



Town of Beaufort, NC

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Board of Commissioners Regular Meeting 6:00 PM Monday, April 10, 2023 Train Depot, 614 Broad Street Beaufort, NC 28516 Minutes

Call to Order/Pledge of Allegiance

Mayor Harker called the meeting to order at 6:00 p.m. and 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 Oliver
Commissioner Cooper
Commissioner Hollinshed

Commissioner Hagle made a motion to excuse Commissioner Terwilliger from the meeting.

The motion carried unanimously.

After roll call, Commissioner Cooper commented on the Beaufort Fire Rural District. He shared that he had been in conversation with Beaufort Fire Chief and the Town Manager regarding the proposed change. He explained that he wanted to go on record to make sure the County continued funding and supporting the North River Fire Department, suggesting the Town would be gaining \$14,000 by adding Stanton Landing to their district. He noted the importance of response time, funding, protection and equity across the board, no matter where you live.

Agenda Approval

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

The motion carried unanimously.

Public Comment

John Oglesby, 212 Belle Air Street, shared he was speaking on behalf of his mother, Sue Oglesby and other residents who live on the same street. He described the condition of the Belle Air Street as terrible. He provided background on the situation, sharing his family had lived in Beaufort many years and the road has continued to deteriorate over time. He explained numerous conversations with Town Staff had taken place, but the road was never fixed. He specifically noted that he spoke with the Town Engineer, who informed him Belle Air Street was in Phase 2 of the Street Improvement Plan. He explained Belle Air Street was a dead-end street that was heavily used by surrounding neighborhoods, both with golf carts and vehicles. He applauded the efforts of implementing bioretention areas on Cedar Street, but questioned when improvements would be made to Belle Air Street to make it safe.

Robert Harper, 1020 Broad Street, noted an increased public interest in regards to Town of Beaufort Board meetings. He requested the Commissioners consider making streaming on social media available for all volunteer boards and commissions.

Items of Consent

1. Meeting Minutes- March 13th & 27th
2. FY 2023 Budget Amendment #7
3. FY 2023 Budget Amendment #8
4. Beaufort Fire Rural District – Proposed District Change for Stanton Landing
5. American Rescue Plan Grant Funding Acceptance Resolution

Commissioner Hagle made a motion to approve the Items of Consent, as presented.

The motion carried unanimously.

Items for Discussion and Consideration

1. Amendment to the Code of Ordinances – Chapter 95. Oceanview Cemetery

Todd Clark, Town Manager, reviewed proposed changes to the Code of Ordinances-Chapter 95. Oceanview Cemetery. A copy of the recommendations is incorporated in the meeting packet. The changes substantively include clarification of the assignment of various duties and responsibilities to the Town Manager or his/her designee, establishment of bi-annual cemetery clean-up days, a restriction that prohibits the planting of trees and shrubs that otherwise will damage gravestones and other cemetery markers, and a restriction that prohibits the erection of certain structures around grave sites unless approved by the Town.

Commissioner Oliver asked if the current cemetery map, that references available plots, could be inspected by the public.

Mr. Clark confirmed the map was available for public inspection at Town Hall.

Commissioner Hagle had questions regarding trees and shrubs that already existed.

Mr. Clark explained if the current vegetation dies, it would be removed and not replaced.

Commissioner Hagle suggested being specific on that portion of the ordinance, as there are many existing trees and shrubs in Oceanview Cemetery.

Commissioner Hollinshed confirmed the designee referenced would be the same staff member, for consistency.

Mr. Clark confirmed it would.

Mayor Harker had questions about Section 95.03, Section B of the ordinance, which explains lot sales and terms of agreement for installment plans. She shared the importance of making sure the purchaser is aware of these terms at the time of the initial agreement. She also made note that Section 95.10, Section H of the ordinance, suggesting the Town be very careful with the grave markers.

Commissioner Cooper also commented on Section 95.03, Lot Sales, suggesting the purchaser has plenty of notice leading up to the 90-day unpaid balance due date.

Mr. Clark suggested those items be handled administratively.

Commissioner Oliver suggested removing "without notice" from Section 95.03, Section B of the ordinance, and replacing it with "after 30 days written notice". The 30-day written notice should be sent to the purchaser, from the Town.

