounding neighbors requesting a 60 foot buffer and indicated the developer was kind of on the same page as the request. He reported the plan was to from the storm water pond back to Leonda Drive to set aside the approximate 60 feet of open space as buffer for the Charles Street area. From the storm water pond going east, Mr. Mizelle reported the developer does not have the luxury of dedicating a 60 foot buffer. He did indicate the 20 foot buffer would still be in place.

Sarah Speigler of Charles Street indicated she was a new homeowner in the Charles Street area. She thanked the Town of Beaufort staff for their efforts in helping to address this request for the additional buffer. She stated the 60 foot natural undisturbed buffer is a great solution. She indicated the group would like to make sure the 60 ft buffer will remain forever. She did indicate Phase V would be the most dense part of the development. Concern was expressed for the privacy of the current residents of Charles and Jefferson Streets and for the residents of Phase V.

Chris Stevens, 136 Charles Street, indicated his biggest concern was storm water runoff since his property has been impacted in the past from flooding.

Vern Lee, 140 Charles Street, asked why the density was increased in this area so close to an established neighborhood. She indicated an additional concern was storm water runoff since there is a ditch directly behind her property.

Don Mizelle indicated the density in this area is being reduced by 2 lots in Phase V. There are 88 lots approved with the amendment the number will change to 86.

Hunter Freeman indicated the storm water runoff from the impervious area is controlled by a storm water control center. He indicated runoff will held in the retention pipe and then discharge to the east and then turns south along the lots on the east side of Jefferson Street. He indicated there was currently 2 acres of area flowing toward Charles and Jefferson Streets. With the change in the retention the flow should be reduced to about a quarter acre.

Commissioner Hagle asked for a confirmation of the 60 foot buffer being retained and will be maintained. Don Mizelle confirmed for Commissioner Hagle there was room to accommodate from the edge of the pond west to Leonda Drive but a provision would be needed to maintain over time.

Commissioner Hollinshed indicated she did not wish for the open area ditch or swale become a hot spot as has happened in other areas of the town.

Commissioner Hagle asked about the construction period and the use of the pond for temporary drainage. Don Mizelle indicated it would be used a temporary sediment pond during construction and then used as the permanent retention pond. Hunter Freeman also agreed with Mr. Mizelle.

Commissioner Harker stated the 60 ft buffer would only be to the west of the project and the 20 ft buffer would only be to the east. She asked how the 20 ft buffer was decided upon. Planning Director Garner indicated the Board of Commissioners decided on the 20 ft as provided in the Subdivision Ordinance for buffers. He further stated normally a buffer was not required but the

board decided as a condition for the development there would need to be a 20 ft buffer of vegetation between this development and other adjacent properties.

Commissioner Carter stated this approval was originally done in 2008. She indicated she had a concern about adding the additional 40 ft to the original 20 ft buffer and if open space was being reduced. Don Mizelle indicated the 60 ft wide buffer would remain in the open space calculation and would also fall into the natural area calculation for the overall plan.

Brent Creelman indicated there is already major storm water issues. He indicated for Charles Street his concern was the issue being exacerbated by the pipes that go under the old railroad tracks. He also commented he was concerned the natural area would not be saved during the construction of the pond. Hunter Freeman indicated to the east of Phase V there is a plan to maintain the existing culvert to bring back to good condition but the exact timing of the work is unknown. Mr. Mizelle indicated precautions would be taken to protect the offsite vegetation. Mr. Creelman asked if there would be fencing against the property line. Mr. Mizelle indicated it would go about one foot off of the property line during construction. He reported the buffer would be post construction.

Mayor Newton indicated he understood the trees would be kept in the buffer area. Mr. Mizelle indicated in the 60 foot buffer area the trees would be kept but for the 20 ft buffer it will need to be graded for the pond and re-vegetate the 20 ft area. The silt fencing would be in prior to land disturbance and would be removed after construction and stabilization.

Mr. Creelman asked about the 20 ft buffer and where it began. Mr. Mizelle indicated the 20 ft buffer abuts from property line into the Beau Coast property. Mr. Creelman asked for a meeting with the development team to discuss the vegetative buffer. Mr. Creelman also asked about working on weekends and holidays. Town Planning Director Garner indicated the Town of Beaufort Code of Ordinances addresses the times during which construction work cannot be done and which days.

Commissioner Hollinshed made a motion to close the public hearing. All members were in favor. Mayor Newton indicated the final decision would be made during the July 27, 2020 work session.

## **Items for Discussion and Consideration**

### **6. Final Plat - Beau Coast Phase 2B**

Town Planning Director Garner indicated this request was for the Final Plat for Phase 2B for Beau Coast. The request is to subdivide a 27.498 acre tract into 49 Single-Family Residential Lots. As part of the Final Plat process the infrastructure can be either installed or bonded through a financial guarantee process to ensure completion of the project. The applicant has chosen to request to bond the infrastructure improvement and has submitted cost estimates for the complete cost of improvements totaling \$331,105. At their June 15th meeting the Planning Board voted unanimously to recommend the Final Plat.

Commissioner Hagle asked about how storm water management would be handled. Town Planning Director indicated the storm water plan had been approved at the time of the preliminary plat. Mr. Garner indicated these lots were select cut meaning to remain as open as possible. Hunter Freeman indicated the drainage would be to SA waters (high quality waters designated commercial shellfishing) using vegetative swales to Taylors Creek.

A motion was made to approve the Final Plat for Beau Coast Phase 2B as presented.

Motion made by Commissioner Hagle.

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

### **7. Preliminary Plat for Beau Coast Subdivision Phase V**

Town Planning Director Garner indicated this item goes along with the Preliminary Plat Amendment Public Hearing for Phase V. Considering several of the design features were discussed during the discussion for the amendment, Mr. Garner asked for the decision for this item to be held until the July 27, 2020 work session also.

All members of the board were in favor of holding a decision until the July 27, 2020 work session.

Planning Director Garner indicated the current preliminary plan did not show the 60 ft buffer so he requested Don Mizelle provide an updated plan prior to the work session on July 27, 2020.

### **Mayor/Commission Comments**

Commissioner Hagle stated he was glad to see the paving being done around town. He also spoke about the need to socially distance. He also encouraged everyone to please observe safe distancing while driving on the highways.

Commissioner Hollinshed commented the maintenance of the ditches and swales for drainage ditches was very important. She also asked about getting answers on the parking spaces being marked.

Commissioner McDonald had no comments.

Commissioner Harker thanked the staff for cleaning the ditches around Meeting Street. She reported she was glad the town had received another accolade for being the number one small town for adventure. She also commented on this year being the 20th anniversary of the Clean Marina and commended those businesses who had received the distinction. She encouraged everyone to continue to wear masks and social distance since the virus is starting to spread.

Commissioner Carter thanked Greg Meshaw for clarity and explanations. She stated Beau Coast was originally approved in 2008 and it is not something new.

Mayor Newton reported there were 21 additional positive cases announced this afternoon. He indicated the tools had been provided for being COVID19 and they were wearing masks, hygiene and social distancing. He encouraged everyone to take all precautions to stop the spread of the virus.

### **Closed Session**

A motion was made to enter into Closed Session for the permitted purpose of Personnel.

Motion made by Commissioner Harker.

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

Being no further business, Commissioner Hagle made a motion to return to Open Session. The vote was unanimous.

8. Closed Session for Personnel

### **Adjourn**

A motion was made to adjourn the meeting.

Motion made by Commissioner Harker.

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

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Mayor Everette S. (Rett) Newton

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Michele Davis, Town Clerk