



Town of Beaufort, NC

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Town of Beaufort Board of Commissioners Work Session Meeting 4:00 PM Monday, October 25, 2021 - 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

Elizabeth Lewis, Town Clerk, called roll.

PRESENT

Mayor Newton
Commissioner Carter
Commissioner Hagle
Commissioner Hollinshed

Mayor Newton said he heard from Commissioner Harker, and she would be a few minutes late.

Commissioner McDonald was not present at the time of roll call.

Agenda Approval

Mayor Newton asked if there was a motion to approve the agenda.

Commissioner Hagle made a motion to approve the agenda.

Voting Yea: Commissioner Hagle, Commissioner Hollinshed, Commissioner Carter

Commissioner Harker joined the meeting.

Project Updates

Greg Meshaw, Town Engineer, gave a detailed presentation on current projects. Mr. Meshaw shared there were 16 active projects:

- Cedar Street Park
- FY20 Street Rehabilitation & Construction
- Turner Street 100 Block Pedestrian Improvements

- Town Wide Sidewalks (Part 5-FY20 Street Rehabilitation & Construction)
- Downtown Parking
- Turner Street- Broad Street Traffic Calming Improvements
- Campen Road Waterline Extension/Upgrade
- USDA Funded Utility Project (water, Sewer & Stormwater)
- Waste Asset Inventory Assessment
- High-Rate Infiltration System Permit Reacquisition
- ECHS Sewer Pumping Issue Investigation
- Wastewater Design Unit Flow Reduction Request
- Pruitt Health Sewer Service Construction
- Meeting Street Drainage Improvements
- Lennoxville Road Pond Bank Stabilization & Culvert Replacement
- Fire Station No. 2 Renovation

Mayor Newton asked if there were any questions.

Commissioner Carter asked where the ground water lowering drain was going to discharge.

Mr. Meshaw said it would most likely discharge into Taylor's Creek.

Commissioner Carter asked if that could be done or if it was part of the sewer discharge.

Mr. Meshaw explained the Town would be applying for a NPDES permit, to amend the current discharge rate.

Commissioner Carter asked if there was any chance of getting it.

Mr. Meshaw said the consultants think it is a very doable thing.

Commissioner Carter said she hoped the state thought the same thing.

Mr. Meshaw said their consultant talked to someone at the state when they were planning this early on and they voiced no objections; while there were no red flags raised, you still must go through the process.

Commissioner Carter asked if they would be able to expand the discharge permit from the sewer plant.

Mr. Meshaw said it is possible, but they would have to go through the process. He added that there had been some discussion about the possibility of doing a study and talking to the state about speculative limits for an expansion of the plant; but with the 350,000-gallon high-rate infiltration basin available, they really didn't go very far with that plan.

Commissioner Harker asked who would be responsible for the berm associated the high-rate infiltration, as far as putting it in and paying for it.

Mr. Meshaw said he thought it would be us.

Commissioner Harker asked if we knew how much that would cost.

Mr. Meshaw said there would be an opinion of cost when the plans were pulled together, probably at the 25% design stage. He added that they have always known the final grading portion would be necessary and putting in the piping to it from the wastewater treatment plant.

Commissioner Harker asked about the connection at Pruitt, and if the Town would be responsible for digging under the highway to make the connection.

Mr. Meshaw said yes, the way he understood it was they would be doing it by agreement.

Commissioner Hollinshed had no questions.

Commissioner Hagle asked about the discharge lines from the pond and if it would be a separate line into Taylor's Creek or if it would be connected to the current discharge piping.

Mr. Meshaw said right now they think it is going to be a separate line.

Commissioner Hagle asked if it would be a separate line run from that pond to Taylor's Creek, from a different area.

Mr. Meshaw said right now they think it will be a separate line that will end up going down Leonda, pretty much where the existing discharge from the wastewater treatment plant goes.

Commissioner Hagle asked if we would have to be covering all of the cost of the separate line down Leonda

Mr. Meshaw said he believed so.

Commissioner Hagle said great report and thanked everyone for all their hard work moving forward with the infrastructure improvements. He also added great work on Cedar Street, it is moving along rapidly.

