



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

Board of Commissioners
Regular Meeting
6:00 PM Monday, September 09, 2024
Train Depot, 614 Broad Street

Call to Order/Pledge of Allegiance

Roll Call

Agenda Approval

Items of Consent

- [1.](#) Meeting Minutes- August 12,15, & 26, 2024
- [2.](#) Unsealing of Closed Session Minutes
- [3.](#) Order Approving a Special Use Permit- 609 Hwy 101, Boat Storage
- [4.](#) Amendment to the Town of Beaufort Code of Ordinances to Add- "Balloon Releases"

Public Comment

New Business

- [1.](#) Award of Construction Contract - 1809 Live Oak Water and Sewer Extensions Project
- [2.](#) Parks & Recreation Advisory Board Appointments

Manager Report

Mayor/Commissioner Comments

Adjourn



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

**Board of Commissioners
Regular Meeting
6:00 PM Monday, September 9, 2024**

AGENDA CATEGORY: Items of Consent

SUBJECT: Meeting Minutes

REQUESTED ACTION:

Approval of draft minutes for the following meetings:

- August 12th Special Meeting
- August 12th Regular Meeting
- August 15th Reconvening of August 12th Regular Meeting
- August 26th Work Session

SUMBITTED BY:

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
Special Meeting
4:00 PM Monday, August 12, 2024
Train Depot, 614 Broad Street**

Call to Order

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

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

- Mayor Harker
- Mayor Pro Tem Cooper
- Commissioner Gillikin
- Commissioner LoPiccolo
- Commissioner Oliver
- Commissioner Spiegler

ABSENT: None

Agenda Approval

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

The motion carried unanimously.

Presentation of Services for Town Manager Search

1. Eastern Carolina Council
2. GovHR USA
3. Developmental Associates
4. Mercer Group Associates

The Board received presentations from the firms listed above. They thanked representatives from each firm for providing information regarding their services.

No action was taken following the presentations.

Adjourn

Commissioner Cooper made a motion to adjourn the meeting at 5:00 p.m.

The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk



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

Board of Commissioners
Regular Meeting
6:00 PM Monday, August 12, 2024
Train Depot, 614 Broad Street

Call to Order/Pledge of Allegiance

Mayor Harker called the meeting to order at 6:00 p.m. and invited all to join in saying the pledge of allegiance.

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

- Mayor Harker
- Mayor Pro Tem Cooper
- Commissioner Gillikin
- Commissioner LoPiccolo
- Commissioner Oliver
- Commissioner Spiegler

ABSENT: None

Agenda Approval

Commissioner Cooper made a motion to approve the agenda.

The motion carried unanimously.

Presentations

1. First Tryon- Financial Advisors

Mayor Harker introduced David Cheatwood with First Tryon, the Town's financial advisor. Mr. Cheatwood discussed several types of financing options that the Town could consider to fund projects in general, and specifically spoke in relation to the waterfront improvement project. He shared the available financing structures in the state of North Carolina and other units of local government. Throughout his presentation, he explained each option in great detail and discussed the pros and cons of each structure viability.

Mr. Cheatwood said while there are financing structures that are legally available to the Town to finance the improvements to the docks, First Tryon recommends that the Town preserve its debt capacity and financial resources to fund the more traditional projects in its capital improvement plan that provide essential services to Town residents (public safety, water, sewer, stormwater, streets, etc.).

Following the presentation, Commissioner Cooper made the below statement:

Transparency has been the Commissioner's main mission. The recent closed session meetings under the North Carolina General Statute on Economic Development, was not to try to hide anything from the public. It did become apparent that we were in these closed sessions far too long without the community hearing from its Commissioners. Our waterfront is undoubtedly one of our primary economic assets, so we need to protect the character and charm of the waterfront. I have received many phone calls and those in person, who love the charm of Beaufort. Beaufort waterfront is truly priceless and as a Commissioner and as a citizen, we should do all we can to preserve it for now and the generations to come. As a collective community, we need to explore all possible aspects of the dock operation with the independent exploration of the current concessionaire, how we manage it and who finances it. Citizens be assured that whenever a decision is made, it will be made in a public meeting and with full disclosure.

Commissioner Gillikin made a motion that the Town terminate all discussions to include the Letter of Intent with the company of interest as it relates to future management of the Beaufort docks; the second part of the motion was to direct the Town Manager and/or the Assistant Town Manager to work with Beaufort Waterfront Enterprises on a 12-month lease extension that would be approved by the Board of Commissioners no later than September 9, 2024.

Commissioner Oliver suggested that Island Express Ferry Service, and any other direct leases that may expire by the end of the calendar year, be offered a 12-month lease extension as well.

Commissioner Gillikin was agreeable and amended her motion to include a 12-month lease extension with Island Express Ferry Service.

The Board had further discussion on the topic and Commissioner Oliver mentioned that he too was prepared to make a motion concerning extending the BWE Lease but asked that the motion also be amended to delete the termination of the Letter of Intent with the company of interest.

Commissioner Gillikin provided further explanation and stated she would like to keep the motion on the floor as it stands.

Mayor Harker called for a vote on the current motion on the floor.

Voting Yea: Commissioner Cooper, Commissioner Gillikin, Commissioner Spiegler

Voting Nay: Commissioner LoPiccolo, Commissioner Oliver

The motion passed with a (3-2) vote.

Items of Consent

1. Meeting Minutes
2. Annual Rotary 10K Road Race - June 14, 2025

Commissioner Cooper made a motion to approve the Items of Consent.

The motion carried unanimously.

Quasi-Judicial Proceeding

1. Case # 24-08: 609 Hwy 101 SUP Boat Storage

Commissioner Cooper made a motion to open the hearing.

The motion carried unanimously.

Mayor Harker shared the following statement:

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. A quasi-judicial decision is a decision constrained by the standards in the Land Development Ordinance and based on the facts presented. All applications for special use permits must be consistent with the Land Development Ordinance for the Town of Beaufort and whether the special use is appropriate in the proposed location. If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion. The Board of Commissioners shall hear relevant information from the parties with standing, as set forth in North Carolina General Statutes 160D-406 and 1402. At the sole discretion of the Board of Commissioners, other witnesses who do not have standing may present competent, material, and substantial evidence that is not repetitive. Parties may appear in person, by designee, or by attorney to present information relevant to the requirements of the Ordinance. Parties may present evidence, call witnesses and make legal arguments. The Board of Commissioners, acting through the Mayor, may subpoena witnesses and compel the production of evidence. 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 must swear or affirm their testimony. At this time, we will administer the oath for all individuals who intend to provide witness testimony.

Ms. Lewis administered the oath to the Town of Beaufort representative, Kyle Garner and applicant, Tom Owens.

Mayor Harker called for disclosure by Board members of any ex parte communication, bias and conflicts of interest. Each Board member confirmed they had nothing to disclose.

Mr. Garner, Planning Director, introduced the case and asked that all documents included in the meeting packet and the PowerPoint presentation be entered as evidence and part of the record. He explained the request was for a boat storage building at 609 Hwy 101, on a 13.36 acre tract. He shared the site plan, noting parking spaces, driveway entrances, washdown areas, and landscape buffering. He shared the Planning Board met on July 15, 2024 and recommended approval with several conditions, outlined in the meeting packet. One of those conditions was staff driven, as they recognized the importance of fencing, landscaping buffer, drainage ditches within and around the site, and low impervious surface on the proposed site plan and suggested that maintenance of the components are made conditions of the SUP. He noted the applicant has already agreed to the conditions.

Commissioner Gillikin asked for further clarity on the native tree species.

Commissioner LoPiccolo asked if there had been any objections from surrounding neighbors.

Mr. Garner confirmed there had not been any objections, noting the applicant had done their due diligence and obtained a driveway permit from the NC Department of Transportation (NCDOT).

Commissioner LoPiccolo voiced his concerns about traffic related to Hwy 101.

Mr. Garner confirmed NCDOT had signed off on the driveway permit and in review of the site plan, did not suggest a turning lane be added.

Commissioner LoPiccolo asked about lighting on the site.

Mr. Garner explained specific requirements related to lighting could be addressed as a condition.

Commissioner Cooper praised the applicant for planting 627 trees as a buffer.

Commissioner Spiegler also shared concerns about the lighting.

Commissioner Oliver expressed safety concerns related to the lack of a turning lane on Hwy 101.

Tom Owens, applicant, shared his engineer John Wade submitted the driveway application to NCDOT. He invited Mr. Wade to share additional information about the driveway permit. Mr. Wade explained there was not a discussion related to the addition of a turning lane, but noted NCDOT reviewed the proposed use of the property in its entirety.

Commissioner LoPiccolo asked about potential hours of operation and motion sensor lights.

Mr. Owens shared it would be a 24-hour operation and said he would probably do motion sensor lighting in each section. He also discussed the security system he was going to install.

Commissioner Spiegler also shared the importance of regulating the lighting due to the residential homes in the area.

Mayor Harker allowed a property owner on Copeland Road to make a comment. She suggested the width of Copeland Road was not wide enough for boat trailers.

Mr. Owens noted he did not have any authority over state maintained roads.

Commissioner Cooper made a motion to close the hearing.

The motion carried unanimously.

The Board continued deliberation of the request.

Commissioner Cooper made a motion to approve the finding of facts as listed and presented, (a-g) in its entirety.

Voting Yea: Commissioner Cooper, Commissioner Gillikin, Commissioner Spiegler

Voting Nay: Commissioner LoPiccolo, Commissioner Oliver

The motion passed with a (3-2) vote.

Commissioner LoPiccolo suggested adding the conditions of warm lighting in the range of 2700K-3000K and motion sensors as the applicant discussed.

Commissioner Cooper made a motion to add the conditions as suggested by Commissioner LoPiccolo.

The motion carried unanimously.

Public Hearing

1. Voluntary Annexation- 233 Leonda Drive

Commissioner LoPiccolo made a motion to open the Public Hearing.

The motion carried unanimously.

Ms. Lewis provided a recap of the voluntary annexation request of 233 Leonda Drive. She explained there was a draft ordinance in the meeting packet for the Board's consideration.

Mayor Harker opened the floor for public comment on the item.

There was none.

Commissioner Cooper made a motion to close the Public Hearing.

The motion carried unanimously.

Commissioner Oliver made a motion to approve the annexation request of 233 Leonda Drive and to adopt the associated ordinance as presented.

The motion carried unanimously.

Public Comment

Miriam Sutton, 2231 Lennoxville Road in Beaufort:

I just want to thank you for your service to our Town and to our community and for also taking the courage to hit the pause button. I appreciate that very much. I am speaking to you right now as a former member of the Harbor and Waterways Committee, and I am asking you to take this extra time to investigate infrastructure grants that are out there for our community, for such projects as those that are on the table. Based on our findings during the Harbor and Waterways Committee, there were other ways of securing the capital that we so desperately need for these docks without doing a formal public, private, partnership.

Harriett Altman, 103 Leonda Drive in Beaufort:

First thing I want to say, is thank you. I want to ditto to what Miriam Sutton just said. I would think that before any contract or whatever is drawn up with any corporation, that we would make sure we pursued all grant funding that was out there. We need to exhaust all those options before we would make any further decisions. So, thank you all for putting a pause on this so that there is time to do that kind of thing. The Harbor Committee did so much work for a couple years that it just seems like it would be a good idea to bring them back together and also maybe the consultant, and up update them on the financial presentation, but also use their findings and put all that together. They did a lot of good work, and it just seems like that would be a good thing to do. This is sort of a big picture thing, about the future of the community and where we want to go. We hear comments that we want to have the most beautiful harbor; I don't know that we are trying to be any huge state of the art harbor, because really we want to keep it fairly low key, as we are. I think we always need to be thinking about, who are we benefiting when we do these things? Are we benefiting the tourists? Are we benefiting the local citizens? The local citizens should be the first priority. I just would encourage us to just think about what our priorities are... We need to keep, of course, an environmental lens on everything that we do. That are the main things that I wanted to say. Again, thank you so much for all your hard work, for your support and for listening to all the citizens. I am really proud of our community and the way everybody came out and came together.. We got to really think about this and I think we should all be proud. Your decisions here are important for generations.

Susan Schmidt, 1527 Ann Street in Beaufort:

I moved to Beaufort 45 years ago, when the dock was just built, I bought my house 43 years ago. I wrote the CAMA Marina Regs 42 years ago, and I have had a captain's license 41 years. My first comment, reinstate the Harbor Waterway Committee and have more than one person sign the RFP. As I wrote in a letter, local control, local management, and as you hire a contractor, if that is the way you go, know what percentage the Town will share. How much did Haywood Weeks ever earn in 45 years? How much did the Town ever share? Local Workforce; Safe Harbor Jarrett Bay has kicked out local workers. Jarrett Bay was the second largest employer in Carteret County, after Cherry Point, which was

the largest employer in the county. Local access; Safe Harbor did not care about small towns or small boats like cruising sailboats. Wonderful people have cruised into Beaufort and swallowed the anchor like, Doug Doubleday, and many others. Local management and access; because we love it. I quote my neighbor, Pricey Harrison. She has lived part time on Front Street for 30 years. She says the Town dock is not just Beaufort's front yard; it is a treasure for the whole state. Pricey, who is a legislator, thinks there is money to protect a state treasure. Just today, I heard a New Yorker magazine editor has asked me to share my research for my next book on ocean currents and sea level rise. Yes; the dock and the boardwalk need to be raised as king tides will flood Front Street a third of the year in ten years.

Joni Dennis, 611 Front Street in Beaufort:

I'm the director of Save Cape Lookout Foundation. We just got 100 yards of beautiful beach pumped in front of that lighthouse. My family is from here for eight generations, they shipwrecked right here. My family had a home at Shackleford. My family were lighthouse housekeepers. When I look out my house every day at those ponies, my heart is just as full as the first day I ever saw them. I was a chef on yachts for 40 years, that was my career. I have been in marinas from Monaco to Di Bali, and I am gonna tell you right now, you can't get a 250 foot yacht in Taylors Creek. This group of people have gone belly up in two marinas, because the fact that they did not have an engineer that researched the draft of what each yacht could take through the area it needed to go. I did a lot of digging and got a lot of friends, some that are still captains on yachts all over the world. They have not had one good thing to say about Safe Harbor. As a matter of fact, ten years ago, they warned me about them. I am so happy that you guys are taking this time to look to other solutions, because the Beaufort that I have known all my life that is now the coolest small town, I want our heritage to be here for our grandchildren. I don't have kids, but you want your grandchildren to have that heritage, that small town, beautiful feel to it. Our state and local occupancy taxes can help some fund this project. I don't know what is happening to my property that I live on, my home. It was said that it was sold two weeks ago to the Town of Beaufort. Does anybody know about that? 611 Front Street.

Barry Slade, 109 Planters Way in Beaufort:

I recently retired from a marine industry career spanning 35 years, beginning with ten years in nearby Hatteras yachts and most recently with Freedom Boat Club. I have focused on their nationwide marina, slip management and waterfront development. I have been involved with multi-million dollar infrastructure improvements, so the Town's process is very familiar to me. I would like to stop there and say thank you for all you have done up to this point. The time and effort these processes take is enormous and thank you tonight for listening to the voice of the community. I do have a few concerns and I am grateful for the opportunity to voice them tonight. Let me first establish some context; my comments are assuming that the Town does not pursue available grant funds, bonds or but does in fact decide to partner with a private third party. Marina owner groups and marina management companies come in all shapes and sizes; having worked recently with near all the major marina owner groups and marina management companies, I am very familiar with what makes each of them unique. Some companies prefer larger marinas, where they cater to larger vessels and are commonly referred to as institutional investors. Some specialize in municipal properties. Some like fresh water. Some like salt water. Some are parts of Real Estate Investment Trusts. Some are publicly traded. Many are private, entrepreneurially driven. Each company typically has a preference for specific types of properties and are the best operators to focus on what they do best. There is a lot of nuance in all these differences, more than we can cover tonight. I saw it best summarized recently, asking this question, if you were faced with having brain surgery, would you find the most competent heart surgeon to do the operation? No, you would not. It is not your best option. Similarly, large marinas and service yards operate very differently from small local waterfront docks. Remember, Beaufort does not have a downtown marina. What we have is a priceless downtown waterfront, which is the heart and soul of our Town. Here is my concern, in reaching out to many of the folks I dealt with at these marina groups, it did not take many phone calls to find that some did not even know about Beaufort's RFP and never received a bid package. These same companies, given the chance, would be happy to submit a proposal if that opportunity were presented. Many of these firms are flush with cash, are actively looking for projects

and put strong emphasis on relationships, not just the bottom line. I have concerns echoed by many here whether this RFP was adequately distributed, and did we overlook potentially viable partners? My research within the industry suggests perhaps we may have. We citizens, should be given the assurance that a broad net has been cast for this critical partnership. I would add, finally, that any and all proposals should be reviewed, not only using the typical RFP evaluation criteria, but a critical review of the company's experience and expertise in managing municipal waterfront projects in boutique communities like Beaufort.

Charles Llewellyn, 907 Ann Street in Beaufort:

Thank you for this opportunity to make a public comment. I rise to defend transparency in Town government. Beaufort has a tremendous decision to make on how to improve and protect our greatest treasure, our waterfront. But this has been handled in total secrecy this past year. The meetings of the Board of Commissioners have been closed in spite of open meeting laws. Town documents have been sealed in spite of North Carolina Public Records Act. The Town Commissioners and Town employees are prohibited from even discussing this topic with the citizens who elected them and paid for their salaries. There are serious concerns about whether the contracting process is being conducted in conformance with North Carolina law. As a result, we citizens of Beaufort, the collective owners of this treasure have been kept completely in the dark; we are very concerned and that is shown by the number of people who showed up tonight. Now, I want to thank the Board for its approval of Commissioner Gillikin's resolution; I think that is a really good step forward. But I furthermore request that a new RFP be issued with revised conditions in accordance with North Carolina law for public property construction, which has a lot of openness in it. As per North Carolina law that includes public opening of all bids and public access to the documents; we cannot continue with this era of secrecy and no public communications. We have laws in the state. I believe in those laws, and I also believe in following a paper trail. I requested under North Carolina Public Records Act, copies of the documents submitted in response to the request for proposal. I was denied these as access to public Town documents by the Town Clerk, and was referred to the Town Attorney. I called him and was told to submit to him the request I made to the Town Manager and Town Clerk. I did so in writing, and requested if my access was denied, to please provide with specific statutes being used for the denial. I have heard nothing. You know, Beaufort used to be known as fish town, not for recreational fishing, but for the menhaden industry. When the factory started cooking, everybody in Town knew about it. I remember as a boy scout visiting Beaufort in the 1960s and complaining about this, people would smile and say to me, son, that is the smell of money. Well, until this resolution tonight, I was beginning to smell the money too.

Tipper Davis, 309 Live Oak Street in Beaufort:

Thank you very much for your attention tonight, it is very much appreciated. I have a couple of concerns. I was a member of the original Harbor Waterway Committee, and I would really like to see it reinstated. I would gladly volunteer my time, and I think that others would gladly volunteer their time. We did a lot of work. We held our meetings in public; the public actually came to a lot of them. We were dedicated citizens, and we bought a lot of professional expertise to all of these issues. So, I am sure most of us would gladly step up the plate. There is other talent around here too that we could put to use. I do not advocate that the Town go into debt over this. There are other avenues available. There is grant money and a combination of grant money and private money or private run docks. We need local people running our docks.

Vic Fasolino, 138 Gallants Point Road in Beaufort:

Thank you very much for the action that you took tonight. I know that you have spent lots of time in private meetings, discussing with our potential third party concessionaire to negotiate a contract. I am sure there are hundreds of hours in there, and I know Mr. Townsend has a huge amount of time in there, and we appreciate all that. I think the negotiation perhaps did not quite go in the direction everybody wanted. From what I have heard, there are two considerations, private versus public. That is

up there, and that is a concern, and I think it needs more investigation. But more than that, the concern I had was who the third party was. We were looking at a company whose business model is totally different from how the citizens feel about Beaufort. I would encourage us to be more open in the process when we choose a third party or when we weigh alternate third parties so that the public has a chance to weigh in. Thank you for all your work.

Peter Crumley, 108 Ricks Avenue in Beaufort:

I first came to the town in 1979 and I have seen the importance of having the boardwalk and the docks in Town. Beaufort would not be the Town we all know and love if others back in the day had not had the vision to to to make this project happen. I really want to thank the Commissioners tonight for removing a lot of division that has been happening in our Town. We do not need to be at one another. I think that what we were hearing, and what we were not hearing, and all the conspiracies, that we did not have the knowledge that we needed to have. But what we did learn was enough to make some really logical statements. I believe we heard a lot about financial provision tonight. It was very informative and very professionally presented. I think the conversation really has to be to the breadth of the project now, and as I see it, there are four areas of concern. The floating docks I have been told by many that there is life left on those docks. Possibly the docks could be deferred to some future point in time that would claw a lot of money back out of the equation. The bulkhead, I have been told is in better shape than was originally envisioned. Possibly it could be repaired, or have a raised cap that could potentially give us what we need to protect us from the sea level rise without adding unnecessary dollars to the project. The boardwalk needs to be replaced. It is dangerous to walk on as far as tripping hazards. How that could be done? I will leave that up to better minds. There was talk of extending it down to Grayden Paul Park; that would be great. But, is that really necessary? We have a good footprint now. At some point when we are in better financial shape, we can look at some other alternatives to extend it. The gas tank situation is those tanks, as my understand, are not on Town property. I am sure that there would be serious mitigation to deal with digging those tanks up and dealing with the ground. I am not sure that is the Town's responsibility. The tanks could be put under the parking lot, and that is something obviously that needs to occur if we are going to supply gas to those docks. If we are going to maintain them as operational docks, we need to do it in the proper scientific, ecological way. I think there is a lot of ways to look at this project, and a lot of money that could be clawed back out of it, as to what do we actually need, versus what do some people just want. I would strongly suggest bringing the harbor commission back in play, as others have stated, there is a lot of critical knowledge there; let us get that back into the conversation. Once again, thank you for your action tonight.

Becky Bowler, 107 Harper Street in Beaufort:

Thank you Mayor Harker and Commissioners, for the hard work that you all do; not just the work you have done on the harbor project, but on the many important projects that you are working on. I am currently serving my second term on the Town's Planning Board and I was also a member of the Harbor and Waterways Committee. I love Beaufort. I love being part of the volunteer process here with the Town. When I am not volunteering, my full time job is investment management. So, how projects are funded is something I am particularly passionate about. One of the crucial recommendations that Harbor and Waterways Committee made in 2022 was that the Town consider grants as a funding source for the necessary repairs. I was heartened to hear many of you say tonight, and I know this is something that you have all been looking into, but how can we potentially fund the must do items through some of the grants that are available. I guess the thing I wanted to urge, is that we put together a grant funding framework as a matter of urgency, because there are a number of eminent deadlines. For example, BRIC grants or BIG grants; there are a long list of grants we can consider, some of which we are in a position now to potentially apply for. Others we may not be ready for until we have a shovel ready project, but at a minimum, I think important to have a grant funding framework that is specific to the harbor project. There are just a few things that I hope you all will consider. Number one is communicating to citizens or re-communicating what the must dos are for the harbor project; including the urgency for the must dos. Number two, creating a grant funding framework, and then finally, as other citizens have said, reinstating a citizen harbor and waterways advisory committee. With that, also

potentially considering reinstating a consultant like Moffatt & Nichol or another expert team of consultants that you all identify, who have worked with Towns like Beaufort on similar projects. I will end where I started by saying, I want to sincerely thank all of you for the enormous amount of diligence and hard work that you put into projects like this. I also want to thank our fellow citizen, Doug Townsend, who led the Harbor and Waterways Advisory Committee. At my request, I spent about two and a half hours with Doug yesterday afternoon, he answered a lot of questions I had, and as always, it was very clear to me that his intentions are only good in terms of doing what is best for Beaufort. So, for anyone who might have questioned that, please give Doug some grace. He is our neighbor. He wants what is best for Beaufort, and I think that is important for all of us to recognize that.

Ted Morris, 2219 Lennoxville Road in Beaufort:

I want to express my appreciation to all of you, as well as has been stated many times, we as citizens of the community are very grateful for your time, talents, treasure and efforts that you put in on a daily basis. Much of what I might have said has already been spoken to, but I do want to reiterate a few points that I think I have some unique experience with. I have made my living as a professional economic developer for the last 20 years, doing community and economic development, primarily from Raleigh East, throughout all of Eastern North Carolina. I know from personally being involved in raising and managing over \$50 million in grant funding from not only a variety of entities and agencies throughout North Carolina, but around the nation, that that is a verifiable source of funding for a project like this. If you know the landscape and you have the connections, and many of the people on our community do because they have been a part of the work to build public policy, that then drives those grant making mechanisms. I think we have a lot here to play with that can be utilized to our benefit. I would also offer up much of my experience related to doing partnership development and with NC State Centennial Campus, helping grow that campus into what it became, which was an internationally recognized research campus. Also, being the founder of ECUs Research and Innovation Campus; I think those models of public private partnership and the development of what in those cases are under the Centennial Campus Act and the millennial campus act our state properties offers a lot of lessons for Beaufort to consider. As you think about how you want this public property to potentially be privately managed, which is not an evil in and of itself, I think many of the folks here would agree tonight that it is more about partnership selection in that regard. But, there are a lot of lessons to be learned. One I would really love to leave you with is never lose control of your master plan, both intentionally, unintentionally, directly or indirectly, to lose control of your communities, vision, mission, and intentions when it comes to engaging with private entities. Also, private partners look much simpler than public management through the government process, but the reality is, they have many masters, many of whom can't be seen at the time you forge those partnerships, and they come to be seen later; when things get tough and times get hard and economies change, and you find that suddenly you are dealing with people you did not think you were ever going to deal with. If ever you wanted to pay a trip to the Centennial Campus and talk with folks who have experience in those types of things, I would be glad to help arrange that for you. They can speak specifically to financing, to partnerships, to the legal side, to the enforcement side, which is another issue that I do not think has been directly addressed here tonight, but very much important. The size of your partner pretty much determines from the start whether or not you will ever be able to enforce that partnership.

Jud Kenworthy, 109 Holly Lane in Beaufort:

I did comment on the waterfront project at the last meeting, but I do want to say I really appreciate and thank you for your time, your thoughtfulness and really courageous decision you made tonight. I think, as we have heard this evening, it sounds like people understand these kinds of arrangements. There is a lot of work to be done, and there is the right way to do it; I look forward to seeing it done that way. But actually, what I want to comment on, is item number three under new business. I saw this on the agenda the other day, and got to thinking about it. Just for the sake of the audience, the allocation reservation request is being brought forth by Town and staff ahead of annexation and site development plans. So we have a request for an allotment of sewer and water, but also an impending annexation request that is coming, and maybe some plan

dealt with the last few years, Beaufort Agrihood Development. We went through all this with them. They wanted to be annexed, and they wanted sewer, and they wanted water, and of course, to me asking for sewer before you have all this other stuff is like the calling the cart before the horse, because you do not even know what the project really is and the details of it, and also you have already made a precedent setting decision about annexation. I pulled up the March 11, 2024 minutes and notes from that meeting, and at that meeting you denied annexation to Beaufort Agrihood Development. I'll just read a few of the comments. Commissioner Gillikin suggested the Town of Beaufort needs a strategic growth plan in place before approving any annexation request. She provided several reasons as to why it was not a good idea to instruct the Town Clerk to move forward with the investigation for the petition for annexation. Commissioner Spiegler agreed with Commissioner Gillikin's comments and cautious approach to growth in both she suggested the CAMA Land Use Plan should be considered when discussing the area in question. Commissioner Oliver made a motion, and you denied it unanimously. I am recommending that you follow the decisions you made previously and the precedent you set; do not grant this applicant's request. Unless you have changed your mind about the annexation question, you should not consider the sewer allocation.

James Radford, 809 Ann Street in Beaufort:

I am sorry to bring you back to the waterfront project, but I have a kind of a big picture comment. I know that you all have spent months and are now doomed to continue to spend months dealing with little picture parts of this. The big picture question is this, the the consultant who gave the presentation at the beginning today, gave a very nice exposition on the costs associated with the waterfront project. Such as renovation, plumbing, the gas system and hiring staff to run the waterfront and so on; but, all of those same costs will accrue to whatever company the city may decide to partner with to perform all of that same work. So, why do we think that a large corporation with a lot of really smart people working for it would believe that with reasonable risk, the returns from operating the docks would cover their investment with sufficient leftover to pay their investors a profit? Could the city of Beaufort not do the same? The city of Beaufort does not even have to pay investors, and might have access to grant funds that can defray part of the cost. I do not understand why we believe that a big corporation would make a mistake in taking on this task, and if they are not making a mistake, then maybe Beaufort would not be making a mistake either.

New Business

1. Case # 23-09 - 153 Kelly Drive Preliminary-Final Plat Subdivision

Mr. Garner presented the case highlighting the ETJ lot is currently a 7.32 acre tract, requesting to subdivide into two lots. He noted the lot is served by septic and well water. He also shared the recreation fees of \$7765.58 will be required at the time of Final Plat recordation.

Commissioner Cooper made a motion to approve Case #23-09 as presented.

The motion carried unanimously.

2. Carteret County- Beaufort Airport Authority Appointment

Commissioner Cooper made a motion to open the floor for nominations.

The motion carried unanimously.

Commissioner LoPiccolo nominated Charles Bucky Oliver.

Commissioner Cooper made a motion to close the floor for nominations.

The motion carried unanimously.

Commissioner Cooper made a motion to reappoint Charles Bucky Oliver for a two-year term on the Carteret County Beaufort Airport Authority.

The motion carried unanimously.

3. Sewer Allocation Reservation Request - Beaufort RV Resort

Sam Bell, Interim Town Engineer shared the following information:

The applicant, West 101 Holdings LLC is requesting that 20,000 gallons per day (gpd) of sewer treatment capacity be reserved for the proposed Beaufort RV Resort. The capacity is being requested for 170 RV units, 1 pool, and 1 clubhouse that are to be constructed on the 16-acre tract located at 1561 Highway 101. The allocation reservation request is being brought forth by Town staff ahead of the annexation request and site development plans. The allocation reservation request will fall within the Priority Level 4 category described by the Town's "Wastewater Allocation Policy". Priority Level 4 projects are generally speculative in nature and represent undeveloped projects outside of Town limits. The applicant's sewer allocation reservation would then be good for a period of 24 months, in which time the applicant would need to produce and submit site plans, a request for annexation, and a preliminary plat for approval.

The Board expressed concerns regarding sewer allocation and available capacity.

Commissioner Cooper made a motion to deny the sewer allocation request.

The motion carried unanimously.

4. Selection of Consultant to Provide Services for Town Manager Search

Commissioner Oliver made a motion to select Developmental Associates as the consultant to provide services related to the next Town Manager search.

The motion carried unanimously.

Manager Report

Charlie Burgess, Interim Town Manager, thanked the Mayor and Board for the opportunity to serve the community and provide support during the interim period.

Mayor/Commissioner Comments

Commissioner Gillikin commended Beaufort Police Department for their recent assistance in rescuing a foal from Rachel Carson Reserve.

Commissioner LoPiccolo spoke on the Waterfront Improvement Project and emphasized the importance of making the best decisions for the community.

Commissioner Cooper thanked all of the citizens who participated in the meeting.

Commissioner Spiegler also thanked those who were in attendance. She acknowledged the Town for receiving a resiliency grant that will help fund the UDO update.

Commissioner Oliver spoke of the importance to look forward and establish a timeline in relation to the Waterfront Improvement Project, noting there was a lot of work to be done.

Mayor Harker shared the Town's website had many project updates and encouraged citizens to frequently tune in to that information. She also made a note thanking Doug Townsend for his volunteer work in the dock project.

Adjourn

Commissioner Cooper made a motion to cancel the Special Meeting for August 15th at 11:00 a.m. and to recess the current meeting until Thursday, August 15th at 11:00 a.m., at the Beaufort Train Depot.

The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk



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

Board of Commissioners
Reconvening of August 12th Regular Meeting Minutes
11:00 AM Thursday, August 15, 2024
Train Depot, 614 Broad Street

Call to Order/Reconvene

Mayor Harker reconvened the meeting at 11:00 a.m.

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

Mayor Harker
Mayor Pro Tem Cooper
Commissioner Gillikin
Commissioner LoPiccolo
Commissioner Oliver
Commissioner Spiegler

ABSENT: None

Agenda Approval

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

The motion carried unanimously.

Items for Review and Discussion

1. Lease Extension with Beaufort Waterfront Enterprise

Town Attorney, Arey Grady, shared that Beaufort Waterfront Enterprise agreed to a 12-month lease extension with the same terms. He explained staff were requesting the Board's approval of execution and delivery of the lease extension documents.

Commissioner Oliver asked for clarity on the other 12-month lease extension with Island Express Ferry Service, which was included in the original motion.

Mr. Grady explained that he suggested to staff that the current lease with Island Express Ferry Service be amended and reinstated to expire at the end of the calendar year of 2025.

He noted the lease could be executed in the future as the document had not yet been prepared.

Commissioner Cooper made a motion to extend the lease with Beaufort Waterfront Enterprise for 12 months.

The motion carried unanimously.

2. Formal Termination of Letter of Intent

Mayor Harker read the following termination letter into the record:

Ladies and Gentlemen:

Please accept this correspondence as notice of termination by the Town of Beaufort ("Town") of the Letter of Intent between Safe Harbor Marinas, LLC ("Safe Harbor") and Town. As you are aware, the LOI concerned the proposed lease by Town to Safe Harbor of Town's waterfront docks, among other things. For ease of reference, a copy of the LOI is attached.

At the August 12, 2024, regular meeting of Town's Board of Commissioners, the Board of Commissioners took action to terminate the LOI. Accordingly, Town hereby terminates the LOI and all negotiations and/or discussions between Town and Safe Harbor concerning the LOI and the transactions contemplated thereunder. Thank you for your attention to this matter.

Respectfully submitted,

Sharon E. Harker, Mayor, Town of Beaufort

Commissioner Spiegler made a motion to authorize Mayor Harker to sign the formal termination letter, as stated above.

The motion carried unanimously.

3. Status of Purchase from Stephens/611Front Street

Mr. Grady reminded the group that the Town has entered into a purchase contract for the property located at 611 Front Street. He noted the Town had paid earnest money and they were entitled to get that back if the agreement was terminated on or before the diligence date.

Mayor Harker asked the Board if there was any change in the Town's intent on the purchase contract.

Commissioner Gillikin and Commissioner LoPiccolo both noted they were inclined to continue with the purchase.

Commissioner LoPiccolo pointed out that over the years, the Town has made efforts to try to secure the entire waterfront. He suggested it was a good direction for the community.

There was no action taken, however, the Mayor deemed a consensus to move forward with the current plan and purchase contract.

4. Waterfront Improvement Project (Steps Moving Forward)

Mayor Harker announced the creation of the Beaufort Waterfront Operations and Finance Committee. She recommended Commissioner Spiegler as the Chair and Commissioner Gillikin as Vice-Chair of the newly created committee. Both Commissioners accepted the proposed role. She shared the below information related to the committee.

1. **Name of Committee:** *Beaufort Waterfront Operations & Finance Committee (BWOF Committee)*
2. **Charge of the Committee:** *The committee is tasked with reviewing the recommendations from the Harbor and Waterways Advisory Committee. This includes evaluating how practical and feasible each recommendation is and updating the vision and goals to ensure they reflect the desired character of the docks while meeting financial expectations.*
3. **Chairpersons:** *Appointed by the Mayor*
4. **Members: Suggest 8 and no more than 10, appointed by the Chair and Vice-Chair(Encourage feedback from fellow commissioners)**
 - *Representative from the Harbor and Advisory Committee*
 - *Finance experts with experience in municipal operations*
 - *A legal advisor (optional- but recommended)*
 - *Community stakeholders (residents, business owners)*
 - *Grant and funding specialists*
 - *Risk management/insurance expert*
5. **Meetings:**
 - *Frequency: Monthly, with additional meetings as necessary*
 - *Open to the public*
 - *Location: Train Depot or virtually via a secure platform*
 - *Quorum: A majority of members*

Objectives & Responsibilities

Develop objectives that describe the vision for the docks by answering the following questions:

- *What character do we want the harbor and docks to have?*
- *How do we reconcile the character we want with differences in revenue that could result from:*