Mayor Harker confirmed making sure the installment plan terms was clear to the purchaser should be done administratively by the Town Manager or his/her designee.

Commissioner Oliver made a motion to approve the proposed amendments to Chapter 95. Oceanview Cemetery, with additional changes to three sections as referenced below:

Section 95.08 Removal of Debris: The Town will conduct bi-annual cemetery clean-ups twice per year. The public will be notified at least 30 days in advance of each established clean-up date. The clean-up dates will be the first Monday in March of each year and the first Monday in October of each year. Town staff are authorized to remove and dispose of all loose items including, but not limited to, flower arrangements, vases, and trinkets.

Section 95.03 Lot Sales: (B) Lots may be purchased on installment plans approved by the Town Manager. No deed for a lot shall be issued until the town has received the purchase price in full. In the event any installment due under an installment plan remains unpaid for 90 days after the due date, the purchaser, after 30 days written notice, shall forfeit all rights to said lot, and all previous installment payments made for said lot shall be forfeited to the town as liquidated damages for breach of the installment purchase contract, and said lot shall be made available for sale to another party.

Section 95.11 Care and Improvements: (C) Trees and shrubs shall not be planted in the cemetery due to the damage that can be caused to grave markings by root mats and falling trees. Existing vegetation may not be replaced under any circumstances.

The motion carried unanimously.

2. Request for Extension of Reserved Sewer Capacity - 803 Island Drive

Greg Meshaw, Town Engineer, explained the owners of 803 Island Drive, Herb and Debra Ridgeway, have requested an extension to the deadline by which the sewer capacity reservation granted to the parcel was to have been used. Capacity sufficient to serve a 3-bedroom residence constructed at the address was granted by the Board of Commissioners during the regular meeting of March 8, 2021. The allocation remains unused because construction of the residence has not begun and because the water meter to serve the structure has not been installed. Accordingly, the reservation expired on March 7, 2023, in accordance with provisions of the Town's Wastewater Allocation Policy. Mr. Meshaw asked that the Board consider approving a six-month extension to the homeowners.

Commissioner Hagle made a motion to approve a six-month sewer extension for 803 Island Drive.

The motion carried unanimously.

3. Conflict Waiver for Proposed Bond Counsel for the USDA-Funded Utilities Project

Mr. Meshaw explained Town staff desires for the legal firm of Parker Poe to represent Town of Beaufort as its Bond Counsel for USDA Revenue Bond financing based upon its extensive experience in representing many other North Carolina local governments in a myriad of bond financing matters. Parker Poe, however, represents Blue Treasure, LLC and its parent company Preston Development Group in unrelated matters that might be considered by some to be legally adverse to Beaufort. Parker Poe has requested the Town of Beaufort's consent to their continued representation of Blue Treasure in light of their proposed representation of Beaufort. The request by Parker Poe is being made pursuant to Rules of Professional Conduct which govern their conduct as lawyers in situations where two current clients are on opposite sides of a matter. These rules require them to determine, among other things, whether the firm will be able to provide competent and diligent representation to each affected client in spite of the conflict. If so, the firm must obtain consent to proceed from each affected client after full disclosure of the conflict of interest. The Rules also require Parker Poe to protect any information obtained during their representation of each client and keep it confidential. Given the foregoing, Parker Poe has stated that their representation of Blue Treasure is not related to the proposed representation of the Town in the USDA Revenue Bond financing matter. They have further stated a belief that they can continue to protect all confidential information, exercise independent judgment and provide competent and diligent representation to both clients in their respective matters.

Commissioner Cooper asked if a conflict came about, would the Town be notified.

Mr. Meshaw explained if there was an appearance of a conflict noticed by Parker Poe, they would notify the Town; if there was an appearance of a conflict noticed by the Town, they would notify Parker Poe. He noted a decision to move forward or not would then have to be made.

Mayor Harker asked if there would be a contract to come in the future.

Mr. Meshaw explained the Town had not yet seen an engagement letter.

Commissioner Cooper made a motion to consent to a conflict-of-interest waiver that allows Parker Poe to continue their representation of Blue Treasure LLC while also acting as bond counsel for the Town of Beaufort regarding the USDA Revenue Bond financing.

The motion carried unanimously.

