



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 Regular Meeting 6:00 PM Monday, November 08, 2021 - Zoom due to the COVID-19 Pandemic Monthly Meeting

Call to Order

Roll Call

Agenda Approval

Public Comment

Manager Report

Items of Consent

- [1.](#) May 10 & September 13, 2021 Minutes
- [2.](#) October 11, 2021 Minutes
- [3.](#) 2022 BOC Meeting Dates
- [4.](#) FY 2022 Budget Amendment 4

Items for Discussion and Consideration

- [1.](#) COVID Numbers in Carteret County and Emergency Leave Policy Extension
- [2.](#) Wastewater Treatment Capacity & Allocation Update
- [3.](#) Christmas Parade
- [4.](#) Capital Project Ordinances - American Rescue Plan Act

Mayor/Commissioner Comments

Adjourn



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**Board of Commissioners
Virtual Regular Meeting
6:00 PM – Monday, Nov. 8, 2021**

AGENDA CATEGORY: Items of Consent
SUBJECT: Minutes

REQUESTED ACTION: Consider approval of minutes as presented.
Find attached: May 10, 2021 and September 13, 2021

EXPECTED LENGTH OF PRESENTATION:
5 minutes

SUBMITTED BY:
Rachel Johnson, Deputy Clerk

BUDGET AMENDMENT REQUIRED: No



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**Town of Beaufort Board of Commissioners Regular Meeting
6:00 PM Monday, May 10, 2021 - Virtual
Minutes**

Call to Order

Mayor Newton called the meeting to order.

Roll Call

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

PRESENT:

Mayor Everette Newton

Commissioner Sharon Harker

Commissioner Ann Carter

Commissioner Marianna Hollinshed

Commissioner John Hagle

Commissioner Harker made motion to excuse Commissioner McDonald's absence.

Motion carried unanimously.

Agenda Approval

Commissioner Hagle made motion to approve agenda as presented.

Motion carried unanimously.

Public Comment

No public comment

Special Presentations

Mayor Newton read a Resolution Honoring and Remembering the Life of Joyce Fulford Former Mayor of the Town of Beaufort N.C.

Manager Report

Town Manager John Day gave an update on the Budget being done. Turner Street project is almost done. Update on the town hall railing, should be here by the 20th at the latest. Light at Cedar and Turner is back up and running. Commissioner Carter asked if Town hall will be open once the railing is finished. Day stated Town Hall is currently open.

Items of Consent

Commissioner Hagle made a motion to approve the items of Consent.

Approved Unanimously

- 1. Minutes
- 2. Sewer Allocation Request 201 Rudolph Dr., Beaufort NC (Deerfield Shores Subdivision)
- 3. Carteret County Arts & Crafts Event Request to Close Off Two Parking Spaces
- 4. FY 2021 Budget Amendment No. 9
- 5. Capital Reserve Fund Budget Amendment No. 9 and Capital Project Fund Street & Pedestrian Improvement Budget Amendment No. 2

Items for Discussion and Consideration

- 1. Fourth of July Parade Event Application Request

Events Coordinator Rachel Johnson presented a request from the Beaufort Development Association to host the Fourth of July parade on Sunday July 4, changing the time to 4 pm with the route to remain the traditional route. Commissioner Harker asked if the Town had the staff needed to facilitate the event. 6-7 Town Employees in addition to Police and Fire staff are needed to work parades. Johnson confirmed staff had been asked to volunteer to work on the holiday.

Commissioner Hollinshed moved approval as presented.
Motion passed unanimously.
- 2. Big Rock Event Request to Close Off Parking Spaces for a Food Truck

Event Coordinator Rachel Johnson presented a request to close parking spaces 161-165 for a food truck on June 17 stating the applicant is willing to pay the \$18 a day rate for paid

parking spaces. The food truck is only for Big Rock participants and serves as a COVID safe way for the event to feed participants.

Commissioner Hollinshed moved for approval as presented.

Motion passed unanimously.

- 3. Navigable Water Ordinance Amendment 1
Town Manager John Day presented the ordinance amendment stating the Town needed to address this issue to give the Police Chief discretion to ban vessels from overnight stays for a period after receiving one citation for violation of the Navigable Waters Ordinance. Commissioner Harker clarified that this is just for those people breaking the rules and asked if 24 months is a reasonable amount of time. Town Attorney Arey Grady confirmed that 24 months is a reasonable period and clarified this only applies to those that have previously been cited. Commissioner Hagle stated it's a good place to start and can be changed if necessary. Commissioner Hagle moved for approval as presented. The motion passed unanimously.

- 4. Appointment to the Volunteer Parks and Recreation Advisory Board - The Town Clerk Allen Coleman recommended the Board consider appointing an applicant to the vacant Parks and Recreation Advisory Board position which is a partial term expiring September 24, 2024. Commissioner Carter made a motion to open nominations. Motion was approved unanimously. Commissioner Harker nominated Sheresa Elliot. No other nominations were made. Commissioner Hagle moved that nominations be closed. The nomination of Sheresa Elliot to the Parks & Recreation Board was approved unanimously.

- 5. Beaufort Harbor and Waterways Master Plan Advisory Committee
Town Clerk Allen Coleman recommended the Board discuss and review the draft charge/composition document for the Beaufort Harbor and Waterways Master Plan Advisory Committee and provide direction to staff. Commissioner Hagle made a motion for approval to move ahead with as planned. Motion passed unanimously.

- 6. Legislative Alerts
Town Clerk Allen Coleman introduced a resolution in opposition to Senate Bill 349/House Bill 401 Zoning Reform and opposition to House Bill 496 Property Owners' Rights – Tree Ordinance - two different things, we've got a resolution in opposition of Senate Bill 349 And House Bill 401 is labeled increased housing opportunities. Also House Bill 496 providing that counties and cities shall not adopt ordinances regulating the removal of trees for private property without the expression of authorization of the General Assembly.

Commissioner Carter expressed concern about these bills, as they can destroy a neighborhood by increasing the number of residents and not improving affordable housing. Commissioner Hagle said he doesn't support these bills. Commissioner Harker said she supports these resolutions wholeheartedly.

Commissioner Hollinshed made a motion to approve the resolution that was presented to oppose these bills.
Motion approved unanimously

7. FY 2022 Budget Presentation

Town Manager John Day advised of all the accomplishments that the town has completed in FY2021. Day advised the Board of the need for a full-time Human Resources officer. He thanked the Mayor and Commissioners for the support and resources they provide. He also thanked the town employees for the important services they provide to residents and to the town every day. There were no questions from the commissioners.

Mayor/Commissioner Comments

Commissioner Carter: Please if you have not been vaccinated, please do so.

Commissioner Hagle: Thanks to all the applicants for the parks and rec board. Very pleased with progress of construction being done.

Commissioner Harker: Thanks to town staff for putting together a comprehensive budget. The accomplishments that this board has made from the years past, it's put our town into a much better position, not just financially but through infrastructure and other needs that we have.

Commissioner Hollinshed: I want to thank my fellow Commissioners for the support on the General Assembly initiative. Be prepared for hurricane season.

Adjourn

Commissioner Hagle made a motion to adjourn.

The motion was approved unanimously.

Mayor Everette Newton

Deputy Town Clerk Rachel Johnson

Minutes compiled by Jennifer Rossi and Rachel Johnson



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**Town of Beaufort Board of Commissioners Regular Meeting
6:00 PM Monday, September 13, 2021 - Virtual
Minutes**

Call to Order

Deputy Clerk, Rachel Johnson welcomed the public to the meeting.

Mayor Newton called the meeting to order at 6:00 p.m.

Roll Call

Deputy Clerk, Rachel Johnson conducted the roll call and declared a quorum present.

PRESENT

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

Agenda Approval

Commissioner Hagle made a motion to approve the agenda as presented. Mayor Newton conducted a roll call vote. The motion passed unanimously.

Motion made by Commissioner Hagle.

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

Manager Report

Town Manager, John Day provided the Manager Report. Mr. Day informed the Board that the new sweeper truck is here and operational.

Mr. Day then announced and welcomed three new employees with the Town: Sam Burdick is the new Town Planner, Jared Meyer started with the Police Department last Monday, and Gideon Hughes is the new equipment operator in the sewer department.

Mayor Newton asked the Board for any questions regarding the Manager Report. There were none.

Items of Consent

There were none.

Public Comment

No public comments were made.

Items for Discussion & Consideration

1. COVID Numbers in Carteret County, Mask Ordinance Discussion and Returning to In-Person Meetings Check-In

Mayor Newton said that active cases from last week went from 257 up to 335, and then back down to 227 today. He added that although there was an increase of 78 positive cases, hospitalizations have stayed pretty steady at 22-24 over the last week. He added that, unfortunately, there are some deaths to report, adding another death was reported today.

Mayor Newton further added that he had spoken with Dr. Noble regarding their COVID monitoring of the Waste Water Treatment Plant, and that she reported a slight decrease in the COVID numbers.

Mayor Newton then asked the Board to share its thoughts on the Mask Ordinance. Discussion ensued. The Commissioners unanimously agreed to keep the Mask Ordinance in place at this time.

Commissioner Harker asked for an update on the \$20,000 the Town would be receiving to purchase equipment to support a hybrid [virtual and in person] meeting format. Mr. Day explained that Allen Coleman had been working on it prior to his departure. He said that Ms. Johnson may have additional information. Ms. Johnson said that she did not, but that it was on her list to follow up with this week.

2. Appointment to the Parks and Recreation Advisory Board (PRAB)

Mayor Newton explained that there is currently one vacancy on the Parks and Recreation Advisory Board. He then asked Ms. Johnson to read the list of applicants. Ms. Johnson explained that the Town received 11 applications, but after further examination, realized that one of the applicants has since relocated [outside of the corporate limits] and is no longer eligible for appointment. The following applied for appointment to the PRAB: Elizabeth Bertram, Garrett Carpenter, Charlie Deaton, Barbara Francis-Heckman, Sonny Haynes, Jill Jaworski, Mark Orlando, Billy "Bill" Richburg, Zeb Schobernd, James Taylor and Doug Williams.

Mayor Newton asked for a motion to open the floor for nominations. *Commissioner Harker made a motion to open the floor for nominations. Mayor Newton conducted a roll call vote and the motion passed unanimously.*

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

Mayor Newton asked the Board for nominations. Commissioner Harker nominated Barbara Francis-Heckman. Commissioner Carter nominated Garrett Carpenter. Commissioner Hollinshed nominated Charlie Deaton. Commissioner Hagle nominated Jill Jaworski.

Mayor Newton then went through the roster and asked each commissioner who they would like to vote for.

Commissioner Hollinshed said her vote would be for Charlie Deaton. Commissioner Carter said her vote would be for Garrett Carpenter. Commissioner McDonald said his vote would be for Barbara Francis-Heckman. Commissioner Hagle said his vote would be for Jill Jaworski. Commissioner Harker said her vote would be for Barbara Francis-Heckman

Mayor Newton asked John Day, Town Manager, how to work through this appointment. Mr. Day suggested naming each of those nominated and asking for a vote for everyone in order to clean up the slate.

Mayor Newton conducted a roll call vote for Barbara Francis-Heckman.

Voting Yea: Commissioner Hollinshed, Commissioner Hagle, Commissioner Harker

Voting Nay: Commissioner Carter, Commissioner McDonald

Mayor Newton conducted a roll call vote for Garrett Carpenter.

Voting Yea: Commissioner Carter

Voting Nay: Commissioner Hollinshed, Commissioner McDonald, Commissioner Hagle, Commissioner Harker

Mayor Newton conducted a roll call vote for Charlie Deaton.

Voting Yea:

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

Mayor Newton conducted a roll call vote for Jill Jaworski

Yea: Commissioner McDonald, Commissioner Hagle

Nay: Commissioner Hollinshed, Commissioner Carter, Commissioner Harker

Mayor Newton provided a summary of the results: three votes for Francis-Heckman, one vote for Carpenter, zero votes for Deaton, and two votes for Jaworski. Mayor Newton asked John Day for guidance. Mr. Day said that someone could move to appoint the first one, Barbara Francis-Heckman since that's the one with the most votes, or that the Board could go through all of them, whichever the Board prefers. He said that the Board could just vote on Francis-Heckman, which he anticipated would prevail based on the votes so far.

Mayor Newton conducted a roll call vote to appoint Barbara Francis-Heckman to the Parks and Recreation Advisory Board. Barbara Francis-Heckman was appointed to the Parks and Recreation Advisory Board on a 4/1 vote, with Commissioner McDonald opposed.

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

Voting Nay: Commissioner McDonald

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

Voting Nay: Commissioner McDonald

3. Change Order Request – FY20 Street Rehabilitation & Construction (Sidewalks)

Greg Meshaw, Town Engineer, reminded the Board of a contract last year with Thomas Simpson Construction primarily for the rehabilitation, reconstruction and construction of roughly three miles of town streets. He added that the contract also included a small portion of sidewalk construction, and that the majority of the street construction has been completed, not including a few “punch list” items. Mr. Meshaw said staff is asking the Board to consider authorizing a change order to

the contract with Thomas Simpson Construction in the amount of \$323,271.33 for the FY20 Street Rehabilitation and Construction Project, so that the town can continue on with the sidewalk construction, and finalize quantities for most of the street construction.

Mayor Newton asked the Board if there were any questions regarding the request. Commissioner Carter asked if the amount was in line with the anticipated costs. Mr. Meshaw confirmed. Commissioner McDonald asked why there is a change order if it was the anticipated cost. Mr. Meshaw explained that actual money was not put in the contract, as the locations were identified, but the final design had not been completed. John Day, Town Manager, explained that there was no way to include the construction cost as it was unknown at the time of the contract. Further discussion ensued.

Mayor Newton asked the Board to make a motion on the change order request for the contract with Thomas Simpson Construction Company in the amount of \$323,271.33 for the FY20 Street Rehabilitation and Construction Project.

Commissioner Hagle made a motion to approve the request as submitted. Mayor Newton conducted a roll call vote. The motion passed unanimously.

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

Motion made by Commissioner Hagle.

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

Public Hearing

Kyle Garner, Director of Planning and Inspections, presented a summary of the request to rezone 302 Cedar Street from B-1 to R-8. He said that the current use of the property is a single family home, and it is a historic home that the owners are trying to renovate. However, the lot is non-conforming, as well as the use. If rezoned to residential, the owners would be allowed some relief through Section 11 – the Nonconformities Section of the LDO [Land Development Ordinance] to renovate the house, and to meet the historic standards.

Mayor Newton asked the Board if there were any questions regarding the request. Commissioner Hagle asked Mr. Garner if this would make the use conforming, and if the setbacks would remain non-conforming. Mr. Garner confirmed. There were no other questions.

Mayor Newton asked the Board for a motion to open the Public Hearing. *Commissioner Hagle made a motion to open the Public Hearing. Mayor Newton conducted a roll call vote. The motion passed unanimously.*

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

Mayor Newton asked Deputy Clerk, Rachel Johnson, if anyone signed up to speak during the public hearing. Ms. Johnson said that no one was signed up to speak during the public hearing.

Mayor Newton asked for a motion to close the Public Hearing. *Commissioner Hagle made a motion to close the Public Hearing. Mayor Newton conducted a roll call vote. The motion passed unanimously.*

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

Mayor Newton asked for a motion regarding the request to rezone 302 Cedar Street. *Commissioner Hollinshed made a motion to approve the request as presented and read the Proclamation. Mayor Newton conducted a roll call vote. The motion passed unanimously.*

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

Motion made by Commissioner Hollinshed.

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

Quasi-Judicial Proceeding

- 1. Request for Special Use Permit – 1550 Lennoxville Road - Gas-Service Station (Jim Dandy Stores); Case No. 21-17

Mayor Newton read the following statement about quasi-judicial proceedings:

This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing, state law sets specific procedures and rules concerning how this board must make its decision. the Board of Commissioners must base its decision upon competent material and substantial evidence in the record, quasi-judicial decision is a decision constrained by the standards in the land development ordinance and based on the facts presented, applications for special use permits must be consistent with the land development ordinance for the Town of Beaufort, where the special use is appropriate in the proposed location for certain topics. The Board of Commissioners may hear opinion testimony from expert witnesses, individuals providing expert opinion must be qualified as experts and provide the factual evidence, upon which they base their expert opinion witnesses may swear or affirm their testimony. And as we get to the each one of these topics, then we will swear people in as appropriate.

Mayor Newton explained that this is the reopening of the quasi-judicial proceeding for the request for a special use permit at 1550 Lennoxville Road for a gas/service station – Case 21-17.

Mayor Newton: I've got the roster of people that have been sworn in already. So we've got three main topics that we're going to talk about, we're not going to talk about anything outside of those three main topics unless there's a consensus among the board to open it up to other topics. So this evening we're gonna be talking about traffic impacts, we're going to talk about environmental impacts and interpretation of land use plan. And in regards to an L 1 zoning. So let's, let's get started with the, the traffic impact, and let's bring out the applicant and see if they have anyone, any other experts that will be providing testimony this evening, specifically about traffic impact and if they haven't been sworn in, we will swear them in. Mr. Davis Are you are you up.

Jim Davis: Yes, sir. As far as traffic, Chase Cullipher (Engineer, The Cullipher Group) is prepared to present some additional evidence and reports for review tonight.

Mayor Newton: Thank you. And Mr Cullipher, is there a particular slide that you would like for us to display for this.

Chase Cullipher: Yes sir, there is, I do have a couple of PowerPoint slides that I can share from my screen. I'd be happy to present

1.

Rachel Johnson: Mr Cullipher you should have access to screenshare.

Chase Cullipher: Thank you,

Mayor Newton: And Mr. Cullipher has received the oath.

Chase Cullipher: Can you see my screen now commissioners?

Mayor Newton: Yes. Got it.

Chase Cullipher: Thank you guys. So, yes, after our last commissioners meeting, you had requested additional information regarding a traffic impact analysis, I reached out to Sepi the engineering which is a traffic and engineering firm I'm familiar with in the Raleigh area. They had told us, there'll be about four to six weeks to do a traffic impact analysis, we were concerned that that time frame will not allow us to get that information to you by this month's meeting. And so we then followed up and reached out to NC DOT, to see if they had any traffic information and counts, and how they would receive this development on Lennoxville Road. And I think it was probably a good result to have reached out to them, because there was some recommendations that they had to change the actual plan for the better of public safety.

This is an email with comments from Dwayne Smith, who's the Assistant District Engineer with with district two which has Carteret County in it. This is a preliminary review because we didn't do an official driveway permit application. J and Davis industries doesn't actually own the property, so we couldn't do an official once it's technically preliminary, but I'm assuming you can read this email but I'll just kind of read them, the three comments they had was there's a high probability that roadway improvements will be required, but not limited to turn lanes, modification to existing driveways, installations of median islands. So I'm gonna have a couple slides to show these changes. The second comment is pretty much says that there's local government regulations and if theirs are more restrictive than DOT, then they would have to be utilized. I researched the ordinance with the town. There are some traffic sections of this ordinance - in your ordinance, but they don't really go in this direction and is more about internal to site, and signage landscaping, how to impact traffic patterns.

Umm..Then this third comment is a page 76 on their policies street driveway access actually has specific requirements for corner businesses, and it even has an even more specific requirements for gas stations, and so on this next slide. ...This is how you do symmetrical road widening in DOT and I just want to include this and submit into evidence because what we would be doing would be utilizing these dimensions and these design speeds and any review done by DOT would have to adhere to the standard, and on my next slide, this is an exhibit of potential right-of-way improvements. Inside there, based on this cuts and the first item at hand was adding a turn lane. And what we have here on this concept is a left turn lane that would go from Lennoxville on to Ocean Street, and what this does is it allows continuing movement of traffic from east to west so people aren't stopping and blocking the road. And the next comment they had in that number one was a modification to an existing drive, and what he means by that is moving the entrance that's closest to Ocean Street. And the reason this is is this eliminates competing traffic movements, so it reduces the potential for impact or collision.

And then he also had information on a median and so with this road widening, there will be a potential median, however, knowledge is preliminary with it. If we do the official submittal these

are, this is about as most conservative of the version we could get. But what this does it eliminates the left turn coming out on that westernmost entrance, and so you have a right in, right out. So all these improvements would be a substantial cost to my client, potentially, and it's all for the better of public transportation and public safety.

The third comment that he had is specifically in reference to this policy here, and what it has it has dimensional requirements for gas stations, and the biggest component to this, I believe, is that there's a 50 foot minimum on ones that are perpendicular to the right away and 25 foot where they are parallel. And so that actually impacted our site plan. I went into this component, and the other components and updated this. This slide here, which is a revised site layout. Everything in red shows where we're meeting those rules on the previous slide. And what ended up doing is reduced, the canopy size, because we went from four pumps in a square shape to three and a lot. This drive being removed. Has this driveway meeting the requirements from the previous slide. And we updated this with the parking and everything else to meet the town's ordinance. But now, it would also meet DOT's requirements, pretty much to the letter, and all of it is really simplifies the site and makes everything significantly safer for the public. That is all I had in this presentation if you would like to ask any questions, I am prepared.

Mayor Newton: And let's stand on that for just a second. Mr. Davis Do you have anyone else that's going to speak to traffic impacts?

Jim Davis: No sir, Not tonight.

Mayor Newton: Okay, thank you. And, is there anybody, any expert witnesses that would like to rebut these statements? Rachel, do you see anyone.

Rachel Johnson: I do. Will Laura Satterly, raise your hand? Okay.

Laura Satterly: And we just like to.....

Mayor Newton: Hold on just a second. Are you an expert in traffic impacts?

Laura Satterly: No. We'd like our traffic expert to respond to the new information presented tonight. Especially since this is the first time we've seen it. So we would need, we have Dr. Bugg, who you met last meeting, but he would need to formally review this. He has a PhD in civil engineering, but this is the first time we're seeing this information.

Mayor Newton: Okay. And is he with us this evening?

Laura Satterly: He was not able to be with us this evening but he has to be able to review it in advance so even if he was on these are detailed maps that we would need to look at it with a close eye, just like they've had a chance to prepare this over the last few weeks.

Mayor Newton: Okay. Is there any other experts that would like to...

Laura Satterly: I would like to move to table until we've had a chance...

Mayor Newton: Okay. Are there any other experts who would like to rebut? Alright let's go down to the next item which is environment. Excuse me. Before we do that let's go down the roster see if there are any questions from the commissioners, specifically about traffic impacts. Commissioner Hollinshed?

Commissioner Hollinshed: The only one is looking at that map, you're saying that they have to turn on to Ocean, in order to get into the facility?

Chase Cullipher: Yes.

Commissioner Hollinshed: From the east.

Chase Cullipher: Yes, ma'am. That is the recommendation from DOT at this time and again, is to minimize the amount of turning movements in the area, which is generally a very good way of increasing safety and reducing collisions.

Commissioner Hollinshed: Thank you.

Mayor Newton: Commissioner Carter?

Commissioner Carter: I just... Does that mean your tanker trucks would also be turning in on Ocean Street?

Chase Cullipher: Right now the tanker trucks and I think Jim could speak to this, to some extent is that the same trucks that are going to the development further down the road would be ones that are providing fuel here, and they would be turning right in, out and then they would be closed Street and turn right continue going east. I believe would be the preferred plan, but that can be coordinated with their drivers as needed.

Commissioner Carter: Is Ocean big enough to handle that?

Chase Cullipher: Yes, ma'am. It's a 60 foot public right-of-way with a standard of 22 foot of asphalt, which is, which is a normal road. I would not see it being an issue. And there are radii that have been widened to accommodate the turning limits of the truck in this proposed plan so it makes it easier for them to ingress and egress.

Commissioner Carter: Thank you.

Mayor Newton: Commissioner McDonald? You're muted, sir.

Commissioner McDonald: I have no questions at this time.

Mayor Newton: Thank you. Commissioner Hagle?

Commissioner Hagle: Yeah. Uh, looking at the drawing, Someone coming from the east would in go into the development, and then if they want to continue west... Won't they have to go back to Ocean to get out?

Chase Cullipher: In this version, yes sir. Which.. I would like to add, it is the conservative... Since the DOT hasn't had any traffic counts completed since 2019, and we actually were trying to get some traffic counts completed for this particular presentation. They were not able to do it. They didn't have the equipment available. And so what I put together is the most conservative, if they asked us to do all of these types of improvements, so it could be any variation of once an official driveway permit application is submitted, this drawing was the most expensive and has the largest changes.

Commissioner Hagle: Looks like the traffic flow would be very confusing on the lot. I'll wait to see what the traffic analysts say.

Mayor Newton: Thank you. Commissioner Harker?

Commissioner Harker: I would just like to have just a little time to look at it, other than the flash that we've actually seen looks like, you know, contacting NC DOT paid off in some ways of making some suggestions that we hadn't really thought of... The impact on Ocean, I just need just a little second to to kind of take a look. Can we flash that back again?

Chase Cullipher: Yeah, I'll see if I can.

Commissioner Harker: Treat me like I'm in the third grade, with an A-minus. Can you take your cursor and tell me where traffic is coming in and out of based on this?

Chase Cullipher: [moving cursor to follow route on screen] So if you were eastbound heading, say toward Boathouse, you can make a right in and pull into a parking space or pull in and get fuel. And then you can maneuver, if you're in the car space to pull back out right here. Right out, but you could not make a left. You wanted to come forward and come out to Ocean Street, you can make a right out of here, or a left out here. If you wanted to make a left you'd have to go to Ocean Street, in this particular version.

Commissioner Harker: Okay. Is there any way to improve that being able to either make a U turn to come around to avoid putting a lot of traffic on Ocean? If you're coming out of the complex and heading to the Boathouse?

Chase Cullipher: I mean you, you could still use this right turn coming out of here to go east... so you don't have to use Ocean. But to turn left and you wouldn't have to use Ocean to get into the site, and it's, it's very common in DOT world to just try and eliminate as many close proximity turning opportunities as possible. And so this was the recommendation presented to us by DOT.

Commissioner Harker: Just one last question... If we're going to be exiting onto Ocean to eventually make a left hand turn, going across... the oncoming traffic, have they figured out how to navigate any potential accidents of people turning in and those coming out?

Chase Cullipher: Generally speaking, the public, learns and adapts to changes in traffic patterns. It'd be similar as if we had the roundabout added at 101 and Live Oak Street. It takes a little bit of time but then once people see it and understand that it usually goes off without a hitch.

Commissioner Harker: Okay. No further questions. Thank you for the review.

Mayor Newton: Thank you. Thank you. Let's go back to Mr. Davis for the environmental impacts.

Insert Jim Davis Exhibit

Applicant Jim Davis: All right, I'm gonna share my screen real quick, and jump to these slides here. Comments from the previous meetings, and from the board members, relative to environmental safety, we thought it might be simplest in the interest of time, to simply seek the State's UST, Underground Storage Tank Divisions, pre-approval for the site. Given its history as, formerly a convenience store and gas station and also its location in the more or less center of town, we thought that might be the simplest way to satisfy some of the environmental safety concerns that have been presented to date. So what we did, we reached out to a state engineer, a state certified UST engineer named Tim Loughlin. He is certified by North Carolina to design these particular site plans that include petroleum lines, petroleum tanks, gas pumps, so on and so forth. And what he did was draft, based on our preliminary site plan, he drafted a complete design to submit to the state for pre-approval which is not necessarily common I've never done that, and I wasn't sure what they would say, but he did formally submit our equipment list with the approved manufacturers that are certified by the state of North Carolina. And what we got back was this letter from Ms. Ruth Strauss. Ruth is head of the UST Permits and Inspections Branch and pretty much, what she said verbally and then followed up in this email is that given the equipment that we were proposing to use, the location, and the fact that it was a modern system being designed, versus reusing something that would have existed at this site years ago, she saw no issue in a preliminary approval. However, her formal approval would require a formal UST-6 form to be submitted and that is pretty much just the, the formal way of submitting the equipment list, the actual design, but all that comes. Yes, a formal process that requires some ownership, some fees, and we didn't feel like that was necessary quite at this point to go quite that far without approval for the special use permit.

Next, I've shared this before but this is just our compliance history, and then a letter dated back in, I believe, July, that shows our current complete compliance at all of our locations, that's been questioned a few times. I'll be happy to elaborate on that more if necessary, and we also kind of ran out of time in the last meeting, and our two experts one of them didn't even have time to speak in the first meeting, but they are both on the call tonight. Hunter Evans is owner and president of Evans Environmental, he's on the call tonight. If anyone has specific questions, and also Paul Sutton who y'all speak heard speak before about USDA design and his components, he's also on the call tonight, if, if there's any questions about the environmental safety of the system that we're intending to install here. I believe we have enough people here tonight to answer those questions with expert testimony. We talked about California and North Carolina being pretty similar, and how strict they are relative to UST compliance/regulatory restrictions. These are just some examples of some, some locations that are near the San Francisco area on at the top of your screen here. This is a loop neighborhood market. This store was built and this is actually an elementary school right here beside it. These are very densely populated neighborhoods. These children walk to school every day. And this over here is actually a high school, so it's just an example of something similar where you have a densely populated urban area. A lot of different demographics, pedestrian, biking, driving traffic - all safely operating with a

site like this for their convenience. Down at the bottom, something also similar to Beaufort's situation. The Bridgeway gas station - this is a large Marina, obviously the site is right across from San Francisco Bay and some fairly similar situation to Lennoxville with Town Creek. And then this is just another example over here of a convenience store located in densely populated urban area near a Port, just trying to show that this is not an idea that that we're just coming up with these are things that are done in our industry across the country, routinely. Lastly, again I've said that Paul and Hunter are both on the call tonight. If, after I get done speaking and you have some specific questions, I believe they can help answer those. And also just a brief follow up on the comments made, I believe by Commissioner Hollinshed about canopy and how....

Mayor Newton: Mr. Davis if I can stop you there, that's kind of outside of the bounds of what we wanted to accomplish this evening, unless there are specific questions later on. Thank you. All right. Is there anybody, any experts that would like to rebut this? Rachel, do you see anybody that wants to rebut.

Rachel Johnson: I do not see anybody raising their hand. No, sir.

Mayor Newton: Okay. Thank you. So we'll go down to the last topic which was the interpretation of gas station versus convenience store that was brought up and Kyle can you provide your interpretation?

Kyle Garner: I'd be glad to, Mayor. Based on the ordinance, especially in the definition of gas-service station. It does lend itself to give almost two different types of definitions. The first, of course, talks about gas stations and the type of fluids and so forth that you can get. Then the second part of it says that it may also be, which means that there are two different definitions... it can be this or it can be something else. In this particular case, the gas station that we have or that is being proposed is that the applicant is requesting the first part of that definition. Ironically, much like a lot of other folks have given information, this evening, if you were to use the Google search engine like a lot of folks did to gather their research. If you type in service station or gas station, ironically, you're going to see exactly what comes up in areas, much like what you would do if you typed in convenience store. Matter of fact, they're almost identical. And I would encourage folks to do that. And so hence, with that, Mayor, after discussion with our town attorney, we felt extremely confident that the gas station portion fits the request of the applicant in a special use permit.

Mayor Newton: Thank you. Let me pause right there, and then also listen to a rebuttal to that. Let me go back, please, to the environmental side. I need to go through the commissioners and see if you had any follow up questions, and I'll come right back to Kyle and the rebuttal. Commissioner Hollinshed? You're on mute.

Commissioner Hollinshed: Sorry, I have none.

Mayor Newton: Okay, thank you very much. Commissioner Carter?

Commissioner Carter: I have none.

Mayor Newton: Thank you. Commissioner McDonald?

Commissioner McDonald: I have one or two questions that I need to get answered. And I don't know whether it's appropriate time to ask them or not. However, it is in reference to safety.

Mayor Newton: But is it in reference to environmental safety?

Commissioner McDonald: It is. And my question is, sir. The difference between the propane and gasoline. As far as a leak, combustion, or whatever it may be, in order to bring in damages or whatever to the neighborhood. What would be the difference?

Mayor Newton: Mr. Davis, are you prepared to answer that?

Jim Davis: I can answer it pretty generally and just simply say that propane is as a gas is actually a vapor, whereas gasoline is a liquid. The liquid will be stored below ground in a sealed system, our vapors are never released into the open environment. Whereas propane, you know the tanks above ground, if you have a leak, there is going to be, you know, unless you smell it, you're not going to notice it's there, whereas gasoline is actually a liquid stored below ground, at a very safe temperature in a sealed container system. I don't know if that answers your question, completely...

Commissioner McDonald: It does, but I think I can move forward with some other questions as we go along.

Mayor Newton: All right, thank you. Commissioner Hagle?

Commissioner Hagle: No questions. No questions about the environmental.

Mayor Newton: Great. And Commissioner Harker?

Commissioner Harker: Just a few questions. The evidence that you received from the documents that you've shared, that'll be part of your expert witness that information that they're commenting on is the system that you are currently using, correct? They're talking about the system that you would be using... to put in the ground?

Jim Davis: That we would install, yes ma'am

Commissioner Harker: Okay. All right. And so this UST-6, you know, pre installation, I'm assuming that's something we can always get if things, you know, I guess somewhat progressed. If not, you didn't really need it but that seemed like something they kind of recommended in there is that correct?

Jim Davis: It would be required to get formal site approval for construction, kind of like a building permit. Yes, ma'am.

Commissioner Harker: All right. No further questions.

Mayor Newton: Thank you, and Commissioner McDonnell, would you like to hear from Chief Ray, as far as your concerns, your safety concerns?

Commissioner McDonald: Not at this time, sir. Okay, thank you. All right, so let's let's go back to the discussion that Kyle was was having. Is there any rebuttal to that discussion? And I think I see Miss Smith.

Ms. Smith: Yes, thank you.

Mayor Newton: And Ms. Smith just for, for the record. Can you confirm, are you an expert in land use planning and the Land Development Ordinance?

Ms. Smith: I am an attorney, and I am an attorney with extensive experience in land development ordinances and environmental regulation. I'm also representing some of the other parties in this hearing. And so speaking on their behalf as their legal counsel.

Mayor Newton: Okay. In this particular case, it'll be as your expertise to rebut the previous comments.

Ms. Smith: And can I screenshare, Mr. Mayor? And my video is not on.

Mayor Newton: Absolutely. Rachel?

Rachel Johnson: That feature should be available now, and we also have two other people who have their hands raised. We have a Laurie Cunningham and Bruce's iPhone.

Mayor Newton: Okay, well let's stand by and let's get with Ms. Smith first.

Ms. Smith: All right, let me see if I can get those.... There we go. Can you see that?

Commissioner Hagle: No...

Ms. Smith: All right, let's see the screen share is on.

Rachel Johnson: Yes, ma'am. Is it a document you sent earlier today?

Ms. Smith: Yes, it's the PowerPoint presentation. Can you load it, is it labeled the Smith rebuttal?

Rachel Johnson: Yes, I believe I can pull it up for you.

Ms. Smith: Great, thank you.

Mayor Newton: Ms. Smith, if you could please limit your conversations specifically to the topic at hand, please.

Insert Evidence – Smith Slides

Ms. Smith: This is just an overview of the Beaufort Land Development Ordinance, so this is the, the overview of how the ordinance works, and basically the Beaufort Land Development Ordinance defines both convenience stores and gas service stations and defines them as distinct blend uses. The ordinance recognizes that gasoline may be sold at both convenience stores and gas stations, but the two land uses in the ordinance differ in the other types of services and retail sales they provide in addition to sale of gasoline. Based on those differences between the two land uses the ordinance allows gas stations in a number of districts where convenience stores are not allowed and the reverse is also true.

In this case the ordinance allows gas stations in the L-1 district by special use permit but does not allow a convenience store. If you'll go to the next slide please. These are the two definitions directly from the Beaufort Land Development Ordinance so you can see, convenient food store means a retail store, designated and stopped to sell primarily food, beverages gasoline and household items. The definition of gas service station refers to a building or lot where gasoline, oil, greases and accessories are supplied, stored, and dispensed to motor vehicles, and where also vehicle equipment can be sold and vehicles serviced. Next slide please. So as I said that these land uses overlap, but they also differ. So the definitions recognize that both convenience stores and gas stations sell gasoline, but the definition of gas station does not include a retail store that sells food, drink and other household items. The definition of convenient food store does not include sales of tires, batteries, and other vehicle equipment. Next slide. And this is a table showing how the Beaufort Land Development Ordinance has treated these two different land uses in the zoning districts. So as you can see with the L-1 zoning district, the ordinance does not allow a convenience store, even by special use permit. It does allow a gas station by special use permit. And you can see the other commercial or transitional zoning districts, clearly the ordinance is making a distinction between these two different types of land uses. And essentially making those distinctions based on the types of services and retail that are being provided in addition to gasoline sale. Next slide please. We will stop there, but this gets into the section of the ordinance that talks about the criteria for issuing and approving a special use permit. And the very first criteria under the ordinance is that the proposed use must be an allowable special use in the zoning district it is being located within. And so in my legal opinion is certain that it's clear that the ordinance is treating gas stations and convenience stores differently, it defines them differently as distinct land uses and does not allow a convenience store and the L-1 zoning district. I'll be glad to answer any questions.

Mayor Newton: Thank you. Let's, let's go over to Mr. Alexander first, and the attorney for the applicant, I saw you had your hand up, and then we'll come back to Laura Cunningham. Mr. Alexander?

Mr. Alexander: Good evening. Can you see me.

Mayor Newton: I've got you, yep. Thank you.

Mr. Alexander: Thank you. I'm going to share my screen really briefly, I have some legal materials I like to run over with you, if I may... it says that the host is disabled participant screen sharing.

Rachel Johnson: Yes. Is this information that was provided prior to the meeting?

Mr. Alexander: It was it was that A6 legal materials.

Rachel Johnson: Give me just one second, I'll get that pulled up.

Mr. Alexander: Thank you.

Rachel Johnson: I have A1, A2, A5.... I'm sorry, what was the title of it.

Mr. Alexander: It's A6 legal materials.

Rachel Johnson: I do not have that information.

Mr. Alexander: Okay, well, I have provided it to you before the hearing tonight but I'll just I'll just go through my argument.

Rachel Johnson: You should be set up to screenshare.

Insert A6 Evidence

Mr. Alexander: Okay, thank you...Sure. Here we go. Alright, so what we're looking at now is the definition of gas station it's in the Beaufort Land Development Ordinance. I understand there's been some confusion about this point. However, when we interpret a land use Ordinance of this type, we have to give plain meaning to the text so we've got a building our lot where gasoline, oil, greases, and accessories are supplied, stored, and dispensed to motor vehicles. Well in this application, Jim Dandy has provided a request for facility freezer application and the materials clearly indicate that we have gas dispensers on site, so I don't think there's any question whether we are dispensing gasoline at this site, so...

Mayor Newton: Mr. Alexander....

Mr. Alexander: Yes, sir?

Mayor Newton: My apologies. I was just looking at the roster of who's been sworn in and you have not been sworn in, can you just stand by while the clerk swears you in and just make this official.

Mr. Alexander: That's fine.

Mayor Newton: Thank you.

Rachel Johnson: So, Mr. Russell. You can either swear or affirm...

Mr. Alexander: I'll swear.

Rachel Johnson: Do you swear that the evidence you shall give to the board in this action shall be the truth, the whole truth and nothing pressure, so help you God.

Mr. Alexander: I do.

Mayor Newton: And my apologies for the for the interruption Mr. Alexander.

Mr. Alexander: That's okay, Mr. Mayor, I appreciate it. Okay so we've got the definition of gas and service station. And then...what the opposition is trying to make some use of is the fact that Mr. Davis, as a result of an honest mistake being a lay person, inadvertently, wrote convenience store on the application because he viewed the terms interchangeably. As we can see here from the definitions, we got a convenient food stores a retail store designated stock to sell primarily food, beverages, gasoline and household items. So, just to clear the one point up where the application that's currently before the board is an application for a gas station. The applicant amended the permit to more clearly state the appropriate use that was contemplated by the land use ordinance, and that was done at the direction and approval of the town so there's no question about what the application is as it's been submitted, it's a gas station. The materials that are in the application clearly have gas dispensers labeled on the plat maps and obviously that's what we're talking about is an underground storage tank for the use of gas dispensing to the general public.

Next thing I'm going to show you are some... is a couple of cases that I was able to find this afternoon in relation to this topic. We've got Lambeth Brush, versus the Town of Kure Beach, and that is a case in which there was a dispute concerning the interpretation of the town's board, or the town's ordinance, as it relates to surface area in the town, and just to speed this up because I know we are trying to move along pretty quickly tonight, I'm going to go down to a highlighted section that I have for your review that I think is important for everyone to see and I'm having trouble...[inaudible]. So when we're interpreting zoning ordinance, we need to understand that the zoning ordinances delegate the common law property rights of a property owner and must be strictly construed in favor of the free use of property. So, when you have statutory language that is clear and unambiguous words in a statute must be construed in accordance with their plain meaning, unless a statute provides an alternative. So, in this case, it's presumed that a land owner can use their property as they see fit, unless the zoning ordinance specifically restricts his ability to do so. But when you look at the plain language of the statute you clearly see that gas station is a contemplated use under the special use section for a light industrial district of this type in the Town of Beaufort. So, when the statutory language is clear and unambiguous the words must be interpreted and given their play, meaning if it says gas station, it means gas station, and he submitted.. Jim Davis has submitted an application for use as a gas station at this particular site. And the issue with the convenience store that I have is, in my personal, well, in my opinion, having interpreted as a convenience store in the Town of Beaufort could be any store where they sell food or other household items, and it would not necessarily have to sell gasoline at the convenience store, you've got things like Big Daddy Wesleys, you've got places like Kwik e Mart and, you know, some others that don't sell gasoline. So my understanding of the ordinances that when you talk about a pure convenience store you could include businesses of that type within that definition. When we talk about gas station in this light industrial district you've also got this as part of the definition, the right to use the property for oil changes and tire changes, which to me is a more burdensome and invasive use of the property, and it just stands to reason that if a use is the use of this property for a gas station will be permitted that use as the use of the property. A secondary use of the property for a food store would not necessarily be a deal breaker because the primary use is for a gas station, and then we've actually got the ability to use the property for more invasive uses. So that was the Town of Kure Beach and then we got Proctor versus the City of Raleigh Board of Adjustments, that's 538 section 621 That's a court of appeals case, the Court of Appeals in North Carolina, and that's

construing the zoning ordinance. The courts are required to use the fundamental principles of statutory construction interpretation. When statutory language is clear and unambiguous, the words in the statute must be construed in accordance with the plain meaning unless the statute provides an alternative meaning. So, what the, what Miss Smith and the her clients are basically suggesting is they're trying to create an ambiguity between the interpretation of this gas station definition and the convenience store definition. The fact remains though that the plain meaning of the statute, or the ordinance in this case, says that it can be used as a gas station and there are in fact gas pumps on site, and I would suggest that to read this particular section of the ordinance in any other way so that it would prevent the use of this site in this manner would be approaching bad faith that to say, because it's the plain meaning is just clear as day so that's what the statutes say is the precedent and we have to interpret the statutes accordingly and follow the precedent that's been set forth by the state courts of the State of North Carolina. So, that being said, at this time... I know that we're still on this topic, but I would ask that the, the Board of Commissioners, allow us to submit additional evidence on one of the points under the special use criteria. And I guess we can get to that, once we're done with this particular section and then the board can consider if it wants to hear that or not.

Mayor Newton: Thank you, and let's go over to Laurie Cunningham, please.

Laurie Cunningham: Mr. Mayor, I'm sorry. Miss Smith has addressed the concern that I had already.

Mayor Newton: Okay. Thank you. So let's go down the roster with the commissioners and see if there are any questions on this particular topic. Commissioner Hollinshed?

Commissioner Hollinshed: On the land use plan specifically?

Mayor Newton: Specifically, yes.

Commissioner Hollinshed: So, based on previous testimony, it was going to be a facility that would sell gasoline. And also, what I'm going to call sundries, and is a example that was given some kind of [inaudible], or whatever. So, in my mind, you can do one or the other. If you combine them, you negated what is the intent, yes? So if you put a pack of nabs up there in your, in your service station and sell it, you've created a convenience store. That's where I'm going with this.

Mayor Newton: Okay. Commissioner Carter?

Commissioner Carter: I'm inclined to believe the same thing, it sounds like these people just want a gas station there without a convenience store because it seems to be some concern about having convenience store, which I think would be most useful to all of us. But do I understand it correctly that they only want one? Um, so that would mean a gas station would be appropriate? I'm not sure that I understood that clearly.

Mayor Newton: Would you like for me to ask Ms. Smith, that specifically?

Commissioner Carter: I would like you to ask the attorney please. The one that just spoke to us.

Mayor Newton: Mr. Alexander?

Commissioner Carter: Yes.

Mayor Newton: Okay. Mr. Alexander?

Mr. Alexander: Thank you, thank you for the questions. I think when, when we talk about interpretation of this particular definition, the reason I uploaded that case to you from Kure Beach is says that the zoning, um, zoning ordinances are in delegation of common law rights so they have to be strictly construed. In this particular case, we have submitted a permit for a gas station, but the definition of gas station, merely says that it's a place that dispenses gasoline, It doesn't say that you can't sell... it does, it doesn't restrict the right to sell food in addition to gasoline at that site. So, if there really was an intent in drafting this to prevent the sale of, you know, food and sundries at a gas station, I think he should stay that clearly, and it does not. So, because we are stuck with a case precedent that tells us that we have to strictly construe the ordinance in favor of the property rights of the applicant, my interpretation is that it's a permissible use and you can't hang it up because they also sell food at that site. I understand that.

Commissioner Carter: It's kind of like to me, you're saying, wait, can only be a gas station but, in your opinion, it could be both and I've been thoroughly confused now. So, yes or no. Can they have only one? Is that what you're saying?

Mr. Alexander: My interpretation is under this definition they can do both. But if you had if you had a convenience store only then it would not be appropriate for the site. And I grant you that much.

Commissioner Carter: You're basically saying they could. What he asked for was a gas station but a convenience store, actually could be included

Mr. Alexander: Under this definition and the due to North Carolina case law, yes, I think it can be. And I understand there is potentially a conflict between these definitions in the ordinance, and I also understand this has been developed quite a while ago and may need some updating. But, you know since the applicant has applied for this permit, based on the ordinance as written, I think he's entitled to rely on the ordinance as written in terms of his permanent approval in this case.

Commissioner Carter: And that's opinion, period, based on what you have seen.

Mr. Alexander: I'm making a legal argument on behalf of my client. Yes, ma'am.

Commissioner Carter: That's what I'm trying to find out. Thank you.

Mayor Newton: Okay. Commissioner McDonald?

Commissioner McDonald: I am really, really confused and thanks, Ann for getting that straightened out. I was in the impression that the attorney was seeking to get a gas station. However, if I understand correctly, he's asking for permission for a convenience store and a gas station, which he is also in layman's terms, stating that the convenience store, and its wording covers anything that is convenient, within the law to sell on that property, is my understanding.

Mr. Alexander: No sir.

Commissioner McDonald: So, if that be the case. That is what you're...is that what you're basically saying?

Mr. Alexander: No, no sir, that, that is, that is not what we're saying. The application is for a gas station. And there will be, you know, other items sold in addition to the sale of gas but the primary use for the property is for gas dispensing and an underground tank facility for a gas station. I mean there's no question about that. So, I guess, you know this ambiguity that's trying to be raised by Ms. Smith kind of has the view backwards, because it's presumed that the property can be used by the owner or the applicant for reasonable purposes, and then the burden is on the town to construe this narrowly in favor of those rights so if it doesn't prevent the sale of other items incidental to gas and the definition, this, then the, the permit application, err, the special use permit application as submitted would be appropriate because it clearly says you can have a gas station and that's where we're going for as a gas station. I mean, I hate to, I'm not trying to confuse you if anything I'm trying to undo some confusion that's kind of been sown previously. I think, but you know I do recognize there are these two different definitions in the Beaufort Ordinance, that may need to be cleared up in the future. But again, as it stands as written the application for a special use permit in this case would be appropriate based on the existing definition. And in fact, if you know, as I said previously, if you have a convenience store and another section of town, you could have a convenience store that did not sell gasoline. I know it says "and" it has those four things that it says it says gasoline, food and household items and some other things. But what if what if there was an applicant who is searching, seeking to have a convenience store? Would you deny them because they were not selling gasoline in addition to those other items? I don't think so. I think it would be assumed within the definition, just like in this case, the other sales of other items are assumed within the definition of gas station. Basically in plain meaning rule, you have to use ordinary everyday language, in terms to interpret the statute. So, what do you think a gas station is? What do you think of when you hear, see the phrase gas station?