Mr. Meshaw said they had met with some individuals from NCDOT, to include Preston, and what they understood was the work to put the storm sewer in Cedar Street is probably going to be finished up in a month in a half to two months. He said they also talked with some individuals out of Hydrographics in Raleigh; they have had some personnel changes there, so we all sat down to discuss the project and let them know the Town was still interested. Mr. Meshaw said they felt once they got another consultant on board, they could have plans for the bump outs ready to go by the Spring of 2022. This would mean the construction could possibly be finished up towards the end of the year. He also added that the complete paving of Cedar Street scheduled for this year, there is a paving contract that has been bid and awarded, but with the bump outs happening, they are talking about pushing the paving portion out, resulting in such patches throughout Cedar Street until everything is complete and ready to be paved.

Mayor Newton thanked Mr. Meshaw for his report.

Commissioner McDonald joined the meeting.

Public Comment

There was no public comment.

Items for Discussion and Consideration

1. COVID Numbers in Carteret County, Returning to In-Person Meetings, Employee Emergency Medical Leave Check-In

Mayor Newton reported the current COVID numbers in Carteret County as: 102 active cases, 7 hospitalizations, 5.2% active positive rate. He then went down the roster to discuss returning to in-person meetings.

Commissioner Carter said they could return next month as long as the rate stayed down, that would be good.

Mayor Newton asked if she meant the November 8th meeting for a return to in-person date.

Commissioner Carter said yes sir.

Commissioner Harker said she was fine to going back to in-person, November 8th could be a benchmark, but she would like to discuss how they were going to safely open it up to the public.

She added that she did not want to diminish any opportunity for citizens to have access to the meetings.

Commissioner McDonald said he was hoping to continue as it was until after the holidays; looking to return in-person for the January meeting.

Commissioner Hollinshed said she was willing to go into the in-person meetings with precautions.

Commissioner Hagle agreed with going to in-person and said he would like to know more about the hybrid option because with in-person, the number of people that will be able to attend will be limited.

Mayor Newton said the last thing he heard from the Town Manager was that the hybrid system (the pieces and parts) would not be available until the end of December, is that correct John?

John Day, Town Manager, said that was right; it was scheduled to be shipped on December 27th

Commissioner Hagle asked if there was anything else they could do so that people would be able to remotely access and participate.

Mr. Day said that the participation is the problematic part, you can make it so people can view it. He said they could look into any kind of workarounds to do that, but agreed with the group stating, he thought it would severely limit the number of people who participate. He added they usually have a high number of participants, which would present a problem.

Commissioner Hagle asked if they would still need to have a separation of people.

Mr. Day said you are not required to, but it seems prudent. He added that he was not comfortable with going into a room full of people for two hours.

Commissioner Harker asked if mask were still required on Town property.

Mr. Day said they were requiring that until the positive rate hits 5%

Commissioner Harker said that is close to where it is right now.

Commissioner McDonald asked if flu season was almost upon us.

Commissioner Harker said we are in flu season.

Commissioner McDonald said he did not think it would be wise to go into this with flu season being upon us and unaware of what COVID would do on top of it. He added it is too late to figure

it out after they gather, somebody gets in and they start wishing they had done things differently. He said he still thought they should wait until the holidays were over and then they can see.

Mayor Newton went down the roster and asked each commissioner what the meetings should look like, as far as socially distancing outside and inside the dais.

Commissioner Carter said she wasn't so much concerned with the board socially distancing, I think we have all been vaccinated, and we would not need to wear a mask because you can't understand people if you are talking with a mask on. She said the audience should at least have 3-feet between each member and wear a mask.

Commissioner Harker said she had to think about all of the other boards that would be affected by this decision because of how they would gather, there will be some topics that people will want to be apart of and as we have seen on Zoom, that has been quite a bit. They are never going to fit into that venue, and we can't really find a venue big enough to put them in without putting somebody else out; if the school was used, they would have to spend a lot of money to clean up afterwards. She said if you open it up... you will still have to wear the mask, you will only have a handful of people who will be able to participate, you won't be able to accommodate larger crowds, and we don't have the hybrid equipment coming in until December. She added she was leaning towards Commissioner McDonald's decision, waiting until after the equipment gets here, because she does not want citizen access to these meetings, volunteer as well.

Commissioner McDonald said he had no other comments.

Commissioner Hollinshed said she thought they needed to be cautious, and they could wear their mask unless they were speaking, by easily pulling it down for clarity. She said she thought anybody coming in needed to be masked.

Mayor Newton asked Commissioner Hollinshed if she recommended everyone be masked unless they have a speaking part.

Commissioner Hollinshed said she did.

Commissioner Hagle said he agreed with that but he was concerned with the participation because if they have it in the Depot at the normal location, there probably won't be room for more than 20 people at the most, depending on the spread and separation requirements. He said that will limit the number of people that will be able to participate, unless there is some other way people can make comments, and added that he was disappointed they could not get the equipment sooner because he thought they needed to start back and the participation of the citizens was very important for all boards.

Mayor Newton asked Commissioner Hagle if he wanted to wait until the hybrid solution was in place.

Commissioner Hagle said do we not think citizen's participation is as important.

Mayor Newton said he thought they all agreed that it is important.

Commissioner Hagle said he did not know what other option they had unless they go to another venue.

Commissioner Hollinshed said or a different vendor.

Commissioner Hagle said it may be related to all the other IT shortages across the world.

Commissioner Harker said the supply chain is so disruptive, it is crazy in the medical world as well. She added although you are vaccinated, that is a nice boost that reduces hospitalizations, but it does not necessarily mean you cannot contract it; so, she would agree with wearing a mask in that particular closed setting. Ultimately, she suggested waiting until the equipment comes in to ensure participation for the citizens.

Commissioner Carter said she did not have a problem with that, she would rather keep everybody safe and allow the citizens to participate.

Mayor Newton said he heard a consensus to wait until the hybrid equipment is in place, understanding that we don't think the bits and pieces will be in until around December 27th.

Commissioner Hollinshed asked if that was delivery or installed, we are talking two different things.

Mr. Day said his recollection was that it was the delivery, but he would follow up to make sure; the firm recommended using the same type of equipment that is already in there, because mixing equipment of that caliber can sometimes lead to issues and as Commissioner Harker mentioned, with higher end equipment, there are some supply chain issues out there.

Commissioner Hollinshed said so that is not a drop-dead firm day, it could get pushed out another month or two

Mr. Day said, or it could be sooner.

Mayor Newton said he thought there was a consensus and moved onto the Employee Emergency Medical Leave Check-in.

Commissioner Carter said no change on that.

Commissioner Harker asked if there was any change as far as employees seeking a vaccination, has the number increased any?

Mr. Day said we don't get those reports, so he didn't really know for sure.

Commissioner Harker said she wished it would remain the same.

Commissioner McDonald said remain the same.

Commissioner Hollinshed said stay the course.

Commissioner Hagle said stay the same.

2. Minutes- Past

Rachel Johnson, Parks & Events Coordinator/PIO/Deputy Clerk, presented the Board of Commissioner meeting minutes from May 10 & September 13, 2021. She said these minutes were part of the backlog as well as the catch up; there are four more meetings coming from May that are anticipated to be on the next agenda.

Mayor Newton asked if there were any questions.

Commissioner Carter had no questions.

Commissioner Harker had no questions.

Commissioner McDonald had no questions.

Commissioner Hollinshed had no questions.

Commissioner Hagle said the September 13th minutes were very difficult to read, some of the words may not have been understood if it was done electronically. He suggested somebody read through them again and do a little bit of editing.

Ms. Johnson said she would certainly go back over those and review them and informed the group there were two different systems being utilized to transcribe the minutes right now.

Mayor Newton asked the Commissioners if those edits were made, should it be moved to the consent agenda.

This suggestion was agreed upon unanimously.

3. Minutes- Current

Ms. Lewis presented the minutes from the Board of Commissioner Regular Meeting on October 11, 2021.

Mayor Newton asked if there were any qualms about moving it to the consent agenda.

There were no issues with that request.

4. Proposed 2022 Board of Commissioners Meeting Dates

Ms. Lewis presented the 2022 BOC Dates asked that it be moved to the consent agenda. She pointed out there was one conflict with the normal work session date of December 27, 2022; that meeting was moved to the third Monday of December to accommodate the Christmas holidays.

Mayor Newton asked if there were any questions.

Commissioner Carter had no questions.

Commissioner Harker had no questions.

Commissioner McDonald had no questions.

Commissioner Hollinshed had no questions.

Commissioner Hagle had no questions.

5. Repeal of Demolition Ordinance - 400 Pollock Street

Mr. Day presented the item, explaining a buyer has been identified and is planning to close on 400 Pollock Street the next day. He informed the group that Maggie Gregg, from Preservation North Carolina, was available to answer any questions about the property being rehabilitated.

Ms. Gregg explained there was a rehabilitation agreement in place to ensure that it is planned for and that it occurs. She said the agreement had specific benchmarks and deadlines that will be signed by the buyer at closing, which outlines architecture and engineered plans.

Mayor Newton went down the roster to see if there were any questions.

Commissioner Carter asked if those benchmarks had dates, as it has been delayed for so long. She said she wanted to make sure it was not going to be sitting another year with no action.

Ms. Gregg said there were benchmark dates associated with it and she was happy to share the rehabilitation agreement with you all. She said the planned construction, based on current guidelines with supply chain issues from her contractor, would begin at the latest by April 1, 2022.

Commissioner Carter said that was a long way off.

Commissioner Harker said now that there was a benchmark in place, was anybody going to look at the property to tack down the wrap that is blowing in the wind.

Ms. Gregg said based on her understanding, there was someone out there last week doing the work, if there is still an issue, she was not aware of it.

Commissioner Harker said it was last week when she saw it, so it is probably fixed.

Commissioner McDonald asked when the board put an ordinance in effect to demolish the building.

Mayor Newton asked Mr. Day if he knew the date.

Mr. Day said he did not have the date in front of him, but it had probably been a couple years ago and asked Arey Grady, Town Attorney, if he knew the date.

Mr. Grady said it was signed effective March 11, 2019

Commissioner McDonald asked at that time, what did the ordinance state as far as the purpose of the demolition.

Mr. Grady said it was due to the condition of the building; the inspector and code enforcement officer were instructed to move forward with the demolition and then the preservation group got involved at some point after that.

Commissioner McDonald said when the ordinance was put in place, what was the cause for the demolition order?

Mr. Grady said that the order quotes the notices of violation that had been issued over the years. He paraphrased by reading the staff report, which stated that repairs could not be made for more than 50% of the value of the structure, resulting in an order issued to demolish the building.

Commissioner McDonald asked if he was saying that the building structure was in such of a matter that it could not be fixed, at that time, March 11, 2019.

Mr. Grady said no sir, I am not saying that; I am certainly not an engineer or a contractor. He said the issue was the cost of the improvements verses the value of the property; there is a 50% threshold in the statues and in the Town's ordinances. He explained the rule of thumb, once you hit 50% that it becomes a demolition type of situation and if it is under 50% the presumption is that it makes sense to undertake the repairs.

Commissioner McDonald asked who the engineer was that said that particular building, on March 19, said that it was in such a condition that it had to be demolished.

Mr. Grady said he did not have that in front of him, but he did recall there was an extensive engineer's report that reached that conclusion. He added he wasn't sure who requested that report, but it was his recollection that the building had been inspected and evaluated numerous

times over the years and that demolition was the route that was chosen. He said that is not to say you cannot rehabilitate the building, as it sounds like the new purchasers intend on doing that.

Mr. Day said additionally the issue was there were a number of code violations that needed to be addressed and the owner had a certain time period to address them, and it was not done.

Commissioner McDonald asked if that required you to tear down a citizen's property because they are not in a financial state to repair it.

Mr. Day said it doesn't require that, it is at the discretion of the board.

Commissioner McDonald said so, the board went back to the ordinance that will back up that they would have to come up with an ordinance to demolish the property because of its structural condition.

Mr. Day said the ordinance was not because of the structural condition, it was because of the code violations.

Commissioner McDonald asked if the Town of Beaufort demolished people's property because of those reasons stated.

Mr. Day said in many cases the owners of the property demolish it themselves because they are unable to address the code violations. He said there have been several instances of that in the last few years.

Commissioner McDonald said that Beaufort Middle School, two separate places, have been in that position for several years and it wasn't destroyed. He said he could not understand how this building become a sore eye in the Town of Beaufort.

Mr. Day said the board was considering repealing the order so that it can be sold and rehabilitated.

Commissioner McDonald asked why they were repealing it, was it because of structure reasons.

Mr. Day said they were repealing it because someone has agreed to buy the building and make all the repairs, but they can't actually close on it until the ordinance for demolition has actually been repealed.

Commissioner McDonald asked if the building was in such repair that it could not be fixed.

Mr. Day said no, that is why there was a time given for those repairs to be made, because they could be made.

Commissioner McDonald said so, the building has always been structurally sound.

Mr. Day said he could not speak to that.

Commissioner McDonald said somebody had to speak to it to give a demolition order.

Mr. Day said not necessarily, that could be done for code violations, it doesn't necessarily mean it has to be structurally unsound as it would be determined by an engineer.

Commissioner McDonald said maybe he had been misinformed, but he did not think he had. He said it does not look good for the Town of Beaufort to do what they were going to do to the building or to the citizens that own the building. He added the family was not in a financial position to move forward to meet those standards, but they tried several times to sell the building and there were articles that came out in the newspaper that turned people away from buying it.

Mayor Newton said there was a process in place to address the facility and Commissioner McDonald recused himself because he had family ties to the building; but the process was in place, and they were very fortunate Preservation North Carolina came in at the very end game to offer to assist. He added they were in a position now to be able to repeal the demolition order, the property can be closed on, and they can move forward to protect the building by renovating it and adding to Cedar Street.

Commissioner McDonald said what took place during that time did not make it right and he was not speaking for the family, rather a board member, so that things of this nature would not happen to any other family. He said he thought it could have been handled differently. He added that he hoped the attorney could produce documents stating that the building, on March 11, 2019, was in such of a non-repair that it had to be demolished.

Mr. Grady said he would glad to produce what he could; the Planning and Code Enforcement department have an extraordinarily extensive file on the matter, and he will get him what they had.

Commissioner McDonald said he would appreciate that.

Commissioner Hollinshed said she thought this had made a lot of progress and she was glad it was getting ready to move forward. She said knowing how things collapse because of the supply chain and finding competent workers, she had a problem with the board executing the repeal before closing. She said she would like to execute it at the time of closing if possible, more simultaneously actions. She said in order for the Town to be protected, she thought lifting the demolition order should be contingent on the property closing, along with other documents that need to be executed.

Mayor Newton said he believed they had to lift it before the buyer could close.

Commissioner Hollinshed said they could put the contingency on it today, if they vote for it, and then it can be executed right before closing.

Mr. Grady said he had been in contact with the closing attorney, and he thought they could work that out administratively. He added that the original demolition ordinance was recorded in the Register of Deeds, as required by law. He said they would need a second document lifting the demolition order, also recorded in the Register of Deeds, clearly, they won't have that in hand by tomorrow. Mr. Grady suggested that they style it as the release has been conditionally approved, provided that they actually close, and then follow up with the document and recording after closing.

Commissioner Hollinshed said that is exactly what she was talking about.

Commissioner Carter agreed with the suggestion.

Commissioner Hagle said it was great to see things moving forward and he appreciated all the work Preservation North Carolina did to protect the building and he looks forward to it being reused. He added it will be a great addition to the Cedar Street rehabilitation in the coming years. He said he would accept anything they needed to do to satisfy the closing with repealing the demolition.

Mayor said what he thought he heard was a consensus to make the repeal a condition, prior to closing.

Commissioner Harker asked if there was going to be some type of time constraints on the buyer to fix the building, how long would they allow the conditions to go unaddressed? Can the timeline be bumped up any because the same reason we have given the demolition still exists?

Ms. Gregg said yes that time was the period given to the buyer by her contractor as the latest date he anticipated being able to start the project. She said if he was able to get the materials sooner and be able to start sooner, she thought everybody would be on board with that. She explained when they crafted the documents, there were deadlines, there is nothing to say that the work can't be done sooner; her understanding from the buyer is that she wants to start as soon as possible, there are designs in place.

Commissioner Harker said so that timeline could be sooner than what you are presenting now.

Ms. Gregg said yes, those are deadlines they put in place, and it could certainly move faster than the deadlines, but it must be accomplished by the deadlines.

Commissioner Harker asked if they felt they could repurpose the house with the conditions that currently exist. She added it had been a while and she didn't want things to get worse where they wouldn't be able to do anything with it.

Ms. Gregg said yes, the contractor and architect met on site a few weeks ago with those plans they finalized for moving it forward.

Commissioner Carter asked if the buyer did not move forward with the repair, would the board have to re-establish the demolition permit.

Commissioner Harker said yes, the conditions still exist, and they are not going anywhere; if we lift it, they will be allowed to do the work, but it will go back into demolition mode if they are not resolved.

Commissioner Hollinshed said they need it lifted to close, nothing would change in the next few weeks, so they should lift it simultaneously with closing. She said there had been foot dragging and excuses, but she was glad to see this thing move forward, and she was willing to make a motion.

Mayor Newton asked if she could clarify the motion.

Commissioner Hollinshed said she would like to make a motion they lift the demolition that is on the project at 400 Pollock property and that takes place concurrently at closing.

Commissioner McDonald asked if it came to the point where they had to re-issue the demolition order, who does that?

Mr. Grady said if it does not close for whatever reason, the order is not lifted, so it would be back before the board in that situation to re-engage on the mechanics of hiring a contractor and demolishing the building. He said if it does close, and the order is voided or released, and the new owner does not perform on the new agreement that Maggie Gregg referenced, then it would really start off as a code enforcement issue. He said there are so many layers of due process of notice, it would take a while to get back to the board but that would be the path, he would anticipate at that point.

Commissioner Hollinshed said at that point, it would be with the North Carolina Preservation group as opposed to various family members that held title prior to.

Mr. Grady said yes, whoever the record owner is would be the defendant if you will.

Commissioner Harker said they would have to follow the same due process as the Godette family as well; we talked about a process in place and if they have to follow it then so should Preservation North Carolina.

Mr. Grady said yes mam. He had received a Dropbox file some time ago, that contained information about the number of times there was a hearing, code enforcement and building inspections on this matter. He said there were ample opportunities to be heard or to challenge it. Mr. Grady said his take on it was that the Town does not desire to be in the business of tearing down people's structures; the Town wants the owner to fix it and demolition is really the last straw, which can be seen with this case as some of the files date back to 2015. He said the Town really bent over backwards to get someone to do something so they wouldn't have to be in the position of tearing down a private citizens structure. Mr. Grady said the Dropbox file was available to be sent to the Mayor, Commissioners and Town Management team.

Mayor Newton said there was a motion on the floor, was there any further discussion, if not let's go down the roster for a vote.

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

Voting Nay: Commissioner McDonald

The motion carried with a 4-1 vote.

6. Wastewater Treatment Capacity & Allocation Update

Mayor Newton asked the board, based on cyber security concerns, if this topic could be moved to the November formal meeting.

Commissioner Hagle made a motion to move the item to the November Regular Meeting.

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

The motion carried unanimously.

7. Upcoming BDA Events

Ms. Johnson explained this was somewhat of a place holder while the applications came in. There are three upcoming events, one of those being the Christmas Parade, that will need to go before the board. She asked for a place holder for that event for the next meeting.

Mayor Newton asked if there were any questions.

Commissioner Carter had no questions.

Commissioner Harker had no questions and added it would be nice to have a Christmas Parade.

Commissioner McDonald said it was a good thing.

Commissioner Hollinshed had no questions.

Commissioner Hagle had no questions.

Mayor Newton asked if there was a consensus to put the item on the November 8th agenda.

This suggestion was agreed upon unanimously.

8. Tent Discussion

Ms. Johnson presented this item and said that staff was asked to bring this issue before the board for discussion, following a recent incident where a tent stayed beyond the permitted time. She said staff was looking for direction on which way the board would like them to proceed; that would also involve discussion with the Fire Department to discuss the tent permitting aspect of it.

Mayor Newton asked if there were any comments or questions.

Commissioner Carter said she believes the tents serve a very valuable purpose and do promote the Town to have events that require a tent. She suggested rather than damaging the pavement, they look into having large vats that are filled with water by the Fire Department, to avoid driving stakes into the pavement itself. She added if the tent vendor is not going to be cooperative, she would hate for the non-profit to be penalized, the tent company should be.

Commissioner Harker said if you put in place a fee, no matter who pays it, she didn't know if that would really address the underlying issue of the tent being there longer than it needs to be. She said fines are one thing, somebody might say they are more than happy to pay it but does that really address the issue of a tent being there over an extended period of time; which has not happened that often, has it?

Commissioner Hagle said it has not been often.

Commissioner Harker said she was concerned about the damage it was causing, if they could think of another way to avoid that, she didn't realize it was occurring until she read all the notes. She said you could probably do a fine, whoever decides to put on the event, whether it be non-profit or otherwise, they know that they have some skin in the game and maybe that will help them choose a particular company that will be more responsive.

Commissioner McDonald had no comments.

Commissioner Hollinshed said first, they need a safety factor for any kind of tent that is raised; the parking area must be shared, it doesn't belong to just the person who has the permit, it has to be shared once that permit expires or the tent has to come down, so that the merchants can use that area. She said Wine and Food were new to the game, the two directors were new to the system of it being downtown, maybe it was a rookie error, they were very apologetic about it. She said the board did not look at it close enough prior, it was a three-day weekend including Columbus Day and more people were in the area. She said she understood that the Fire Marshall might get involved in a re-write of the Town's ordinance, the other question is do they want to keep these events downtown? She said her opinion is yes, and the Board of Commissioners need to be more aware of the impact of a 4-day tent being erected downtown, and what it could mean. She suggested there either be a fine or an escrow ahead of time that could be used to possibly remove it by using other personnel if that is possible.

Commissioner Harker asked if that would be legal.

Commissioner Holinshed said it would if we write it into the contract.

Commissioner Hagle said he agreed, they needed to be more cautious on weekends there is a holiday and maybe only permit a certain number of days in those situations. He said he really thinks a fine will help and that they should leave it with the organization that is organizing the event, suggesting they can work with the chosen tent company and maybe their contract with the company will have some sort of penalties that will encourage the tent company to remove it on time. He agreed it has not happened often but starting with a fine could be helpful in preventing this from occurring.

Mayor Newton said what he is hearing is that they are not anti-tent, but they do want to make sure the organizers are working with the tent company to make sure they can tear down in the appropriate time.

Commissioner Hagle said I think we should hold the event organization responsible, with a fine, and then they must work with the tent company to recover that fee if it comes to that.

Commissioner Carter asked the Fire Chief to comment.

Tony Ray, Fire Chief, said he had several conversations on this with Rachel and the Fire Marshall. He said they would like to look at the ordinance, as it is almost like there are two parts, the first part being through the event organizer. He said the event organizer, like us, is not structure specialist and such, but the tent installer should be held separately in their own category. He said they were working on a checklist that would be signed off on, where they say the structure is up to code and everything is spelled out in the Fire Code; the idea behind the event coordinator being held to this is because we would rather see a deposit or some type of instrument put forth that the tent vendor would be held responsible if the tent isn't broken down, there is damage done or the public property is not left in an "as found" type of condition.

Commissioner Hagle said he prefer the organizer do that verses the Town.

Commissioner Carter said she prefer the tent company be responsible because they are the ones that can take it down.

Commissioner Hagle said he did not think the Town should be controlling the tent company, the organizer does.

Mr. Ray said the idea would be the event organizer would still be in the application, but the tent installer would be held under an inspection type and be responsible for bringing it down in a timely matter or any damage that is done. He said the tent organizer would just be responsible for bringing the event; the tent vendor is what he sees separately.

Commissioner Hagle said he would like the organizer to be the vendor for the tent.

Commissioner Carter said she would rather have the company itself be responsible for their own actions.

Commissioner Harker asked if the vendors had their own contract and what does it stipulate; there must be some stipulations from the vendor if they do not meet the time frame. Rachel, what does their contract look like?

Ms. Johnson said the individual contract with the tent vendor is not something that the Town is privy to, we have our own application, and they only give us the name of the company they are using.

Commissioner Harker said then the applicant is responsible then if we can't get a copy.

Ms. Johnson said that is the current way our ordinance is set up; staff's bigger question on this is what would that fee be? She said it had never really been discussed.

Commissioner Carter said the fee would be you have to pay for parking the extra days if it is during the time we charge for parking; if it is not during that time, it can be something comparable. She added she would hate to see the fee applied to the non-profit, but then again it is downtown that is their responsibility.

Commissioner Harker said she thought they could start there, even if it's not parking.

Commissioner McDonald said he thought the ordinance stated a tent could be erected so many hours before the event and has to come down so many hours after the event, maybe three hours or so. He said he thought this was discussed maybe three or four years ago.

Commissioner Hollinshed said if a fine or fee was decided upon, it needs to be eye catching and something that could be enforced. She said she thought Rachel working with the Fire Inspector could fabricate something and then bring it back with their recommendations, as they have heard what we are looking for, then we could tweak it.

Commissioner Hagle said he thought the fee should be based on the parking revenue that would be lost, whether it is a parking season or not, it can be used as a basis of the penalty for not removing the tent as the contract states.

Mayor Newton asked Rachel if she had the rough guidelines that she needed.

Ms. Johnson said yes.

9. Financial Notes

Christi Wood, Finance Director, went over the financial report and notes for September 2021. She explained the tax collections for August and September were included in the coversheet. She said she was happy to answer any questions from the report.

There were no questions from the board.