Public Hearing

1. Walking Tour Permit- Beaufort's Southern Stroll

Commissioner Hollinshed made a motion to open the Public Hearing.

The motion carried unanimously.

Ms. Lewis explained staff was requesting the Board conduct a Public Hearing and render a decision on a Walking Tour Permit Application, submitted by Frank and Lynn Jarman, owners of Beaufort's Southern Stroll; she noted the application was attached and incorporated in the meeting packet.

Commissioner Cooper had questions regarding aspects of the proposed tour, specifically the scavenger hunt piece. He also noted the minimum liability insurance required, and how many walking tours were going on around Town.

Ms. Lewis confirmed Hungry Town Tours had an active Walking Permit on file, and explained there were other organizations in the area that conducted walking tours that were not required to obtain a permit, per the ordinance.

Mr. Grady explained the ordinance requires general liability insurance in a minimum amount of \$100,000.

Commissioner Hagle reminded the applicant of the Town Code of Ordinances, Article II, Section 90.25-90.37, which provides specific guidelines the applicant must follow.

Commissioner Hollinshed asked if the Ghost Walk Tour was still active.

Ms. Lewis shared they did not have an active permit on file but would look into it.

Commissioner Hollinshed cautioned the applicant to be mindful of the area where the tour would be taking place, as it is frequently busy; she emphasized the importance avoiding a congested sidewalk.

Mayor Harker invited the applicant to the podium to speak and address any questions from the Board.

Mr. Jarman noted the liability insurance Beaufort's Southern Stroll carried have is well over \$100,000. He also explained the scavenger hunt in greater detail, as a response to Commissioner Cooper's question. He shared after their tour, clues would be given to participants as a way for them to learn more about Beaufort. He noted their tour was designed for all ages and shared information on pricing, group sizes, the schedule and route.

Commissioner Cooper questioned the departure location of the Maritime Museum, noting Mr. Jarman's business location was at 411 Front Street, also known as the Vault.

Mr. Jarman explained by using it as a departure location, he was trying to encourage people to visit the Maritime Museum.

Commissioner Cooper suggested Mr. Jarman make an effort to clarify that, to ensure participants were not confusing his business with the Maritime Museum.

Commissioner Hollinshed suggested providing a way for participants to recycle water bottles and get rid of their trash to reduce litter from the streets and sidewalks.

Mayor Harker asked if there was anyone from the public who wished to speak in regards to Beaufort's Southern Stroll and their request for a Walking Tour Permit.

There was none.

Commissioner Hagle made a motion to close the Public Hearing.

The motion carried unanimously.

Commissioner Hagle made a motion to approve the Walking Tour Permit as presented.

The motion carried unanimously.

Manager Report

Todd Clark provided the Board with an update for the month of April. He noted topics such as Cedar Street work, the SCADA System, stormwater piping on Queen Street, dredging projects, and other upcoming events and meetings. He also reported there had been an increase in the cost of water meters, noting the importance of adjust the fee schuedlue to reflect that change in the upcoming fiscal year. A full detailed Town Manager's Report can be accessed on the Town of Beaufort's website: <https://www.beaufortnc.org/boardofcommissioners/page/managersreport>

Mayor/Commissioner Comments

Commissioner Cooper thanked the members of North River Volunteer Fire Department for attending the meeting and for their efforts in keeping their community safe. He also spoke of a successful employee luncheon the prior week and commended the Town of Beaufort staff.

Commissioner Oliver had no comments.

Commissioner Hagle praised the recent improvements at Oceanview Cemetery. He also thanked Town Staff for all their hard work keeping Beaufort clean and safe.

Commissioner Hollinshed expressed appreciation to Town Staff for the job they do each day. She reminded the group the kickoff for the Farmers Market is in April.

Mayor Harker also recognized the employees, specifically those who have recently obtained grants for the Town. She also expressed gratitude to the citizens who attended the meeting.

Closed Session

1. Pursuant to NCGS 143-318.11 (a) (3)

Commissioner Hagle made a motion to enter closed session, pursuant to NCGS 143-318.11 (a) (3).

The motion carried unanimously.

Adjourn

Commissioner Hollinshed made a motion to adjourn the meeting at 8:00 p.m.

The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk