



Town of Beaufort, NC
701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Board of Commissioners
Regular Meeting
6:00 PM Monday, August 14, 2023
Train Depot, 614 Broad Street, Beaufort, NC 28516

Call to Order/Pledge of Allegiance

Roll Call

Agenda Approval

Public Comment

Items of Consent

- [1.](#) Meeting Minutes
- [2.](#) FY 2024 Budget Amendment #1
- [3.](#) Event Application: Rotary 10K

Presentations

- [1.](#) Waterfront Improvement Project Update

Items for Discussion and Consideration

- [1.](#) Capital Project Budget Ordinance for Waterfront Improvement Project
- [2.](#) Consideration for Real Property Purchase, Real Property Exchange, and Budget Amendment #2
- [3.](#) Resolution Declaring Intent to Reimburse for Capital Expenditures- USDA-Funded Utilities Project
- [4.](#) Event Application: Day of the Dead Festival
- [5.](#) Event Application: All Things Bicycle

Manager Report

Mayor/Commissioner Comments

Adjourn



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**Board of Commissioners
Regular Meeting
6:00 PM Monday, August 14, 2023
Train Depot, 614 Broad Street
Beaufort, NC 28516**

AGENDA CATEGORY: Items of Consent
SUBJECT: Meeting Minutes

REQUESTED ACTION:

Approval of the following meeting minutes:

- June 26th Board of Commissioners Work Session
- July 10th Board of Commissioners Regular Meeting
- July 24th Board of Commissioners Work Session

SUBMITTED BY:

Elizabeth Lewis, Town Clerk

BUDGET AMENDMENT REQUIRED:

No



Town of Beaufort, NC
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Board of Commissioners
Work Session
4:00 PM Monday, June 26, 2023
Train Depot, 614 Broad Street
Beaufort, NC 28516

Call To Order

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

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

- Mayor Harker
- Mayor Pro Tem Hagle
- Commissioner Oliver
- Commissioner Cooper
- Commissioner Terwilliger
- Commissioner Hollinshed

Agenda Approval

Mayor Harker asked for a motion to amend the agenda to add discussion/consideration of two letters of interest from the Town of Beaufort to the North Carolina Office of Resiliency and Recovery (NCORR) regarding affordable housing. She noted this would be added as item number one, under Items for Discussion and Consideration on the agenda.

Commissioner Cooper made a motion to amend the agenda as requested.

The motion carried unanimously.

Presentations

1. Planning Updates- Repetitive Loss and Hazard Mitigation Report

Kyle Garner, Planning Director, provided an update to the Board regarding the Town’s activities within the past year involving Repetitive Loss Properties and Hazard Mitigation; all documents referenced are part of the meeting packet. He explained this information is submitted to the Town's Community Rating System coordinator and is used to indicate the flood rate discount on Flood Insurance policies in the Town of Beaufort's jurisdiction. He also noted it aids in the Town's reimbursement from FEMA in times of natural disaster. He

shared that currently, the Town of Beaufort was a Category 7, resulting in primary residents receiving a 15% discount on their Flood Insurance.

Commissioner Oliver asked what recommendation Mr. Garner had for the community on the subject.

Mr. Garner suggested the community continue to be vigilant in regard to sustainability and recovery after storms in terms of mitigation.

Commissioner Hagle asked how to reduce their rating to Category 6.

Mr. Garner shared the Town would be able to account for more open space that was not considered previously, which helps to reduce the rating. He suggested public awareness was key and noted the next audit would be in 2025.

Commissioner Hollinshed asked if there will be elements such as freeboard and height recommendations in the new Unified Development Ordinance (UDO).

Mr. Garner explained freeboard was part of the Town's Flood Prevention Ordinance, which should be before the Board for consideration soon, noting the Board had the authority to raise the freeboard if so desired.

Commissioner Cooper asked how to minimize the flood areas.

Mr. Garner said there were several ways, sharing how the grant to study flooding at Professional Park Drive would be beneficial. He also noted the impact the Cedar Street Project would have on stormwater and flood mitigation.

Mr. Garner shared about open space and explained how the total number of acreage in Town affects the rating.

Items for Discussion and Consideration

1. Letters of Interest- North Carolina Office of Resiliency and Recovery

Todd Clark, Town Manager, shared two non-binding letters of interest from the Town of Beaufort to the North Carolina Office of Resiliency and Recovery (NCORR) regarding affordable housing. He explained there was financing available for multi-family and single-family rehabilitation and new construction, for those counties in North Carolina who were impacted by Hurricane Matthew and Florence. He provided background on the funding and the Community Development Block Grant (CBDG) Program. He noted if awarded, the Town would be considered a sub-recipient and be able to work with development partners. The letters are provided below as part of the record:

Letter 1:

NCORR – AHDF
Attn: Emily Hagstrom
Via Email: Emily.hagstrom@ncdps.gov
RE: Letter of Interest for funding for 66 Single Family Workforce Homes in Carteret County, NC

Dear Emily,

The Town of Beaufort, NC intends to apply for funding to develop single-family homes in conjunction with East Carolina Community Development, Inc. as our sub-recipient. The Town of Beaufort EIN is 56-6001173. The property location is 2303 Hwy 70, Beaufort, NC 28516 located in Carteret County.

It is the intention of the developer to purchase the land, which consists of 41

acres with 22 acres usable for development, with NCORR funds. The plan is to build single-family workforce homes with three (3) units per acre making the development a total of 66 new single-family workforce homes. We are contemplating the land acquisition to be funded with a low-interest loan by the town to ECCDI. This will serve as a subsidy toward the land development cost of each home, which will contribute to the affordability of these single-family homes for qualifying purchasers. We anticipate requesting funds in the amount of \$2.3 Million from NCORR to apply to the CDBG-DR budget for the Town of Beaufort. The estimated cost for land acquisition is \$1,518,000, and the total estimated development budget is \$3,818,000.00.

Sincerely,

Sharon E. Harker
Mayor
Town of Beaufort

Letter 2:

To: North Carolina Office of Recovery and Resiliency (NCORR)
From: Town of Beaufort UEI/TIN: 56-6001173
Date: June 26, 2023
Subject: Request for \$5 million for Legion Drive Affordable Housing Project

Dear NCORR,

We are writing to express our interest in applying for funding available through the Affordable Housing Development Fund (AHDF) – Round 3 to support the Beaufort Housing Authority’s proposed affordable and workforce housing project in Beaufort, North Carolina. The Town is committed to addressing the housing needs of our residents, especially those who have been impacted by natural disasters. In 2022, the Beaufort Housing Authority selected WinnCompanies to partner with on a redevelopment project in Beaufort. As reported by the Housing Authority, the proposed project will replace the Town's current 100 affordable units and create approximately 300 new, affordable/workforce units. As such, the new units will be a mix of one-, two-, and three-bedroom apartments. The new apartments will be rented to households earning between 50% and 120% of the area median income. Additionally, the redevelopment project is expected to improve the living conditions of current residents and address the pent-up demand for rental housing. The new units will provide affordable housing for people who work in Town, but who are currently unable to afford to live here. Phase 1 of the proposed project will consist of new construction of 84 units of mixed-income rental housing on a 10-acre site located at 456 Legion Drive, Beaufort, NC. The project will serve households up to 80% of the area median income (AMI). The project will also include a community center, a playground, a laundry facility, and onsite supportive services. The total development cost is estimated at \$21 million. The development will be financed with loans and 9% Low Income Housing Tax Credits. On behalf of the Beaufort Housing Authority, we are requesting \$5 million from the AHDF to fill the remaining financing gap and make the project feasible. The AHDF funds will be used for site preparation, construction, and soft costs. We believe the project aligns with the goals and

priorities of the AHDF, as it will create new affordable and workforce housing units in an area with high housing needs, serve vulnerable populations, leverage other funding sources, and promote environmental sustainability and resilience. This need for housing was amply demonstrated by the 2021 Housing Needs Assessment for Carteret County prepared by Bowen National Research. We welcome the opportunity to discuss the project with you in more detail and submit a full application for the AHDF. Please let us know if you have any questions or need any additional information.

Thank you for your consideration of our request.

Sincerely,

Sharon E. Harker
Mayor
Town of Beaufort

Mayor Harker asked for discussion and consideration from the Board regarding the non-binding letters of interest.

Commissioner Oliver asked if both potential projects were in the Town of Beaufort limits or ETJ.

Mr. Clark confirmed they were.

Commissioner Hollinshed asked if First Tryon had a chance to look at the potential funding.

Mr. Clark confirmed they had not.

Commissioner Hollinshed asked who held the funds if awarded.

Mr. Clark explained the Town would be the administrator of funds and noted it was not a grant and considered a loan. He noted the letters of interest allowed for a further application to be submitted and if awarded the Town did not have to move forward with the funding.

Commissioner Cooper noted he would like to have more information before deciding. He shared that block funding does not always turn out like anticipated.

Mr. Clark noted the Town would not be funding any portion of the project, rather than administering the financial pieces.

Commissioner Terwilliger asked if there was any kind of legal obligation or liability associated with the program.

Arey Grady, Town Attorney, explained the project would be structured administratively as required by the State and Federal Government and the Town would need to follow those procedures as noted. He also shared the letters of interest were not applications, rather the first piece on the process that would allow an application to be made at a future date.

Commissioner Hagle made a motion to proceed with support of the letters of interest, that would allow the Town to submit a future application and give the Board time to further study the program before making a final decision.

Commissioner Hollinshed proposed an amendment to the motion; that would include the addition of the Town's financial advisor, First Tryon's review of the proposed project and associated funding.

The amended motion carried unanimously.

2. **Amendment to Non-Motorized Vehicle Ordinance & Permit #23-01**

Ms. Lewis shared at the June 12, 2023, Regular Meeting, the Board approved a non-motorized vehicle permit under the Town's current ordinance. She explained the Board

requested the ordinance be amended to allow more than one vehicle in operation at a time. She noted a copy of the proposed amendment was attached in the meeting packet for review and consideration, as well as Permit #23-01 which will also need to be modified.

Commissioner Hagle made a motion to approve the proposed amendments to the ordinance as proposed in the meeting packet and as referenced in Section 116.06. - Permit hearing; approval, (B) and (C).

The motion carried unanimously.

Commissioner Terwilliger made a motion amending Permit #2023-01 to modify the current condition as follows: "Only the (4) permitted drivers stated above shall operate a vehicle."

The motion carried unanimously.

3. Amendment to the West Ann Street Easement Agreement

Mr. Clark shared the Town received a letter of request from Beaufort Resorts, LLC, to consider a modification to the West Ann Street Easement Agreement. He read the proposed amendments into the record as follows:

FIRST AMENDMENT TO EASEMENT AGREEMENT

(Parking Area and Riparian Rights – Ann Street Waterfront Terminus)

THIS FIRST AMENDMENT TO EASEMENT AGREEMENT (this "First Amendment") is made as of this ____ day of July, 2023, by and between the **TOWN OF BEAUFORT**, a municipal corporation under the laws of the State of North Carolina ("Grantor") to **BEAUFORT RESORTS, LLC**, a North Carolina limited liability company ("Grantee").

RECITALS:

- A. The Grantor and Grantee entered into that certain Easement Agreement dated June 9, 2016 and recorded in Deed Book 1545, Page 2 of the Carteret County Registry (the "Original Agreement").
- B. Pursuant to Section 14 of the Original Agreement, the Grantor and Grantee desire by this First Amendment to amend the Original Agreement as hereinafter provided.
- C. The above Recitals are true and correct and are incorporated herein by this reference. Capitalized terms in this First Amendment shall have the same meaning ascribed to such terms in the Original Easement unless otherwise provided herein.

NOW, THEREFORE, in consideration of the mutual promises herein contained, a payment by Grantee to Grantor of a one-time modification fee in the sum of Three Hundred Twenty-two Thousand Two Hundred Eight and 00/00 Dollars (\$322,208.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

- 1. Section 1 of the Original Agreement is hereby modified by deleting Section 1 in its entirety and inserting the following in lieu thereof:

"Grant of "Easement Rights". Grantor does hereby grant and convey to Grantee, its successors, assigns, tenants, occupants, agents, contractors and permittees the non-exclusive use and operation of the Easement Area (except for the Retained Rights and as otherwise provided in this Section 1) for an easement over, though, under and across the Easement Area for the purposes of ingress, egress, regress and installation, operation, maintenance, repair, reconfiguration and replacement of the Parking Lot and Dock Area, together with the right to post signage and to keep the Easement Area clear of brush, trees, and any or all other obstructions, structures, and encroachments, of any kind. The Easement Area and associated Easement Rights include without limitation, all riparian rights, including,

without limitation, right to repair, maintain, reconfigure and replace improved areas of the Easement Area along with the posting of appropriate signage relating to the rights of Grantee in the Easement Area. TO HAVE AND TO HOLD the described Easement Rights and all privileges and appurtenances thereto belonging to Grantee necessary for the grant and conveyance hereof. Grantor covenants with Grantee, that Grantor has the right to convey the Easement Rights, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever. *Notwithstanding the foregoing*, the Easement Rights do not include the right of Grantee to erect a building in the Parking Lot portion of the Easement Area. In addition, Grantee’s exercise of the Easement Rights shall not substantially impair the use of the street portion of the Easement Area as a way of passage.”

- 2. Section 2 of the Original Agreement is hereby deleted in its entirety and the following inserted in lieu thereof:

“Reservation of Rights. Grantor retains the rights to install, maintain, repair and/or replace public water and stormwater lines located in the Easement Area (collectively, the “Retained Rights”) provided such Retained Rights do not impair Grantee’s use and operation of the Easement Rights. In addition, Grantee’s exercise of the Easement Rights shall not substantially impair the use of the street portion of the Easement Area as a way of passage”

- 3. Section 4 of the Original Agreement is hereby deleted in its entirety and the following inserted in lieu thereof: “Intentionally deleted.”

- 4. Section 8 of the Original Agreement is hereby deleted in its entirety and the following inserted in lieu thereof: “Intentionally deleted.”

- 5. Section 9 of the Original Agreement is hereby deleted in its entirety and the following inserted in lieu thereof:

“In the event of a breach or threatened breach by either party of any of the terms, covenants, restrictions or conditions hereof, beyond any applicable cure period, the other party shall be entitled forthwith to full and adequate relief by injunction and/or all such other available legal and equitable remedies from the consequences of such breach, including payment of any amounts due and/or specific performance. In addition to all other remedies available at law or in equity, upon the failure of Grantee to cure its breach of this Agreement beyond any applicable cure period, Grantor shall have the right to perform such obligation contained in this Agreement on behalf of such Grantee and be reimbursed by such defaulting Grantee upon demand for the reasonable costs thereof.”

- 6. This First Amendment together with Original Agreement shall be construed in accordance with and governed by the laws of the State of North Carolina. The rights and obligations in this First Amendment and the Original Agreement shall run with the Grantor’s Tract and the Grantee’s Tract, and shall be binding upon Grantor and Grantee, and their respective successors and assigns. This Agreement may not be modified except by written agreement signed by the party against whom such amendment is sought to be enforced.

Mr. Grady shared the owners of the Beaufort Inn and their legal counsel were in attendance should there be any questions for them directly.

Commissioner Oliver said it was very important for people to realize the property is owned by the Town, it is not being sold, it was not proposed to be sold, and there are no changes in the proposed amendment in regard to allowable uses in the original easement.

Mr. Grady confirmed those were all fair statements.

Commissioner Hagle referenced the 2016 current easement agreement, under section two, that addresses grantee's rights. He pointed out that section was not included in the proposed amendment, rather than deleted.

Mr. Grady suggested if there was any other language in the 2016 easement agreement the Board wished to include in the proposed version, they needed to be clear to ensure it is carried forward properly.

Commissioner Hagle recommended carrying that provision forward.

Commissioner Hollinshed agreed that portions of section two of the original easement agreement should be incorporated into the revised version. She spoke on the Inn Use, as well as other permitted uses, questioning the owner's future plans.

Robbie Parker, with Lee Kaess Law PLLC, spoke on behalf of the Beaufort Inn owners. He explained the proposal was to make a modification to remove the current use and to allow for a future use. He suggested the intended use moving forward would be a residential use for the owners. He also noted there was no intent to change how the public has been using the property.

Todd Saieed, a partner in Beaufort Resorts LLC, shared he and his family had been part of the area for years. He provided background on the purchase of Beaufort Inn and explained they were trying to preserve the easement with the Town and consider future usage. He shared the Inn needed renovations, and he and his two partners had an interest in building three residential homes there. He spoke on the offer of \$322,208.00 for a one-time modification fee and how that number was obtained, through an appraisal process.

Commissioner Terwilliger noted the land was owned by the Town of Beaufort and it was an asset to Beaufort with future potential. He suggested until there was a specific design, it should remain the same; if the Inn stays in place, then the easement stays in place, if the Inn is torn down the easement goes away.

Commissioner Hollinshed asked for more clarity on the riparian survey and dockage area.

Mr. Grady referenced a recent survey provided by the Beaufort Inn owners as well as the Carteret County GIS aerial view.

Mr. Parker shared the original riparian rights were established in 1986. He also noted the Beaufort Inn had obtained a valid CAMA Permit for the entire dockage area, on multiple occasions. He shared it was his opinion the docks were owned by the Beaufort Inn.

Commissioner Hagle shared that section two of the current agreement, from 2016, should be added back to the proposed version. He specifically noted the sentence beginning with, "Grantee's rights are subject to the rights of individual members of the public to access the lawn area along the waterfront..."

Commissioner Terwilliger said there was no rush to approve the request and noted once the Inn was gone, there would no longer be an easement in place.

Mr. Parker shared that a decision needed to be made concerning whether the hotel was going to continue, noting the need for updates and financing concerns.

Commissioner Oliver asked if a demolition permit had been obtained for the hotel.

Mr. Parker confirmed they had.

Commissioner Oliver asked if it was possible to add to the agreement a restriction that the use of the grantee's property will be three single-family homes.

Mr. Grady confirmed that could be done as a restriction on residential use.

Commissioner Oliver made a motion to include the item on the agenda for the July 10th Board of Commissioners Regular Meeting, with revisions to the proposed agreement based off the recommendations noted above.

Voting Yea: Commissioner Cooper, Commissioner Oliver, Commissioner Hagle, Commissioner Hollinshed.

Voting Nay: Commissioner Terwilliger

The motion was carried with a 4-1 vote.

4. Affordable Housing District

Mr. Garner provided background on the efforts to create an Affordable Housing District. He explained staff was directed to provide an alternate that would accommodate these efforts under the current ordinance. He shared his proposal which is listed below:

Affordable Housing District Text Amendment/TCA Proposal Comparison Table

	Original AHD Proposal	Planning Board AHD Proposal	TCA Proposal
Building Height	40 Feet Maximum*	35 Feet Maximum	35 Feet Maximum
Open Space Requirement	Not Included	12% Minimum Open Space Required	2,750 square feet of area required per unit – No specific % Minimum Open Space Mentioned
Allowance of Duplexes	Not Included	Allowed as a Permitted Use	Allowed as a Permitted Use
Mixed Uses	Allowed as a Permitted Use	Allowed as a Permitted Use	Allowed as a Special Use
Parking Space Requirements	1.5 Spaces per unit	2.0 Spaces per unit	Multi-family - allows for 2 parking spaces for each individual dwelling up to 3 bedrooms and 1 additional space per unit for each bedroom over 3
Covenants	Not Required	Not Required	Required
Site Plans Required	Yes, for all development	Yes, for all development	Yes, for all development
Elevation Drawings Required	Yes, for all development	Yes, for all development	Only if requesting a Special Use Permit
BOC Approval	Yes, as well as HPC if in Historic District	Yes, as well as HPC if in Historic District	Yes, if structure is over 5,000 sq. ft or requires a Special Use Permit
Density Requirements	16 Dwelling Units Per Acre.	12 Dwelling Units Per Acre	12 Dwelling Units Per Acre 14 Dwelling Units Per Acre (With Special Use Permit)

- Except for properties in the Local Historic District in which the maximum height is 35 feet.

Commissioner Oliver suggested the Townhomes, Condominiums, Apartments (TCA) would accommodate what the Beaufort Housing Authority (BHA) was requesting, with the ability to include Special Uses. He pointed out a variance could be requested for certain areas such as height restrictions and parking.

Mr. Garner noted the applicant would have to request a text amendment on any density changes, a variance would not cover it.

Commissioner Hagle suggested this proposal would modify the zoning to allow any developer to use the category as needed, and it was an overall better approach.

Commissioner Cooper thanked both Mr. Garner and Mr. Clark for developing the TCA Proposal.

Commissioner Terwilliger asked what the next step would be for the BHA, if the Board decided to go in the proposed direction.

Mr. Garner explained if the Board went with staff's TCA Proposal, the next step would be a text amendment that would go back before the Planning Board and then the Board of Commissioners as a Public Hearing item.

Commissioner Hagle made a motion to proceed with the TCA Proposal presented by Mr. Garner, making the next step in the process a text amendment before the Planning Board.

The motion carried unanimously.

5. Capital Improvement Plan/ 10 -year Plan

Mr. Clark explained staff were working with First Tryon to develop a long-term financial plan. He noted the Management Team worked to compose an updated Capital Improvement Plan (CIP) with projects and purchases they believe to be imperative over the upcoming ten-year period. He requested the Board endorse the list, which is incorporated as part of the meeting packet, to provide staff with direction to continue working with First Tryon.

Commissioner Oliver noted he would like to have a source of funding for each line item and the best guest on the net amount associated. He suggested more information was needed to be able to rank the items from an urgency standpoint. He questioned where the Town would be in 20 years and how that was important to consider when developing this plan. He also made note of a Financial Policy review, specifically working to determine the useful economic life of vehicles.

Commissioner Hagle noted the importance of the CIP, suggesting it was a living document that would potentially change and require continued review.

Commissioner Hollinshed shared she liked the format and suggested omitting anything under \$10,000.

Commissioner Cooper shared that overall, the proposed list looked good, and he anticipated the consultant and staff would direct the Board in finalizing the plan.

Commissioner Terwilliger thanked staff for composing the list. He suggested an additional meeting with staff would be helpful in obtaining more information on specific items, as noted by Commissioner Oliver. He also agreed a \$10,000 threshold would be more appropriate.

Mayor Harker deemed a Board consensus to have a future meeting to help answer any questions the Board might have before endorsing the list.

6. FY 2023 Budget Amendment #11

Mr. Clark explained Budget Amendment #11 requests the appropriation of Insurance Proceeds for damaged Fire Equipment, \$22,341.

Commissioner Terwilliger made a motion to approve FY 2023 Budget Amendment #11 as presented.

The motion carried unanimously.

7. FY 2023 Budget Amendment #12

Mr. Clark explained in December 2023, there was considerable issue with the wastewater pump station at Beaufort Club, causing excessive man hours to be used for a period of about two months. Notably, Budget Amendment #12 requests appropriation of Fund Balance for any unforeseen expenditures in the water and sewer division that may occur prior to the end of the current fiscal year (June 30, 2023).

Commissioner Terwilliger made a motion to approve FY 2023 Budget Amendment #12 as presented.

The motion carried unanimously.

8. Resolution- Intent to Reimburse

Mr. Clark explained the approved FY 2024 Budget allocated Loan Proceeds and corresponding Capital Outlay for a Fire Pumper Truck. Currently the build-out on these trucks is between 24-36 months. The Fire Chief has been in contact with the vendor and has determined there are a few stock model trucks available that can be outfitted to suit the needs of Beaufort. The delivery of this type of truck would be between May-June of 2024. The Town will receive bids for the financing, however due to the time constraints and the demand for the stock trucks, the financing will not be in place by July 1st when the

truck contract needs to be executed. Therefore, staff requests the approval Resolution #23-11, which states that the Town can be reimbursed for any expenditures associated with the purchase of the truck, prior to the financing being approved.

Christi Wood, Finance Director, noted the Town was not purchasing, signing or executing a contract prior to July 1, 2023; as the \$732,000 for the Fire Truck was approved as part of the FY 2024 Budget.

Commissioner Hagle made a motion to approve Resolution #23-11, declaring official intent to reimburse expenditures.

The motion carried unanimously.

9. Financial Notes

Ms. Wood provided a financial report for May 2023. She noted the Town has not received any distributions for Ad Valorem Tax from Carteret County in June. She shared that Motor Vehicle Tax (MVT) received in May totaled \$42,645; this distribution was for MVT collected by the county in March and April. She shared that sales and use tax distribution for June was \$229,612; the March 2023 sales represented a 5% increase from the distribution in June 2022.

Commissioner Oliver shared he believed the end of year revenue totals would be much more than estimated. He made note of the ARP Funds which were received in the current fiscal year, and requested a future meeting to discuss how that money is listed in the budget.

Closed Session

- 1. Pursuant to NCGS 143-318.11 (3) and NCGS 143-318.11 (4)

Commissioner Hagle made a motion to enter closed session pursuant to NCGS 143-318.11 (3) and NCGS 143-318.11 (4).

The motion carried unanimously.

Adjourn

Commissioner Hagle made a motion to adjourn the meeting at 7:50 p.m.

The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk



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

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 Terwilliger
- Commissioner Hollinshed

Agenda Approval

Commissioner Hagle made a motion to approve the agenda.

The motion carried unanimously.

Public Comment

Eric Lindstrom: 125 Ann Street (Beaufort, NC 28516)

Thank you for the opportunity to address the Town commission. I understand, this is not a public hearing on the disposition of the easement at the end of Ann Street. This evening, however, I would like to talk about the process. When restoring our 1400 square foot Piver House, I was required to submit precise plans with exactly what I was doing... Appearing at three different quasi judicial reviews, each advertise for 30 days and open to the public comment, and for review of a total of 12 weeks just to maintain the original footprint of my home and to add a four foot stoop to the rear of it. Don't get me wrong, I am not complaining about the Town's board's or processes; I respect them. What I don't understand is why a similar, deliberate and public process isn't being followed for something that will substantially change our Town forever. By comparison, Beaufort Resorts has requested that the Town commission relinquish public access land and riparian rights to the west end of Ann Street forever, and

asked you to do this in two weeks, without a formal public hearing or comment period. Beaufort Resorts submitted a misleading and frankly offensive appraisal trying to establish a low baseline value, which makes their latest offer seem reasonable, but they are still using 1986 dollars. This is an affront to the rest of us who have played by the rules and processes of our Town. Beaufort Resorts received permission to demolish the Beaufort Inn and say they are going to build three houses. But there has also been talk of condos, boat slips, and now even the mention to keep the hotel. We actually had no idea what they may build, particularly if they flip the property to another developer. What they have not been able to show, is any public benefit to the Town of Beaufort, which was the reason the original agreement was provided. Bottom line, Beaufort Resorts wants the Town Commissioners to write a blank check. The fact that they want us, the taxpayers, to protect them from future claims against the easement only proves the point, they know they have no defensible claim to this land, unless you give it to them. Please let this easement expire with the closing of the hotel. Send a message to Beaufort Resorts to stop these fast and frivolous attempts to grab public land when no one else has been given the opportunity, and no public alternatives are even discussed. Let us establish a reasonable schedule and public process, not driven by outside interest and attorneys. Let us start as a community and neighbors, talking about what the end of Ann Street could be for all of Beaufort, and in the fear of what might happen in the quick hands of this developer. Thank you.

Debra Parks: 101 Ann Street (Beaufort, NC 28516)

Good evening, my name is Debra Parks and I am the Manager at Beaufort Inn. I do stay on the property, which is at 101 Ann Street. I just wanted to come up here and tell you what I have seen since I have been at the Beaufort Inn, since 2014. In regards to the public access, there have been cars that come up and they sit and look out at the water. They may sit out on the benches, or some have even gone out onto the docks; this is not where it is overrun with people. My understanding, the people that own the Inn now, Beaufort Resorts, and the Saieed's plan to keep that the same and nothing would change. We do maintain the lawn and we do provide the benches that people can come out and sit and enjoy the sunsets or the water. I just wanted to provide what I have seen since 2014. Thank you for your time.

Gene Ostrow: 106 Ann Street (Beaufort, NC 28516)

I am directly across from the Beaufort Inn. My property sits on the parking lot that is the subject of the easement map. I have read the proposed amendment that was attached to the Board packet, and I must say I believe that it is really an optimal outcome for the residents of the Ann Street neighborhood, for Gallants Landing, and for all of West Beaufort. I think in the end, it benefits, particularly the folks in those neighborhoods, but it does not do it to the detriment of the rest of the residents of Beaufort. I think that, first and foremost to me, there's been a lot of noise and rumors around this whole process. I read that easement, and certainly the issues with respect to access to the waterfront have been addressed. Anybody and everybody that wants to get to that waterfront to enjoy their cocktail, or watch the sunset, is still going to be able to do that; the status quo has been essentially maintained. I respect the comments of Eric. I am not an expert in real estate values and whatnot, or whether what is been offered is fair or not, but I think that could be figured out. I own several boat slips and a house and you know, it may not be right, but it does not appear to be that far off. But if it is, you know, the Town is capable of getting a fair value and having a negotiation with the developer. To me, the biggest issue, and I haven't heard a lot of people talking about it, is the opportunity to convert a very large piece of commercially zoned real estate that sits in the middle of a residential neighborhood in the historic district converted from a commercial use to a residential use. This is a generational opportunity. I mean, that zoning is a vestige of the history of the Town, and what used to run down Ann Street. The fish processing plant that used to be next to it, that would never be zoned commercial today. I'll leave it at that, seizing that opportunity to get that land converted, I think is something that we all ought to be focused on.

Daphne Littiken: 102 Stanton Road (Beaufort, NC 28516)

I sent this email to you people, so you already know what I am going to say. I'm Daphne Littiken, full-time, Beaufort resident for 20 years. My request is short and simple. Keep Ann Street public right away

at the west end of Ann Street public. We all know, no one is making any more land, especially with a waterfront. I am sure you are aware that a lot of full-time Beaufort residents feel that the Town officials have less and less regard for the non-wealthy folks; we all know money talks. I beg of you to remember the word altruism, unselfish regard for our devotion to the welfare of others...and you guys do that. If you pass this request, it may be one of the worst travesties you will have enacted during your tenure as Commissioner. Thank you for your time and service to Beaufort, and to all of its public.

Edna Davis Johnson: 1329 Keeter Court (Morehead City, NC 28557)

Good evening. I'm brief and short, I just want to acknowledge the improvement to the Ocean View Cemetery. The removal of the trees are an excellent improvement and I look forward to additional improvements in the future.

Robert Harper: 1020 Broad Street (Beaufort, NC 28516)

Number one, you are under no obligation whatsoever to do anything at this point. The previous easement will terminate, then Beaufort will again have control of its own land and the riparian rights at the end of Ann Street. Any easement or encumbrance that you grant at this point, either the one submitted or some other from future conversation, will lead to endless conflict and litigation with these developers. Their pockets are a lot deeper than ours are. This is not about parking or a grassy knoll. It is about water access, and the docks that are there, and especially the potential to build more docks. At the current market rate, this dockage is worth between one and two million dollars. To offer \$300,000 is an insult. But if you accept it, then you were outmaneuvered by a shrewd businessman and Beaufort will once again had been pillaged. If you pass this, you have a precedent that any adjacent landowner, and perhaps anyone, could ask for the exact same thing and own an easement at any of our streets that terminate in the water; then they could build their own private docks. This would also bring into question the property at the end of the streets, which have already been built upon, and all the quick claim deeds that allowed such; I am not sure you want to open that can of worms. A precedent where the land was once belonged to Beaufort was given away to development is not a good precedent to be obligated to repeat. There is however, a precedent to maintain Beaufort's Waterfront property. Several years ago, an adjacent landowner wanted Topsail Park for his own exclusive personal use. The Town council at that time wisely denied that request, in no uncertain terms, no meant no. This is the precedent I wish you would follow, which is we are not selling nor encumbering pieces of Beaufort to anyone for any amount of money. Nor are we surrendering our riparian rights, nor public access to the water by any means; no means no. No easements, no giveaways, it is a public land and water. Thank you for your no vote. Also, I saw no where in the agreement who pays the taxes on the proposal, which would be kind of interesting.

Heather Walker: 504 Campen Road (Beaufort, NC 28516)

I just wanted to talk about a couple of things tonight, about the the need in our community for some sort of public rec center, or gathering meeting place. Some kids in our new neighborhood had some really good ideas about just a very plain, blank, empty building, with moveable walls that they could go in and graffiti the walls as kind of a hobby and decoration. I also wanted to talk about the west end of Ann Street. I would like for it to be public access all the time, and I think that the people asking for the amendment to the easement agreement should be given the same rights that we are giving given as the public. If they are going to get access to have private docks and things built, then we would probably all like that as well. That's all, thank you.

Robbie Parker: Attorney Representing the Beaufort Inn

I am the attorney for the owners of the Beaufort Inn. I just want to briefly outline a few things. This is a request for a modification to an existing easement agreement. The terms related to this modification result in no change to the area subject to the agreement, so there has been no change to the area. There is no change in the terms related to our use of the area with respect to access operation maintenance. The rights for the public to use the parking and lawn area are reserved. We took that comment from the work session, and it is back in there, as we understand those concerns. The Town

still has rights to terminate in the event the property is no longer used as an Inn, or now we have add^{1.} as a residential use. The payment that we are making is in lieu of their annual payments. Right now, we make annual payments in connection with it, based on the appraise fee simple value of the parking lot...even though this is an easement. To be clear, the goal here is for us to maintain the same property rights which had been afforded to the owner of the Inn property for the last 40 years, while also affording the Town and the public the right to its continued use of the area, subject to the terms of the agreement. The modification request recognizes the following, number one is the unique nature of the Inn, and so we would like the option to continue to use it as an Inn. It is, as was noted, the only commercial use in the area. The existing by right uses that we could develop include a number of items that I suspect most folks in here would never want to see at the end of that road, including car washes, dry Boat Storage, convenience stores, bars, restaurants; to be clear, that is not our goal. The changing nature of the property in this area over time, namely, as I noted, there's no other substantial commercial uses in the area. I took a quick look at the future land use map, which I know is still in the works here, but I believe this area is noted as traditional neighborhood residential. So, we are asking for a residential use in line with that, and I also believe that what is recommended as part of that neighborhood residential is off-street parking. We would like to reserve those rights, which is part of the modification request. Thank you.

Tom Pusateri: 102 Ann Street (Beaufort, NC 28516)

My wife, Pam, and I live at 102 Ann Street, we are adjacent to the parking lot of the Inn. We are so close in fact, that people have rolled their suitcases into our kitchen and asked, where do we check in? We have been told the Inn is too expensive to fix, and that it might come down. Really, the question is, what are we going to put in its place? There are lots of uses for commercial waterfront that it could be, and the idea that it could be converted to residential, we think is great. We really think that locking it in, and the way that they are proposing that it is locked in for public use for the future, would be a great use of that...to have it on paper and no one can change that. The fact that they are willing to give money on top of that, I think is only a plus. I would be for it, even if they were not going to give money because I like the idea of it being permanently converted to residential and the public use locked in. They have a very good track record of maintaining it. We have been there for two and a half years and it is always clean, well maintained and everyone feels safe there. Lots of people use it and we get to hear all their conversations, because we have a little screening there with some plants and nobody knows we are sitting on the back porch. Anyway, my wife and I urge you guys to vote in favor of the proposed changes to the easement agreement, we think it is a great idea.

Allan Paul: 117 Moore Street (Beaufort, NC 28516)

I greatly appreciate this opportunity to express my concerns and objections to Beaufort Resorts' proposed modifications to the current easement agreement. In the last 30 days, the Beaufort Preservation Committee has approved a request by Beaufort Resorts to demolish the Beaufort Inn. On June 19th, Beaufort Resorts' attorney sent a letter to the Town Manager stating that they are ceasing operation of the Inn, and requesting modifications to the existing easement agreement, including without limitation, all riparian rights. As there will no longer be an Inn, based on what Beaufort Resorts has told the Town and those of us in the neighborhood, there will no longer be an Inn purpose, as covered in the existing easement agreement. I believe it is appropriate that the town terminate the agreement, and that the entire 12,041 square foot area should revert back to full, unrestricted public right of way that includes all the associated water rights. Beaufort Resorts has 150 linear feet of waterfront in front of their Inn property, and there are ten existing boat slips within that 150 feet. If, as we have heard from Beaufort Resorts, they intend to replace the Inn with private residences, then that 150 feet of privately owned waterfront should be more than enough frontage to satisfy tying up private boats. Why then, is the publicly owned waterfront at the end of Ann Street needed by Beaufort Resorts. At this juncture in time, I think the Town has a terrific opportunity, working with Beaufort Resorts, the neighborhood and other citizens of Beaufort, to preserve the Ann Street right of way waterfront for public use; that would include residents of Beaufort Resorts. Enhancing that public asset, similar to the improvements that the Town has made to Fishermen's Park, Grayden Paul Park and Topsail Park, would be a wonderful enhancement for our neighborhood and for the entire Town of Beaufort. Please, I

ask that you do the right thing, the neighborly thing, by terminating the existing agreement and preserving the west end of Ann Street for the public. Thank you very much.

Cheryl Toles: 1010 Broad Street (Beaufort, NC 28516)

Thank you for the opportunity to speak tonight. I am going to be really easy. I am not going to say what I brought to say, because Mr. Paul, I'm 100% behind what everything that you have said. I am definitely against continuing or agreeing to this amendment and I would like to see this property stay in public use.

Catherine Edmond: 129 Palmetto Place (Beaufort, NC 28516)

Good evening. I live at 129 Palmetto Place, but I also have a property on Ann Street which I am rebuilding. I am also a commercial appraiser, so I understand property matters, particularly when it comes to easements. I am against this, it is a golden opportunity for the Town to regain control of this area, for the benefit of everybody, not just the few. It does not make sense to permanently give away rights, which is effectively what this easement amendment is going to do, because you should have the ability to terminate it for the public. The main value is in the waterfront and the docking area, it is not the parking. The solution to this, is instead of granting them an easement, if you if you want them to have some interest in it, is to give an annual license and to charge a license fee. This would reflect market value, which is a tantamount to a rent but it is not a lease because you do not give them exclusive possession of that property. Just like one of the previous speakers said, why do they need this area? They have got a huge waterfront and they have got parking. If they are going to build three houses, why do they need this extra area? Then, the amount of money that has been offered does not reflect the value of that water frontage. So, it is a bad deal for the residents. It is a bad business deal. It takes away control from the Town, for the benefit of a few and to the detriment of the many. So, to me, something does not smell right, and it leads to suspicion. I am very much against this, thank you for your time.

Logan Louis: 900 Cedar Street (Beaufort, NC 28516)

You hired a space needs study consultant and the results were presented it back in March your retreat. Since then, you have had four work sessions and three regular meetings and not once was the need for a brand new Town of Beaufort municipal campus on the agenda, or brought before the public for their buy in. Going from listening to a consultant to directing the Town Manager to spend taxpayer dollars on four properties without bringing the public along with you is not good governance. I listened to the consultant's report, I was surprised you did not show more skepticism, especially when he said the useful life of a building at the coast is 20 years because of the harsh environment. If that were true, then I guess most of our homes are beyond their useful life, should be torn down and replaced. When your consultant said the price tag was 30 million dollars... 30 million dollars; I thought for sure at least some of you would have been taken aback, but nobody even flinched. Why did you even bother wasting our money on hiring a consultant? Like a typical consultant, he just told you what he already knew you wanted to hear. Look, I was senior VP manufacturing and co-manufacturing sales for closely held family owned confectionery and snack food manufacturer, with over \$75 million in sales. I was on the board of directors and I own stock in the company. My business with big companies like Nestle Nabisco was booming. I expanded the plant in all directions, moving warehousing offsite and still needed room for new production lines. When there were no more options, we closed two of our factories and merged them together in a single bigger facility with room to grow. That experience taught me important lessons. I learned that supposed space layout experts would never understand the critical intricacies of our business employees, customers, culture or future, and therefore their proposals would always be inadequate. Since it is not the consultant's money on the table, their perspective would never be the same as mine. I learned first hand how to efficiently utilize space and to accomplish it cost effectively. As a shareholder, it was my money on the table and I was not about to waste it. The plan you bought is not a good plan. For example, over the past three years, millions and millions and millions of workers learn to work remotely saving their companies billions of dollars while being more productive and happier. This idea was not even considered. You voted to approve the highest property taxes, the highest sewer rates and the highest water rates in Carteret County. How does spending our

hard earned tax dollars on four pieces of land so you can build the Taj Mahal municipal campus reduce our tax rates, sewer rates and water rates? The answer is, it does not. In fact, it does just the opposite. We can and will do better. May God bless and protect the citizens of Beaufort.

Rebecca Simons: 700 Beaufort Manor Drive (Beaufort, NC 28516)

I grew up Down East. but I moved to Beaufort ten years ago. I have served the people of Beaufort for many years as a Pharmacy Technician. I am currently a CNA, working towards my nursing degree. I am married with an eight year old son and I am a verified volunteer for the Carteret County School System. As you may see, taking care of people is something that is important to me, which is why I'm here. I am here to address a critical safety concern at Randolph Johnson Memorial Park. This park holds a special place in my heart. It has provided countless joyful moments for families and individuals in our community. However, there is one significant flaw that needs immediate attention, the absence of a fence separating the park from the nearby roadway. As a concerned citizen and a frequent visitor to this beautiful park, I have witnessed numerous close calls and near accidents involving children and vehicles. The lack of a protective barrier puts our loved ones at risk every time they visit this otherwise wonderful recreational space. With the park being less than 20 feet from the street, it is an accident waiting to happen and we cannot afford to overlook the potential danger any longer. By installing a gated fence along Pine Street, we can ensure the safety of all park visitors, especially parents with multiple children, and those with disabilities who may require additional assistance or supervision. This simple, yet effective measure, will provide peace of mind for families while allowing them to fully enjoy all that this remarkable park has to offer. I have a petition with over 300 signatures from local parents who agree. I kindly request your support, by installing a fence along the roadway bordering Randolph Johnson Park. Together, we can make our beloved community space safer for everyone who visits. It only takes a second for tragedy to strike. Let us not wait until it is too late before addressing this issue. *A copy of the petition was shared with the Board and Town Staff.*

Vic Fasolino: 1913 Front Street (Beaufort, NC 28516)

I would like to talk a little bit about Ann Street. Way back when the sitting commissioners signed a lease that allowed the property at the end of Ann Street to be used by the Beaufort Inn, provided that it was an Inn. Recently, the Beaufort Resorts people applied and received a certificate of appropriateness to tear down the end. After demolition, what will they have? They will have a 28,000 square foot vacant lot, that is it. The same as any other vacant lot in Town. From there, they are going to choose to do what they want, the same as anybody else in Town would choose to do what they want. The only snag here though, is that they are asking to lease an additional 12,000 square feet for a one time fee of \$322,000, and they get to use that land forever...forever. The Town will have no recourse to get the land back unless they choose not to do residential construction. But of course, that seems to be their plan. The problem I have is, this is public land. This is land that is owned by, and should be used by, the citizens of Beaufort. This land should be available to all these people here, not just to somebody who happens to own an adjacent vacant lot. They are also requesting all the riparian rights. Well, the jewels in our Town are the newest Topsail, Harborside and Bridge Park. I mean, these are great little pocket parks, and they have water access. To lease this land to them and give them the riparian rights seems like the wrong thing to do. In ten years, twenty years, fifty years, will the \$322,000 lease payment really amount to anything? No, it will long be forgotten. If you are willing to lease the property to them, well, maybe you should offer it to the other neighbors. Maybe they are willing to pay more than \$322,000. Where does that magical number come from? The tax records indicate that they paid \$3,750,000 for the Beaufort Inn, and they are going to tear it down. That means they are 28,000 square foot lot has cost them \$134 per square foot. The 11,500 feet they want to lease should be worth \$1,540,000. But, that is not what they are offering to pay. They are offering to pay \$322,000 once, and we will never collect taxes on it, if you lease it to them. It does not seem to make sense. I strongly urge you not to change the amendment. If they tear the Inn down, this should become public property. Thank you.

I am a real estate entrepreneur, a licensed North Carolina real estate broker and the managing broker my own firm. I am also a member of the Beaufort Historic Preservation Commission, and I serve on that commission by your appointment, for which I am honored. Regarding the Ann Street Easement Agreement, I ask that you please vote no on amending this agreement. It is clear from the language of the agreement and from the intent with which the easement rights were granted, that the agreement is in place specifically to accommodate the operation of an Inn. It goes on to say that any change of use which would purport to continue to constitute Inn use, which is a defined term in the agreement, would require prior approval from the Town. So you see, there is never any intention for this easement agreement to apply to anything other than Inn use. What is the grantee asking for? In the amended agreement, they are asking for the same easement rights one, if it continues as an Inn, two, or for all residential uses permitted by law. This is disingenuous. We know that Beaufort Resorts intention is to demolish the Inn. On June 6th of this year, this demolition case appeared before the Historic Preservation Commission, which voted to approve the demolition. At the time, the replacement structure or structures were not a matter of public record. And Beaufort Resorts was not forthcoming in that meeting with what replacement structures would be. As far as I know, and I have learned tonight, I think that this is still not a matter of public record. But I have since heard, and I have heard tonight, that it could be replaced by a grouping of private residences...no problem, so be it. But, the Town has already agreed on behalf of the individual members of the public. In this original easement agreement, if the use is not an Inn, the easement is terminated. That brings me to my final point, the grantee has eliminated the Town's termination rights in this amended agreement, Section eight, by offering \$322,208. What does that say? The approval of this proposed amendment would effectively be allowing the sale of public land to private interest. Please do not let that happen. Thank you for your consideration.

Items of Consent

1. Meeting Minutes- June 12, 2023

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 West Ann Street Easement Agreement

Todd Clark, Town Manager, provided a recap on the item as noted below:

The Town received a letter of request from Beaufort Resorts, LLC, to consider modification to the West Ann Street Easement Agreement. At their June 26th Work Session, the Board requested additional amendments be made to the document and brought back for review at the current meeting. He explained that the applicant's legal counsel submitted an amended Easement Agreement and specifically noted several sections that represented changes from the prior meeting. He shared those changes/additions were captured in the entire proposed agreement, which is incorporated as part of the meeting packet.

Commissioner Oliver referenced paragraph two the proposed amendment, suggesting the language allows the grantee a greater right than the public, if the grantee is using it.

Commissioner Cooper agreed with Commissioner Oliver's concerns regarding the current proposal. He suggested the grantee would be able to increase or decrease the space available in terms of parking spots and noted he was not in favor of the agreement.

Commissioner Hollinshed shared the following statement for the record:

In my 16 years on this Board, I have been waiting for the opportunity such as this to fall into my lap. A voluntary demolition, with no paperwork from the Town demanding a teardown. The tear down effectively ends the current easement. A prized location that has

waterfront, even though small, which by necessity could be size restricted. It has sought after amenity of parking in place, and to the best of all knowledge is owned by the Town via deed conveyance. It is highly sought after as another park for citizens to enjoy, and the Town has money in place because of a generous gift several years ago, which was "for the benefit of all citizens of Beaufort". The owner's of the Inn have declared the functional life of the building has ended. The demolition and rebuilding of residential structures will by necessity result in that end of Ann Street being off limits from time to time, for safety reasons. If the Town and the owners of the private property work together, a park can become a reality sooner rather than later. Having lived on Ann Street for over 22 years, the Inn has provided lodging when lodging was scarce and from all reports, they have been good neighbors; beating up on them is not productive. I ask that this Board votes to do nothing on the current easement, rendering null and void once the Inn ceases to function. As a separate consideration, I ask that the Town begin to move forward with funding that has been in place for seven plus years, to have a pocket park at this location.

Commissioner Terwilliger shared that he did not support the extension of the easement agreement. He noted the easement was created years ago, for good reason, to support the Beaufort Inn with their parking situation. He questioned the need for an easement at all, considering future plans of tearing down the Inn and adding residential homes. He noted the Board was there to ensure they were doing the right thing for Beaufort, they were being fair to all residents in the way they were enforcing laws and ordinances in which the Town operates under. He suggested the funds that were put aside for Cedar Street Park be used for a future Town park in this area, should the Beaufort Inn be demolished. He suggested the proposed agreement was a loosely veiled purchase of land, where they do not have to pay taxes.

Commissioner Hagle shared he was not in favor of the expansion of the easement, noting it was originally created for a purpose specific to the hotel. He made a motion to decline the proposed First Amendment to the West Ann Street Easement Agreement.

The motion carried unanimously.

2. Staff Report- Offer to Purchase Real Property

Mr. Clark shared about a year ago, he invited the Board of Commissioners on a tour of all Town facilities. The purpose of the tour was for the Board to have first hand exposure to the current condition of Town facilities. He explained it was the Board's desire to move forward with a space needs study, to have a replacement plan for some facilities or to bring them up to today's standards. He noted the challenge of having multiple work stations throughout Town, explaining staff was here to provide services through the incorporated limits and could not do that from one location. He expressed the importance of meeting the needs of the public as well as staff. He noted the decision to move forward with the purchase of property follows a space needs study presented to the Board earlier in the year. The study demonstrated that several Town facilities are functionally outdated and can no longer meet the needs of the public or Town the staff. He referenced the Town of Beaufort Facilities Master Plan & Space Needs Assessment Study and noted its location on the website for the benefit of the public.

Mr. Clark shared the Board has expressed interest in the purchase of real property for the purpose of constructing municipal facilities on the following parcels: PIN # 730612852598000; PIN # 730612854774000; PIN # 730616848933000; PIN # 730612766174000. He noted the offer to purchase has been made with the Gibbs owners for \$1.4 million and the Mercer parcel for the amount of \$85,000. He also discussed a property swap, in which the Gibbs and the Town would exchange a parcels. He explained the Town is currently in the process of doing a site assessment on all these tracts of land stated above at a price of \$47,885; the property survey was \$3,200. He shared the offers to purchase are contingent upon the Board taking formal action to purchase the properties, after the site evaluation was completed.

3. Scheduling a Special Meeting to Conduct the Town Manager's Evaluation

Commissioner Hagle made a motion to schedule a Special Meeting for August 14, 2023 4:00 p.m. at the Beaufort Train Depot, for the purpose of a closed session to discuss personnel.

1.

The motion carried unanimously.

Manager Report

Mr. Clark provided a monthly Manager's Report. The full detailed report can be viewed at: <https://www.beaufortnc.org/boardofcommissioners/page/managers-report>

Mayor/Commissioner Comments

Commissioner Hagle commented on a great 4th of July Parade. He spoke on the continued progress on Cedar Street and provided a safety message for all.

Commissioner Oliver thanked all those who participated in public comment and encouraged everyone in the community to stay involved.

Commissioner Cooper commended the Fire Department on their work to make the 4th of July Parade a success. He also thanked citizens for attending and speaking during the meeting.

Commissioner Hollinshed suggested the request for the fence at Randolph Johnson Park be considered, as safety for small children is paramount.

Commissioner Terwilliger had no comments.

Mayor Harker also spoke on the 4th of July Parade and wonderful turn out to the meeting. She encouraged the citizens of Beaufort to stay engaged and vocal.

Adjourn

Commissioner Hagle made a motion to adjourn the meeting at 7:50 p.m.

The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk



Town of Beaufort, NC
701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Board of Commissioners
Work Session Meeting
4:00 PM Monday, July 24, 2023
Train Depot, 614 Broad Street
Beaufort, NC 28516**

Call To Order

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

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

- Mayor Harker
- Mayor Pro Tem Hagle
- Commissioner Oliver
- Commissioner Cooper
- Commissioner Hollinshed

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

The motion carried unanimously.

Agenda Approval

Mayor Harker asked for a motion to amend the agenda to add an update from Fire Chief, Tony Ray, as the number three item under presentations.

Commissioner Hagle made a motion to approve the amended agenda.

The motion carried unanimously.

Presentations

1. Board of Elections- Municipal Election Information

Caitlin Sabadish, Carteret County Board of Elections Director, provided information on the upcoming November 7, 2024, Municipal Election. She discussed specific topics related to the Town of Beaufort, the election process, voting and eligibility, and a brief overview of

the new Voter ID requirement to be implemented this November. She provided information via handouts, which is also located on the Board of Elections website.

2. Introduction of Beaufort Elementary School Principal, Charity Clemmons

Ms. Clemmons introduced herself to the Board, provided background information on her educational journey, and shared future initiatives for Beaufort Elementary School. She noted the importance of a positive role model for the students and the need for volunteers throughout the school system. She shared a video explaining the Positivity Project, a program she has been involved with in the past. She expressed a desire to implement the Positivity Project in the upcoming school year and requested assistance from the Town to fund the program, which would be an annual cost of \$4,000 for Beaufort Elementary School.

The Board agreed the Positivity Project was a great program and encouraged Ms. Clemmons to reach out to the community for support and fundraising opportunities.

3. Fire Department Budget Update- Chief Tony Ray

Chief Ray shared the County was providing additional funding for the newly acquired Stanton Landing Fire District in the operating budget, rather than the County Reserve Account. Chief Ray noted during the FY 24 budgeting process, it was perceived those funds (\$27,931.04) would be part of their County Reserves Account, but wished to provide clarity on the matter as it currently stands. He offered suggestions on how the additional funds could be utilized at Station 2, and noted a budget amendment would be forthcoming to justify the request.

Items for Discussion and Consideration

1. Case # 23-03 (308 Moore Street) SUP Order

Kyle Garner, Planning Director, presented the Special Use Permit (SUP) Order for Case #23-03 at 308 Moore Street. He noted the SUP had been approved at the June 12, 2023, Regular Meeting and this order was following that evidentiary hearing.

Commissioner Hagle made a motion to approve the order approving the Special Use Permit for Case #23-03, as presented.

The motion carried unanimously.

2. ABC Revenues

Christi Wood, Finance Director, shared the Town of Beaufort was informed that a recommendation had been made to the County Board of Commissioners to reduce ABC profit distributions remitted to local municipalities and Carteret County this fiscal year. The rationale for the recommendation as submitted by the County ABC Board is to increase working capital to gain compliance with standards established by the State of North Carolina. The local ABC Board has stated that working capital falls well below the minimum state threshold as calculated based upon their annual operating budget. The requested change reportedly will also enable the ABC Board to increase inventory to ensure the availability of preferred products when working capital would normally create a cash fall problem during the operating year. The proper working capital, estimated at \$4,377,778, reportedly will require the ABC Board to withhold an additional 9% of the annual distributions made to the County and to local municipalities. The impact to the Town of Beaufort is estimated to be \$24,977 this fiscal year.

Jack Askew, General Manager of the Carteret County ABC Board, explained a request had been presented to the Carteret County Board of Commissioners to increase the capital improvement fund to twenty percent of the remaining gross receipts as per NCGS 18B-805. He suggested the money would be used to fund acquisition of needed capital outlay expenditures and infrastructure upgrades. He offered other reasons for the increase, such as reduction in cost of financing, to increase cash reserves to meet monthly liquor costs in order to meet peak demands, to increase cash to utilize towards inventory savings on SPA's and the purchase of inventory for seasonal business. He referenced documents associated with the request, which are also incorporated as part of the meeting packet. The analytical data used noted prior year sales as well as future projections, and a breakdown of distributions of income for municipalities versus the County.

Commissioner Hollinshed asked why the request was being presented now, after all of the municipalities have just recently adopted their FY 2024 Budget.

Mr. Askew said the process started a couple months ago and it was never put on the County agenda for discussion.

Commissioner Hagle asked for clarification on the loss of revenue being made up by sales.

Mr. Askew noted the revenue growth since 2017 and suggested the projected growth rate of sales would exceed the amount of revenue lost by withholding the additional 9%, as it continues to increase each year.

No formal action was taken by the Board.

3. ARP Budget Amendments (Replacements)

Ms. Wood provided the below regarding background information on the ARP funds.

In April 2022, the Board approved a Grant Project Budget Ordinance with language suggested by the US Treasury. In November 2022, staff made the Board aware of categories eligible for ARP funds and ask the Board to consider the Lost Revenue/Revenue Replacement; keep in mind, these categories are used for reporting and to determine the requirements and restrictions placed on expenditures using these funds. With guidance from UNC SOG and NCLM ARP team it is recommended that Tier 5 units with less than \$10 million in SLFRF funding select the Revenue Replacement Category. By selecting this category requirements and restrictions are lifted from the SLFRF funding and the Town can use funds as the Board directs. In March 2023 at the Board of Commissioners retreat the Board discussed the projects to be funded with the unallocated funds. A decision was made to fund generators for two well sites and three lift stations with any remaining funds being applied to overages of the USDA utility projects. Other projects already approved by the Board include equipment for virtual meetings, site evaluation for future water plant, and replacement of sewer pump station #7. In May 2023, the Board approved Budget Amendments 1,9, and 10 as requested by staff.

She explained after additional discussion with ARP team and Auditor, staff is requesting the approval of the attached replacement budget amendments to account for prior year expenditures, Special Revenue Fund (SRF), and more accurately represent department budgets with Revenue Replacement.

Commissioner Hagle made a motion to approve Budget Amendment #1B Stormwater & Equipment; Budget Amendment #1B Utilities; Budget Amendment #1B Federal American Rescue Plan Act 2021; Budget Amendment #9 B; and Budget Amendment #10B.

The motion carried unanimously.

4. June Financial Notes

Ms. Wood provided an overview of financial notes for June 2023, explaining there would not be a detailed financial report for the month of June due to year-end closing. She noted the Town has received distributions for Ad Valorem tax from Carteret County in July, in the amount of \$23,301; MVT received in June totaled \$23,652; Sales and Use tax distribution for July totaled \$217,699.

No action was taken.

Adjourn

Commissioner Hagle made a motion to adjourn the meeting at 5:30 p.m.

The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk



Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516 252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Board of Commissioners
Regular Meeting
6:00 PM – Monday, August 14, 2023
Train Depot, 614 Broad Street
Beaufort, NC 28516**

AGENDA CATEGORY: Items of Consent
SUBJECT: FY 2024 Budget Amendment #1

BRIEF SUMMARY:

- This amendment requests the appropriation of additional Fire District Ad Valorem Tax revenue for Stanton Landing, \$27,931. These funds will be used for upgrades at Station #2. The upgrades include a dehumidifier, fan, keypad door access, pond fence, and ice machine.

REQUESTED ACTION:
Approve Budget Amendment #1

SUBMITTED BY:
Christi Wood – Finance Director

BUDGET AMENDMENT REQUIRED:
Yes



**TOWN OF BEAUFORT
FY 2024 BUDGET AMENDMENT #1**

WHEREAS, the Town of Beaufort adopted its Fiscal Year 2024 Budget through Ordinance on June 12, 2023, and

WHEREAS, the Board of Commissioners recognizes that periodic modifications to the estimated revenues and expenditures for the fiscal year may be necessary for fiscal management purposes and to implement decisions of the Board of Commissioners;

BE IT THEREFORE ORDAINED that the Board of Commissioners amends the Fiscal Year 2024 Budget as follows:

SECTION I: GENERAL FUND

This amendment requests the appropriation of additional Fire District Ad Valorem Tax revenue for Stanton Landing \$27,931

A. REVENUE

<u>INCREASE</u>	
INTERGOVERNMENTAL.....	\$ 27,931
TOTAL INCREASE.....	\$ 27,931

B. EXPENDITURES AUTHORIZED BY DEPARTMENT

<u>INCREASE</u>	
FIRE.....	\$ 27,931
TOTAL INCREASE.....	\$ 27,931

SECTION VI: DISTRIBUTION

Copies of this ordinance shall be furnished to the Town Manager and Finance Officer to be kept on file for their direction in the disbursement of funds.

Adopted this 14th day of August, 2023

ATTEST:

Elizabeth Lewis
Town Clerk

Sharon E. Harker
Mayor



Town of Beaufort, NC
701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Board of Commissioners Regular Meeting
6:00 p.m. Monday, August 14, 2023**

AGENDA CATEGORY: Items of Consent
SUBJECT: Historic Beaufort Road Race

BRIEF SUMMARY:

Event organizers for the Historic Beaufort Road Race run by the Beaufort Ole Towne Rotary have submitted an event application to host the annual event on Saturday, June 8 2024.

The event requests the closure of roads and the use of John Newton park. The event hours are 6:00 AM to 10:30 am. the event organizers request the delay of paid parking until 10:30 AM. The event will require 4 off-duty officers to work 4 hours at the for hire rate.

The following is an outline of the requests for the event:

- * June 08, 2024
- * Set-up 6 a.m.- Race start at 7:30 a.m. – Finished by 10:30 a.m.
- * Request traditional 10K route – map attached
- * Request Turner Street be closed from Middle Lane to Front Street from 6 -10 a.m.
- * Request Front Street be closed from Orange to Queen Streets during race
- * Request paid parking be suspended until 10:30 a.m.
- * Event will provide volunteers to help supplement public safety personnel at intersections along Front Street

REQUESTED ACTION:

Consider approval

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

Rachel Johnson, PIO/Parks & Events Coordinator

BUDGET AMENDMENT REQUIRED:

No

Date Application Received:

3.

Permit Number:



APPLICATION FOR SPECIAL EVENT PERMIT

Please return completed application form with permit fee and paperwork to:

Events Coordinator, Town of Beaufort
 701 Front Street
 P.O. Box 390
 Beaufort, NC 28516
 Phone: (252) 728-2141 Email: r.johnson@beaufortnc.org

Applications submitted late or incomplete may not receive approval and may not be issued a permit.

EVENT BASICS

Event Name: Rotary Historic Beaufort Road Race

Location of Event Site: Front Street

(If more than one site is being requested please be specific and list each one individually below)

Racers will start and end at the corner of Front and Turner Street

Run by: Beaufort Ole Towne Rotary

Applicant (Organizer) Name: Christine Lamb Contact # 303-907-2735

Day of Event Contact #: Christine Lamb Email: info@beaufortoletownerotary.com

Type of Event:

- Festival
- Parade
- 5K Race
- 10K Race
- 1 mile race/walk

- Music Event
- Other _____

Actual Event Date(s): June 8, 2024 Time of Event: 6 am -10:30 am

Set-Up Date: June 8, 2024 Start Time: 6am

Tear Down Date: June 8, 2024 End Time: 10:30

Estimated Attendance: 300-400 Admission Fees: n/a

Event Description:
Charity Road Race 10K, 5K,Race, 1 mile walk

ORGANIZER/APPLICANT INFORMATION

Name of Organization: Beaufort Ole Towne Rotary

Primary Contact Person: Christine Lamb

Mailing Address: PO Box 737, Beaufort, NC 28516

Email: info@beaufortoletownerotary.com

Daytime Phone #: 303-907-2735 Cell Phone #: 303-907-2735

Alternate Contact Person: _____ Phone #: _____

Is your group a non-profit organization? yes If yes, please provide documentation with your application.

SITE PLAN

Site Plan Attached

- Yes
 - No
- (If you need help, please set up a meeting with the Town of Beaufort’s Events Coordinator)

A detailed site plan must be included with your event application. The following, should they be relevant, must be included in your Site Plan.

- Location of all tents and temporary structures
- Location of requested barricades and road closures
- Emergency exits
- Fire extinguishers, propane storage
- Location of command post, medical & first aid station, emergency vehicle access points and all exits and entrances (both emergency and for the public)
- Fencing, staging, bleachers, stages, inflatables, etc.
- Food/refreshment tent vendors, refreshment tents
- Food Trucks
- Location of Restrooms
- 5K/10K race routes

If the Site Plan is not submitted with the event application, the deadline is 45 days before the event, otherwise a permit will not be issued.

PARKS & PARKING LOTS REQUESTED

Please mark all that apply:

- East Parking Lot
- West Parking Lot
- Craven Street Parking
- Middle Lane
- John Newton Park
- Lynn Eury Park
- Grayden Paul Park
- Topsail Marine Park
- Other Please list: _____

Specific Requirements: (Extra trash cans/recycling/electrical etc.) Please be specific and include each item on the Site Plan for the desired location. Please note extra charges may apply in accordance to the fee schedule. (Trash/Recycling Carts: \$10 each, Electricity: \$50)

Trash cans X 1 (\$20) _____

Recycle cans X 2 (\$20) _____

OTHER EVENT DETAILS

Please provide the name and contact information of all outside companies who are providing services during your event. IE: Tent Rentals, Inflatable Rentals, Port-A-Pottie Rentals, etc.

Run the East (race management) Jamie Orr 252-902-9717

Port A Pottie Rentals - Blu site solutions (800) 682-7023

Will there be canon/re-enactment fire during your event? N/A If yes, please coordinate with the Beaufort Fire Department for safety procedures.

ALCOHOL

Alcohol at the event YES NO Attach all required paperwork. Applicant is responsible for obtaining applicable ABC License and Liquor Liability Insurance. Applicant must provide a clearly marked and contained area for alcohol consumption and hire two Town of Beaufort police officers at a rate of \$35 per hour for the duration. (The Police Chief will review the application for exceptions.) All local, state and Federal laws must be adhered to.

I/we have read, understand and will comply with the rules outlined by the Town of Beaufort in the Town Code of Ordinances as well as in the Event Procedures.

X _____ (Applicant's Signature)

ROAD CLOSURES

Does your event require a road closure? YES NO

Please provide specifics below:

Road	Set-Up Time	Event Start Time	Finish Time	Tear Down Time
Turner Street	6 am	7:30 am	10:00 am	10:30 am
Front Street	6 am	7:30 am	10 AM	10:30 am
Turner Street Bridge			residents and visitors of	Racers on Turner and
	Broad due to high traffic	In this area during the	Farmers Market)	

If a road closure has any impact on area businesses and/or residents, the applicant will be required to inform all residents and/or businesses in the area of the road closure, by letter or hand-delivered flyer at least 14 days in advance of the event, of the particulars of the approved temporary road closure and any detour route available.

Emergency Vehicle Access Requirements: A road may be closed to regular traffic during an event, but an unobstructed fire lane must be left open at all times for emergency vehicles.

PARKING/PARKING LOTS

3.

Parking lots required for Event set-up: (Please mark on the site map if applicable) (Please note charges may apply. The rate is \$18 per day per space in the East & West parking lots and \$9 per on street parking space per day for special event closure during Pay-To-Park season).

Please list all parking lots and spaces you are requesting. Spaces are numbered so please be specific. Also please note that parking space closures MUST be approved by the Board of Commissioners. Event organizers are not permitted to acquire additional spaces without Town permission prior to an event.

We are requesting town parking fees collection be delayed until 10:30 am the day of the race.

Please list off-site Parking Location for Vendors & Event Staff: A letter of permission is required for the use of private property per the event procedures. Please include this with your event application.

N/A

Bicycle Parking: Yes _____ No

Additional Handicap Parking: Yes _____ No Location: _____

Event Parking: (Please outline your plan for day of parking for event attendees. Please include parking lot locations and the name/contact information for any shuttle/trolley service):

Event participants will park on Turner Street, Ann Street and side streets adjacent to Front Street

PARADE/WALK INFORMATION

Parade Assembly Area: _____ Time: _____

Parade Dismissal Area: _____ Time: _____

Parade Start Time: _____

EMERGENCY MANAGEMENT

Route Map Attached: YES _____ NO (Please note a route map is required)

Designated Emergency personal/liaison (onsite): Christine Lamb

Cell #: 303-907-2735 Other Contact: _____

How will your event staff react to severe weather?

Event will be canceled or delayed in the event of severe weather

How will you alert visitors to the event to evacuate the site? (If multiple sites are being requested, a plan must be submitted for each location)

Local announcement via megaphone or by email prior to event date

RISK ASSESSMENT

It is important for Event Organizers to identify risks and hazards associated with their event and know how to prevent these risks. Please identify possible risks for your event and list below (weather, food, fire, etc.) Please provide details.

Primary risks: Extreme hazardous weather
Participants Medical Emergencies

What training will you provide to your volunteers/staff/participants regarding emergencies?

Volunteers have years of experience new volunteers will receive training prior to event.

TENTS

Will you have tents at your event? _____ YES x _____ NO

Please list the tent sizes: _____

If your event includes tents, you must make arrangements with the Beaufort Fire Department for a tent permit. There is a \$50 fee. Please contact Tammy Turek at (252) 728-4325 to make arrangements. The Tent Permit Application and a list of requirements are available online at www.beaufortnc.org.

FOOD

Will there be food served at your event? _____ YES _____ NO

If yes, please provide a detailed list of all food vendors. Farm Bureau will provide free watermelon.

If yes, have you contacted the Carteret County Health Department to set up inspections? _____ YES _____ NO

All food vendors must have proper licensing, inspections, etc.

VENDORS

Will there be vendors selling items at your event? X _____ Yes _____ No

Please note vendors are only permitted to sell during the event hours listed on this application. Any vendor selling before or after the listed hours is in violation and subject to being shut-down.

All vendors must have proper certifications and licenses. They must display the required state sales and use tax information and the event organizer must keep all of this information on file pursuant to North Carolina State laws.

CHECKLIST

Please submit the following documents with your event application. Once all forms (if applicable) are received and the event is approved an Event Permit will be issued.

- Tent Permit
- Detailed Site Plan
- Detailed Route Map (Parade/5K/10K)
- Map of Road Closures
- ABC Permit
- Health Inspection Documentation
- Insurance
- Non-profit documentation
- Private property parking permission letter
- List of food vendors
- List of vendors
- Application Fee
- Application Signature

I/We the event organizer Christine Lamb, on behalf of Beaufort Ole Towne Rotary, the party requesting the use of the Town of Beaufort facilities noted in the above application do hereby hold and save harmless and agree to indemnify the Town of Beaufort and its elected officials, directors, officers, employees, servants, agents, contractors and their respective heirs, executors, successors with respect to any and all liability, actions, debts, suits, demands, costs, damages and expenses whatsoever arising wither directly or indirectly as a result of the use of the Town of Beaufort’s facilities, park, road or other and in accordance with the provisions contained in this policy. I/We have read and understand this application, the event procedures and the requirements placed upon this applicant and organization. I agree to abide by the Town of Beaufort rules, regulations and ordinances.

Applicant’s Signature Christine Lamb Date 8/2/2023

Internal Use Only

Permission is granted to the applicant and/or sponsoring organization to use the streets/facilities/parks as listed in the application for the special event described.

Permit Issue Date: _____
 Authorized Signature: _____

Insurance Certificate: Yes _____ No _____
 Permit Fee: Yes _____ No _____
 BOC Approval Date: _____
 Police Chief Approval: _____
 Fire Chief Approval: _____

Beaufort Waterfront 1 Mile 2019

Beaufort, NC

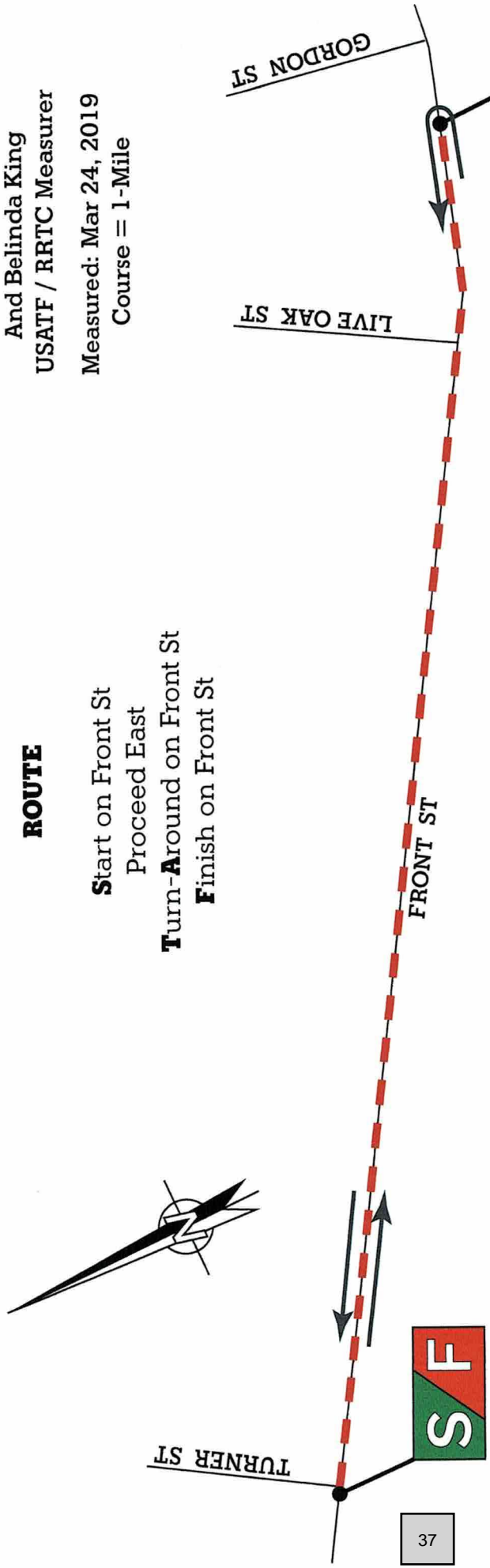
Brandon Wilson
 Measured By: Brandon Wilson
 USATF / RRTC Certifier
 IAAF / AIMS Grade A

And Belinda King
 USATF / RRTC Measurer

Measured: Mar 24, 2019
 Course = 1-Mile

ROUTE

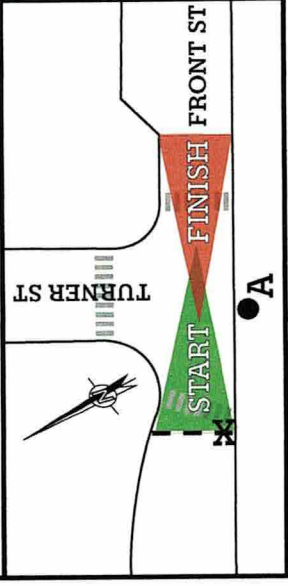
S Start on Front St
 Proceed East
T Turn-Around on Front St
F Finish on Front St



37

START FINISH DETAIL

The Start/Finish are collocated on Front St and form an imaginary line perpendicular to the roadway intersecting a mag nail and washer ("X"). The nail is 43' 10" West of Duke Energy Light Pole# N9D80 ("A") at the intersection of Turner St and Front St

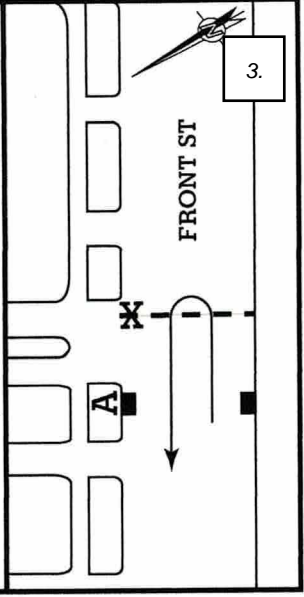


USATF Certificate #NC19004BW
 Effective Apr 2, 2019 to Dec 31, 2029



TURN-AROUND DETAIL

The 1-Mile Turn-Around (TA) is located on Front St marked with a mag nail and washer ("X") at the northern road edge and is 23' 8" East of the iron storm drain ("A") in-front of 917 Front St



Beaufort Waterfront 5k 2019

Beaufort, NC

Brandon Wilson
 Measured By: Brandon Wilson
 USATF / RRTC Certifier
 IAAF / AIMS Grade A

SPLITS

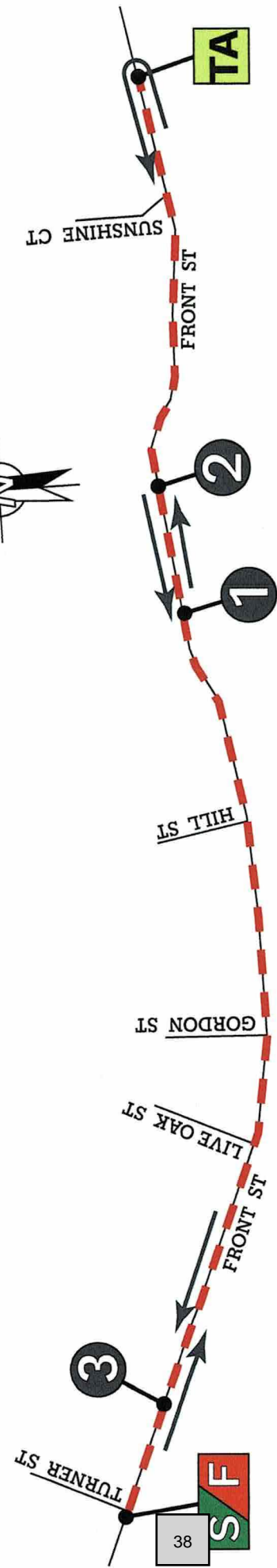
- Mile 1** - At 1506 Front St
- Mile 2** - At 1531 Front St
- Mile 3** - On Front St 50' East of Craven St

ROUTE

- Start** on Front St
Proceed East
- Turn-Around** on Front St
Finish on Front St

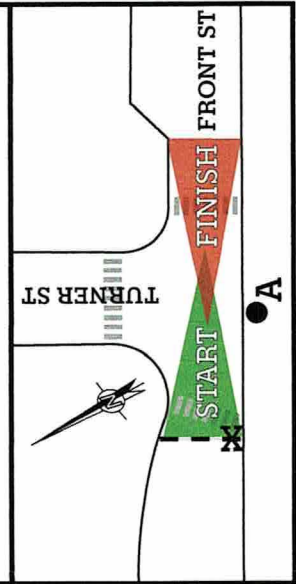
Measured: Mar 24, 2019
 Course = 5 km

And Belinda King
 USATF / RRTC Measurer



START FINISH DETAIL

The Start/Finish are collocated on Front St and form an imaginary line perpendicular to the roadway intersecting a mag nail and washer ("X"). The nail is 43' 10" West of Duke Energy Light Pole# N9D80 ("A") at the intersection of Turner St and Front St

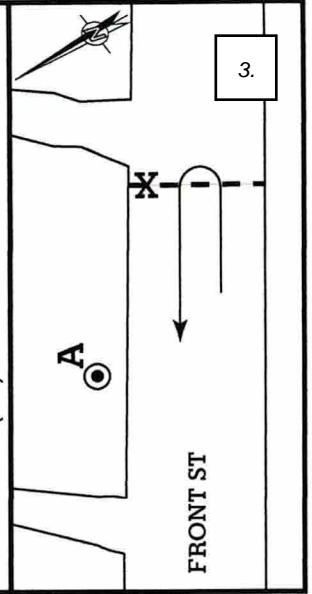


USATF Certificate #NC19005BW
 Effective Apr 2, 2019 to Dec 31, 2029



TURN-AROUND DETAIL

The 5k Turn-Around (TA) is located on Front St marked with a mag nail and washer ("X") at the northern road edge and is 58' 2" East of the center of iron sewer cover ("A") in-front of 1907 Front St



Beaufort Waterfront 10k 2019

Beaufort, NC

Brandon Wilson

Measured By: Brandon Wilson
 USATF / RRTC Certifier
 IAAF / AIMS Grade A

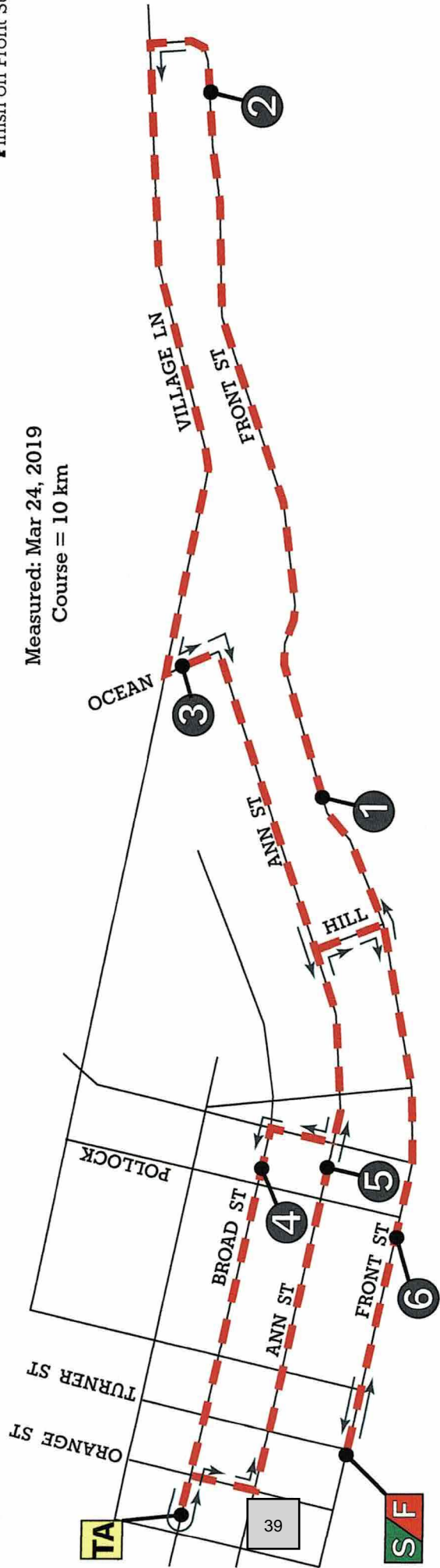
And Belinda King
 USATF / RRTC Measurer

Measured: Mar 24, 2019
 Course = 10 km

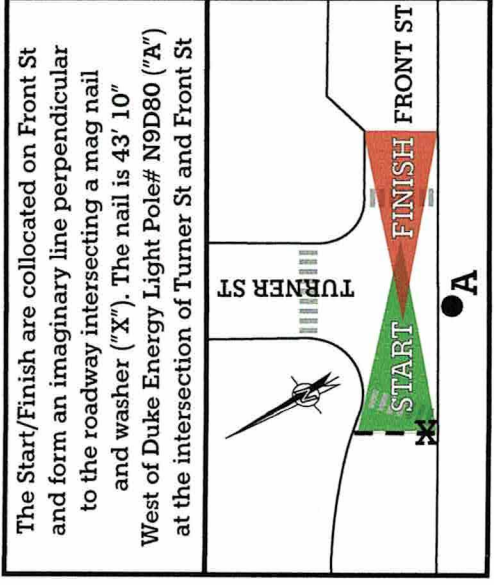
SPLITS

- Mile 1 - At 1506 Front St
- Mile 2 - 30' East of mailbox# 2505 Front St
- Mile 3 - On Ocean St 40' South of Village Ln
- Mile 4 - On Broad St 140' East of Pollock St
- Mile 5 - At Intersection of Ann St and Marsh St
- Mile 6 - on Front St 130' West of Pollock St

- ROUTE**
- Start on Front St
- Proceed East
- Left on Village Ln
- Left on Ocean
- Right on Ann
- Right on Live Oak
- Left on Broad
- Right on Broad
- Right on Orange
- Left on Ann
- Right on Hill
- Right on Front St
- Finish on Front St



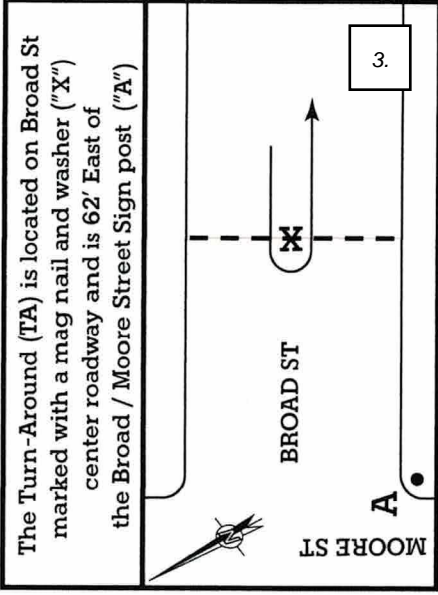
START FINISH DETAIL



USATF Certificate #NC19006BW
 Effective Apr 2, 2019 to Dec 31, 2029



TURN-AROUND DETAIL





Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516 252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Board of Commissioners
Regular Meeting
6:00 PM Monday, August 14, 2023
Train Depot, 614 Broad Street
Beaufort, NC 28516**

AGENDA CATEGORY: Presentations
SUBJECT: Waterfront Improvement Project Update

BACKGROUND:

The Board of Commissioners received a presentation from the Harbor & Waterways Master Plan Advisory Committee in September of 2022. At that time, the Committee made ten specific recommendations for improvements to the Town’s waterfront assets.

In October of 2022, the Board asked the Town Manager to work with the Chairman of the Harbor & Waterways Committee to gain a better understanding of public private partnerships. The stated objective was to gain a better understanding of the private market to determine whether a private investment of capital could be leveraged for various improvements and for the management of such assets.

A status report was presented to the Board of Commissioners at their annual work retreat in March of 2023. At that time, the Board was informed that preliminary work indicates a private market exists and that respondents expressed favorable interest in exploring a partnership further with the Town. However, it was clear that more investigation was needed.

The market analysis is now complete. A presentation will be made to the Board concerning the findings and next steps for the Town.

SUBMITTED BY:

Todd Clark, Town Manager

BUDGET AMENDMENT REQUIRED:

No



Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516 252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Board of Commissioners

Regular Meeting

6:00 PM – Monday, August 14, 2023

Train Depot, 614 Broad Street

Beaufort, NC 28516

AGENDA CATEGORY: Items for Discussion and Consideration

SUBJECT: Capital Project Budget Ordinance for Waterfront Improvement Project

BRIEF SUMMARY:

- This ordinance establishes a project fund for the Waterfront improvement Project and requests the transfer of funds from the Capital Reserve Fund to the Capital Project Fund for Waterfront Improvements. These funds will allow working capital for the Waterfront Improvements.

Capital Reserve Balances 08/14/2023	Current Balance	CRF BA #17	Balance
Debt Service Payment for Fire Pumper @ Station 2	78,608		78,608
FCO- Bulkhead/Boardwalk	600,000	(600,000)	0
FCO - Street Project	620,046		620,046
FCO-Utility Line Project	440,989		440,989

REQUESTED ACTION:

Approve Capital Project Waterfront Improvement Budget Ordinance and CRF Budget Amendment #17

EXPECTED LENGTH OF PRESENTATION:

5 minutes

SUBMITTED BY:

Christi Wood – Finance Director

BUDGET AMENDMENT REQUIRED:

Yes



**TOWN OF BEAUFORT
CAPITAL PROJECT BUDGET ORDINANCE
WATERFRONT IMPROVEMENT PROJECT**

BE IT ORDAINED by the Board of Commissioners by the Town of Beaufort that the following Capital Project Budget Ordinance is adopted in accordance with Section 13.2 of Chapter 159 of the General Statutes of North Carolina for the Waterfront Improvement Project (WIP).

SECTION I: REVNUUE

To establish the project fund for the Waterfront Improvement Project (WIP) revenue will come from the following sources:

TRANSFER FROM CAPITAL RESERVE FUND- BOARDWALK_ \$ 600,000
TOTAL REVENUE..... **\$ 600,000**

SECTION II: EXPENDITURES

WIP- ENGINEER/DESIGN..... \$ 100,000
WIP- PERMITTING..... \$ 100,000
WIP- CONSTRUCTION..... \$ 400,000
TOTAL EXPENDITURES..... **\$ 600,000**

SECTION III: DISTRIBUTION

Copies of this ordinance shall be furnished to the Town Manager and Finance Officer to be kept on file for their direction in the disbursement of funds for carrying out this project.

Adopted this 14th day of August 2023.

ATTEST:

Elizabeth Lewis
Town Clerk

Sharon E. Harker
Mayor



TOWN OF BEAUFORT CAPITAL RESERVE FUND AMENDMENT #17

WHEREAS, the Town of Beaufort adopted a Capital Reserve Fund Ordinance for Bulkhead/Board Walk Project, Utility Line Improvement Project, and Street Resurfacing Project on May 13, 2019, and

WHEREAS, the Board of Commissioners recognizes that periodic modifications to the revenues and expenditures for capital projects may be necessary for fiscal management purposes and to implement the decisions of the Board of Commissioners;

BE IT THEREFORE ORDAINED that the Board of Commissioners of the Town of Beaufort amend the Capital Reserve Fund for the Bulkhead/Board Walk Project, Utility Line Improvement Project, and Street Resurfacing Project as follows:

- Transfer funds to Capital Project Waterfront Improvements \$600,000

SECTION I: REVENUES

INCREASE

TRANSFER TO CAPITAL PROJECT - WATERFRONT IMPROVEMENT PROJECT.....	\$ 600,000
TOTAL INCREASE	\$ 600,000

SECTION II: EXPENDITURES

DECREASE

FUTURE CAPITAL OUTLAY FOR BOARDWALK.....	(\$600,000)
TOTAL DECREASE	(\$600,000)

SECTION III: DISTRIBUTION

Copies of this ordinance shall be furnished to the Town Manager and Finance Officer, to be kept on file by them for their direction in the disbursement of funds for carrying out this project:

Adopted this 14th day of August 2023

ATTEST:

Elizabeth Lewis
Town Clerk

Sharon E. Harker
Mayor



Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516 252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Board of Commissioners
Regular Meeting
6:00 PM Monday, August 14, 2023
Train Depot, 614 Broad Street
Beaufort, NC 28516**

AGENDA CATEGORY: Items for Discussion and Consideration
SUBJECT: Consideration for Real Property Purchase, Real Property Exchange, and Budget Amendment #2

BACKGROUND:

The Board of Commissioners has expressed interest in the purchase of real property for the purpose of future planning and construction of modern municipal facilities to serve the citizens of the Town. Although there is no established timeline for construction of such facilities, the decision to move forward with the purchase of property follows a space needs study presented to the Board earlier this year. The study demonstrated that several town facilities are functionally outdated and no longer meet the needs of the public or the Town staff.

Consequently, the Board directed the Town Manager to facilitate the purchase of three parcels of land located within the corporate limits of Beaufort. The parcels are located near the vicinity of Live Oak Street and Campen Road. They are also identified on the Carteret County GIS system by the following parcel identification numbers:

<u>Parcel Identification Number</u>	<u>Owner</u>	<u>Acres</u>
PIN 730612854774000	Gibbs, Samuel C III	8.21
PIN 730612852598000	Gibbs, Samuel C III	7.47
PIN730612766174000	Mercer Building & Design Inc.	0.22

The purchase price of the two parcels owned by the Gibbs family is \$1,400,000. The purchase price of the parcel owned by Mercer Building & Design is \$85,000.

The Board also directed the Town Manager to facilitate the exchange of additional property as permitted by North Carolina General Statute 160A-271. A description of the properties to be exchanged is included in the attached "Resolution Authorizing Exchange of Real Property". There are no expenses related to the exchange of these parcels.

RECOMMENDED ACTION:

The staff recommends that the Board of Commissioners entertain separate motions on the following:

1. Motion for Approval/Ratification of Real Estate Purchase Contract Between Town of Beaufort and Gibbs, as referenced in (Addendum #1).
2. Motion for Approval/Ratification of Real Estate Purchase Contract Between Town of Beaufort and Mercer, as referenced in (Addendum #2).
3. Motion to approve Resolution #23-12, Authorizing Exchange of Real Property
4. Motion to approve Budget Amendment #2

SUBMITTED BY:

Todd Clark, Town Manager

BUDGET AMENDMENT REQUIRED:

Yes

ADDENDUM #1

**MOTION FOR APPROVAL/RATIFICATION OF
REAL ESTATE PURCHASE CONTRACT
BETWEEN TOWN OF BEAUFORT AND GIBBS**

Motion that (1) the Agreement for Purchase and Sale of Improved Real Property between Town of Beaufort and Gibbs Family Farm Land Revocable Trust Agreement is hereby ratified and approved in its entirety; (2) pursuant to the aforesaid Agreement, Town of Beaufort shall execute and deliver such documents and instruments as may be reasonably necessary in the opinion of counsel to Town to consummate the transactions contemplated under the aforesaid Agreement; and (3) the Mayor, the Town Clerk, the Town Manager, the Town Finance Director and such other officers and agents of Town are hereby authorized to take such action and to execute any and all documents necessary in the opinion of counsel to Town to effectuate any of the transactions contemplated by this motion or under the aforesaid Agreement.

ADDENDUM #2

**MOTION FOR APPROVAL/RATIFICATION OF
REAL ESTATE PURCHASE CONTRACT
BETWEEN TOWN OF BEAUFORT AND MERCER**

Motion that (1) the Agreement for Purchase and Sale of Land between Town of Beaufort and Mercer Building and Design Inc. is hereby ratified and approved in its entirety; (2) pursuant to the aforesaid Agreement, Town of Beaufort shall execute and deliver such documents and instruments as may be reasonably necessary in the opinion of counsel to Town to consummate the transactions contemplated under the aforesaid Agreement; and (3) the Mayor, the Town Clerk, the Town Manager, the Town Finance Director and such other officers and agents of Town are hereby authorized to take such action and to execute any and all documents necessary in the opinion of counsel to Town to effectuate any of the transactions contemplated by this motion or under the aforesaid Agreement.



**TOWN OF BEAUFORT RESOLUTION
AUTHORIZING EXCHANGE OF REAL PROPERTY
RESOLUTION NO. 23-12**

WHEREAS, Town of Beaufort (hereinafter “Town”) is a municipal corporation organized and existing pursuant to North Carolina law; and,

WHEREAS, North Carolina General Statute § 160A-271 authorizes Town to exchange any real property belonging to Town for other real property by private negotiation if Town receives a full and fair consideration in exchange for Town’s property; and,

WHEREAS, Town has previously approved and accepted an Agreement for Purchase and Sale of Improved Real Property dated May 26, 2023, whereby the Town of Beaufort is purchasing certain real property from Samuel C. Gibbs, III and wife Cynthia B. Gibbs as Co-Trustees of The Gibbs Family Farm Land Revocable Trust Agreement dated February 10, 2017; and,

WHEREAS, pursuant to the aforesaid Agreement, and in addition to the purchase and sale contemplated thereby, Town and the sellers therein agreed to the exchange of certain real property as follows: Town will deed and convey to such sellers the westernmost 150 feet of that parcel identified by the Carteret County GIS system with parcel identification number (PIN) 730616937697000, and such sellers will deed and convey to Town that parcel identified by Carteret County GIS system parcel identification number (PIN) 730616848933000; and,

WHEREAS, Town’s parcel of real property described above is valued at \$38,556.00 by the Carteret County Tax Assessor, and the real property proposed to be acquired by the Town of Beaufort as described above is valued at \$178,869.00 by the Carteret County Tax Assessor; and,

WHEREAS, on August 2, 2023, Town caused to be published in the Carteret News Times a public notice of Town’s intent to approve the exchange herein described; and,

WHEREAS, other than the exchange herein described and the obligations of the parties under the aforesaid agreement, no other consideration is changing hands.

NOW THEREFORE, be it resolved by the Board of Commissioners for the Town of Beaufort that (a) the exchange of real property herein described be and is in all respects approved in its entirety and (b) the Mayor, the Town Clerk, the Town Manager, the Town Finance Director and such other officers and agents of Town are hereby authorized to take such action and to execute any and all documents necessary in the opinion of counsel to Town to effectuate the exchange of real property contemplated by this resolution.

Adopted this 14th day of August, 2023.

Sharon E. Harker, Mayor

Elizabeth Lewis,
Clerk to the Board



**TOWN OF BEAUFORT
FY 2024 BUDGET AMENDMENT #2**

WHEREAS, the Town of Beaufort adopted its Fiscal Year 2024 Budget through Ordinance on June 12, 2023, and

WHEREAS, the Board of Commissioners recognizes that periodic modifications to the estimated revenues and expenditures for the fiscal year may be necessary for fiscal management purposes and to implement decisions of the Board of Commissioners;

BE IT THEREFORE ORDAINED that the Board of Commissioners amends the Fiscal Year 2024 Budget as follows:

SECTION I: GENERAL FUND

This amendment requests the appropriation of Fund Balance for the purchase of the land.

- Tax parcel # 730612766174000, Campen Road \$85,000
- Tax Parcel # 730612852598000 & 730612854774000, Live Oak Street \$1,400,000
- Taxes closing costs and fees \$21,700

A. REVENUE

<u>INCREASE</u>	
APPROPRIATED FUND BALANCE.....	\$1,506,700
TOTAL INCREASE.....	\$ 1,506,700

B. EXPENDITURES AUTHORIZED BY DEPARTMENT

<u>INCREASE</u>	
NON-DEPARTMENTAL.....	\$ 1,506,700
TOTAL INCREASE.....	\$ 1,506,700

SECTION VI: DISTRIBUTION

Copies of this ordinance shall be furnished to the Town Manager and Finance Officer to be kept on file for their direction in the disbursement of funds.

Adopted this 14th day of August, 2023

ATTEST:

Elizabeth Lewis
Town Clerk

Sharon E. Harker
Mayor

Tax Parcel Information:

Owner: GIBBS,SAMUEL C III ETUX CYN TR

Current PIN: 730612854774000

Site Address:
1775 LIVE OAK ST
BEAUFORT

Mailing Address:
307 YELLOWOOD LANE
ASHEVILLE NC 28803 7401

Legal Description:
L2 GIBBS SD

Prior PIN: 1101500134

City Limits:

Rescue District: BEAUFORT RESCUE

Fire District: BEAUFORT FIRE

Tax District: 11

Township: BEAUFORT

Use: COMMERCIAL

Land Value: NBHD: 590050

Bldg Value: Bldg Htd Sq Ft:
Base Area Sq Ft: 0

Other Value: Year Built:

Total Value: Noise Level:

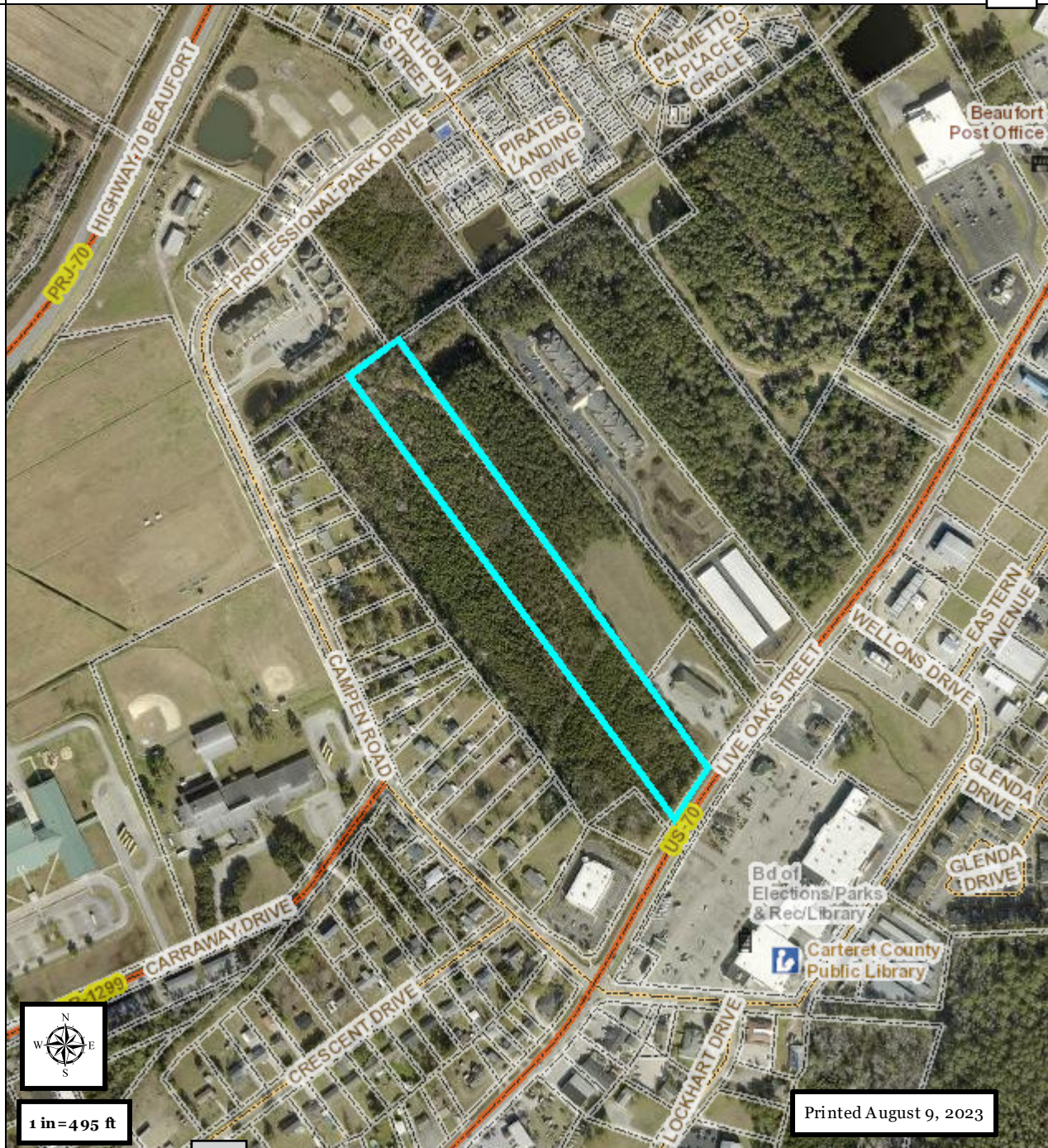
Sale Price: AICUZ Zone:

Taxed Acres: 8.61 GIS Acres: 7.200

Plat Ref: 1 / 56 **Roll Type:** R

Deed Ref: 1567 / 47 **Deed Date:** 20170210

Bedrooms: **Bathrooms:**



1 in = 495 ft

Printed August 9, 2023

Tax Parcel Information:

Owner: GIBBS,SAMUEL C III ETUX CYN TR

Current PIN: 730612852598000

Site Address:

0

Mailing Address:

307 YELLOWOOD LANE

ASHEVILLE NC 28803 7401

Legal Description:

PART L1 BEAUFORT

Prior PIN: 1101500133

City Limits:

Rescue District: BEAUFORT RESCUE

Fire District: BEAUFORT FIRE

Tax District: 11

Township: BEAUFORT

Use: COMMERCIAL

Land Value: \$296,100

NBHD: 590050

Bldg Value: \$0

Bldg Htd Sq Ft:

Base Area Sq Ft: 0

Other Value: \$0

Year Built:

Total Value: \$296,100

Noise Level:

Sale Price: \$0

AICUZ Zone:

Taxed Acres: 8.46

GIS Acres: 8.470

Plat Ref: /

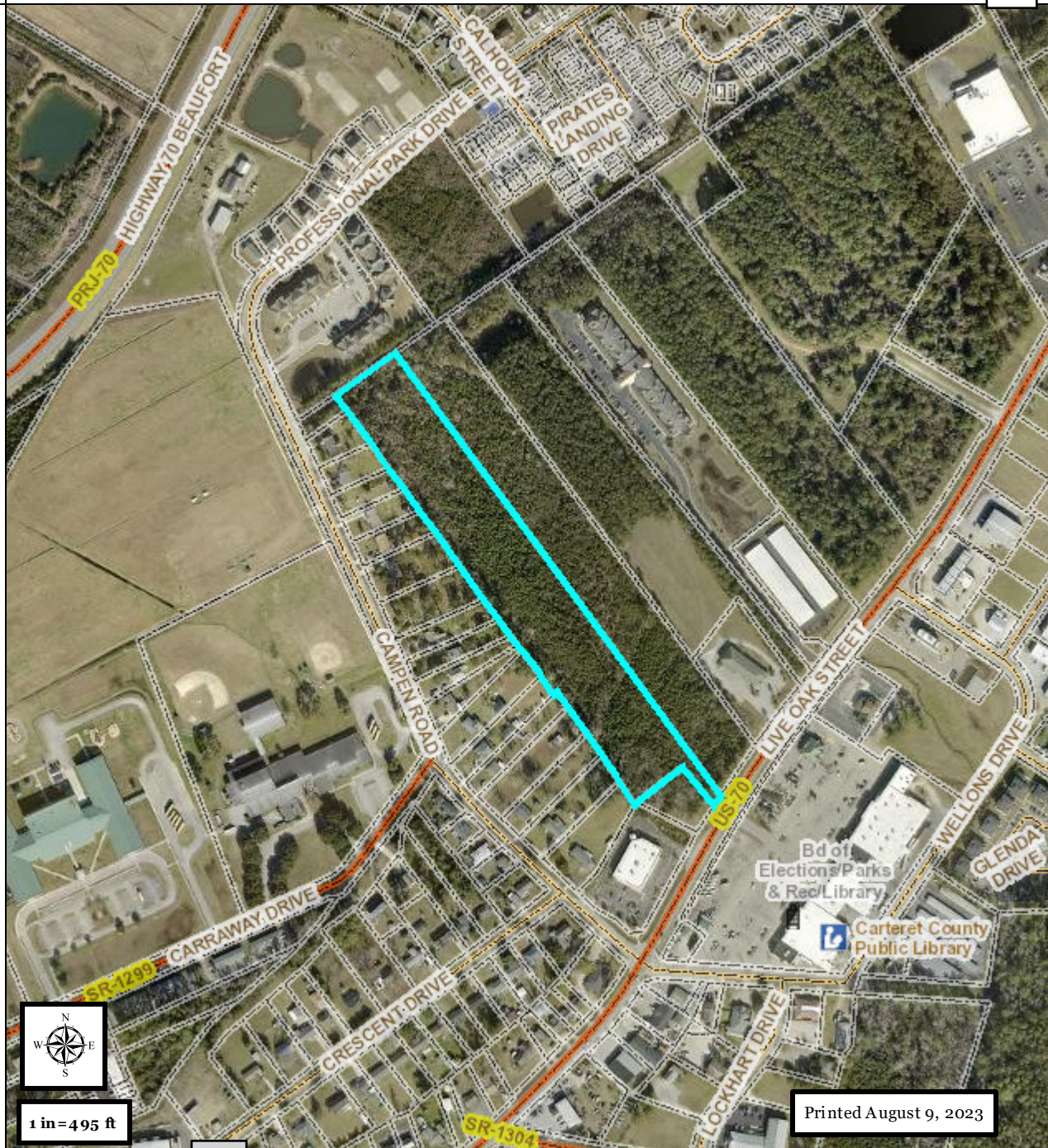
Roll Type: R

Deed Ref: 1567 / 47

Deed Date: 20170210

Bedrooms:

Bathrooms:



1 in = 495 ft

Printed August 9, 2023

Tax Parcel Information:

Owner: MERCER BUILDING & DESIGN INC

Current PIN: 730612766174000

Site Address:

0

Mailing Address:

106D PROFESSIONAL PARK DR

BEAUFORT NC 28516

Legal Description:

LOT OFF CAMDEN RD - BEAUFORT

Prior PIN:

City Limits: BEAUFORT

Rescue District: BEAUFORT RESCUE

Fire District:

Tax District: 1159

Township: BEAUFORT

Use: VACANT

Land Value: \$38,608

NBHD: 590013

Bldg Value: \$0

Bldg Htd Sq Ft:

Base Area Sq Ft: 0

Other Value: \$0

Year Built:

Total Value: \$38,608

Noise Level:

Sale Price: \$0

AICUZ Zone:

Taxed Acres: 0.219

GIS Acres: 0.220

Plat Ref: 33 / 73

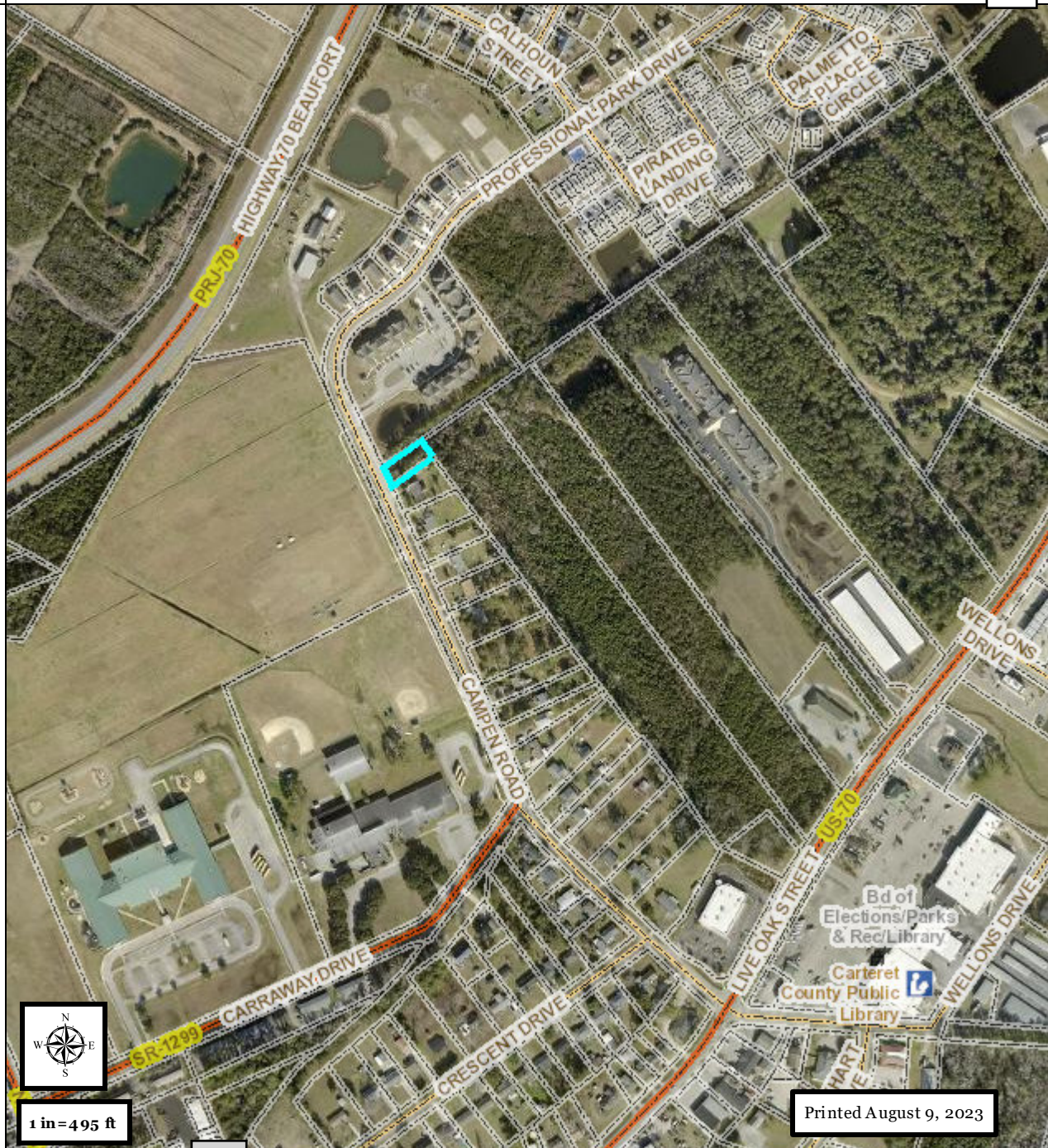
Roll Type: R

Deed Ref: 843 / 363

Deed Date: 0

Bedrooms:

Bathrooms:



1 in = 495 ft

Printed August 9, 2023

Tax Parcel Information:

Owner: GIBBS,SAMUEL C III ETUX CYN TR

Current PIN: 730616848933000

Site Address:
1759 LIVE OAK ST
BEAUFORT

Mailing Address:
307 YELLOWOOD LANE
ASHEVILLE NC 28803 7401

Legal Description:
ACREAGE US HWY 70

Prior PIN: 1101500127

City Limits: BEAUFORT

Rescue District: BEAUFORT RESCUE

Fire District:

Tax District: 1159

Township: BEAUFORT

Use: COMMERCIAL

Land Value: \$178,869

NBHD: 590050

Bldg Value: \$0

Bldg Htd Sq Ft:

Base Area Sq Ft: 0

Other Value: \$0

Year Built:

Total Value: \$178,869

Noise Level:

Sale Price: \$0

AICUZ Zone:

Taxed Acres: 0.547

GIS Acres: 0.570

Plat Ref: /

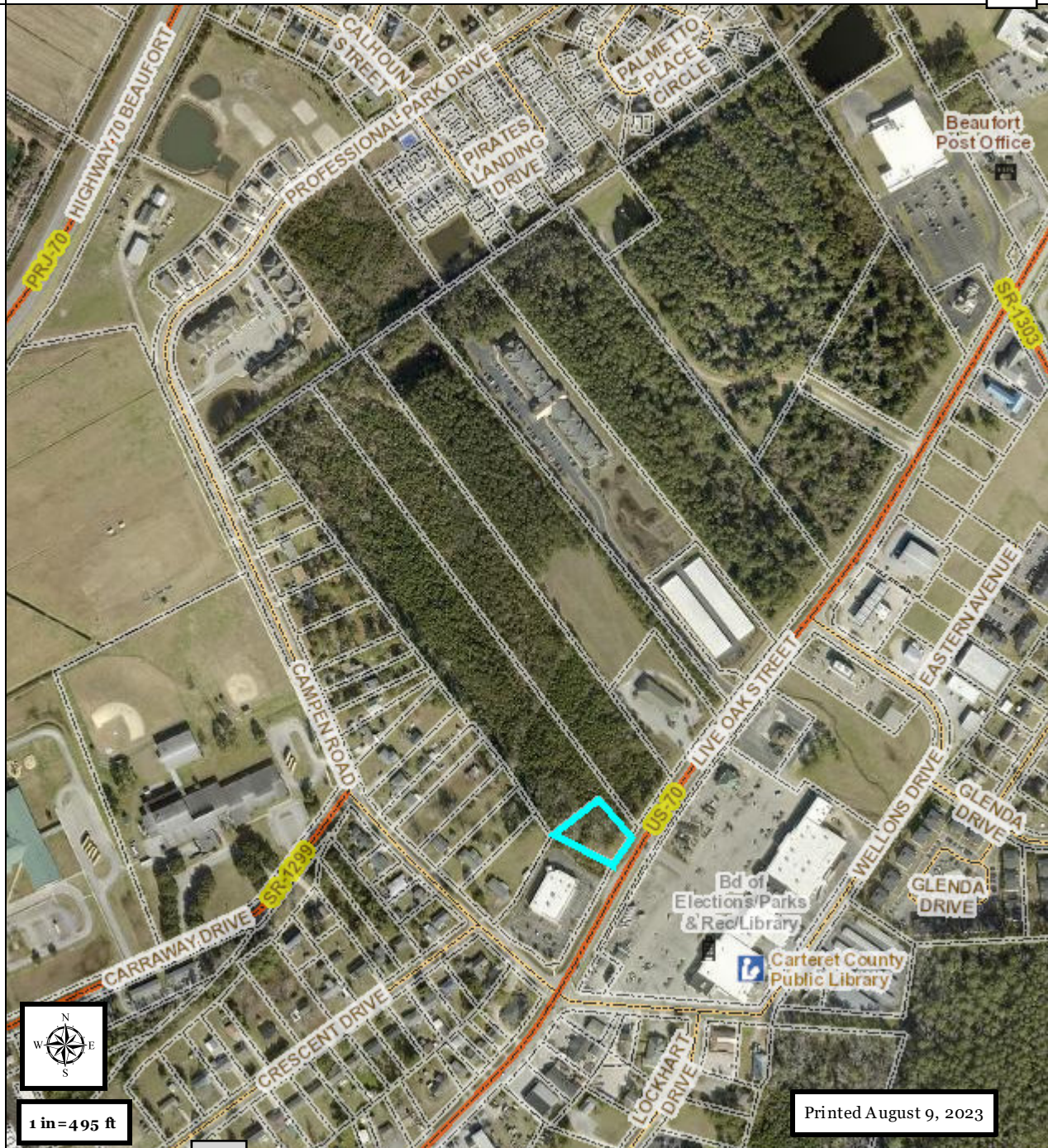
Roll Type: R

Deed Ref: 1567 / 47

Deed Date: 20170210

Bedrooms:

Bathrooms:



1 in = 495 ft

Printed August 9, 2023

Tax Parcel Information:

Owner: TOWN OF BEAUFORT
Current PIN: 730616937697000
Site Address:
0

Mailing Address:

BEAUFORT NC 28516

Legal Description:
AC STEEP POINT RD BEAUFORT

Prior PIN:

City Limits:

Rescue District: BEAUFORT RESCUE

Fire District: BEAUFORT FIRE

Tax District: 11

Township: BEAUFORT

Use: MUNICIPAL EXEMP

Land Value: \$38,556

NBHD: 110032

Bldg Value: \$0

Bldg Htd Sq Ft:

Base Area Sq Ft: 0

Other Value: \$0

Year Built:

Total Value: \$38,556

Noise Level:

Sale Price: \$0

AICUZ Zone:

Taxed Acres: 0.81

GIS Acres: 0.715

Plat Ref: /

Roll Type: E

Deed Ref: 881 / 384

Deed Date: 0

Bedrooms:

Bathrooms:



Printed August 9, 2023



Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516 252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Board of Commissioners
Regular Session Meeting
6:00 PM Monday, August 14, 2023**

AGENDA CATEGORY: Items for Discussion and Consideration

SUBJECT: Resolution declaring Intent to Reimburse for Capital Expenditures
USDA-Funded Utilities Project

BRIEF SUMMARY:

This attached declaration of intent resolution is being submitted by Town staff in cooperation with the Town’s Bond Counsel for consideration by the Board of Commissioners. The resolution is being provided because the Town intends to proceed with improvements to the Town’s water, sewer, and stormwater systems via a project that has previously been referred to as the “USDA-Funded Utilities Project.” The Town anticipates incurring debt of approximately \$8,031,000, with respect to water system improvements; \$7,036,00, with respect to sewer system improvements; and \$3,007,000, with respect to stormwater system improvements, for a total amount of \$18,074,000.

The Town intends to finance a portion of the costs of the project with USDA tax-exempt obligations issued by the Town and purchased by USDA. The debt will mature over forty years and will bear interest at a rate determined by USDA. USDA only purchases these tax-exempt obligations when the utilities work is completed. Accordingly, USDA requires the Town to issue bond anticipation notes to provide interim financing that will fund the project. The Town may incur some project expenses before the interim financing is in place and will want to reimburse itself for those project expenses from the proceeds of the bond anticipation notes. The federal tax laws require the Town to declare its intent to reimburse itself by adopting a reimbursement resolution. If the Board chooses not to approve the reimbursement resolution, any upfronted construction expenses paid with local dollars might not be eligible to be repaid with debt proceeds.

Town staff recommends adoption of the reimbursement resolution.

REQUESTED ACTION:

Consider adopting the resolution of intent.

EXPECTED LENGTH OF PRESENTATION:

5 minutes

SUBMITTED BY:

Greg Meshaw, PE, Town Engineer

BUDGET AMENDMENT REQUIRED:

No



RESOLUTION DECLARING THE INTENT OF THE TOWN OF BEAUFORT, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS

RESOLUTION NO. 23-13

WHEREAS, the Board of Commissioners of the Town of Beaufort, North Carolina (the “Town”) has determined that it is in the best interest of the Town to proceed with the acquisition, construction and equipping of improvements to the Town’s water, sewer, and stormwater systems (the “Project”);

WHEREAS, the Town presently intends, at one time or from time to time, to finance a portion of the costs of the Project with proceeds of tax-exempt obligations and reasonably expects to cause to be executed and delivered tax-exempt obligations (the “Obligations”) to finance, or to reimburse itself for, a portion of the costs of the Project; and

WHEREAS, the Town desires to proceed with some or all of the Project and will incur and pay certain expenditures in connection with the Project prior to the date of execution and delivery of the Obligations (the “Original Expenditures”), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the Town intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Beaufort, North Carolina as follows:

Section 1. **Official Declaration of Intent.** The Town presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the Town on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The Town reasonably expects to execute and deliver the Obligations to finance a portion of the costs of the Project and the maximum principal amount of Obligations expected to be executed and delivered by Town to pay for a portion of the costs of the Project is approximately \$8,031,000, with respect to water system improvements; \$7,036,00, with respect to sewer system improvements; and \$3,007,000, with respect to stormwater system improvements, for an aggregate amount of \$18,074,000.

Section 2. **Compliance with Regulations.** The Town adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the Town’s intent to reimburse itself for the Original Expenditures from proceeds of the Obligations. This Resolution supplements any prior declarations of intent to reimburse.

Section 3. **Itemization of Capital Expenditures.** The Finance Director of the Town, with advice from bond counsel, is hereby authorized, directed and designated to act on behalf of the Town in determining and itemizing all of the Original Expenditures incurred and paid by the Town in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. ***Effective Date.*** This Resolution shall become effective immediately upon the date of its adoption.

Adopted by the Town of Beaufort Board of Commissioners on this 14th day of August 2023.

Elizabeth Lewis
Clerk to the Board

Sharon E. Harker
Mayor/Chairperson of Council/Board

Clerk to the Board (Signature)

Mayor of Board (Signature)

CERTIFICATION BY RECORDING OFFICER

I, Elizabeth Lewis, Town Clerk of the Town of Beaufort, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a resolution entitled “**RESOLUTION DECLARING THE INTENT OF THE TOWN OF BEAUFORT, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS**” adopted by the Board of Commissioners at a meeting held on the 14th day of August 2023.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of August 2023.

Elizabeth Lewis, Town Clerk (Signature)



Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Board of Commissioners
Regular Meeting
6:00 PM – Monday, Aug. 14, 2023**

AGENDA CATEGORY: Items for Discussion and Consideration

SUBJECT: Day of the Dead

The Beaufort Picture Show has submitted an event application to host a Day of the Dead event on Thursday, Nov. 2 in downtown Beaufort. The coordinators for this event are Liz Kopf and Billy Kane.

This first-time event anticipates an estimated 500-1,000 people to attend. Organizers describe the event as a block party with Mexican food, music, vendors and cultural activities related to the Mexican Day of the Dead celebration. The proposed event is from 5-9 p.m. with setup beginning at 7 a.m. and breakdown ending by 11 p.m.

Requests of the Town:

- Closure of Middle Lane from 6 a.m.-11 p.m. on Nov. 2, 2023
- Alcohol Waiver for Middle Lane
- Applicant is aware that they will be required to hire a minimum of two off duty officers for the duration of the event at the for hire rate.

The applicant has spoken to businesses who will be impacted by the closure of Middle Lane. At this time, they are all working together to put on the event.

The Town’s Emergency Services Departments have reviewed the application and does not have any issues.

REQUESTED ACTION: Consider approval or denial.

EXPECTED LENGTH OF PRESENTATION: 10 minutes

SUBMITTED BY: Rachel Johnson, Events Coordinator

Dates & Times updated 8/21/23
Per applicant's Request - RB

RECEIVED

AUG - 2 2023

Date Application Received:	8/2/23
Permit Number:	

4.



TOWN of
BEAUFORT
NORTH CAROLINA

APPLICATION FOR SPECIAL EVENT PERMIT

Please return completed application form with permit fee and paperwork to:

Events Coordinator, Town of Beaufort
701 Front Street
P.O. Box 390
Beaufort, NC 28516
Phone: (252) 728-2141 Email: r.johnson@beaufortnc.org

Applications submitted late or incomplete may not receive approval and may not be issued a permit.

EVENT BASICS

Event Name: Day of the Dead Festival

Location of Event Site: Middle Lane

(If more than one site is being requested please be specific and list each one individually below)

Run by: Beaufort Picture Show

Applicant (Organizer) Name: Liz Kopf

Contact # 252-728-7446

Day of Event Contact #: 252-728-7446

Email: lizkopf@gmail.com

Type of Event:

- Festival
- Parade
- 5K Race
- 10K Race

- Music Event
- Other

Actual Event Date(s): Saturday, Nov 14 Time of Event: 5-9 pm
 Set-Up Date: Thursday, Nov 13 Start Time: 7:00am - 5:00pm set-up
 Tear Down Date: Thursday, Nov 14 End Time: 9:00pm - 10:00pm tear down
 Estimated Attendance: 500 - 1000 Admission Fees: Free Festival

Event Description:

In concept, this event is similar to the Mardi Gras model I have done for many years. Block party with Mexican food, Mexican music and cultural activities related to the Mexican Day of the Dead celebration. There will be a Beer Garden. We are requesting Town of Beaufort allows alcohol consumption on public property.

ORGANIZER/APPLICANT INFORMATION

Name of Organization: Beaufort Picture Show
 Primary Contact Person: Liz Kopf
 Mailing Address: 805 Broad St.
 Email: lizkopf@gmail.com
 Daytime Phone #: 252-728-7446 Cell Phone #: 252-728-7446
 Alternate Contact Person: Billy Kane Phone #: 336-301-4670
 Is your group a non-profit organization? yes If yes, please provide documentation with your application.

SITE PLAN

Site Plan Attached

- Yes
- No

(If you need help, please set up a meeting with the Town of Beaufort's Events Coordinator)

A detailed site plan must be included with your event application. The following, should they be relevant, must be included in your Site Plan.

- Location of all tents and temporary structures
- Location of requested barricades and road closures
- Emergency exits
- Fire extinguishers, propane storage
- Location of command post, medical & first aid station, emergency vehicle access points and all exits and entrances (both emergency and for the public)
- Fencing, staging, bleachers, stages, inflatables, etc.
- Food/refreshment tent vendors, refreshment tents
- Food Trucks
- Location of Restrooms
- 5K/10K race routes

If the Site Plan is not submitted with the event application, the deadline is 45 days before the event, otherwise a permit will not be issued.