Ms. Smith: Mr. Mayor, may I address this?

Mayor Newton: Not right now, Ms. Smith, thank you. I also see some hands that are up. This is for the, the commissioners to specifically ask questions about these topics. Commissioner McDonald, do you have any other other questions?

Commissioner McDonald: Not at this time.

Mayor Newton: Thank you, Commissioner Hagle?

Commissioner Hagle: Well, the definitions are confusing. Your comments indicate that in cases of convenience stores with the definition there, they can sell gasoline and can sell food or whatever else they want. So it's a very confusing situation, and it's too bad that the definitions are

so confusing, but I appreciate your input but I still think there's a difference. Because sometime 1. there are gas stations that don't sell anything but gasoline, and there are convenience stores that don't sell gasoline. So, in this case, its combined use is what makes our definition very confusing.

Mayor Newton: Thank you. Commissioner Harker?

Commissioner Harker: Um, yes. Just making sure I'm off mute. I just want to stick with the fact that we're gonna talk about the gas station. Simply and clear, without getting into a lot of that so please stick strictly with the gas station and I'm going to stick with you, Mr. Alexander because you did make a point. You're saying that the definition doesn't restrict the sale of sundries, but the definition also doesn't permit it either. So, if we're sticking with the gas station principle, and it doesn't state that you can do anything else other than that is there, I need some clarity on that.

Mr. Alexander: Okay, yes ma'am.

Commissioner Harker: To assume that it's okay, I'd like to see a little bit about... I wrote down statutes just to take a look at what you've presented a little bit clearly. But I'll let you go ahead and finish it because I do have a follow up question after that.

Mr. Alexander: Yes, ma'am. I appreciate that question, and it is a good one. I think, the deciding factor on that issue, because it isn't expressly permitted, I would refer you back to that Town of Kure Beach case that I cited to you. And there are some, that's why I cited that case is because there's a presumption in the law that since the zoning ordinance is in protection of the applicant's common law rights to enjoy their property has got to be strictly construed. So you don't go beyond what's actually written in the definition so you look at the definition, it says a gas station, it's a place that dispenses gasoline to the public and has tanks for that purpose. Is this application for a gas station facility? Yes it is. And there's nothing else said, so it's silent on that issue. Therefore, you have to favor the common law rights of the applicant because it doesn't specifically exclude that. So the kind of the tipping point is the is the precedent that I cited.

Commissioner Harker: Right. So, the enjoyment of the property owner is to include the sundry sales because we have spoken with the applicant and he said you know, one without the other, it's not gonna make any financial sense. To assume that this is going to be the right when he's actually applied for the gas station, and not having the other sundries part, I don't know if we're presuming that his right is to have the convenience store too when he specifically is asking for gas station. Am I making that clear?

Mr. Alexander: Not entirely, but I think, I think...

Commissioner Harker: Presumptive right to have that along there when we didn't really presume it to be... his presumptive right...

Mr. Alexander: Well, I don't know if ... presuming, maybe as I said, that might not be the right word.. But I think it's a matter of strictly construing the statute as it's written in this case, the ordinance, in this case, the definition. And that's when you focus in on, whether it's a gas station or not, and primarily it is a gas station that is primarily what he's going to be selling and that's primarily why people are going to be visiting. It's just the fact that under the economic models of

our times, it doesn't work necessarily not to have any additional sales going on, it just doesn't work for that site so...

Commissioner Harker: As you had said earlier this is, uh, fairly old, you know, language here, and how do you modernize it without, you know, getting into some deep trouble? Because if we do it with this one, my concern is having to try to do it with others. It just really negates our land use ordinance and how it's presented. That's my only concern.

Mr. Alexander: Right. I understand your concern. I think it's a fair point. Um, I think, again, though the applicant is entitled to rely upon the land ordinance that's in effect at the time the application is submitted. So I think perhaps in the future, this may be an issue that needs some follow up, and you know I appreciate your comments are very thoughtful and I share your concern.

Commissioner Harker: Thank you so much.

Commissioner Carter: One question

Commissioner Hagle: I have another question too.

Mayor Newton: Okay, let's go to Commissioner Carter first.

Commissioner Carter: It sounds presumptive that he applied for a gas station. Under the general presumption that the town had included both. So, we can assume or use his words, presumed that that is exactly what he was going after, because that was what the general interpretation is in the way the ordinance has been interpreted over the years. So I think what we've got is residents don't want a gasoline station there. I don't know what they want there, but there are property rights too. I don't know when they bought them but there are property rights too and I would say that when you ask for a gas station, I don't know anywhere around here that have gas stations and like Mariana said that don't sell anything. So it's not just automotive stuff that's in the gas station, it's other stuff and can be and has been.

Mayor Newton: Commissioner Hagle?

Commissioner Hagle: Mr. Alexander, the definition we have for the gas station/service station, the last phrase says and "other similar services are rendered." How do you, what is... to me, that could mean other services for vehicles, or other services of any kind. Is that how it's a very vague language, and are you saying that that covers just about anything?

Mr. Alexander: Well, I hadn't really thought about it in those terms, I do agree that that is perhaps a little bit vague or the definition. My understanding is that it's aimed more towards automotive services. But at the same time, you know, we've got this, this argument on the other side that, that convenience store is bad, but a gas station that has, you know, an oil change facility or a tire changing facility would be permitted and be fine. I mean I'm sure that's not their position, but yeah that's what they're arguing, basically so I mean are we going to have a facility that has you know stalls where they change the tires and you hear the loud wrenches going and we've got.....[inaudible] Right and that's what we have to do. And the bottom line is at the end of

the day, the applicant submitted an application that is primarily for a gas station, and there's some other things going on incidental to that, but my interpretation of North Carolina precedent indicates that due to strict construction of the zoning ordinance, we have to construe it narrowly and, you know, it is appropriate to issue the permit for the application that has been submitted, because it doesn't prohibit these activities incidental to the gas sale. I'm trying to be as clear as I can about that, I'm sorry if I'm not making myself clear.

1.

Commissioner Hagle: Okay. You're making yourself clear.

Mayor Newton: Okay, so let's go to the roster and see where you think we are, we started off with three topics this evening there has been some new information that has been provided. There is no requirement for us to make a decision this evening, but we can. We certainly can if that's the pleasure of the board. Commissioner Hollinshed, is there anything else within these three topics that you want further information on?

You're on mute.

Commissioner Hollinshed: I do not. There's nothing more that I think can be added to this at this time.

Mayor Newton: Okay. Are you inclined to make a decision this evening?

Commissioner Hollinshed: I am.

Mayor Newton: Okay. Thank you. Commissioner Carter?

Commissioner Carter: I think I've been thoroughly confused by Mr. Alexander, but I think I'm ready to make a decision.

Mayor Newton: Thank you. Commissioner McDonald?

Commissioner McDonald: I came in confused, I've been more confused, and at the present time, I'm not ready to make a decision.

Mayor Newton: Okay. In which of those three areas do you need more information?

Commissioner McDonald: All three.

Mayor Newton: Okay. Commissioner Hagle?

Commissioner Hagle: We did have some questions about the traffic and the flow of traffic on that lot, and I thought we might get a little more information about that.

Mayor Newton: So, is your preference to act on this this evening or the work session.

Commissioner Hagle: I just.... the traffic flow in and out of the lot. And I think, at least one other Commissioner made those kind of comments, and I just think we could look at that a little more. I would like to think about that a little bit more.

Mayor Newton: Okay. And Commissioner Harker?

Commissioner Harker: I think we've covered a lot of ground here. And I did, I was the one who kind of wanted to take a look at that traffic impact a little bit closer. I appreciate the time that they have spent going over it. I still, I stick by my guns by saying I did want to have an opportunity to take a look at that a little bit more thoroughly because there is an impact there on Ocean that I want to be very clear about before saying that's okay. So, I would prefer to delay that.

Mayor Newton: Okay. So I think there's a consensus to delay until the work session, specifically for the traffic impacts.

Commissioner Harker: Yes, for me..

Mayor Newton: Mr. Grady, what are we missing before we clean this up?

Arey Grady: Yes, sir. The controlling statute certainly allows a reasonable time for the board to make a decision, so you do not have to make it this evening. And with all things legal the term reasonable time is not defined, I think the board would certainly be within its rights to make the final decision at the next meeting. Mr. Mayor, I would suggest that the board be clear.. Is the hearing going to be open for further evidence at the next meeting, or are we just going to deliberate at the next meeting? I think the applicant and other interested individuals would want to know.

Mayor Newton: And let's see what's the pleasure of the Commissioners? Commissioner Hollinshed?

Commissioner Hollinshed: Well, it sounds like the board wants to put this off until the work session.

Mayor Newton: Correct. But do you want to close the public hearing portion or do you want to keep that open in order to allow extra evidence, specifically on the topic of traffic impacts?

Commissioner Hollinshed: For me? Close.

Mayor Newton: Okay, thank you. Commissioner Carter?

Commissioner Carter: Unless we need some clarity on the traffic pattern, no additional evidence.

Mayor Newton: Thank you. Commissioner McDonald?

Commissioner McDonald: I would love to get some more information on the environmental safety of the neighborhood and with the gas station being put in that neighborhood.

Mayor Newton: Well, the consensus of the board is just to focus on the traffic impacts, not necessarily reopen the environmental impacts.

Commissioner McDonald: Okay, I understand that. Then we'll hear it at the work session.

Mayor Newton: Okay, and the question would be, do you want to close the public hearing or do you want to do you want to keep it open to admit extra evidence?

Commissioner McDonald: We would want to keep it open.

Mayor Newton: Commissioner Hagle?

Commissioner Hagle: Leave it open, just on the traffic.

Mayor Newton: Okay, thank you. Commissioner Harker?

Commissioner Harker: On the traffic, fine, keep it open because we do have some questions about it, so I don't want to necessarily think it's a final thing, it's just going to finalize some things I think you would have to keep that open in order to do that.

Mayor Newton: Okay, that seems very clear. Now may I have a motion, please, to recess this until the work session?

Commissioner Hagle: So moved

Mayor Newton: A motion has been made. Is there any discussion? Let's go down the roster for a vote. Commissioner Hollinshed?

Commissioner Hollinshed: Aye

Mayor Newton: Thank you, Commissioner Carter?

Commissioner Carter: Aye

Mayor Newton: Thank you, Commissioner McDonald?

Commissioner McDonald: Aye

Mayor Newton: Thank you, Commissioner Hagle?

Commissioner Hagle: Aye

Mayor Newton: Alright, thank you. And Commissioner Harker?

Commissioner Harker: Aye

Commissioner Hagle made the motion to recess the hearing until the Work Session, with the hearing to remain open only to consider additional information regarding traffic impacts of the proposal. The motion passed unanimously.

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

Mayor/Commissioner Comments

Mayor Newton asked for Commissioner Comments.

Commissioner Hollinshed reminded everyone that on Saturday, September 25, household hazardous waste will be collected by the county at the health department, and to gather all your insecticides and materials that are labeled and you can take them out there and dispose of them.

Commissioner Carter said she would like to remind everybody that vaccinations are essential and the Broad Street Clinic will be offering free vaccinations at the farmers market on Saturday from 9-1 and encouraged anyone who isn't vaccinated to do so. In addition, Commissioner Carter said that Facebook and social media have been rampant with unfounded rumors about not only this particular issue [Jim Dandy proposal] but about other proposed issues. She said that if you don't know what you're talking about, please don't put it on Facebook as fact.

Commissioner McDonald had no comment.

Commissioner Hagle thanked the applicants submitting applications to fill the vacancy for the Parks and Recreation Advisory Board. He said it's great to see that many citizens would like to serve, adding that there were lots of very talented people. He encouraged applicants to submit applications for other boards and committees as they become available. Commissioner Hagle shared how pleased he is to see all the streets and sidewalks that are being installed, noting that there will probably continue to be some inconveniences from time to time before its all said and done. He then shared his safety, health, and environmental comments, sharing that he worked in an industry where safety, health, and the environment were very important. His safety message was to focus on your driving, as there's fewer daylight hours. His health message was encouraging people to get vaccinated if they're not already, adding that we need to we need to get that done in our county so that we can get back to regular order again. Lastly, he echoed Commissioner Hollinshed's earlier statements about the hazardous waste disposal effort with the county.

Commissioner Harker welcomed and congratulated Mrs. Francis-Heckman on her appointment to the advisory board for the Parks and Recreation. She then thanked all of the applicants that put their name into the pot to serve. Lastly, she added that when it comes down to protecting you and your loved ones, the community is really having some heartbreak, noting that with the [COVID] variant we are losing people, and increasingly more patients hospitalized. She encouraged citizens to do whatever they need to do to protect themselves, whether it be getting the vaccine, wearing a mast, or both as it could save a life.

Mayor Newton thanked the Board for its comments. He then reflected on the anniversary of 9/11 and thanked first responders on that horrific day 20 years ago. He added that as a mayor, he has the opportunity to see the professionalism of our first responders on a daily basis.

1.

Adjourn

Motion made by Commissioner Hagle to adjourn the meeting.

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

Mayor Everette Newton

Deputy Town Clerk

Minutes prepared by Kate Allen and edited by Deputy Clerk Rachel Johnson



**Town of Beaufort,
NC**

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**Board of Commissioners
Regular Meeting
6:00 PM – Monday, Nov. 8, 2021**

AGENDA CATEGORY: Items for Consent
SUBJECT: Minutes

REQUESTED ACTION: Consider approval of the minutes as presented for the October 11, 2021 BOC Regular Meeting.

EXPECTED LENGTH OF PRESENTATION:
1 minute

SUBMITTED BY:
Elizabeth Lewis, Town Clerk

BUDGET AMENDMENT REQUIRED:
No



Town of Beaufort, NC

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**Town of Beaufort Board of Commissioners Regular Meeting
6:00 PM Monday, October 11, 2021 - Zoom due to the COVID-19 Pandemic
Minutes**

Call to Order

Mayor Newton called the meeting to order.

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT

- Mayor Newton
- Commissioner Carter
- Commissioner Hagle
- Commissioner Harker
- Commissioner Hollinshed
- Commissioner McDonald

Agenda Approval

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

Commissioner Hollinshed requested to add an additional item to the agenda regarding the Food and Wine Tent.

Mayor Newton suggested this item be added on the agenda as number six, under items for discussion and consideration.

Commissioner Hagle made a motion to approve the agenda as amended.

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

Presentations

1. Plastic Free by the Sea

Douglas Doubleday who resides at 114 Coastal Pines Court in Beaufort, gave the presentation.

Mr. Doubleday informed the audience he is a current member of The Croatan Group of the Sier Club, which has recently developed a sub-group called, Plastic Free by the Sea. He referenced an article written by Mayor Newton in the Town’s March 2021 newsletter that suggested a culture change was the answer to the trash on the streets and waterways. Mr. Doubleday said, Plastic Free by the Sea has a mission to help reduce the amount of single use plastics that are entering oceans, sounds and estuaries; as these plastic materials degrade into microplastics, which have unfortunately become pervasive throughout the world’s oceans, sounds and rivers. He also shared that the average human consumption of these microplastics is equal to a credit card piece of plastic each week and can remain in the organs long-term. Mr. Doubleday said microplastics and microfibers have also been found in the sewage waters flowing into treatment plants, indicating humans are consuming measurable amounts of these materials. He shared that Rebecca Drohan, Waterkeeper of Coastal Carolina Riverwatch, received a grant from the state and has recently initiated a Water Quality for Fisheries Program (WQ4F), Water Quality for Fisheries Program (WQ4F), that among other actions will be measuring the amount of plastic in our local waters. Mr. Doubleday said they would like to work with the Town of Beaufort and other organizations and businesses, on an initiative to change the culture of single use plastics in our community and local area; we will expand our efforts as we gain credibility and corporation, much as we did during the “Don’t Drill NC” program, that became so successful in Beaufort and across all of North Carolina. Mr. Doubleday ended his presentation with a video that summarized the worldwide single use plastic problem. He suggested one way to proceed in working together is for the Town to publish regular informational public service articles from, Plastic Free by the Sea, in the monthly newsletter. Another way could be for the town to recognize the growing number of local businesses obtaining OFE certifications, which stands for Ocean Friendly Establishment. On behalf of the group, Plastic Free by the Sea, Mr. Doubleday encouraged the Town and others to adopt OFE practices.

Mayor Newton asked if there were any questions or comments on the presentation.

Commissioner Hagle said it was a good presentation; it was a tough problem that has been around a long time, with a lot of pieces.

Commissioner Hollinshed said it was an interest of hers, but she did not have any comments.

Commissioner McDonald had no comments.

Commissioner Harker said it was a great presentation, littering and marine debris is definitely something that is preventable. Messaging is a good way to start, and she liked the idea of getting that information out to the citizens.

Commissioner Carter said good presentation, it is a problem, and they will try to help anyway they can.

Public Comment

Mayor Newton asked if there was anybody signed up for public comment.

There was one person; Harriet Altman, 103 Leonda Drive in Beaufort.

Ms. Altman said she was on the committee with Doug Doubleday. She thanked the Commissioners for the opportunity they had given him to present. She expressed her desire to have the Commissioners and Town partner with them in efforts to have a larger impact, working together. Ms. Altman said she had spoke with Mayor Newton before, and she knew that the Commissioners and many Beaufort residents were very concerned about our environment. She added that it would be great for Beaufort to be a Town known for their dedication in protecting waterways, wildlife and encouraging others to do so as well. She pointed out, the Town is growing expediently, and it is a critical time to set an example for what they stand for, by having a message to guide the visitors and influence people to change the culture of this issue.

Manager Report

Town Manager, John Day, reported the Town had hired 4 new employees since the last meeting. New employees are as follows: Elizabeth Lewis, Town Clerk; Cherelle Vann, Utility Building Specialist; Aaron Winn, Maintenance Technician; Brandon Ellison, Maintenance Technician.

Manager Day reported that the dredge did arrive from the Corp of Engineers and finished up the project at Bulkhead Channel on October 10, 2021.

Manager Day informed the group of a public meeting on October 14, 2021, at 6:00 p.m., regarding the Land Use Plan. He encouraged everyone who can participate to do so, as the Land Use Plan is very important, and reminded them the link to the meeting was on the Town’s website, under the calendar section.

Mayor Newton asked if there were any questions or comments.

Commissioner Hagle had no comments.

Commissioner Hollinshed asked, in reference to the Manager’s Report sent out the week prior, if there was any kind of schedule for the paving of the road by the property next to Food Lion.

Manager Day said the contract is valid, but they are waiting to hear from the contractor regarding a date they are going to start the job, hopefully it will be soon. He added this will be an opportunity for the road to be named by the Board of Commissioners.

Commissioner Hollinshed also asked for clarification between the CAMA Land Use Plan and the LDO, as many people think they are one in the same.

Manager Day responded by explaining currently the Town has a Land Development Ordinance that is going to be replaced by something called a Unified Development Ordinance, which takes all those ordinances that have to do with the way land is developed, the Subdivision Ordinance for example, and compiles it together in one place. Those are the regulatory documents that explain zoning, setbacks, and other details regarding development. The CAMA Land Use Plan itself is an overall guiding document, it has some aspirational elements to it, as things that are hoped to be achieve in upcoming years. It states the hopes of the land use plan, what the Town will end up looking like in the upcoming years; this one will also include a resilience section. Manager Day added the Town did receive a grant from the Department of Environmental Quality, so there can be a focus on resilience as it relates to the environment.

Commissioner Hollinshed asked if somebody would explain this again at the beginning of the public meeting.

Manager Day said absolutely, he would make sure that happens.

Commissioner McDonald had no comments.

Commissioner Harker had no comments.

Commissioner Carter had no comments.

Items of Consent

1. Minutes

Rachel Johnson, Deputy Clerk, informed the Mayor and Commissioners that the agenda included minutes from the September 13th and 27th meetings, as well as the June 14th and 28th meetings. Ms. Johnson said the September dates needed to be removed from the items of consent.

Mayor Newton asked if there was a motion to approve the items of consent.

Commissioner Hagle made a motion to approve the items of consent.

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

Items for Discussion and Consideration

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

Mayor Newton reported that currently Carteret County had 179 active COVID cases, an active positivity rate of 8.8% and 12 hospitalizations; North Carolina's active positivity rate was 7.75%

Mayor Newton suggested the best method to discuss returning to in-person meetings would be going down the roster to hear from each Commissioner.

Commissioner Hagle said he would like to establish a date to return to in-person meetings, as many other organizations have already returned. He suggested they establish protocol to ensure everyone who attends is safe. He said he really felt it was time to set a target date to return to in-person meetings and suggested the hybrid option be available as well.

Mayor Newton reminded the Commissioners that the Board of Education has set a 5% active positivity rate as the benchmark for dropping their mask mandate.

Commissioner Hagle said he would still like to establish a target date; guidelines of social distancing can be followed.

Manager Day informed the group that he contacted the group that is going to be setting up the Train Depot for the hybrid meetings, he has not heard back from them regarding a setup date but will pass that information along as soon as he is made aware.

Commissioner Hollinshed said she would like to see the target go to November and keep an eye on the numbers. She added that the 5% also includes a large portion of ages 12 and under that cannot be vaccinated. She said she would like to work towards a target and the remote option. Commissioner Hollinshed also added she would like to see the Town wide mask mandate removed or examined. She added she thinks mask are very effective and those who choice to wear one will, but those who do not are causing some issues with businesses.

Mayor Newton said he would circle back to the mask mandate topic after they finished discussing in-person meetings.

Commissioner McDonald said he went along with discussing it at November's meeting.

Commissioner Harker said she thought they needed to start discussing getting back to into face-to-face meetings, but she pointed out this would be translated down to some of the volunteer boards. She said they needed to come up with a plan because some of the boards would be talking about topics where there would be a lot of people that will want to gather; it would be hard to accommodate the larger groups some of these subjects will bring.

Commissioner Carter said while she agrees that getting back is something to aspire to, there is still an active rate of about 7-8%; which is still pretty high. She said they were not getting a great deal of cooperation with the mask mandate, but they needed to look carefully before leaping, as winter is coming, and a lot of people are going to be inside which could possibly increase the rate. She added they needed to be careful getting back into open meetings.

Mayor Newton said they would certainly discuss this again at the October Work Session, and moved on to discuss the Employee Emergency Medical Leave Check-In.

Commissioner Hagle said he still agrees that the leave should only apply to the people who are vaccinated.

Commissioner Hollinshed said she agrees, those who are vaccinated can participate.

Commissioner McDonald said yes.

Commissioner Harker said she thought they should keep it in place and asked Manager Day if this being in place had acted as an incentive for anyone to take the vaccine and if so, have we made it available for the staff that want to take it.

Manager Day said he had one employee who said he would have taken the vaccine had he known this was in place, even though the information was made available to all employees. He added he thought it was a good thing to continue, because he knows there are several people who have gotten the vaccine since it was put in place.

Commissioner Carter said to leave it in place because she thought they needed to do everything possible to keep their people safe.

Mayor Newton moved to the Mask Ordinance Discussion.

Commissioner Hagle said he agreed with Commissioner Hollinshed, some people are wearing the mask, some are not, depending on where you go. He said he was neutral on the topic and could go either way.

Commissioner Hollinshed said she thought it should be examined at the work session, as mentioned the flu season is coming soon and the mask do protect from airborne particles. She added she wore one and that it was her choice, to protect the people she is around.

Commissioner McDonald said because they are making decisions about the mask mandate, they should be the first to follow the rules in place.

Commissioner Harker said she thought they should lift the mandate; she was fine with putting the mandate in at the time, when there were more triggers, and the transmission rate was at 16% with a tremendous amount of deaths. She added those numbers have cut in half and the deaths have reduced from the time the mandate was put into place. She said personal responsibility is going to have to take place at this point in time. She also stated that people are beginning to wear their mask appropriately and those who do not wish to do so, that is by their choice, but at this point the mandate is not going to yield the results in which we think it should, causing more divide than it is compliance.

Commissioner Carter said she would have to agree with Commissioner Harker, and at this point she would recommend taking away the mandate.

Mayor Newton said there was a consensus to repeal the mask mandate and asked for a motion in that effect.

Commissioner Hagle made the motion to repeal the mask mandate and added their should be a date established.

Commissioner Carter and Commissioner Harker both responded with immediately.

Commissioner Hagle amended the motion to include, repeal of the mask mandate, effective immediately.

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

2. Traffic Calming Turner & Broad Streets

Sam Bell, Assistant Town Engineer, explained how increased traffic and the wearing down of existing pedestrian crossings presented a potential problem at Turner & Broad Street. Mr. Bell offered two options for the traffic calming at the intersection. These options were a raised crosswalk, or a four-way stop. Similar in both options were: remarking the four crossings, providing warning signs incoming traffic and rumble strips. Mr. Bell also mentioned the option of relocating the driveway that exits on Broad Street, into the

courthouse area. He said these combined elements will help increase pedestrian visibility as well as slowing incoming traffic, creating a safer area.

Mayor Newton thanked Mr. Bell for the presentation and asked the Commissioners if there were any questions or comments.

Commissioner Hagle said he did not like the four-way stop because traffic will back up in front of the courthouse, causing a potential problem. He said that he did like the marked crosswalks, and he thought the bump outs would help greatly. He added that he didn't particularly like the raised crosswalks, but it was probably the best option to slow traffic down, unless they wanted to try it with just the marked crosswalks and bump outs. Between the two options, the raised crosswalk was his choice.

Commissioner Hollinshed said she liked the raised crosswalk, not the four-way stop. She said she wondered if the plan was depended on the participation of the county for it to come to fruition. She suggested having some sort of signage that was eye-catching would be beneficial, maybe a flashing warning light or something to that effect.

Commissioner McDonald said he was confused on the intent of this; was it to redirect or slow traffic down. He added what works to slow vehicle traffic might not work to slow pedestrian traffic, especially with US Highway 70 being so close to the area. He said he did not think either one of the options would be effective; he suggested it needed some more studying because whatever is done there will cause a backup somewhere else. He asked if the goal was to redirect, slow or stop traffic.

Mr. Bell said it was a busy intersection that caused a bottleneck when it was busy. He said the courthouse driveway did present a lot of problems because it is so close to the intersection itself; moving it would help with the flow of traffic. He said the main goals for the project include improving pedestrian safety and maintaining better traffic flow with safe speeds. He added that another option with the driveway, depending entirely on Carteret County's involvement, would be turning the driveway into "one way" out, which should help the flow of traffic.

Commissioner McDonald said he had no more questions.

Commissioner Harker said she liked option one, without the four stop signs. She also said she liked the fact that no matter what happens, improvements will be made to pedestrian walkways because that needs to be done. She had some concerns about the raised crosswalk, that they may slow traffic too much and suggested an analysis of those be conducted. She asked if there were any kind of temporary bumps that could be put there to test the theory before it is made permanent.

Mr. Bell said he could certainly look into that; he would check with Greg and Mark at Public Works to see if anything is currently available or if there was something they could purchase.

Commissioner Carter said she did not like the four-way stop option, it would create a bottle neck area and it is already a problem when court is released. She liked the idea of having the crosswalks marked clearly and thought it would offer a big help. She said moving the driveway into the courthouse could help but she wouldn't want to do anything to disturb the trees. She added that a temporary raised crosswalk might be helpful on Turner Street, but she did not think it would be needed on Broad Street.

Mayor Newton recapped the discussion, specifically the questions about the temporary raised crosswalk, and asked if there was a consensus to allow Sam to do a little more research, reach out to the Public Works division and then report back at the work session, in hopes they could then finalize a plan.

Commissioner Hagle suggested trying a regular crosswalk, versus a raised crosswalk, and said that the bump out areas will calm traffic down because of the reduction of about a foot. He also said the crosswalks should be marked regardless; but the slight reduction of road width in a couple areas is a good way to remedy the problem without any other kind of devices. He added he did not think added some type of barrier would show you anything.

Commissioner Hollinshed said she would like to see how the rumble strips worked, if they would slow traffic enough, and mark the intersections better.

Commissioner Hagle said one other option would be to temporarily not install the new curb and gutter on the south side of that intersection, and just put a crosswalk there with the curb and gutter as it is. He said that might slow it down and you could always come back and add the curb, gutter and raised crosswalk if that does not work. He added that it would not change the width of the road any, it would just mark the crosswalk with some warning signs to please slow down.

Commissioner Carter said to remember when you turn with that bump out, it is throwing traffic further into the road itself.

Commissioner Hagle said he was suggesting do not put the raised crosswalk, just mark the current crosswalk.

Commissioner Carter said she was talking about the bump outs.

Commissioner Hagle said the bump outs are needed for pedestrian traffic at that intersection; hopefully the county will make that little change in the road.

Commissioner Carter said when you are coming around that corner, it throws your vehicle out further into the traffic lanes; so that needs to be kept in mind when considering those bump outs, same going the other way.

Commissioner McDonald said he thought the county was satisfied with the way it is now; he did not hear them complaining about how it functions in those areas. He said he thought Beaufort needed to look at this closely, as the area consisted of the courthouse, churches, and the food market; which many of those people walk to and from those places. He again asked what the intent was at the intersection.

Mayor Newton responded that the intent is to slow down traffic through there and to increase pedestrian and bicycle safety, as there have been multiple reports of people going through the intersection at a high speed.

Commissioner Harker referred to her original comments; the pedestrian part needs to be done and there can be some temporary things done without having to spend a lot of money. She said even though the bump outs are only a few feet, it could help slow some of the traffic down. She asked Mr. Bell about the bump out by the courthouse and if the county did not want to move the driveway, was it an absolute deal breaker for the bump out landing to go across to the other side.

Mr. Bell said it would be really nice to be able to do it, because the way it is not the driveway covers up some of the sidewalk. He said the bump out would not change the parking lot at all, it just changes ingress.

Commissioner Harker said it does seem like the driveway is encroaching on the sidewalk. She said the pedestrian portion definitely needs to be done. If some of the bump outs could be placed on both sides to slow traffic, the raised crosswalks might not be necessary, and the rate of which traffic flows could be monitored in the meantime. She said the rumble strips could be another way of alerting drivers, as well as strategically placing signage in the area.

Mr. Bell added there are a few raised crosswalks in Beaufort already; from his observation, they have made a difference. He also said with this particular design, there are already a lot of elements that could help with traffic calming, like the bump outs and the warnings; the raised crosswalks would be for a maximum effect.

Commissioner Carter said again, be careful when you put the bump out there because when you have all that traffic exiting the courthouse they are going to stack up in one corner and it will really slow the flow of traffic. She said the raised area works good as long as it is marked well; no four-way stops please.

Mayor Newton said it sounded like the consensus was to move forward with the pedestrian measures in place and no raised crosswalk.

Commissioner Hagle made a motion to that effect.

Commissioner Hollinshed said she would like to add the rumble strips to the motion.

Commissioner Hagle added the placement of rumble strips to the original motion.

Commissioner McDonald said he has not heard any complaints about the area they have been discussing. He expressed concerns about other areas where traffic needs to be slowed down, such as Pine and Mulberry Street. He said they needed to be consistent with these type of actions throughout the whole Town.

Mayor Newton reminded Commissioner McDonald there was an enormous amount of time spent discussing the speed bumps on Pine Street and the one way exit on the west end of Pine Street as well.

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

Voting No: Commissioner McDonald

3. Water Rate Adjustment – Eastman Creek Subdivision

Greg Meshaw, Public Services Director/Town Engineer, presented the proposed water rate reduction at Eastman Creek Landing subdivision. He gave some history on the rates, discussing how the Carteret County Board of Commissioners adopted new county water rates on June 21, 2021; rates jumped 95% from the previous year and this is relevant because the Town of Beaufort buys water from the county and then they resell it in Eastman's Creek. Mr. Meshaw explained

from an estimated \$6,600 surplus to a \$23,000 deficit. He reminded the board they asked for a break-even rate for customers and at the August 23, 2021 Work Session, the volume charge remained the same at \$7.61 per 1,000 and the based fee was raised to \$33.80. Since then, the rates have been reduced by 25%, as the Carteret County Board of Commissioners voted to do this in their September 20, 2021 meeting. Mr. Meshaw said with that recent change, they feel it may be worth considering passing the savings along to the customers in Eastman Creek. Mr. Meshaw said the proposed rate for customers was a base fee of \$23.25, with no change in the volume charge. He said this should allow a continued break-even point for selling and distributing the water. Mr. Meshaw said in addition to the proposed lower rates for the ¾-inch meter hookup, he also asked the board to consider establishing rates for the larger meters, incase they were needed in the future; these rates are as follows: 1-inch, \$38.37; 1 ½ -inch, \$82.96; 2-inch, \$147.25; 3-inch, \$333.91.

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

Commissioner Hagle had no questions but said he liked the proposed change, as it would help people who lived in that subdivision. He said he also liked the additional of the four larger meter sizes.

Commissioner Hollinshed had no questions and said she agreed with the comments of Commissioner Hagle.

Commissioner McDonald had no questions.

Commissioner Harker said she agreed with the decrease and thanked staff for looking towards the future as far as added in rates for the larger meter sizes.

Commissioner Carter had no questions and said she felt it was appropriate.

Commissioner Hagle made a motion to approve the proposed rates.

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

- 4. To approve or deny the Site Plan for Pruitt Health Care Nursing Home/Skilled Care Facility to contain 104 Beds/Units.

Kyle Garner, Planning & Inspections Director, presented the request and informed the board that staff has been working on this project for well over three years. Mr. Garner explained that the 70,980 square foot facility would be a skilled care nursing home, and said it was important to note that this is phase one of at least two phases. He said there is a request for sewer allocation in the amount of 12,480 gallons per day. He also touched on some questions regarding parking; based on the current parking requirement, there would be 35 spaces, when considering only the number of beds. He added that you would also have to equate the number of staff that would be working, right now, that would be one space for every two people. He pointed out that is hard to calculate right now because it would suggest there would only be 30 people working at the facility at one time; based off the initial conversations had, it is believed that there would be more workers than that in total. Mr. Garner said when you take into account that it is going to be a rehabilitation facility, people will be coming in and out during the day for rehab work; we can see where the

increase in parking is also going to be a possible asset. Mr. Garner mentioned again, this is the first phase in what is going to be a two-phase project; meaning all the parking may not be needed in the second phase, based on what is updated in the first phase. He also said there were some questions about the road configuration. Mr. Garner explained that the engineer worked with the Department of Transportation, and they made recommendations as to what needed to be done. He said he believed the engineers and their staff have done all they needed to, ensuring the criteria of the Town's standards, as set forth in the Land Development Ordinance; other departments on the technical review committee have reviewed this and we do recommend approval of the project, as well as the Planning Board.

Mayor Newton went down the roster for questions and comments.

Commissioner Hagle said he was probably the one who talked about the parking lot the last time they discussed this; he pointed out 50 parking spaces was calculated but they are requesting 138 spaces. He said he did not realize they had a rehab facility and that the calculations may be right, it just seems like a lot of parking spaces for the size. He also pointed out this is a low area, near water, and that he was concerned with stormwater, where it goes and the quality of water that gets into the nearby streams and oceans. He said that were his concerns, and he stills has a few, but thanked Mr. Garner for helping him understand more about the parking.

Commissioner Hollinshed said she thought the facility would be a real benefit to Beaufort, she hoped they approve it and did not have any questions.

Commissioner McDonald said he had no questions and that he was glad to see something like this come to Beaufort, on this side of the bridge.

Commissioner Harker said she had no questions but elaborated on the fact that the stormwater retention pond will be sufficient to handle future growth and that was answered during the work group session. She also said she would love to see the facility take shape in Beaufort.

Commissioner Carter said she had no questions and would rather see too much parking than not enough.

Commissioner Harker made a motion to approve as presented, with the sewer allocation request.

Commissioner Carter asked if the allocation was only for the 104 beds and not the addition.

Mr. Garner responded that was correct, just for the 104 beds.

Commissioner Harker added they would have to come back to the board for anything additional.

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

5. Case #21-24 Final Plat – Front Street Village Phase 4

Mr. Garner presented the request and acknowledged that the board has seen this item several times within the last few months. He said this would allow the actual recordation of the final plat and the selling of individual lots; our subdivision Ordinance allows developers or individuals to bond incomplete infrastructure. Mr. Garner explained in this particular case, there are 34 lots at 10.44 acres, the amount of the bond for the infrastructure is \$594,112.50 and Mr. Meshaw has reviewed that number. Mr. Garner said the sewer allocation is not being requested, because it was covered before the policy went into effect. He added that this project will have to pay recreation fees in the amount of \$5,875.20; this is something subdivisions pay a fee of in lieu of providing space. He said this money will go into a specific account to fund infrastructure for recreation. Mr. Garner ended by stating, at their September 20th Planning Board Meeting, the board did vote unanimously to recommend approval of this final plat

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

Commissioner Hagle recommended Mr. Garner mention the streets and infrastructure would be private and maintained by the HOA.

Mr. Garner responded that he believed there were draft covenants of that included in the packets.

Commissioner Hagle added he liked the design; it was from the standpoint of protecting the wetlands as much as possible.

Mayor Newton confirmed with Mr. Garner that private did not mean gated, rather than taking care of matters via the HOA.

Mr. Garner confirmed that was correct.

Commissioner Hagle added that it is not gated but it is private streets.

Commissioner Hollinshed had no questions.

Commissioner McDonald had no questions.

Commissioner Harker asked when the Town would receive the \$5,875.20 recreation fees.

Mr. Garner said that is a good question; he explained the developer would need to pay those fees before the plat could be recorded at the courthouse. He added that this system is in place to ensure the person is not making money before paying all associated fees of the project.

Commissioner Carter said she thought it was great and was glad to see the pervious surface.

Commissioner Hagle made a motion to approval the request, including the bond request.

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

6. Food and Wine Tent

Commissioner Hollinshed discussed the added item by sharing she thought Food and Wine Board did an excellent job with the event, and that the money raised went to the Carteret County

Schools Foundation. She said she has no problem with the use of it, but she suggested discussing some tent parameters at the next work session. She added that it was a real hardship on merchants with that tent up Thursday-Monday. She said she hoped they could come up with a method that worked for everyone.

Commissioner Hagle said he thought it would be great to discuss it at the work session.

Commissioner McDonald had no comments.

Commissioner Harker said she agreed and that she heard concerns from the businesses. She added that she believed the tent was up and functioning until Friday, but it could have certainly been taken down sooner. She ended by saying it would be good to discuss it for future reference.

Commissioner Carter said it needed to be discussed; also, something to consider is whether it means a penalty on the tent company for not removing it in time.

Mayor Newton said the tent discussion would be added to October’s Work Session items.

Mayor/Commissioner Comments

Commissioner Hagle welcomed Elizabeth Lewis as the new Town Clerk, stating it was great to have her on board. He thanked Rachel Johnson and others for helping to get the meetings up to date. He also said he hoped something could be put into place to have the minutes from the previous meeting at the following meeting, so they do not get behind. He said it was great to see all of the progress being made on Cedar Street and other work on sidewalks and the repaving of Lennoxville Road. He added that it was great to see the reduction of the water rates at Eastman Creek and reminded citizens that Beaufort does not own or control that water plant; they only purchase water from the County. He explained the Town bills the customer for water and sewer. He also said it was great to see that the Pruitt Health Facility is coming to fruition. Commissioner Hagle ended with a safety message to all: Traffic around Beaufort and the County continues to be busier than ever, when you are out and about, focus on your driving; remember even at 40 mph, you travel 59 feet a second, which is the length of about two vehicles.

Commissioner Hollinshed welcomed Ms. Lewis as well, stating she hoped that she continued with the Town for a while. She thanked the people who were involved in the candidate forum and reminded the group of the online links where the sessions could be reviewed. She ended with a reminder that Halloween on Ann Street was coming, and the Town was not involved with this event.

Commissioner McDonald said he hoped those in the Ann Street area participated as normal and reminded everyone to be mindful of the children walking around during that time.

Commissioner Harker thanked Ms. Lewis for jumping on board and looked forward to the minutes being caught up. She also welcomed all the other new employees that have been added recently and said it was great to have them as part of the team. She reminded everyone to be careful during the Halloween festivities. She commended the Town on their infrastructure work and encouraged others to ride around and look at the great work that has been done. She ended by saying that it is nice to see some of the infrastructure work of the comprehensive plan finally taking shape.

Commissioner Carter welcomed all four new employees. She reminded the group that vaccinations are still being given and added if you received the Pfizer shot and it had been eight months, you are eligible for a booster. She added that Broad Street Clinic would be back at the Beaufort Farmers Market on October 30th with Pfizer boosters.

Adjourn

Commissioner Hagle made a motion to adjourn.

Voting Yes: Commissioner Hagle, Commissioner Hollinshed, Commissioner McDonald, Commissioner Harke
Commissioner Carter

2.

Mayor Everette S. (Rett) Newton

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
Virtual Regular Meeting
6:00 PM – Monday, Nov. 8, 2021**

AGENDA CATEGORY: Items of Consent
SUBJECT: 2022 Board of Commissioners Meeting Dates

REQUESTED ACTION: Accept the proposed BOC meeting dates for 2022

EXPECTED LENGTH OF PRESENTATION:
1 minute

SUBMITTED BY:
Elizabeth Lewis, Town Clerk

BUDGET AMENDMENT REQUIRED:
No

TOWN OF BEAUFORT
BOARD OF COMMISSIONER
2022 MEETING DATES

Regular Monthly Meeting
2nd Monday, unless otherwise noted

Monthly Work Session
4th Monday, unless otherwise noted

January 10, 2022

January 24, 2022

February 14, 2022

February 28, 2022

March 14, 2022

March 28, 2022

April 11, 2022

April 25, 2022

May 9, 2022

May 23, 2022

June 13, 2022

June 27, 2022

July 11, 2022

July 25, 2022

August 8, 2022

August 22, 2022

September 12, 2022

September 26, 2022

October 10, 2022

October 24, 2022

November 14, 2022

November 28, 2022

December 12, 2022

December 19, 2022 (3rd Monday due
to holidays)

Time: 6:00 pm

Location: TBD

Time: 4:00 pm

Location: TBD



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
Virtual Regular Meeting
6:00 PM – Monday, Nov. 8, 2021**

AGENDA CATEGORY: Items for Consent

SUBJECT: FY 2022 Budget Amendment 4

BRIEF SUMMARY:

General Fund

This amendment requests the appropriation of fund balance for:

- Police Department: ammunition ordered in FY 21 and on backorder \$6,600

Utility Fund

- This amendment requests the appropriation of fund balance to upgrade the SCADA control equipment for the Wastewater Treatment Plant. The current control equipment is outdated and not compatible with the new computer system. The SCADA system operates all the control systems for the entire Wastewater Treatment Plant, \$20,000.

REQUESTED ACTION:

Approve Budget Amendment 4

EXPECTED LENGTH OF PRESENTATION: 5 minutes

5 minutes

SUBMITTED BY:

Christi Wood – Finance Director

BUDGET AMENDMENT REQUIRED:

Yes



**TOWN OF BEAUFORT
FY 2022 BUDGET AMENDMENT #4**

WHEREAS, the Town of Beaufort adopted its Fiscal Year 2022 Budget through Ordinance on June 14, 2021, 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 2022 Budget as follows:

SECTION I: GENERAL FUND

This amendment requests the appropriation of fund balance for:

- Police Department: ammunition ordered in FY 21 and on backorder \$6,600

A. REVENUE

<u>INCREASE</u>	
APPROPRIATED FUND BALANCE	\$ 6,600
TOTAL INCREASE	\$ 6,600

B. EXPENDITURES AUTHORIZED BY DEPARTMENT

<u>INCREASE</u>	
POLICE DEPARTMENT	\$ 6,600
TOTAL INCREASE	\$ 6,600

SECTION III: UTILITY FUND

This amendment requests the appropriation of fund balance to upgrade the SCADA equipment for the Wastewater Treatment Plant.

A. REVENUE

INCREASE

APPROPRIATED UNRESTRICTED FUND BALANCE.....\$ 20,000
TOTAL INCREASE.....**\$ 20,000**

B. EXPENDITURES AUTHORIZED BY DEPARTMENT

INCREASE

SEWER DIVISION.....\$ 20,000
TOTAL INCREASE.....**\$ 20,000**

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 8th day of November, 2021

ATTEST:

Elizabeth Lewis
Town Clerk

Everette S. Newton
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
Virtual Regular Meeting
6:00 PM – Monday, November 8, 2021**

AGENDA CATEGORY: Items for Discussion and Consideration
SUBJECT: COVID Numbers in Carteret County and Emergency
Leave Policy Extension

BRIEF SUMMARY:

COVID Numbers in Carteret County

With COVID and the dominant delta variant cases on the rise in Carteret County and across the State of North Carolina, the Board agreed to hold off on returning to in-person meetings. The Board directed staff to provide an update on current county and state COVID metrics at each Board of Commissioners meeting to assess when to return to in-person meetings safely. Since data trends are released daily, those metrics will be provided at the meeting on Monday, November 8, 2021.

Emergency Paid Sick Leave Policy Extension Check-In

At the October 25, 2021 Work Session, the BOC voted to approve the policy extension with the requirement that in order to qualify the employee must be vaccinated. The policy is scheduled to be reviewed at each meeting.

Returning to In-Person Meetings

Currently, all Town Boards (elected and volunteer) are conducting meetings virtually via Zoom with the exception of the Beaufort Harbor and Waterways Master Plan Advisory Committee who has permission to meet under a hybrid model at the Beaufort Hotel. All meetings will continue to be open to the public and individuals may join in-person or virtually via Zoom.

At the October 25, 2021 Work Session, the BOC agreed that the virtual platform is the best meeting method until the hybrid equipment is delivered and installed at the Train Depot. The selected vendor has provided an estimated shipping date of late December, as the hybrid equipment is currently on back order.

Town-Wide Mask Ordinance

The Board of Commissioners implemented a town-wide mask ordinance at the August 23, 2021 Work Session. The mask ordinance was reviewed at each meeting of the Board of Commissioners. At the October 11, 2021 Regular Meeting, the Board of Commissioners voted to repeal the mask ordinance, effective immediately.

REQUESTED ACTION:

Review polices.

EXPECTED LENGTH OF PRESENTATION:

10 minutes

SUBMITTED BY:

Mayor Newton & Elizabeth Lewis, Town Clerk

BUDGET AMENDMENT REQUIRED:

No



Town of Beaufort, NC

**Board of Commissioners
Virtual Regular Meeting
6:00 PM Monday, November 8, 2021**

AGENDA CATEGORY: Items for Discussion and Consideration
SUBJECT: Wastewater Treatment Capacity & Allocation Update

BRIEF SUMMARY:

A presentation about wastewater treatment capacity will be made. It will cover how treatment capacity allocated to proposed projects is tracked, the actual capacity being utilized, and the percentage of unused capacity committed to projects not yet started as well as those which are started but not yet complete.

REQUESTED ACTION:

None

EXPECTED LENGTH OF PRESENTATION:

25 minutes

SUBMITTED BY:

Greg Meshaw, Public Services Director/Town Engineer

BUDGET AMENDMENT REQUIRED:

No

Wastewater Treatment Capacity & Allocation Update



Town of Beaufort

November 8, 2021

Wastewater Treatment Capacity & Allocation Update

Front Street Village

PERMITTED AND COMPLETED UNITS IN FRONT STREET VILLAGE										
1	2	3	4 = 2 X 3	5	6 = 3 X 5	7	8 = 3 X 7	9 = 6 - 8		Date of this Update
Development Type	Number of Planned Units	Engineer of Record Supplied Unit Flows GPD/Unit	Overall Capacity needed for all Units GPD	Number of Permitted Units	Used Allocation ² GPD	Number of Completed Units ³	Theoretical Flow being discharged from Completed Units GPD	Obligated Not Yet Tributary (Used but Not Complete)		
								GPD	MSD	
Boat Storage #1 (213 Slots w/o Bathroom) with Convenience Store, Caterers' Kitchen & Meeting Space	1	9,308	9,308	1	9,308	1	9,308	0	0.0000	2019-11-12
Full Service Marina (210 slips)	1	200	200	1	200	1	200	0	0.0000	2019-11-12
129-Room Inn including Pool used by Inn Guests & Marina Club Members	1	15,905	15,905	1	15,905	1	15,905	0	0.0000	2019-11-12
Bistro with meeting spaces	1	11,070	11,070	1	11,070	1	11,070	0	0.0000	2019-11-12
Transportation & Welcome Center with Reception Area, Warehouse, and Golf Cart Barn	1	150	150		0		0	0	0.0000	2019-11-12
2-Bedroom Residential Unit	4	240	960	4	960	4	960	0	0.0000	2019-11-12
3-Bedroom Residential Unit	3	360	1,080	3	1,080	3	1,080	0	0.0000	2019-11-12
Phase 3 Boat Storage (310 slots w/o bathroom)	1	19,005	19,005	1	19,005	1	19,005	0	0.0000	2019-11-12
TOTAL	13		57,678		57,528	12	57,528	0	0.0000	

CAPACITY ALLOCATED TO THE FRONT STREET VILLAGE DEVELOPMENT 115,668 GPD
 USED ALLOCATION FROM COLUMN 6 ABOVE: 57,528 GPD
REMAINING/UNUSED ALLOCATION (TRANSFER TO SHT 1, COLUMN 9): 58,140 GPD
 CAPACITY FOR PERMITTED UNITS NOT YET TRIBUTARY FROM COLUMN 9 ABOVE: 0 GPD
UNUSED & USED NOT YET TRIBUTARY (TRANSFER TO SHT 1, COLUMN 11) 58,140 GPD

Wastewater Treatment Capacity & Allocation Update

Front Street Village

- Tracking of status of construction

PERMITTED AND COMPLETED UNITS IN FRONT STREET VILLAGE										
1	2	3	4 = 2 X 3	5	6 = 3 X 5	7	8 = 3 X 7	9 = 6 - 8		Date of this Update
Development Type	Number of Planned Units	Engineer of Record Supplied Unit Flows GPD/Unit	Overall Capacity needed for all Units GPD	Number of Permitted Units	Used Allocation ² GPD	Number of Completed Units ³	Theoretical Flow being discharged from Completed Units GPD	Obligated Not Yet Tributary (Used but Not Complete)		
								GPD	MSD	
Boat Storage #1 (213 Slots w/o Bathroom) with Convenience Store, Caterers' Kitchen & Meeting Space	1	9,308	9,308	1	9,308	1	9,308	0	0.0000	2019-11-12
Full Service Marina (210 slips)	1	200	200	1	200	1	200	0	0.0000	2019-11-12
129-Room Inn including Pool used by Inn Guests & Marina Club Members	1	15,905	15,905	1	15,905	1	15,905	0	0.0000	2019-11-12
Bistro with meeting spaces	1	11,070	11,070	1	11,070	1	11,070	0	0.0000	2019-11-12
Transportation & Welcome Center with Reception Area, Warehouse, and Golf Cart Barn	1	150	150		0		0	0	0.0000	2019-11-12
2-Bedroom Residential Unit	4	240	960	4	960	4	960	0	0.0000	2019-11-12
3-Bedroom Residential Unit	3	360	1,080	3	1,080	3	1,080	0	0.0000	2019-11-12
Phase 3 Boat Storage (310 slots w/o bathroom)	1	19,005	19,005	1	19,005	1	19,005	0	0.0000	2019-11-12
TOTAL	13		57,678		57,528	12	57,528	0	0.0000	

CAPACITY ALLOCATED TO THE FRONT STREET VILLAGE DEVELOPMENT 115,668 GPD
 USED ALLOCATION FROM COLUMN 6 ABOVE: 57,528 GPD
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 CAPACITY FOR PERMITTED UNITS NOT YET TRIBUTARY FROM COLUMN 9 ABOVE: 0 GPD
UNUSED & USED NOT YET TRIBUTARY (TRANSFER TO SHT 1, COLUMN 11) 58,140 GPD

Wastewater Treatment Capacity & Allocation Update

Front Street Village

- Tracking of status of construction
- Lists capacity allocated to project

PERMITTED AND COMPLETED UNITS IN FRONT STREET VILLAGE										
1	2	3	4 = 2 X 3	5	6 = 3 X 5	7	8 = 3 X 7	9 = 6 - 8		Date of this Update
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Boat Storage #1 (213 Slots w/o Bathroom) with Convenience Store, Caterers' Kitchen & Meeting Space	1	9,308	9308	1	9,308	1	9,308	0	0.0000	2019-11-12
Full Service Marina (210 slips)	1	200	200	1	200	1	200	0	0.0000	2019-11-12
129-Room Inn including Pool used by Inn Guests & Marina Club Members	1	15,905	15,905	1	15,905	1	15,905	0	0.0000	2019-11-12
Bistro with meeting spaces	1	11,070	11,070	1	11,070	1	11,070	0	0.0000	2019-11-12
Transportation & Welcome Center with Reception Area, Warehouse, and Golf Cart Barn	1	150	150		0		0	0	0.0000	2019-11-12
2-Bedroom Residential Unit	4	240	960	4	960	4	960	0	0.0000	2019-11-12
3-Bedroom Residential Unit	3	360	1,080	3	1,080	3	1,080	0	0.0000	2019-11-12
Phase 3 Boat Storage (310 slots w/o bathroom)	1	19,005	19,005	1	19,005	1	19,005	0	0.0000	2019-11-12
TOTAL	13		57,678		57,528	12	57,528	0	0.0000	

CAPACITY ALLOCATED TO THE FRONT STREET VILLAGE DEVELOPMENT	115,668 GPD
USED ALLOCATION FROM COLUMN 6 ABOVE:	57,528 GPD
REMAINING/UNUSED ALLOCATION (TRANSFER TO SHT 1, COLUMN 9):	58,140 GPD
CAPACITY FOR PERMITTED UNITS NOT YET TRIBUTARY FROM COLUMN 9 ABOVE:	0 GPD
UNUSED & USED NOT YET TRIBUTARY (TRANSFER TO SHT 1, COLUMN 11)	58,140 GPD

Wastewater Treatment Capacity & Allocation Update

Front Street Village

- Tracking of status of construction
- Lists capacity allocated to project
- Keeps track of used and unused allocation

PERMITTED AND COMPLETED UNITS IN FRONT STREET VILLAGE										
1	2	3	4 = 2 X 3	5	6 = 3 X 5	7	8 = 3 X 7	9 = 6 - 8		Date of this Update
Development Type	Number of Planned Units	Engineer of Record Supplied Unit Flows GPD/Unit	Overall Capacity needed for all Units GPD	Number of Permitted Units	Used Allocation ² GPD	Number of Completed Units ³	Theoretical Flow being discharged from Completed Units GPD	Obligated Not Yet Tributary (Used but Not Complete)		
								GPD	MSD	
Boat Storage #1 (213 Slots w/o Bathhouse) with Convenience Store, Caterers' Kitchen & Meeting Space	1	9,308	9308	1	9,308	1	9,308	0	0.0000	2019-11-12
Full Service Marina (210 slips)	1	200	200	1	200	1	200	0	0.0000	2019-11-12
129-Room Inn including Pool used by Inn Guests & Marina Club Members	1	15,905	15,905	1	15,905	1	15,905	0	0.0000	2019-11-12
Bistro with meeting spaces	1	11,070	11,070	1	11,070	1	11,070	0	0.0000	2019-11-12
Transportation & Welcome Center with Reception Area, Warehouse, and Golf Cart Barn	1	150	150		0		0	0	0.0000	2019-11-12
2-Bedroom Residential Unit	4	240	960	4	960	4	960	0	0.0000	2019-11-12
3-Bedroom Residential Unit	3	360	1,080	3	1,080	3	1,080	0	0.0000	2019-11-12
Phase 3 Boat Storage (310 slots w/o bathhouse)	1	19,005	19,005	1	19,005	1	19,005	0	0.0000	2019-11-12
TOTAL	13		57,678		57,528	12	57,528	0	0.0000	

CAPACITY ALLOCATED TO THE FRONT STREET VILLAGE DEVELOPMENT	115,668 GPD
USED ALLOCATION FROM COLUMN 6 ABOVE:	57,528 GPD
REMAINING/UNUSED ALLOCATION (TRANSFER TO SHT 1, COLUMN 9):	58,140 GPD
CAPACITY FOR PERMITTED UNITS NOT YET TRIBUTARY FROM COLUMN 9 ABOVE:	0 GPD
UNUSED & USED NOT YET TRIBUTARY (TRANSFER TO SHT 1, COLUMN 11)	58,140 GPD



Wastewater Treatment Capacity & Allocation Update

PERMITTED AND COMPLETED UNITS IN BEAU COAST & BEAUFORT EAST VILLAGE SUBDIVISIONS WITHIN THE LIFT STATION 22 BASIN EXCLUSIVE OF TRIBUTARY LIFT STATIONS								
1 Development Type	2 Number of Permitted Units	3 Regulatory Unit Flow GPD/Unit	4 = 2 X 3 Used Allocation ¹ GPD	5 Number of Completed Units ²	6 = 3 x 5 Theoretical Flow being Discharged from Completed Units GPD	7 = 4 - 6		Date of this Update
						Obligated Not Yet Tributary (Used but Not Complete) GPD	MGD	
Beau Coast Phase 1A (90 Parcels)								
2-Bedroom Units	12	240	2,880	12	2,880	0	0.0000	2021-08-12
3-Bedroom Units	57	380	20,520	53	19,080	1,440	0.0014	2021-08-12
4-Bedroom Units	19	460	9,120	18	8,540	480	0.0005	2021-08-12
SUBTOTAL	88		32,520	83	30,600	1,920	0.0019	
Beau Coast Phase 1B (63 Parcels)								
2-Bedroom Units		240	0		0	0	0.0000	2021-08-12
3-Bedroom Units	38	380	14,040	36	12,960	1,080	0.0011	2021-08-12
4-Bedroom Units	4	460	1,920	3	1,440	480	0.0005	2021-08-12
SUBTOTAL	43		15,960	39	14,400	1,560	0.0016	
Beau Coast Phase 3								
2-Bedroom Units			0		0	0	0.0000	
3-Bedroom Units			0		0	0	0.0000	
4-Bedroom Units			0		0	0	0.0000	
SUBTOTAL	0		0	0	0	0	0.0000	
Beau Coast Phase 4								
2-Bedroom Units			0		0	0	0.0000	
3-Bedroom Units			0		0	0	0.0000	
4-Bedroom Units			0		0	0	0.0000	
SUBTOTAL	0		0	0	0	0	0.0000	
Beau Coast Phase 5								
2-Bedroom Units			0		0	0	0.0000	
3-Bedroom Units			0		0	0	0.0000	
4-Bedroom Units			0		0	0	0.0000	
SUBTOTAL	0		0	0	0	0	0.0000	
Beaufort East Village Phase 6								
2-Bedroom Units		240	0		0	0	0.0000	
3-Bedroom Units		380	0		0	0	0.0000	
4-Bedroom Units		460	0		0	0	0.0000	
SUBTOTAL	0		0	0	0	0	0.0000	

Table continued on next page

CONTINUATION OF TABLE - PERMITTED AND COMPLETED UNITS IN BEAU COAST & BEAUFORT EAST VILLAGE SUBDIVISIONS WITHIN THE LIFT STATION 22 BASIN EXCLUSIVE OF TRIBUTARY LIFT STATIONS								
1 Development Type	2 Number of Permitted Units	3 Regulatory Unit Flow GPD/Unit	4 = 2 X 3 Used Allocation ¹ GPD	5 Number of Completed Units ²	6 = 3 x 5 Theoretical Flow being Discharged from Completed Units GPD	7 = 4 - 6		Date of this Update
						Obligated Not Yet Tributary (Used but Not Complete) GPD	MGD	
Beaufort East Village Phase 7								
2-Bedroom Units			0		0	0	0.0000	
3-Bedroom Units			0		0	0	0.0000	
4-Bedroom Units			0		0	0	0.0000	
SUBTOTAL	0		0	0	0	0	0.0000	
Beaufort East Village Phase 8								
2-Bedroom Units			0		0	0	0.0000	
3-Bedroom Units			0		0	0	0.0000	
4-Bedroom Units			0		0	0	0.0000	
SUBTOTAL	0		0	0	0	0	0.0000	
Beaufort East Village Phase 9								
2-Bedroom Units			0		0	0	0.0000	
3-Bedroom Units			0		0	0	0.0000	
4-Bedroom Units			0		0	0	0.0000	
SUBTOTAL	0		0	0	0	0	0.0000	
BLUE TREASURE/PRESTON DEVELOPMENT TOTAL	181		48,480	122	45,000	3,480	0.00348	

CAPACITY ALLOCATED TO BLUE TREASURE (PRESTON DEVELOPMENT): 106,932 GPD (See "BT & FSV Flow Calculations" Worksheet)
USED ALLOCATION FROM COLUMN 4 ABOVE: 48,480 GPD

REMAINING/UNUSED ALLOCATION (TRANSFER TO SHT 1, COLUMN 9): 118,452 GPD

CAPACITY FOR PERMITTED UNITS NOT YET TRIBUTARY FROM COLUMN 6 ABOVE: 3,480 GPD

UNUSED & USED NOT YET TRIBUTARY (TRANSFER TO SHT 1, COLUMN 11): 121,932 GPD

¹ - Allocation is considered used upon issuance of a permit for construction.

² - A unit is considered complete when a Certificate of Occupancy has been issued. The flow from a completed unit is considered part of the flow records of the WWTP after the unit has been in operation/occupied for 4 to 12 months. As such, the unit should not be entered as complete unit if it has been occupied for 6 to 12 months.

Beau Coast Subdivision

Wastewater Treatment Capacity & Allocation Update

PERMITTED AND COMPLETED UNITS IN BEAU COAST & BEAUFORT EAST VILLAGE SUBDIVISIONS WITHIN THE LIFT STATION 22 BASIN EXCLUSIVE OF TRIBUTARY LIFT STATIONS								
1 Development Type	2 Number of Permitted Units	3 Regulatory Unit Flow GPD/Unit	4 Used Allocation ¹ GPD	5 Number of Completed Units ²	6 = 3 x 5		7 = 4 - 6	Date of this Update
					Theoretical Flow Being Discharged from Completed Units GPD	Obligated Not Yet Tributary (Used but Not Complete) GPD		
Beau Coast Phase 1A (30 Parcels)								
2-Bedroom Units	12	240	2,880	12	2,880	0	0.0000	2021-05-12
3-Bedroom Units	67	380	20,520	63	19,080	1,440	0.0014	2021-08-12
4-Bedroom Units	19	460	9,120	18	8,540	480	0.0005	2021-09-12
SUBTOTAL	88		32,520	83	30,600	1,920	0.0019	
Beau Coast Phase 1B (63 Parcels)								
2-Bedroom Units		240	0		0	0	0.0000	2021-08-12
3-Bedroom Units	38	380	14,040	36	12,960	1,080	0.0011	2021-08-12
4-Bedroom Units	4	460	1,920	3	1,440	480	0.0005	2021-08-12
SUBTOTAL	43		15,960	39	14,400	1,560	0.0016	
Beau Coast Phase 3								
2-Bedroom Units			0		0	0	0.0000	
3-Bedroom Units			0		0	0	0.0000	
4-Bedroom Units			0		0	0	0.0000	
SUBTOTAL	0		0	0	0	0	0.0000	
Beau Coast Phase 4								
2-Bedroom Units			0		0	0	0.0000	
3-Bedroom Units			0		0	0	0.0000	
4-Bedroom Units			0		0	0	0.0000	
SUBTOTAL	0		0	0	0	0	0.0000	
Beau Coast Phase 5								
2-Bedroom Units			0		0	0	0.0000	
3-Bedroom Units			0		0	0	0.0000	
4-Bedroom Units			0		0	0	0.0000	
SUBTOTAL	0		0	0	0	0	0.0000	
Beaufort East Village Phase 6								
2-Bedroom Units		240	0		0	0	0.0000	
3-Bedroom Units		380	0		0	0	0.0000	
4-Bedroom Units		460	0		0	0	0.0000	
SUBTOTAL	0		0	0	0	0	0.0000	

Table continued on next page

CONTINUATION OF TABLE - PERMITTED AND COMPLETED UNITS IN BEAU COAST & BEAUFORT EAST VILLAGE SUBDIVISIONS WITHIN THE LIFT STATION 22 BASIN EXCLUSIVE OF TRIBUTARY LIFT STATIONS								
1 Development Type	2 Number of Permitted Units	3 Regulatory Unit Flow GPD/Unit	4 = 2 X 3 Used Allocation ¹ GPD	5 Number of Completed Units ²	6 = 3 x 5		7 = 4 - 6	Date of this Update
					Theoretical Flow Being Discharged from Completed Units GPD	Obligated Not Yet Tributary (Used but Not Complete) GPD		
Beaufort East Village Phase 7								
2-Bedroom Units			0		0	0	0.0000	
3-Bedroom Units			0		0	0	0.0000	
4-Bedroom Units			0		0	0	0.0000	
SUBTOTAL	0		0	0	0	0	0.0000	
Beaufort East Village Phase 8								
2-Bedroom Units			0		0	0	0.0000	
3-Bedroom Units			0		0	0	0.0000	
4-Bedroom Units			0		0	0	0.0000	
SUBTOTAL	0		0	0	0	0	0.0000	
Beaufort East Village Phase 9								
2-Bedroom Units			0		0	0	0.0000	
3-Bedroom Units			0		0	0	0.0000	
4-Bedroom Units			0		0	0	0.0000	
SUBTOTAL	0		0	0	0	0	0.0000	
BLUE TREASURE/PRESTON DEVELOPMENT TOTAL	181		48,480	122	45,000	3,480	0.00348	

CAPACITY ALLOCATED TO BLUE TREASURE (PRESTON DEVELOPMENT): 106,932 GPD (See "BT & FSV Flow Calculations" Worksheet)
USED ALLOCATION FROM COLUMN 4 ABOVE: 48,480 GPD

REMAINING/UNUSED ALLOCATION (TRANSFER TO SHT 1, COLUMN 9): 118,452 GPD

CAPACITY FOR PERMITTED UNITS NOT YET TRIBUTARY FROM COLUMN 6 ABOVE: 3,480 GPD

UNUSED & USED NOT YET TRIBUTARY (TRANSFER TO SHT 1, COLUMN 11): 121,932 GPD

¹ - Allocation is considered used upon issuance of a permit for construction.

² - A unit is considered complete when a Certificate of Occupancy has been issued. The flow from a completed unit is considered part of the flow records of the WWTP after the unit has been in operation/occupied for 4 to 12 months. As such, the unit should not be entered as complete unit if it has been occupied for 6 to 12 months.

Beau Coast Subdivision

- Tracked according to pump station basin

Wastewater Treatment Capacity & Allocation Update

PERMITTED AND COMPLETED UNITS IN BEAU COAST, PHASE 2 (LIFT STA 23 BASIN)								
1	2	3	4 = 2 X 3	5	6 = 3 x 5	7 = 4 - 6		Date of this Update
Development Type	Number of Permitted Units	Regulatory Unit Flow	Used Allocation ¹	Number of Completed Units ²	Theoretical Flow being Discharged from Completed Units	Obligated Not Yet Tributary (Used but Not Complete)		
		GPD/unit	GPD		GPD	GPD	MGD	
Beau Coast Phase 2A (57 Parcels)								
2-Bedroom Units		240	0		0	0	0.0000	2021-08-12
3-Bedroom Units	49	360	17,640		0	17,640	0.0176	2021-08-12
4-Bedroom Units	1	480	480		0	480	0.0005	2021-08-12
PHASE 2A SUBTOTAL	50		18,120	0	0	18,120	0.0181	
Beau Coast Phase 2B (49 Parcels)								
2-Bedroom Units		240	0		0	0	0.0000	2021-08-12
3-Bedroom Units	49	360	17,640	34	12,240	5,400	0.0054	2021-08-12
4-Bedroom Units	2	480	960	1	480	480	0.0005	2021-08-12
PHASE 2B SUBTOTAL	51		18,600	35	12,720	5,880	0.0059	
BLUE TREASURE/PRESTON DEVELOPMENT TOTAL	101		36720	35	12720	24000	0.0240	

CAPACITY ALLOCATED TO BLUE TREASURE (PRESTON DEVELOPMENT): 41,400 GPD (See "BT & FSV Flow Calculations" Worksheet)

USED ALLOCATION FROM COLUMN 4 ABOVE: 36,720 GPD

REMAINING/UNUSED ALLOCATION (TRANSFER TO SHT 1, COLUMN 9): 4,680 GPD

CAPACITY FOR PERMITTED UNITS NOT YET TRIBUTARY FROM COLUMN 6 ABOVE: 24,000 GPD

UNUSED & USED NOT YET TRIBUTARY (TRANSFER TO SHT 1, COLUMN 11): 28,680 GPD

¹ - Allocation is considered used upon issuance of a permit for construction.

² - A unit is considered complete when a Certificate of Occupancy has been issued. The flow from a completed unit is considered part of the flow recorded of the WWTP after the unit has been in operation/occupied for 4 to 12 months. As such, the unit should not be entered as complete unit if it has been occupied for 6 to 12 months.