10. FY 2022 Budget Amendment 4

Ms. Wood explained in the general fund this amendment requests a fund balance appropriation for the police department for ammunition that was ordered in FY 21 and is on back order; the amount is \$6,600; this amount was missed in the first appropriation done for items that were not completed in the prior fiscal year. She said in the utility fund, we are requesting \$20,000 appropriation from unrestricted fund balance; this is for the SCADA system, that controls the Wastewater Treatment Plant. She added the current control equipment is outdated and not compatible with the new computer system.

Mayor Newton asked if there were any questions and if the commissioners would like to put it on the consent agenda.

Commissioner Carter asked if the money was coming from the Utility Fund balance or the General Fund.

Ms. Wood said for the SCADA equipment, the Utility Fund and for the police ammunition, the General Fund.

Commissioner Carter asked if that was already approved.

Ms. Wood the ammunition was in last year's budget but due to the back order, we did not receive it or pay for it last year, so we are asking to reappropriate it in the current year.

Commissioner Carter said thank you.

Commissioner Harker asked if the ammunition was still on back order.

Ms. Wood said she did not believe it had been received yet... Chief Burdette, are you on the line?

Paul Burdette, Chief of Police, said there was significant delay in ammunition across the country based on political events and views over the last year and a half. He said it was taking a much longer period to get the ammunition, which is why they ordered it as early as they did, in anticipation of the delay.

Commissioner Harker asked the Chief if he felt comfortable with the amount of ammunition that we have.

Mr. Burdette said, yes mam, they planned properly. He said he did not want to push it so they planned to order every other year.

Commissioner Harker said good job, no further questions.

Mayor Newton asked if Commissioner Harker was okay with consent agenda.

Commissioner Harker said yes, consent agenda for her.

Commissioner McDonald said he was fine with consent agenda.

Commissioner Hollinshed said consent agenda.

Commissioner Hagle said it was great to see they were going to upgrade the SCADA system because it is important for the operation of the plant, and he added consent is fine.

11. Capital Project Ordinances - American Rescue Plan Act

Ms. Wood said as you recall, the Town is slated to receive two distributions from the American Rescue Plan Act. She said they received the first distribution in early August. She explained it was required that they adopt a budget before any of the funds could be spent; much like the USDA project, you have approved to do some governmental projects as well as some enterprise projects. She said there are two ordinances before you tonight: one for Stormwater and Equipment, and one for Utilities. She explained the ordinance for the governmental Stormwater was \$178,841 and for the Utilities it was \$1,240,000; and elaborated on what made up those amounts. She said there were additional funds that have not yet been discussed and it is suggested they go into governmental budget for the Commissioners to determine what they would like to use the funds for, that are inline with the grant purposes that are allowed.

Mayor Newton asked if that was the \$90,000.

Ms. Wood said yes sir.

Mayor Newton went down the roster for questions or comments.

Commissioner Carter said we are not spending the \$90,000 at this point are we.

Ms. Wood said that was correct it is labeled for future projects as allowed by the grant and the governmental ordinance.

Commissioner Harker asked if the Town would be spending their money first and then get reimbursed by the American Rescue Plan Act.

Ms. Wood said they had received the first distribution already, the \$709,000; it is not a reimbursement program, there will be two distributions.

Commissioner McDonald said he had no questions.

Commissioner Hollinshed said she would like to see it go on the discussion agenda.

Commissioner Hagle had no questions and said the discussion agenda was fine.

Mayor/Commissioner Comments

Commissioner Carter reminded everyone vaccinations were still available, as well as boosters, and urged people to take advantage of the opportunity to protect themselves and friends.

Commissioner Harker had no comments.

Commissioner McDonald said he wanted to clarify he was not arguing or confused about the building or the way it was handled. He added he was only concerned that it did not happen that way to any other citizen of Beaufort.

Commissioner Hollinshed said the Business Association Downtown was hoping to get some assistance from the Town on installing the solar lit globes in the trees this year. She said they wanted to make sure they were safe and may need to formally request the help from the Town. She reminded the group of upcoming events, such as the Lion's Club Run and the Christmas Parade.

Commissioner Hagle had no comments.

Mayor Newton asked if there was a motion to go into closed session, in accordance with North Carolina General Statute 143-318.11 (a) (6)

Commissioner Hagle made a motion to go into closed session.

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

The motion carried unanimously.

Closed Session

1. Personnel

Adjourn

Commissioner Hagle made a motion to adjourn.

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

The motion carried unanimously.

The meeting was adjourned at 5:35 p.m.

Mayor, Sharon Harker

Elizabeth Lewis, Town Clerk