PARKS & PARKING LOTS REQUESTED

Please mark all that apply:

- East Parking Lot
- West Parking Lot
- Craven Street Parking
- Middle Lane
- John Newton Park
- Lynn Eury Park
- Grayden Paul Park
- Topsail Marine Park
- Other Please list: _____

Specific Requirements: (Extra trash cans/recycling/electrical etc.) Please be specific and include each item on the Site Plan for the desired location. Please note extra charges may apply in accordance to the fee schedule.

(Trash/Recycling Carts: \$10 each, Electricity: \$50)

6-8 Trash Cans
6 Recycling Carts

OTHER EVENT DETAILS

Please provide the name and contact information of all outside companies who are providing services during your event. IE: Tent Rentals, Inflatable Rentals, Port-A-Pottie Rentals, etc.

Country Aire
Advanced Portable Toilets

Will there be canon/re-enactment fire during your event? No If yes, please coordinate with the Beaufort Fire Department for safety procedures.

ALCOHOL

Alcohol at the event YES NO Attach all required paperwork. Applicant is responsible for obtaining applicable ABC License and Liquor Liability Insurance. Applicant must provide a clearly marked and contained area for alcohol consumption and hire two Town of Beaufort police officers at a rate of \$50 per hour for the duration. (The Police Chief will review the application for exceptions.) All local, state and Federal laws must be adhered to.

I/we have read, understand and will comply with the rules outlined by the Town of Beaufort in the Town Code of Ordinances as well as in the Event Procedures.

X Elizabeth Hoff (Applicant's Signature)

ROAD CLOSURES

Does your event require a road closure? YES NO

Please provide specifics below:

Road	Set-Up Time	Event Start Time	Finish Time	Tear Down Time
Middle Lane	7:00 am - 4:00 pm	5:00 pm	9:00 pm	9:00 pm - 11:00 pm

If a road closure has any impact on area businesses and/or residents, the applicant will be required to inform all residents and/or businesses in the area of the road closure, by letter or hand-delivered flyer at least 14 days in advance of the event, of the particulars of the approved temporary road closure and any detour route available.

Emergency Vehicle Access Requirements: A road may be closed to regular traffic during an event, but an unobstructed fire lane must be left open at all times for emergency vehicles.

PARKING/PARKING LOTS

Parking lots required for Event set-up: (Please mark on the site map if applicable) (Please note charges may apply. The rate is \$18 per day per space in the East & West parking lots and \$9 per on street parking space per day for special event closure during Pay-To-Park season).

Please list all parking lots and spaces you are requesting. Spaces are numbered so please be specific. Also please note that parking space closures MUST be approved by the Board of Commissioners. Event organizers are not permitted to acquire additional spaces without Town permission prior to an event.

_____ N/A _____

Please list off-site Parking Location for Vendors & Event Staff: A letter of permission is required for the use of private property per the event procedures. Please include this with your event application.

_____ Private property on Middle Lane _____

Bicycle Parking: Yes _____ No

Additional Handicap Parking: Yes _____ No Location: _____

Event Parking: (Please outline your plan for day of parking for event attendees. Please include parking lot locations and the name/contact information for any shuttle/trolley service):

PARADE/WALK INFORMATION

Parade Assembly Area: _____ N/A _____ Time: _____

Parade Dismissal Area: _____ N/A _____ Time: _____

Parade Start Time: _____

EMERGENCY MANAGEMENT

Route Map Attached: _____ YES _____ NO (Please note a route map is required)

Designated Emergency personal/liaison (onsite): Liz Kopf

Cell #: 252-728-7446 Other Contact: Billy Kane - 336-301-4690

How will your event staff react to severe weather?

Event will not go on with severe weather.

How will you alert visitors to the event to evacuate the site? (If multiple sites are being requested, a plan must be submitted for each location)

P.A. System - announcer will give directions.

RISK ASSESSMENT

It is important for Event Organizers to identify risks and hazards associated with their event and know how to prevent these risks. Please identify possible risks for your event and list below (weather, food, fire, etc.) Please provide details.

We will cancel the festival in case of severe weather. All food vendors will follow Health Dept. guidelines & be properly permitted. Volunteers will also receive training re. serving alcohol in the Beer Garden. What training will you provide to your volunteers/staff/participants regarding emergencies? Orientation meeting & meeting with police prior to the event - much like I have done with Mardi Gras.

TENTS

Will you have tents at your event? YES NO (10x10 pop-up tents only)

Please list the tent sizes: _____
If your event includes tents, you must make arrangements with the Beaufort Fire Department for a tent permit. There is a \$50 fee. Please contact Tammy Turek at (252) 728-4325 to make arrangements. The Tent Permit Application and a list of requirements are available online at www.beaufortnc.org.

FOOD

Will there be food served at your event? YES NO
If yes, please provide a detailed list of all food vendors. - detailed list is coming.

If yes, have you contacted the Carteret County Health Department to set up inspections? YES NO

All food vendors must have proper licensing, inspections, etc.

VENDORS

Will there be vendors selling items at your event? ~~Yes~~ _____ No _____

Please note vendors are only permitted to sell during the event hours listed on this application. Any vendor selling before or after the listed hours is in violation and subject to being shut-down.

All vendors must have proper certifications and licenses. They must display the required state sales and use tax information and the event organizer must keep all of this information on file pursuant to North Carolina State laws.

CHECKLIST

Please submit the following documents with your event application. Once all forms (if applicable) are received and the event is approved an Event Permit will be issued.

- Tent Permit
- Detailed Site Plan
- Detailed Route Map (Parade/5K/10K)
- Map of Road Closures
- ABC Permit
- Health Inspection Documentation
- Insurance
- Non-profit documentation
- Private property parking permission letter
- List of food vendors
- List of vendors
- Application Fee
- Application Signature

I/We the event organizer Liz Kopf on behalf of Beaufort Piche Show the party requesting the use of the Town of Beaufort facilities noted in the above application do hereby hold and save harmless and agree to indemnify the Town of Beaufort and its elected officials, directors, officers, employees, servants, agents, contractors and their respective heirs, executors, successors with respect to any and all liability, actions, debts, suits, demands, costs, damages and expenses whatsoever arising wither directly or indirectly as a result of the use of the Town of Beaufort's facilities, park, road or other and in accordance with the provisions contained in this policy. I/We have read and understand this application, the event procedures and the requirements placed upon this applicant and organization. I agree to abide by the Town of Beaufort rules, regulations and ordinances.

Applicant's Signature Elizabeth Kopf Date 8/2/23

Internal Use Only
 Permission is granted to the applicant and/or sponsoring organization to use the streets/facilities/parks as listed in the application for the special event described.

Permit Issue Date: _____
 Authorized Signature: _____

Insurance Certificate: Yes ___ No ___
 Permit Fee: Yes ___ No ___
 BOC Approval Date: _____
 Police Chief Approval: _____
 Fire Chief Approval: _____



Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

**Town of Beaufort Board of Commissioners Meeting
6 p.m. Monday, Aug. 14, 2023**

AGENDA CATEGORY: Discussion/Consideration
SUBJECT: All Things Bicycle

BRIEF SUMMARY:

The owners of Periwinkle have submitted an event application for a first-time event called All Things Bicycle. The event is described as “a community event for all ages to celebrate bicycles and Beaufort.” The event will include a fundraiser for Pedaling for Parkinson’s, a bike tune up clinic, bike tours and a slow bike race concluding with a brief awards ceremony and a bike parade.

The event requests the closure of Cedar Street from the corner of Cedar and Live Oak Streets to the intersection of Cedar and Hedrick Streets. Chief Burdette has reviewed the route and suggests the closure be to shut down Cedar at the Periwinkle driveway at an angle to leave Gordon unaffected with the other end blocked before you reach Hedrick to leave that intersection unaffected. The closure would be from 4:30-6:30 p.m. during the race, awards ceremony, and bike parade. The event starts at 3 p.m. with activities on business property.

Public safety has reviewed this application and do not have any issues with it. The applicant will be present at the meeting to address questions.

REQUESTED ACTION:

Consider approval

EXPECTED LENGTH OF PRESENTATION:

10 Minutes

SUBMITTED BY:

Rachel Johnson, PIO/Parks & Events Coordinator

Date Application Received:

5.

Permit Number:



APPLICATION FOR SPECIAL EVENT PERMIT

Please return completed application form with permit fee and paperwork to:

Events Coordinator, Town of Beaufort
 701 Front Street
 P.O. Box 390
 Beaufort, NC 28516
 Phone: (252) 728-2141 Email: r.johnson@beaufortnc.org

Applications submitted late or incomplete may not receive approval and may not be issued a permit.

EVENT BASICS

Event Name: _____All Things Bicycle

Location of Event Site: _____406 Live Oak St. The Periwinkle
 _____ (If more than one site is being requested please be
 specific and list each one individually below)

Run by: _____the periwinkle_____ Applicant

(Organizer) Name: _____beckie harmon_____ Contact # _____252-229-3553_____

Day of Event Contact #: _____252-229-3553_____ Email:

_____theperiwinklenc@gmail.com_____ Type of Event:

- Festival
- Parade
- 5K Race
- 10K Race

- Music Event
- Other ___SLOW BIKE RACE AND PARADE

Actual Event Date(s): ___OCTOBER 21 2021___ Time of Event: ___3:00 RACE AT 5:00pm parade 6:00pm___

Set-Up Date: ___October 21 2023___ Start Time: ___10am___

Tear Down Date: ___October 21 2021___ End Time: ___8pm___

Estimated Attendance: ___50-100___ Admission Fees: ___0___

Event Description: _____a community and accessible event for all ages to celebrate bicycles and Beaufort NC. Providing a fundraiser for Pedaling for Parkinsons, we will have a bike tune up clinic and bike tours on site paired with a Slow Bike Race : for this race we just need about 75yrds of road space, preferably Cedar st intersections to Hendricks (OR Hendricks if the sections is too busy), shut down from about 4:30 to 6:30pm , post race we will have a brief awards ceremony and then conclude with a little bike parade! This event will be sponsored by New Belgium Fat Tire brewing company.

ORGANIZER/APPLICANT INFORMATION

Name of Organization: ___the periwinkle___ Primary

Contact Person: ___beckie harmon___ Mailing

Address: ___406 Live Oak ST Beaufort NC 28516___ Email:

___theperiwinklenc@gmail.com___ Daytime Phone

#: ___2522293553___ Cell Phone #: _____ Alternate Contact

Person: ___kris davis___ Phone #: ___2526751065___

Is your group a non-profit organization? ___no/ but is a fundraising event for a nonprofit___ If yes, please provide documentation with your application.

SITE PLAN

Site Plan Attached

- Yes
 - No
- (If you need help, please set up a meeting with the Town of Beaufort’s Events Coordinator)

A detailed site plan must be included with your event application. The following, should they be relevant, must be included in your Site Plan.

- Location of all tents and temporary structures
- Location of requested barricades and road closures
- Emergency exits
- Fire extinguishers, propane storage
- Location of command post, medical & first aid station, emergency vehicle access points and all exits and entrances (both emergency and for the public)
- Fencing, staging, bleachers, stages, inflatables, etc.
- Food/refreshment tent vendors, refreshment tents
- Food Trucks
- Location of Restrooms
- 5K/10K race routes

If the Site Plan is not submitted with the event application, the deadline is 45 days before the event, otherwise a permit will not be issued.

PARKS & PARKING LOTS REQUESTED

Please mark all that apply:

- East Parking Lot
- West Parking Lot
- Craven Street Parking
- Middle Lane
- John Newton Park
- Lynn Eury Park
- Grayden Paul Park
- Topsail Marine Park
- Other Please list: _____

Specific Requirements: (Extra trash cans/recycling/electrical etc.) Please be specific and include each item on the Site Plan for the desired location. Please note extra charges may apply in accordance to the fee schedule. (Trash/Recycling Carts: \$10 each, Electricity: \$50)

OTHER EVENT DETAILS

Please provide the name and contact information of all outside companies who are providing services during your event. IE: Tent Rentals, Inflatable Rentals, Port-A-Pottie Rentals, etc.

Will there be canon/re-enactment fire during your event? _____ If yes, please coordinate with the Beaufort Fire Department for safety procedures.

ALCOHOL

Alcohol at the event YES NO _____ Attach all required paperwork. Applicant is responsible for obtaining applicable ABC License and Liquor Liability Insurance. Applicant must provide a clearly marked and contained area for alcohol consumption and hire two Town of Beaufort police officers at a rate of \$50 per hour for the duration. (The Police Chief will review the application for exceptions.) All local, state and Federal laws must be adhered to.

I/we have read, understand and will comply with the rules outlined by the Town of Beaufort in the Town Code of Ordinances as well as in the Event Procedures.

x Beckie Harmon (Applicant's Signature)

ROAD CLOSURES

Does your event require a road closure? YES _____ NO

Please provide specifics below: cedar st-hendricks 4:30 -6:30 pm

Road	Set-Up Time	Event Start Time	Finish Time	Tear Down Time

If a road closure has any impact on area businesses and/or residents, the applicant will be required to inform all residents and/or businesses in the area of the road closure, by letter or hand-delivered flyer at least 14 days in advance of the event, of the particulars of the approved temporary road closure and any detour route available.

Emergency Vehicle Access Requirements: A road may be closed to regular traffic during an event, but an unobstructed fire lane must be left open at all times for emergency vehicles.

PARKING/PARKING LOTS

5.

Parking lots required for Event set-up: (Please mark on the site map if applicable) (Please note charges may apply. The rate is \$18 per day per space in the East & West parking lots and \$9 per on street parking space per day for special event closure during Pay-To-Park season).

Please list all parking lots and spaces you are requesting. Spaces are numbered so please be specific. Also please note that parking space closures MUST be approved by the Board of Commissioners. Event organizers are not permitted to acquire additional spaces without Town permission prior to an event.

Please list off-site Parking Location for Vendors & Event Staff: A letter of permission is required for the use of private property per the event procedures. Please include this with your event application.

Bicycle Parking: Yes No

Additional Handicap Parking: Yes No Location: _____

Event Parking: (Please outline your plan for day of parking for event attendees. Please include parking lot locations and the name/contact information for any shuttle/trolley service):

PARADE/WALK INFORMATION

Parade Assembly Area: 406 Live Oak Time: 530

Parade Dismissal Area: _____ Time: _____

Parade Start Time: 6pm

EMERGENCY MANAGEMENT

Route Map Attached: YES NO (Please note a route map is required)

Designated Emergency personal/liaison (onsite): beckie harmon

Cell #: 2522293553 Other Contact: _____

How will your event staff react to severe weather? _____ we will monitor weather issues very closely and if there is unfavorable weather we will reschedule

How will you alert visitors to the event to evacuate the site? (If multiple sites are being requested, a plan must be submitted for each location)

_____single site and visitors will be assisted in the event of a weather emergency to get to their vehicles

RISK ASSESSMENT

It is important for Event Organizers to identify risks and hazards associated with their event and know how to prevent these risks. Please identify possible risks for your event and list below (weather, food, fire, etc.) Please provide details. _____weather will be the only risk as event is outdoors and we will monitor closely. if weather is an issue we will cancel event. _____

What training will you provide to your volunteers/staff/participants regarding emergencies?

_____volunteers will be instructed on how to manage the group and will respond accordingly, deferring to the site manager Beckie Harmon _____

TENTS

Will you have tents at your event? YES NO

Please list the tent sizes: _____

If your event includes tents, you must make arrangements with the Beaufort Fire Department for a tent permit. There is a \$50 fee. Please contact Tammy Turek at (252) 728-4325 to make arrangements. The Tent Permit Application and a list of requirements are available online at www.beaufortnc.org.

FOOD

Will there be food served at your event? YES NO

If yes, please provide a detailed list of all food vendors. One food Truck : Bokaninas

If yes, have you contacted the Carteret County Health Department to set up inspections? _____YES _____NO

All food vendors must have proper licensing, inspections, etc.

VENDORS

Will there be vendors selling items at your event? _____ Yes No

Please note vendors are only permitted to sell during the event hours listed on this application. Any vendor selling before or after the listed hours is in violation and subject to being shut-down.

All vendors must have proper certifications and licenses. They must display the required state sales and use tax information and the event organizer must keep all of this information on file pursuant to North Carolina State laws.

CHECKLIST

Please submit the following documents with your event application. Once all forms (if applicable) are received and the event is approved an Event Permit will be issued.

- Tent Permit
- Detailed Site Plan
- Detailed Route Map (Parade/5K/10K)
- Map of Road Closures
- ABC Permit
- Health Inspection Documentation
- Insurance
- Non-profit documentation
- Private property parking permission letter
- List of food vendors
- List of vendors
- Application Fee
- Application Signature

I/We the event organizer _____beckie harmon_____, on behalf of _____the periwinkle_____, the party requesting the use of the Town of Beaufort facilities noted in the above application do hereby hold and save harmless and agree to indemnify the Town of Beaufort and its elected officials, directors, officers, employees, servants, agents, contractors and their respective heirs, executors, successors with respect to any and all liability, actions, debts, suits, demands, costs, damages and expenses whatsoever arising wither directly or indirectly as a result of the use of the Town of Beaufort’s facilities, park, road or other and in accordance with the provisions contained in this policy. I/ We have read and understand this application, the event procedures and the requirements placed upon this applicant and organization. I agree to abide by the Town of Beaufort rules, regulations and ordinances.

Applicant’s Signature beckie harmon Date 8.4.2023

Internal Use Only

Permission is granted to the applicant and/or sponsoring organization to use the streets/facilities/parks as listed in the application for the special event described.

Permit Issue Date: _____
 Authorized Signature: _____

Insurance Certificate: Yes _____ No _____

Permit Fee: Yes _____ No _____

BOC Approval Date: _____

Police Chief Approval: _____

Fire Chief Approval: _____

plan A