Beau Coast Subdivision

- Tracked according to pump station basin

Wastewater Treatment Capacity & Allocation Update

WWTP FLOW & CAPACITY DATA						
WWTP Permitted Capacity MGD	Approx Current Avg Daily Flow ¹ MGD	Obligated Not Yet Tributary Daily Flow - This Basin MGD	Current Flow plus Obligated Flow Not Tributary MGD	Available Capacity MGD	Percentage of Capacity Utilized & Allocated	Percentage of Capacity Remaining
1,600	937.9	0.379	1,247	9,297	13%	17%
	58%	23%	← % of Permitted Treatment Capacity			

Prepared by:  Engineering Unit
Town of Beaufort
700 Front Street
Beaufort, NC 28520

Date of this update: August 26, 2023

Systemwide Sewer Capacity Allocations to Projects not yet Complete that are Tributary to the Beaufort WWTP																
1 Development Name	2 Date of Allocation	3 Type Commercial or Residential	4 Estimated Number of Units	5 Allocation per Unit GPD/Unit	6 Allocation GPD	7 Number of Permitted Units	8 = 5 X 7		9 = 6 - 8		10 Number of Completed Units ¹	11 = 9 - (6 X 10)		Date of this Update		
							Used Allocation ² GPD	Obligated Not Yet Used GPD	MGD	Obligated Not Yet Tributary (Not Used & Used but Not Complete) GPD		MGD				
Wastewater Treatment Plant Sub-Basin																
North Piera/North Point Subdivs	2011-08-30	Residential	11	360	3,960	0	0	3,960	0.0040	0	3,960	0.0040		2015-11-12		
Fullfill Health	In process	Commercial	1	12,480	12,480	0	0	12,480	0.0125	0	12,480	0.0125		2021-08-12		
Sewer Pump Station No. 01 Basin																
312-4th Street	N/A	Residential	1	360	360	1	360	0	0.0004	0	360	0.0004		2021-08-12		
Sewer Pump Station No. 04 Basin																
Sea Grove Subdivision (3-Bdrm)	N/A	Residential	27	360	9,720	24	8840	1,080	0.0011	16	3,960	0.0040		2021-08-12		
Sea Grove Subdivision (4-Bdrm)	N/A	Residential	1	480	480	1	480	0	0.0000	1	0	0.0000		2021-08-12		
Sewer Pump Station No. 06 Basin																
Compass Hotel	N/A	Commercial	1	20,200	20,200		0	20,200	0.0202		20,200	0.0202		2018-11-13		
Sewer Pump Station No. 07 Basin																
Town Creek Harbor Subdiv (3-Bdrm)	N/A	Residential	8	480	7,880	7	880	1,820	0.0018	5	1,440	0.0014		2021-08-12		
3115-12 Turner St Upper Townes	N/A	Residential	3	360	1,080	3	1080	0	0.0000	0	1,080	0.0011		2021-08-12		
Sewer Pump Station No. 05 Basin																
The Wye Subdivision (3-Bdrm)	N/A	Residential	20	360	7,200	19	6840	360	0.0004	19	720	0.0007		2021-08-12		
The Wye Subdivision (4-Bdrm)	N/A	Residential	4	480	1,920	3	1440	480	0.0005	3	480	0.0005		2019-11-12		
Lake Oak Common	2020-07-01	Residential	8	480	3,840		0	3,840	0.0038		3,840	0.0038		2020-07-01		
1105 Leavelle RD	N/A	Residential	4	360	1,440	4	1440	0	0.0000		1,440	0.0014		2021-08-12		
Sewer Pump Station No. 10 Basin																
Aqua 10 Subdivision (6-Bdrm)	N/A	Residential	16	480	7,680	1	0	7,680	0.0071		7,680	0.0071		2021-08-12		
Aqua 10 (5-Bdrm ACTUAL)				800		1	800			1				2021-08-12		
Aqua 10 Clubhouse/Docking Facility (per slip)	N/A	Residential	8	10	80		0	80	0.0001		80	0.0001		2018-11-27		
Madame Education Center	Permitted 01-29-2020	Commercial	1	4,280	4,280		0	4,280	0.0043		4,280	0.0043		2020-11-01		
Seachange White Center	Permitted 01-29-2020	Commercial	1	250	250	1	250	0	0.0000		250	0.0003		2020-11-01		
122 West Beaufort Road	Permitted 09-21-2021	Residential	1	360	360		0	360	0.0004		360	0.0004		2021-08-12		
Sewer Pump Station No. 16 Basin																
Palmetto Plantation, Ph 2	N/A	Residential	9	260	3,240	5	1,800	1,440	0.0014	5	1,440	0.0014		2021-08-12		
Sewer Pump Station No. 20 Basin																
North River Club Section 1 (3-Bdrm)	N/A	Residential	101	360	36,360	65	23400	12,960	0.0130	57	15,840	0.0168		2021-08-12		
North River Club Section 1 (4-Bdrm)	N/A	Residential	18	480	8,640	10	4800	3,840	0.0038	10	3,840	0.0038		2018-11-12		
North River Club Section 1 (5-Bdrm)	N/A	Residential	8	800	6,400	5	3000	1,800	0.0018	5	1,800	0.0018		2018-11-12		
North River Club Section 2 (3-Bdrm)	N/A	Residential	68	360	24,480	0	0	24,480	0.0245		24,480	0.0245		2018-11-12		
North River Club Section 2 (4-Bdrm)	N/A	Residential	26	480	12,480	1	480	17,000	0.0120	1	17,000	0.0120		2018-11-12		
North River Club Section 2 (5-Bdrm)	N/A	Residential	10	600	6,000	1	600	5,400	0.0054	1	5,400	0.0054		2018-11-12		

Systemwide Sewer Capacity Allocations to Projects not yet Complete that are Tributary to the Beaufort WWTP														
1 Development Name	2 Date of Allocation	3 Type Commercial or Residential	4 Estimated Number of Units	5 Allocation per Unit GPD/Unit	6 Allocation GPD	7 Number of Permitted Units	8 = 5 X 7		9 = 6 - 8		10 Number of Completed Units ¹	11 = 9 - (6 X 10)		Date of this Update
							Used Allocation ² GPD	Obligated Not Yet Used GPD	MGD	Obligated Not Yet Tributary (Not Used & Used but Not Complete) GPD		MGD		
Sewer Pump Station No. 22 Basin														
Beau Coast Subdivision, Phase 1A, 1B, Future	6/1/2005 11/15/2013	Residential		Allocation by June 2008 & November 2012 agreements; not tied to number of units.	68,774	See attachment	46,480	119,402	0.1185	See "Beau Coast LIS 22 Tracking" Worksheet	121,932	0.1219		2021-08-12
Sewer Pump Station No. 23 Basin														
Beau Coast Subdivision, Phase 2A & 2B	2008-08-04	Residential		Allocation by June 2008 & November 2012 agreements; not tied to number of units.	-1,400	See attachment	66,720	-4,680	0.0047	See "Beau Coast LIS 23 Tracking" Worksheet	28,880	0.0287		2021-08-12
Sewer Pump Station No. 24 Basin														
Front Street Village	8/4/2009 11/16/2013	Mixed Use		Allocation by June 2008 & November 2012 agreements; not tied to number of units.	115,639	See attachment	67,870	66,140	0.0501	See F24 Tracking Worksheet	58,140	0.0501		2021-04-29
Sewer Pump Station No. 28 Basin														
Seaford Shores (2-5Bdm Homes)	2014-09-09	Residential	29	360	10,440	25	9000	1,440	0.0014	25	1,440	0.0014		2021-08-12
Seaford Shores Marina	2014-08-09		1	2,200	2,200	1	2200	0	0.0000	1	0	0.0000		2021-08-12
812 Issac Dr (Bedroom Addition)	N/A	Residential	1	120	120	1	720	0	0.0000		720	0.0001		2021-08-11
204 Issac Drive (Boat)	2011-03-09	Residential	1	360	360	1	360	0	0.0000		360	0.0004		2021-08-12
201 Rusbach Drive (Perry)	2021-03-09	Residential	1	480	480		0	480	0.0005		480	0.0005		2021-08-12
197 Rusbach Drive (Duter)	2021-02-09	Residential	1	480	480	1	480	0	0.0000		480	0.0006		2021-08-12
				TOTAL	444,142		211,008	331,242	0.0012		326,452	0.0365		


Notes:
 MGD means million gallons per day.
 GPD means gallons per day.
 1. The current average daily flow is based upon 12 months of flow data.
 2. Allocation is considered used upon issuance of a permit for construction.
 3. A unit is considered complete when a Certificate of Occupancy has been issued. The flow from a completed unit is considered part of the flow recorded at the WWTP after the unit has been in operation/occupied for 4 to 12 months. As such, this unit should not be entered as complete until it has been occupied for 8 to 12 months.

Other Development

- Tracked on "Summary Sheets"

Wastewater Treatment Capacity & Allocation Update

WWTP FLOW & CAPACITY DATA						
WWTP Permitted Capacity MGD	Approx Current Avg Daily Flow ¹ MGD	Obligated Not Yet Tributary Daily Flow - This Basin MGD	Current Flow <i>plus</i> Obligated Flow Not Tributary MGD	Available Capacity MGD	Percentage of Capacity Utilized & Allocated	Percentage of Capacity Remaining
1.5000	0.9018	0.3385	1.2403	0.2597	83%	17%
60% 23% ← % of Permitted Treatment Capacity						

Prepared by:  Engineering Unit
Town of Beaufort
201 Front Street
Beaufort, NC 28520

Date of this update: August 20, 2021

Systemwide Sewer Capacity Allocations to Projects not yet Complete that are Tributary to the Beaufort WWTP											
1	2	3	4	5	6	7	8 = 6 X 7	9 = 8 - 8	10	11 = 9 - (6 X 10)	12
Development Name	Date of Allocation	Type Commercial or	Estimated Number of Units	Allocation per Unit	Allocation	Number of Permitted Units	Used Allocation ¹	Obligated Not Yet Used	Number of Completed	Obligated Not Yet Tributary (Not Used & Used but Not Complete)	Date of this Update

WWTP FLOW & CAPACITY DATA						
WWTP Permitted Capacity MGD	Approx Current Avg Daily Flow ¹ MGD	Obligated Not Yet Tributary Daily Flow - This Basin MGD	Current Flow <i>plus</i> Obligated Flow Not Tributary MGD	Available Capacity MGD	Percentage of Capacity Utilized & Allocated	Percentage of Capacity Remaining
1.5000	0.9018	0.3385	1.2403	0.2597	83%	17%

60% 23% ← % of Permitted Treatment Capacity

Sewer Pump Station No. 16 Basin													
Palmato Plantation, Ph 2	N/A	Residential	9	380	3,240	5	1800	1,440	0.0014	5	1,440	0.0014	2021-08-12
Sewer Pump Station No. 20 Basin													
North River Club Section 1 (3-Bdrm)	N/A	Residential	101	360	36,360	95	23400	12,360	0.0190	51	15,940	0.0155	2021-08-12
North River Club Section 1 (4-Bdrm)	N/A	Residential	19	480	8,640	10	4800	3,840	0.0036	10	3,840	0.0036	2019-11-12
North River Club Section 1 (5-Bdrm)	N/A	Residential	5	800	4,000	5	3000	1,800	0.0019	5	1,800	0.0019	2019-11-12
North River Club Section 2 (3-Bdrm)	N/A	Residential	89	360	24,480	0	0	24,480	0.0245	0	24,480	0.0245	2019-11-12
North River Club Section 2 (4-Bdrm)	N/A	Residential	26	480	12,480	1	480	12,000	0.0120	1	12,000	0.0120	2019-11-12
North River Club Section 2 (5-Bdrm)	N/A	Residential	10	800	8,000	1	800	5,400	0.0054	1	5,400	0.0054	2019-11-12

Table Continued on next page

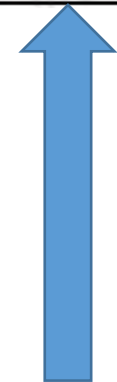
Wastewater Treatment Capacity & Allocation Update

WWTP FLOW & CAPACITY DATA						
WWTP Permitted Capacity MGD	Approx Current Avg Daily Flow ¹ MGD	Obligated Not Yet Tributary Daily Flow - This Basin MGD	Current Flow plus Obligated Flow Not Tributary MGD	Available Capacity MGD	Percentage of Capacity Utilized & Allocated	Percentage of Capacity Remaining
1.5000	0.9018	0.3385	1.2403	0.2597	83%	17%

Computed from actual inflow data



Allocation not yet "converted" to actual flow



From construction tracking tables



Wastewater Treatment Capacity & Allocation Update

Actual Flow to the WWTP

WWTP FLOW & CAPACITY DATA						
WWTP Permitted Capacity MGD	Approx Current Avg Daily Flow ¹ MGD	Obligated Not Yet Tributary Daily Flow - This Basin MGD	Current Flow <i>plus</i> Obligated Flow Not Tributary MGD	Available Capacity MGD	Percentage of Capacity Utilized & Allocated	Percentage of Capacity Remaining
1.5000	0.9018	0.3385	1.2403	0.2597	83%	17%

60%

23%

← % of Permitted Treatment Capacity

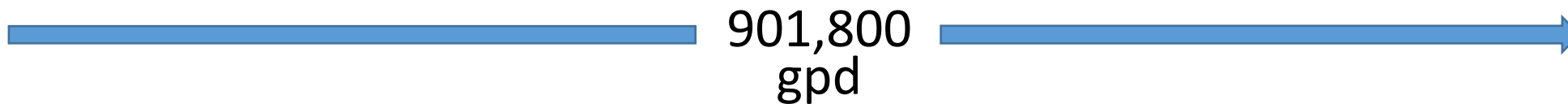
901,800 gallons per day

Wastewater Treatment Capacity & Allocation Update

Actual Flow to the WWTP

WWTP FLOW & CAPACITY DATA						
WWTP Permitted Capacity MGD	Approx Current Avg Daily Flow ¹ MGD	Obligated Not Yet Tributary Daily Flow - This Basin MGD	Current Flow <i>plus</i> Obligated Flow Not Tributary MGD	Available Capacity MGD	Percentage of Capacity Utilized & Allocated	Percentage of Capacity Remaining
1.5000	0.9018	0.3385	1.2403	0.2597	83%	17%
	60%	23%	← % of Permitted Treatment Capacity			

901,800 gallons per day

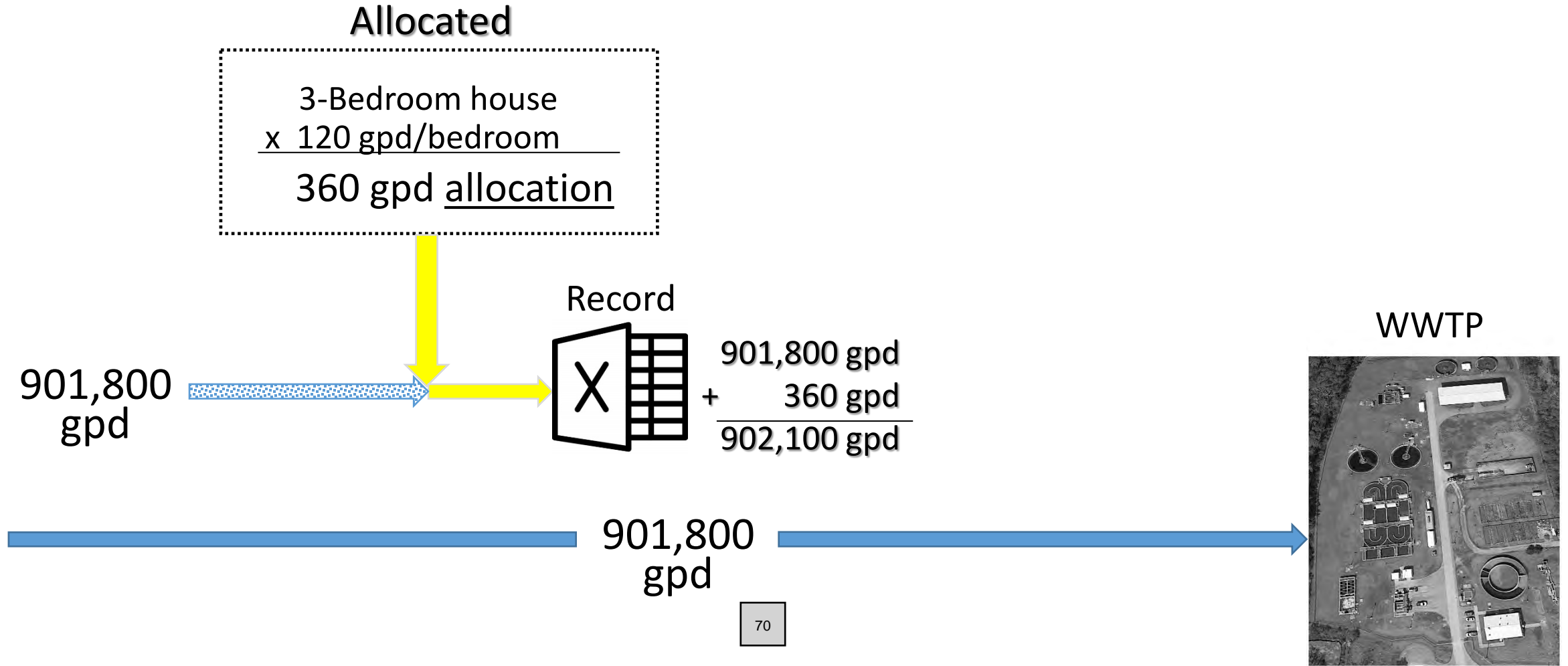


WWTP



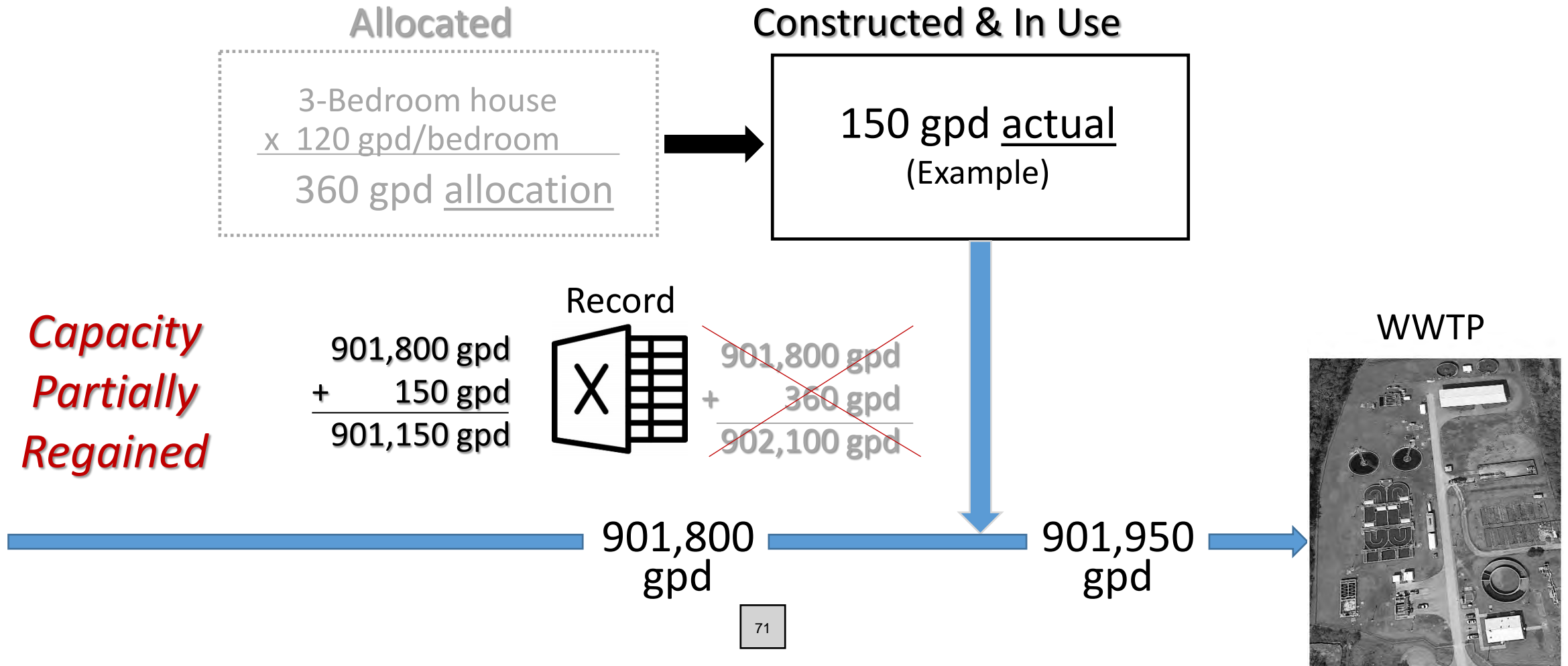
Wastewater Treatment Capacity & Allocation Update

Actual Flow vs. Allocation



Wastewater Treatment Capacity & Allocation Update

Allocation conversion to Actual



Wastewater Treatment Capacity & Allocation Update

Current Unused Allocation

WWTP FLOW & CAPACITY DATA						
WWTP Permitted Capacity MGD	Approx Current Avg Daily Flow ¹ MGD	Obligated Not Yet Tributary Daily Flow - This Basin MGD	Current Flow <i>plus</i> Obligated Flow Not Tributary MGD	Available Capacity MGD	Percentage of Capacity Utilized & Allocated	Percentage of Capacity Remaining
1.5000	0.9018	0.3385	1.2403	0.2597	83%	17%

80%

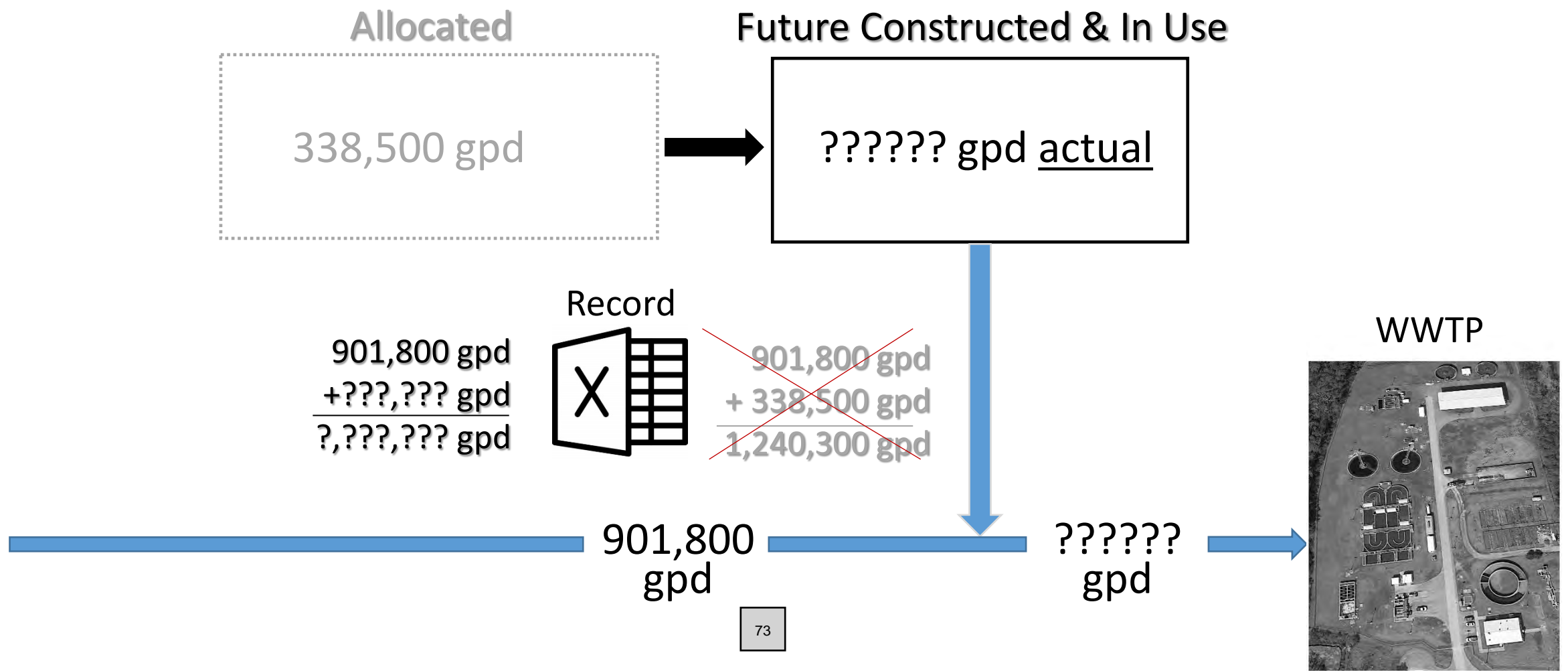
23%

← % of Permitted Treatment Capacity

338,500 gallons per day

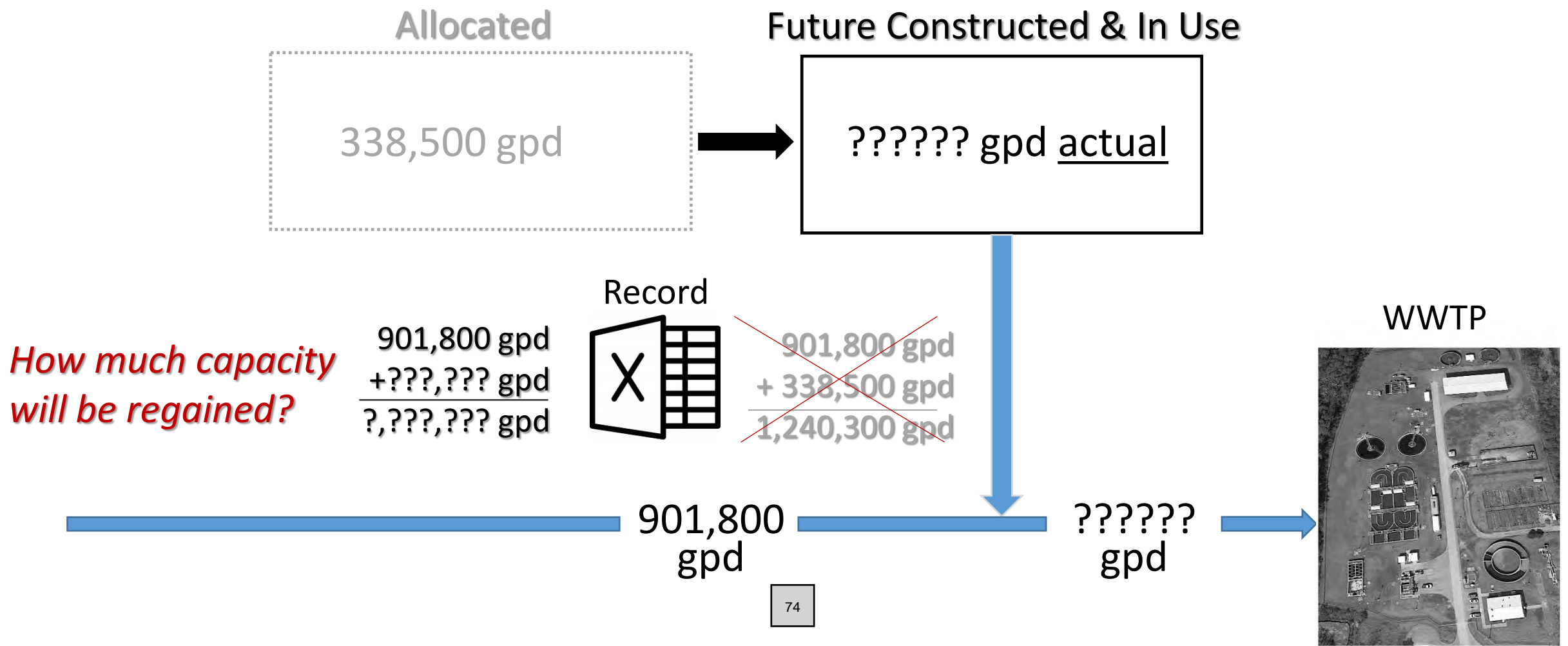
Wastewater Treatment Capacity & Allocation Update

Future conversion of Allocation to Actual



Wastewater Treatment Capacity & Allocation Update

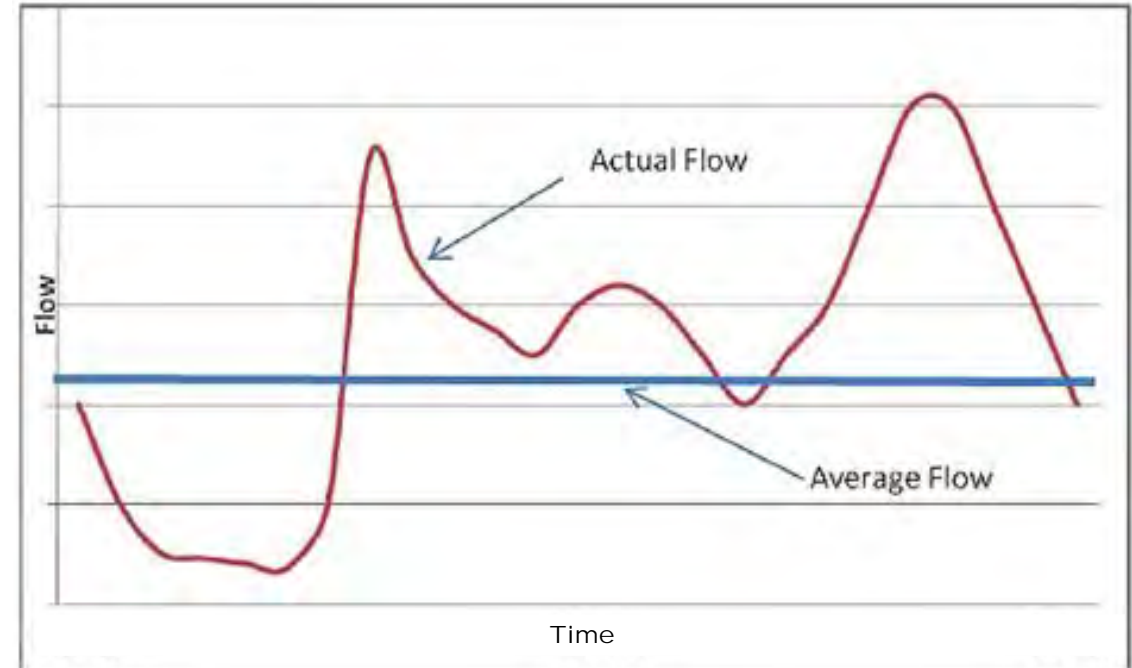
Future conversion of Allocation to Actual



Wastewater Treatment Capacity & Allocation Update

Regulatory Considerations

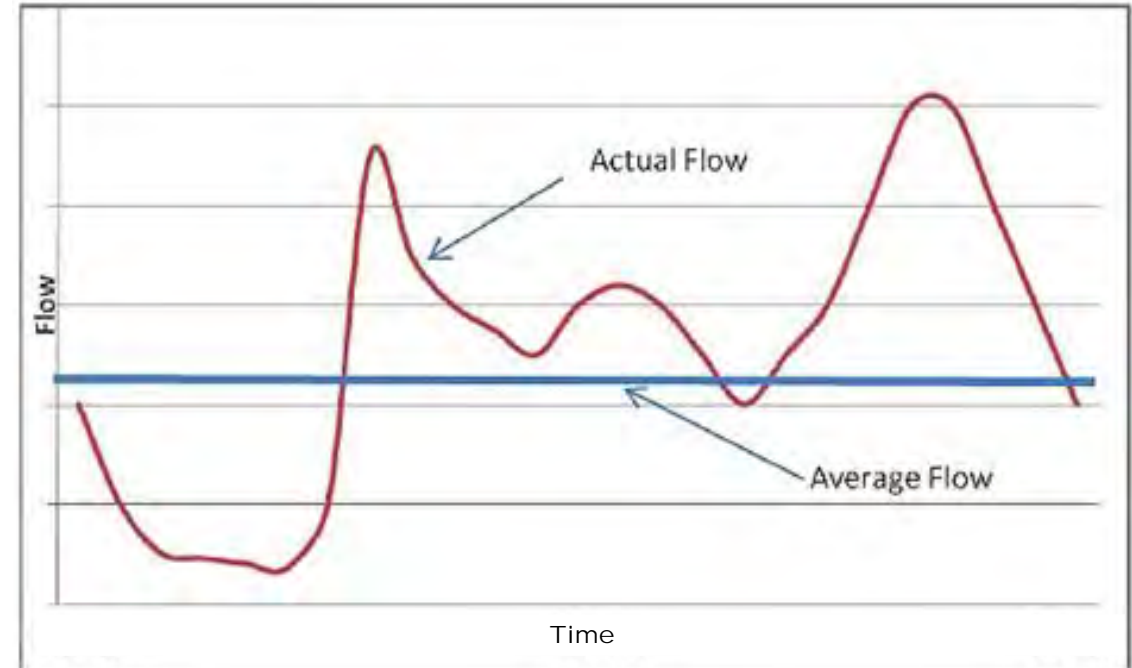
- Regulatory “Triggers”
 - Based on actual flows
 - Average of flow for a year
 - Actual vs. permitted average daily flow (ADF)



Wastewater Treatment Capacity & Allocation Update

Regulatory Triggers

- 80 percent of ADF
- 90 percent of ADF



Wastewater Treatment Capacity & Allocation Update

The 80 percent rule

- Prior to exceeding 80 percent of ADF
 - Engineering evaluation
 - > Project future needs
 - > Outline plans for meeting needs
 - Expansion?
 - Extraneous flow reduction?
 - Conservation?
 - > Identify funding source



Wastewater Treatment Capacity & Allocation Update

The 90 percent rule


- Prior to exceeding 90 percent of ADF
 - Final plans & specifications
 - Obtain all permits



Wastewater Treatment Capacity & Allocation Update

Regulatory Consideration

- Exceeding 80 percent ADF
 - Sewer allocations
 - > NC DEQ approvals required

 **TOWN OF Beaufort**
Public Services Department
701 Front Street, Beaufort, NC 28516
P.O. Box 390, Beaufort, NC 28516
Phone: 252-728-2141

WASTEWATER ALLOCATION REQUEST

The Town of Beaufort, in an effort to manage and maintain the sewer and water capacity for the Town, requires that this application be completed and submitted to the Town for consideration of a utility allocation. Review fee is due upon submittal of request.

Wastewater Allocation Request Review Fee: \$50

SITE INFORMATION

Name of Project: _____ Acreage of Property: _____
County Tag Number: *N/A* NC PIN: _____
Address/Location: _____
Zoning District: _____
Location Status: Town Limits Existing Out-of-Town Service Area
 Out-of-Town Service Approval/Agreement

APPLICANT INFORMATION

Applicant: _____
Mailing Address: _____
Phone Number: _____ Fax: _____
Contact Person: _____
Email Address: _____

PROPERTY OWNER INFORMATION

Name: _____
Mailing Address: _____
Phone Number: _____ Fax: _____
Email Address: _____

FOR OFFICE USE ONLY

Date Received: _____ File Number/Name: _____

January 2021 Page 1 of 6

Wastewater Treatment Capacity & Allocation Update

WWTP FLOW & CAPACITY DATA						
WWTP Permitted Capacity MGD	Approx Current Avg Daily Flow MGD	Obligated Not Yet Tributary Daily Flow - This Basin MGD	Current Flow plus Obligated Flow Not Tributary MGD	Available Capacity MGD	Percentage of Capacity Utilized & Allocated	Percentage of Capacity Remaining
1.6000	0.8918	0.3305	1.2403	0.2597	83%	17%

Prepared by: 

Date of this update: August 20, 2021


60% 23% ← % of Permitted Treatment Capacity

Systemwide Sewer Capacity Allocations to Projects not yet Complete that are Tributary to the Beaufort WWTP													
1 Development Name	2 Date of Allocation	3 Type Commercial or Residential	4 Estimated Number of Units	5 Allocation per Unit GPD/Unit	6 Allocation GPD	7 Number of Permitted Units	8 = 5 X 7 Used Allocation* GPD	9 = 6 - 8		10 Number of Completed Units*	11 = 6 - (5 X 10)		Date of this Update
								Obligated Not Yet Used GPD	MGD		Obligated Not Yet Tributary (Not Used & Used but Not Complete) GPD	MGD	
Wastewater Treatment Plant Sub-basin													
North Pines/North Point Subdivs	2017-08-23	Residential	11	360	3,960	0	0	3,960	0.0040	0	3,960	0.0040	2018-11-12
Pfaff Health	In process	Commercial	1	12,480	12,480	0	0	12,480	0.0125		12,480	0.0125	2021-08-12
Sewer Pump Station No. 01 Basin													
812 Ann Street	N/A	Residential	1	360	360	1	360	0	0.0000		360	0.0004	2021-08-12
Sewer Pump Station No. 04 Basin													
Six Grove Subdivision (3-Bdrm)	N/A	Residential	27	360	9,720	24	8,640	1,080	0.0011	16	3,960	0.0040	2021-08-12
Six Grove Subdivision (4-Bdrm)	N/A	Residential	1	480	480	1	480	0	0.0000	1	0	0.0000	2021-08-12
Sewer Pump Station No. 06 Basin													
Compass Hotel	N/A	Commercial	1	20,200	20,200	0	0	20,200	0.0202		20,200	0.0202	2018-11-13
Sewer Pump Station No. 07 Basin													
Tawn Creek Harbor Subdiv (3-Bdrm)	N/A	Residential	8	480	7,680	7	960	1,520	0.0018	3	1,440	0.0014	2021-08-12
5115/13 Turner St Triplex Townhms	N/A	Residential	3	360	1,080	3	1,080	0	0.0000	0	1,080	0.0011	2021-09-12
Sewer Pump Station No. 08 Basin													
The Wye Subdivision (3-Bdrm)	N/A	Residential	20	360	7,200	19	6,840	360	0.0004	19	720	0.0007	2021-08-12
The Wye Subdivision (4-Bdrm)	N/A	Residential	4	480	1,920	3	1,440	480	0.0005	3	480	0.0005	2018-11-12
Live Oak Commons	2020-07-01	Residential	8	480	3,840	0	0	3,840	0.0038		3,840	0.0038	2020-07-01
1205 Leonoxville RD	N/A	Residential	4	360	1,440	4	1,440	0	0.0000		1,440	0.0014	2021-08-12
Sewer Pump Station No. 10 Basin													
Agua 10 Subdivision (8-Bdrm)	N/A	Residential	16	480	7,680	0	0	7,680	0.0071		7,680	0.0071	2021-08-12
Agua 10 (5-Bdrm ACTUAL)				600		1	600			1			2021-08-12
Agua 10 Clubhouse/Docking Facility (per stip)	N/A	Residential	9	90	810	0	0	810	0.0001		810	0.0001	2019-11-27
Middle Education Center	Permitted 01-23-2020	Commercial	1	4,260	4,260	0	0	4,260	0.0043		4,260	0.0043	2020-11-01
Bonehenge Whale Center	Permitted 01-23-2020	Commercial	1	250	250	1	250	0	0.0000		250	0.0003	2020-11-01
423 West Beaufort Road	Permitted 05-21-2021	Residential	1	360	360	0	0	360	0.0004		360	0.0004	2021-08-12
Sewer Pump Station No. 16 Basin													
Palmetto Plantation, Ph 2	N/A	Residential	9	360	3,240	5	1,800	1,440	0.0014	5	1,440	0.0014	2021-08-12
Sewer Pump Station No. 20 Basin													
North River Club Section 1 (3-Bdrm)	N/A	Residential	181	360	65,360	65	23,400	12,960	0.0130	57	15,840	0.0158	2021-08-12
North River Club Section 1 (4-Bdrm)	N/A	Residential	18	480	8,640	10	4,800	3,840	0.0038	10	3,840	0.0038	2019-11-12
North River Club Section 1 (5-Bdrm)	N/A	Residential	8	800	4,800	5	3,000	1,800	0.0019	5	1,800	0.0019	2018-11-12
North River Club Section 2 (3-Bdrm)	N/A	Residential	68	360	24,480	0	0	24,480	0.0245		24,480	0.0245	2018-11-12
North River Club Section 2 (4-Bdrm)	N/A	Residential	26	480	12,480	1	480	12,000	0.0120	1	12,000	0.0120	2018-11-12
North River Club Section 2 (5-Bdrm)	N/A	Residential	10	600	6,000	1	600	5,400	0.0054	1	5,400	0.0054	2019-11-12

Table Continued on next page

Wastewater Treatment Capacity & Allocation Update

WWTP FLOW & CAPACITY DATA						
WWTP Permitted Capacity MGD	Approx Current Avg Daily Flow ¹ MGD	Obligated Not Yet Tributary Daily Flow - This Basin MGD	Current Flow plus Obligated Flow Not Tributary MGD	Available Capacity MGD	Percentage of Capacity Utilized & Allocated	Percentage of Capacity Remaining
1.5000	0.9018	0.3395	1.2403	0.2597	83%	17%

Prepared by:  Engineering Unit
Town of Beaufort
701 Pricat Street
Beaufort, NC 28524

Date of this update: August 20, 2024

60% ← % of Permitted Treatment Capacity

Systemwide Sewer Capacity Allocations to Projects not yet Complete that are Tributary to the Beaufort WWTP											
1	2	3	4	5	6	7	8 = 6 X 7	9 = 8 - 8	10	11 = 9 - (6 X 10)	12
Development Name	Date of Allocation	Type Commercial or	Estimated Number of Units	Allocation per Unit	Allocation	Number of Permitted Units	Used Allocation ¹	Obligated Not Yet Used	Number of Completed	Obligated Not Yet Tributary (Not Used & Used but Not Complete)	Date of this Update

WWTP FLOW & CAPACITY DATA	
WWTP Permitted Capacity MGD	Approx Current Avg Daily Flow ¹ MGD
1.5000	0.9018

60% ← % of Permitted Treatment Capacity

Sewer Pump Station No. 16 Basin														
Palmato Plantation, Ph 2	N/A	Res	0	380	3,240	5	1800	1,440	0.0014	5	1,440	0.0014	2021-08-12	
Sewer Pump Station No. 20 Basin														
North River Club Section 1 (3-Bdrm)	N/A	Res	101	360	36,360	95	23400	12,360	0.0190	51	15,940	0.0158	2021-08-12	
North River Club Section 1 (4-Bdrm)	N/A	Res	19	480	8,640	10	4800	3,840	0.0036	10	3,840	0.0036	2019-11-12	
North River Club Section 1 (5-Bdrm)	N/A	Res	5	600	4,600	5	3000	1,800	0.0018	5	1,800	0.0018	2019-11-12	
North River Club Section 2 (3-Bdrm)	N/A	Res	89	360	24,480	0	0	24,480	0.0245	0	24,480	0.0245	2019-11-12	
North River Club Section 2 (4-Bdrm)	N/A	Res	26	480	12,480	1	480	12,000	0.0120	1	12,000	0.0120	2019-11-12	
North River Club Section 2 (5-Bdrm)	N/A	Res	10	600	6,000	1	600	5,400	0.0054	1	5,400	0.0054	2019-11-12	


Table Continued on next page

60% ← % of Permitted Treatment Capacity

60 percent actual vs. 80 percent trigger

Wastewater Treatment Capacity & Allocation Update

WWTP FLOW & CAPACITY DATA						
WWTP Permitted Capacity MGD	Approx Current Avg Daily Flow ¹ MGD	Obligated Not Yet Tributary Daily Flow - This Basin MGD	Current Flow plus Obligated Flow Not Tributary MGD	Available Capacity MGD	Percentage of Capacity Utilized & Allocated	Percentage of Capacity Remaining
1.5000	0.9018	0.3395	1.2403	0.2597	83%	17%

Prepared by:  Engineering Unit
Town of Beaufort
704 Front Street
Beaufort, NC 28524

Date of this update: August 20, 2024

60% ← % of Permitted Treatment Capacity

Systemwide Sewer Capacity Allocations to Projects not yet Complete that are Tributary to the Beaufort WWTP											
1	2	3	4	5	6	7	8=6 X 7	9=8-8	10	11=9 - (6 X 10)	12
Development Name	Date of Allocation	Type Commercial or	Estimated Number of Units	Allocation per Unit	Allocation	Number of Permitted Units	Used Allocation ¹	Obligated Not Yet Used	Number of Completed	Obligated Not Yet Tributary (Not Used & Used but Not Complete)	Date of this Update

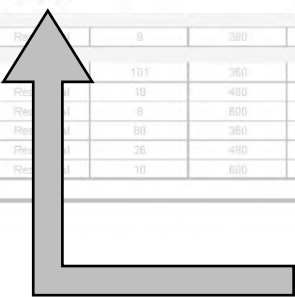
WWTP FLOW & CAPACITY DATA	
WWTP Permitted Capacity MGD	Approx Current Avg Daily Flow ¹ MGD
1.5000	0.9018

60% ← % of Permitted Treatment Capacity

Sewer Pump Station No. 16 Basin													
Palmato Plantation, Ph 2	N/A	Res	0	380	3,240	5	1800	1,440	0.0014	5	1,440	0.0014	2021-08-12
Sewer Pump Station No. 20 Basin													
North River Club Section 1 (3-Bdrm)	N/A	Res	101	360	36,360	95	23400	12,360	0.0190	51	15,940	0.0158	2021-08-12
North River Club Section 1 (4-Bdrm)	N/A	Res	19	480	8,640	10	4800	3,840	0.0036	10	3,840	0.0036	2019-11-12
North River Club Section 1 (5-Bdrm)	N/A	Res	5	600	4,600	5	3000	1,800	0.0016	5	1,800	0.0016	2019-11-12
North River Club Section 2 (3-Bdrm)	N/A	Res	89	360	24,480	0	0	24,480	0.0245	0	24,480	0.0245	2019-11-12
North River Club Section 2 (4-Bdrm)	N/A	Res	26	480	12,480	1	480	12,000	0.0120	1	12,000	0.0120	2019-11-12
North River Club Section 2 (5-Bdrm)	N/A	Res	10	600	6,000	1	600	5,400	0.0054	1	5,400	0.0054	2019-11-12

Table Continued on next page

60% ← % of Permitted Treatment Capacity




60 percent actual vs. 80 percent trigger

Not too bad!

Wastewater Treatment Capacity & Allocation Update

WWTP FLOW & CAPACITY DATA						
WWTP Permitted Capacity MGD	Approx Current Avg Daily Flow ¹ MGD	Obligated Not Yet Tributary Daily Flow - This Basin MGD	Current Flow <i>plus</i> Obligated Flow Not Tributary MGD	Available Capacity MGD	Percentage of Capacity Utilized & Allocated	Percentage of Capacity Remaining
1.5000	0.9018	0.3385	1.2403	0.2597	83%	17%

Prepared by:  Engineering Unit
Town of Beaufort
204 Front Street
Beaufort, NC 28520

Date of this update: August 20, 2025

60% 23% ← % of Permitted Treatment Capacity

Systemwide Sewer Capacity Allocations to Projects not yet Complete that are Tributary to the Beaufort WWTP											
1	2	3	4	5	6	7	8 = 6 X 7	9 = 8 - 8	10	11 = 9 - (6 X 10)	12
Development Name	Date of Allocation	Type Commercial or	Estimated Number of Units	Allocation per Unit	Allocation	Number of Permitted Units	Used Allocation ¹	Obligated Not Yet Used	Number of Completed	Obligated Not Yet Tributary (Not Used & Used but Not Complete)	Date of this Update

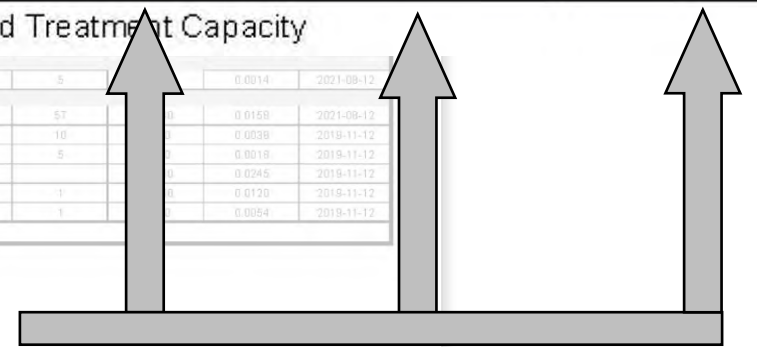
WWTP FLOW & CAPACITY DATA						
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1.5000	0.9018	0.3385	1.2403	0.2597	83%	17%

60% 23% ← % of Permitted Treatment Capacity

Sewer Pump Station No. 16 Basin												
Palmato Plantation, Ph 2	N/A	Residential	0	380	3,240	5	1800	1,440	0.0014	5	0.0014	2021-08-12
Sewer Pump Station No. 20 Basin												
North River Club Section 1 (3-Bdrm)	N/A	Residential	101	360	36,360	95	23400	12,360	0.0190	51	0.0158	2021-08-12
North River Club Section 1 (4-Bdrm)	N/A	Residential	19	480	8,640	10	4800	3,840	0.0036	10	0.0036	2019-11-12
North River Club Section 1 (5-Bdrm)	N/A	Residential	5	600	4,800	5	3000	1,800	0.0015	5	0.0015	2019-11-12
North River Club Section 2 (3-Bdrm)	N/A	Residential	89	360	24,480	0	0	24,480	0.0245	0	0.0245	2019-11-12
North River Club Section 2 (4-Bdrm)	N/A	Residential	26	480	12,480	1	480	12,000	0.0120	1	0.0120	2019-11-12
North River Club Section 2 (5-Bdrm)	N/A	Residential	10	600	6,000	1	600	5,400	0.0054	1	0.0054	2019-11-12

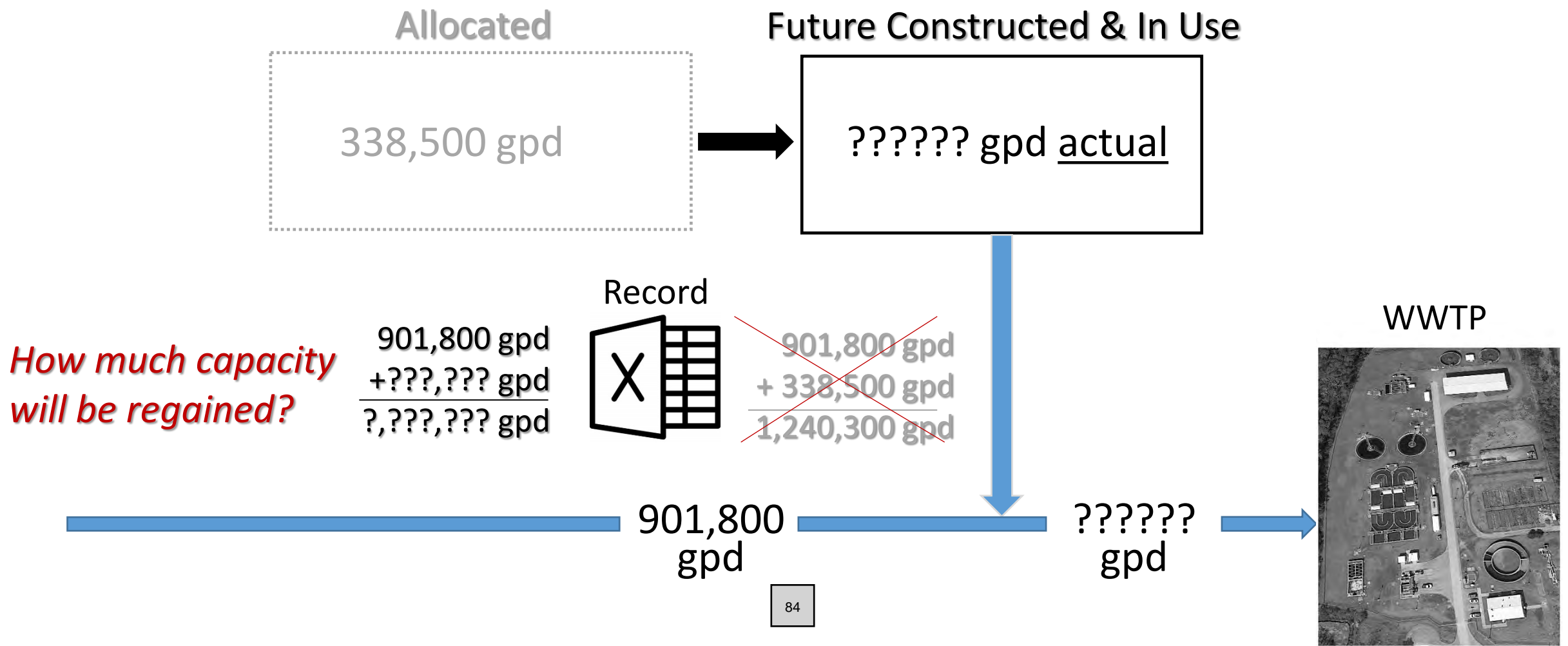
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Should we be concerned?



Wastewater Treatment Capacity & Allocation Update

Future conversion of Allocation to Actual



Wastewater Treatment Capacity & Allocation Update

Current Opinion

- Regulatory stipulated design flows are conservative

(b) In determining the volume of sewage from dwelling units, the flow rate shall be 120 gallons per day per bedroom. The minimum volume of sewage from each dwelling unit shall be 240 gallons per day and each additional bedroom above two bedrooms shall increase the volume by 120 gallons per day. Each bedroom or any other room or addition that can function as a bedroom shall be considered a bedroom for design purposes. When the occupancy of a dwelling unit exceeds two persons per bedroom, the volume of sewage shall be determined by the maximum occupancy at a rate of 60 gallons per person per day.

Wastewater Treatment Capacity & Allocation Update

Current Opinion

- Regulatory stipulated design flows are conservative
- 90 to 95 percent capacity = 80_± percent actual (based upon current day flows & allocations)
- 1.350 to 1.425 MGD
 - 109,700 to 184,700 gpd above currently allocated
 - 304 to 513 single family homes (3-bedroom)

Wastewater Treatment Capacity & Allocation Update

On the Horizon

- Wastewater Design Flow Study
 - More accurate design flow
 - > Better capacity utilization forecasting

(e) The Director may determine that a disposal system shall not be deemed to be permitted in accordance with this Rule or other Permitted By Regulation rules in this Subchapter and require the disposal system to obtain an individual permit or a certificate of coverage under a general permit. This determination shall be made based on existing or projected environmental impacts, compliance with the provisions of this Rule or other Permitted By Regulation rules in this Subchapter, and the compliance history of the facility owner.

History Note: Authority G.S. 130A-300; 143-215.1(a)(1); 143-215.1(b)(4)(e); 143-215.3(a); Eff. September 1, 2006; Amended Eff. March 19, 2015; June 18, 2011; Readopted Eff. September 1, 2018.

15A NCAC 02T .0114 WASTEWATER DESIGN FLOW RATES

(a) This Rule shall be used to determine wastewater flow rates for all systems governed by this Subchapter unless alternate criteria are provided by a program-specific rule or for flow used for the purposes of 15A NCAC 02H .0105. Higher flow rates shall be required where usage and occupancy are atypical, including those in Paragraph (e) of this Rule. Wastewater flow calculations shall take hours of operation and anticipated maximum occupancies and usage into account when calculating peak flows for design.

(b) In determining the volume of sewage from dwelling units, the flow rate shall be 120 gallons per day per bedroom. The minimum volume of sewage from each dwelling unit shall be 240 gallons per day and each additional bedroom above two bedrooms shall increase the volume by 120 gallons per day. Each bedroom or any other room or addition that can function as a bedroom shall be considered a bedroom for design purposes. When the occupancy of a dwelling unit exceeds two persons per bedroom, the volume of sewage shall be determined by the maximum occupancy at a rate of 60 gallons per person per day.

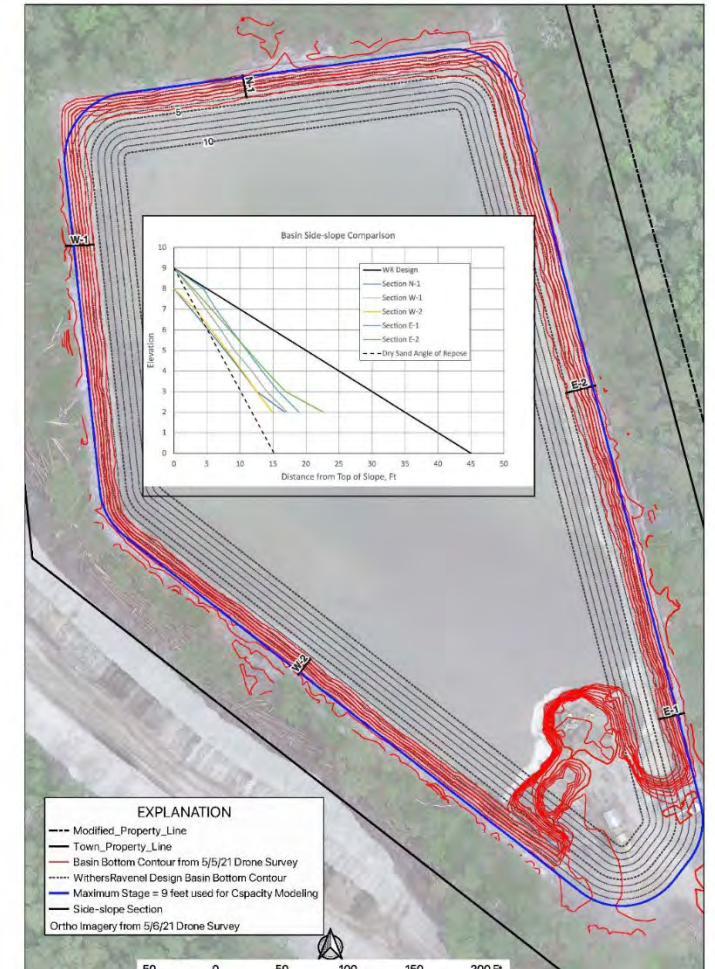
(c) The following table shall be used to determine the minimum allowable design daily flow of wastewater facilities. Design flow rates for establishments not identified below shall be determined using available flow data, water-using fixtures, occupancy or operation patterns, and other measured data.

Type of Establishments	Daily Flow For Design
Barber and beauty shops	
Barber Shops	50 gal/chair
Beauty Shops	125 gal/booth or bowl
Businesses, offices and factories	
General business and office facilities	25 gal/employee/shift
Factories, excluding industrial waste	25 gal/employee/shift
Factories or businesses with showers or food preparation	35 gal/employee/shift
Warehouse	100 gal/loading bay
Warehouse -- self storage (not including caretaker residence)	1 gal/unit
Churches	
Churches without kitchens, day care or camps	3 gal/seat
Churches with kitchen	5 gal/seat
Churches providing day care or camps	25 gal/person (child & employee)
Fire, rescue and emergency response facilities	
Fire or rescue stations without on-site staff	25 gal/person
Fire or rescue stations with on-site staff	50 gal/person/shift
Food and drink facilities	
Banquet, dining hall	30 gal/seat
Bars, cocktail lounges	20 gal/seat
Caterers	50 gal/100 sq ft floor space
Restaurant, full service	40 gal/seat
Restaurant, single service articles	20 gal/seat
Restaurant, drive-in	50 gal/car space
Restaurant, carry out only	50 gal/100 sq ft floor space
Institutions, dining halls	5 gal/meal
Deli	40 gal/100 sq ft floor space
Bakery	10 gal/100 sq ft floor space
Meat department, butcher shop or fish market	75 gal/100 sq ft floor space

Wastewater Treatment Capacity & Allocation Update

On the Horizon

- Wastewater Design Flow Study
 - More accurate design flow
 - > Better capacity utilization forecasting
- High-rate infiltration basin (HRIB)
 - 350,000 gpd added capacity
 - Basin design & permitting in-progress
 - WWTP design complete
 - > Re-permitting likely
 - > WWTP to HRIB discharge line design needed



Wastewater Treatment Capacity & Allocation Update

Bottom Line

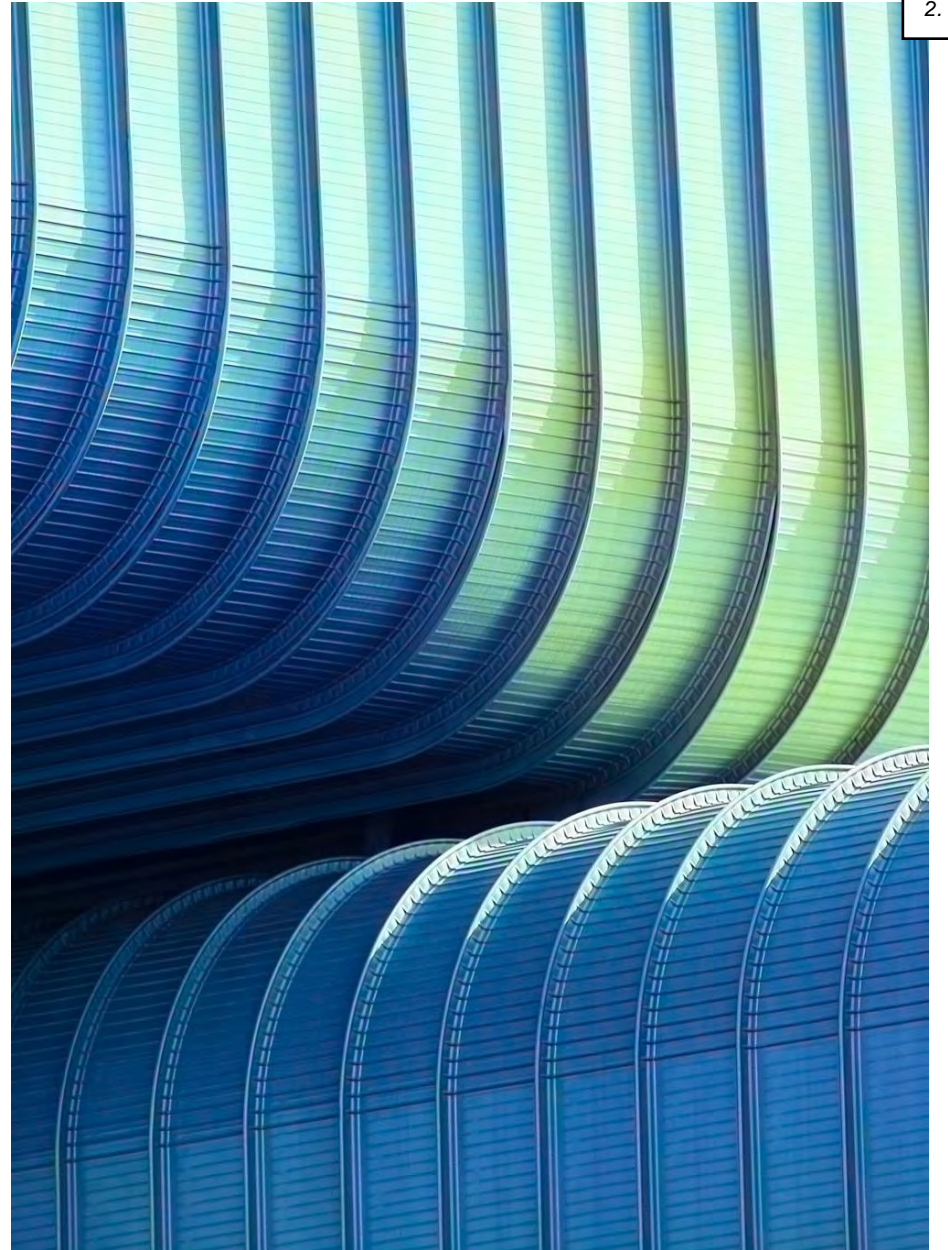
- Not yet time to hit panic button
- Keep pressing forward with HRIB-related work
- Remain vigilant
- Master plan

Wastewater Treatment Capacity & Allocation Update



QUESTIONS?

COMMENTS?





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
Virtual Regular Meeting
6:00 PM – Monday, Nov. 8, 2021**

AGENDA CATEGORY: Items for Discussion and Consideration
SUBJECT: BDA Christmas Parade

REQUESTED ACTION: The Beaufort Development Association is requesting to host the annual Christmas Parade at 1 p.m. Saturday, Dec. 4 throughout downtown Beaufort. Activities will line up on Front Street east of Marsh Street. The requested parade route is along Front Street to Turner Street ending at the County courthouse (traditional parade route).

The event requires BOC approval due to the street closure. In past years, the Town has agreed to partner with the BDA to keep their expense of conducting a parade low. The Town supplies 12-14 staff members working overtime to ensure the parade is conducted safely. Town staff and members of the Beaufort Police Department block roadways during the parade.

EXPECTED LENGTH OF PRESENTATION:

5 minutes

SUBMITTED BY:

Rachel Johnson, Event Coordinator

BUDGET AMENDMENT REQUIRED: No

REQUESTED ACTION: Approve or Deny the request

Date Application Received:

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: 2021 CHRISTMAS PARADE

Location of Event Site: FRONT STREET TO TURNER STREET

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

Run by: BEAUFORT DEVELOPMENT ASSOC

Applicant (Organizer) Name: SUSAN SANDERS Contact # 252 241 4485

Day of Event Contact #: " Email: susanrsanders@gmail.com

Type of Event:

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

- Music Event
- Other _____

Actual Event Date(s): SATURDAY, DEC 4 Time of Event: 1 PM

Set-Up Date: 12/4 Start Time: 11am

Tear Down Date: 12/4 End Time: 4pm

Estimated Attendance: _____ Admission Fees: FREE

Event Description:
 CHRISTMAS PARADE STARTS @ GORDON & FRONT STREETS
 TURNS AT TURNER STREET AND ENDS AT COURT HOUSE

ORGANIZER/APPLICANT INFORMATION

Name of Organization: BEAUFORT DEVELOPMENT ASSOC

Primary Contact Person: SUSAN SANDERS

Mailing Address: PO Box 56 BEAUFORT NC 28516

Email: info@beaufortnc.com

Daytime Phone #: 252-241-4485 Cell Phone #: 252-241-4485

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)

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.

NONE

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 X 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 Arundel Sanders (Applicant's Signature)

ROAD CLOSURES

Does your event require a road closure? ___ YES ___ NO X "SORT OF"

Please provide specifics below:

Road	Set-Up Time	Event Start Time	Finish Time	Tear Down Time
SEE SITE PLAN - ALL	ROADS "T"ing INTO FRONT STREET			
WILL BE CLOSED DURING	PARADE AND THEN RE-OPENED			
AS SOON AS	PARADE IS OVER			

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.

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: GORPON AND EAST ON FRUIT Time: 11:30 AM

Parade Dismissal Area: TURNER AND BROAD Time: ABOUT 2:30

Parade Start Time: 1 PM

EMERGENCY MANAGEMENT

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

Designated Emergency personal/liaison (onsite): _____

Cell #: _____ Other Contact: _____

How will your event staff react to severe weather?

CANCEL EVENT

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)

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 - IF NOT APPROPRIATE, EVENT WILL CANCEL

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

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.

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 X 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 *Susan R Sanders*, on behalf of *BDA*, 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 *Susan R Sanders* Date *10/21/21*

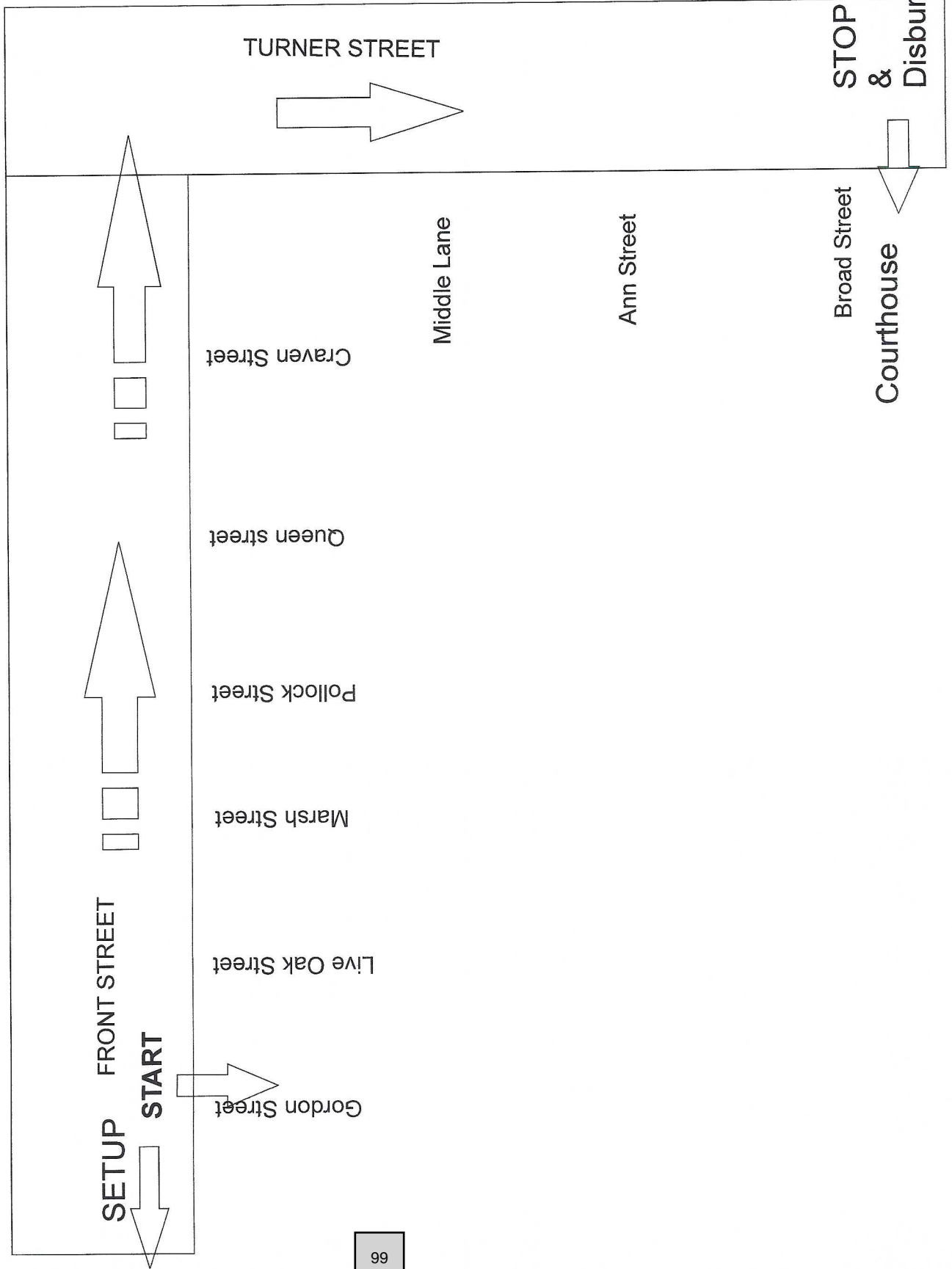
Internal Use Only

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: _____

2021 PARADE ROUTE





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
Virtual Regular Meeting
6:00 PM – Monday, Nov. 8, 2021**

AGENDA CATEGORY: Items for Discussion and Consideration
SUBJECT: Capital Project Ordinances - American Rescue Plan Act
BRIEF SUMMARY:

Capital Project Funds are created for projects that are going to take more than one fiscal year to complete. Once the ordinance is adopted amendments can be made to the project as needed. Capital Project Funds last for the life of the project and do not terminate at the end of each fiscal year.

- Two Capital Project Ordinances are attached for approval.
1. American Rescue Plan Act- Stormwater and Equipment \$178,841.02
 2. American Rescue Plan Act- Utilities \$1,240,000

As approved in the FY 2022 Budget, the ARP Funding will be used for Stormwater work (\$60K), Water Treatment Plant Site Evaluation and Purchase (\$500K) and Sewer Pump Station #7 in FY 22/FY23 (\$740K). Additionally, the Board has requested the upgrade of the audio-visual equipment at the Train Depot to allow for hybrid meetings (\$20K). The Town will receive two distributions of funds totaling \$1,418,841.02 – the first distribution has already been received.

There is \$98,841.00 that remains unallocated – those funds cannot be spent until allocated by the Board. Two separate project funds are requested to sperate governmental and enterprise projects, as recommended by the Town’s auditor.

REQUESTED ACTION:
Approve both Capital Project Ordinances

EXPECTED LENGTH OF PRESENTATION:
5 minutes

SUBMITTED BY:
Christi Wood, Finance Director

BUDGET AMENDMENT REQUIRED:
Yes



**TOWN OF BEAUFORT
CAPITAL PROJECT BUDGET ORDINANCE
FEDERAL AMERICAN RESCUE PLAN ACT 2021- STORMWATER AND EQUIPMENT**

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 American Rescue Plan Act funds.

SECTION I: REVNUUE

To establish the project fund for the American Rescue Plan Act - Stormwater and Equipment funds as required. Revenue will come from the following sources:

GRANT PROCEEDS	\$ 178,841.02
TOTAL REVENUE	\$ 178,841.02

SECTION II: EXPENDITURES

STORMWATER	\$ 60,000.00
EQUIPMENT	\$ 20,000.00
FUTURE PROJECTS AS ALLOWED BY GRANT	\$ 98,841.02
TOTAL EXPENDITURES	\$178,841.02

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 8th day of November 2021.

ATTEST:

Elizabeth Lewis
Town Clerk

Everette S. Newton
Mayor



**TOWN OF BEAUFORT
CAPITAL PROJECT BUDGET ORDINANCE
FEDERAL AMERICAN RESCUE PLAN ACT 2021- UTILITIES**

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 American Rescue Plan Act funds.

SECTION I: REVNUUE

To establish the project fund for the American Rescue Plan Act - Utilities funds as required. Revenue will come from the following sources:

GRANT PROCEEDS	\$ 1,240,000
TOTAL REVENUE	\$ 1,240,000

SECTION II: EXPENDITURES

WATER	\$ 500,000
SEWER	\$ 740,000
TOTAL EXPENDITURES	\$ 1,240,000

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 8th day of November 2021.

ATTEST:

Elizabeth Lewis
Town Clerk

Everette S. Newton
Mayor