- a. *Attracting more super and mega yachts. The substantial revenue and possibly an increase in revenue from fueling large vessels.*
- b. *Serving as a “fuel depot” with in-slip fueling*
- c. *Serving as a public gas dock*
- d. *What is the balance between revenue and the character of the marina and docks we are willing to accept (e.g., are we okay with fewer if we are to maintain a particular character)*
- e. *Are we willing to change the viewscape to Taylor’s Creek and the Rachel Carson Reserve by improving the docks to optimize the number of large yachts we can accommodate?*

1. Infrastructure Assessment:

- *Identify and prioritize necessary improvements on the waterfront and land-based areas.*
- *Focus on fuel supply, boardwalk repairs, replacements, and other critical infrastructure.*
- *Estimate costs and timelines for these improvements.*

2. Financial Viability Analysis: Identify and prioritize necessary improvements on the waterfront and land-based areas.

- *Focus on fuel supply, boardwalk repairs, replacements, and other critical infrastructure.*
- *Summarize costs based on the Harbor and Waterways Advisory committee reports and work conducted during discussions with Safe Harbor Marinas*
- *Provide timelines and prioritize these improvements in the order in which they should occur according to construction logistics.*
- *Evaluate potential revenue streams and operational costs.*

3. Recommendations Review:

- *Thoroughly review the recommendations provided by the Harbor and Advisory Committee.*
- *Determine the feasibility and practicality of these recommendations.*
- *Develop an actionable plan based on these recommendations.*

4. Staffing and Operations:

- *Evaluate current staffing needs and project future requirements.*
- *Consider the potential for hiring specialized staff to manage operations.*

5. Funding & Grants:

- *Explore funding mechanisms, including grants and government infrastructure money.*
- *Engage with state and federal agencies for infrastructure support.*
- *Prepare grant applications and necessary documentation.*

6. Risk Management & Insurance:

- *Conduct a risk analysis for the docks and related operations.*
- *Assess current insurance coverage and explore additional coverage options.*
- *Recommend insurance policies that provide adequate protection for the Town's assets.*

Reporting & Deliverables

- **Interim Reports:** *Monthly updates to the Town Council and Mayor.*
- **Final Report:** *A comprehensive report to be presented on December 31, 2024, including:*

- *Financial analysis and projections.*
- *An updated vision and/or objectives that describe desired outcomes for the character of the docks that are compatible with expectations for financial performance.*
- *Feasibility of the Town operating the docks.*
- *Detailed plans for infrastructure improvements.*
- *Staffing recommendations.*
- *Identified funding opportunities.*
- *Risk management strategy and insurance coverage options.*

Procedures

1. **Decision-Making:**
 - *A majority vote will make decisions.*
 - *Recommendations will be based on a consensus approach where possible.*
2. **Documentation:**
 - *Minutes of each meeting will be recorded and distributed to all members and shared on the town website.*
 - *All findings, analyses, and recommendations will be documented in detail.*
3. **Public Engagement:**
 - *Hold public forums to gather input from residents and stakeholders.*
 - *Ensure transparency by sharing updates on the Town's website and social media platforms.*

Commissioner Cooper noted the deadline for a final report to the Board was a narrow window. He also questioned some of the objectives listed.

Commissioner LoPiccolo questioned whether the Town was still engaging in the RFP process. He asked if a new RFP was created, who would be responsible for that. He discussed the timeline for the newly created committee and how they would report to the Board of Commissioners. He pointed out that money was lost through attorney fees and engineers in the past process, and he did not want to see a repeat situation.

Commissioner Gillikin suggested everything in the process was not a waste and some information could be used moving forward. She shared the important piece was to reevaluate the objectives, noting the Board did not have a hand in the previous RFP process. She suggested the first step would be to understand and define clear objectives before any future RFP's were posted.

Commissioner LoPiccolo noted the importance of identifying what type of company, organization, or person the Town was targeting to run the docks.

Commissioner Gillikin commented on future procurement processes.

Commissioner Cooper suggested the new committee structure would foster transparency and public input, making those key differences in the future outcome.

Commissioner Spiegler agreed, expressing the importance of public input along the way.

Mr. Grady provided a general oversight of procurement and RFP processes.

Commissioner Oliver noted that he was comfortable with their position and suggested to fully support the effort as a Board, they should recognize the importance of looking in the windshield and not the rearview mirror. He asked the Board and community to think about that on a personal basis. He commented on the newly formed committee, suggesting the timeline was reasonable and he looked forward to hearing any future solutions.

Mayor Harker commented on the challenges associated with the transition of Board members, as overall directives can change. She shared the goal of the newly formed committee was to provide a report that gave a better understanding of what the community would like to see.

Mr. Grady provided background on public record laws as well as closed session statutes. He noted when the RFP process started, the Town deemed the project an economic development matter, which allowed the Town to negotiate confidentiality. Mr. Grady explained if the RFP process was over, both the practical and statutory reasons for confidentiality would go away. He noted that all documents associated with the project would then be available to the public as requested. He suggested the Board take action authorizing the staff to release those documents from confidentially and also have a future action item to unseal the closed session minutes.

Commissioner Gillikin confirmed that her motion on August 12, 2024, did not specifically mention the RFP process.

Commissioner Spiegler suggested the entire RFP process should be terminated, as the objectives have changed over time.

Commissioner Gillikin expressed concerns over the companies who might submit a future proposal seeing those who submitted originally, resulting in lower bids.

Commissioner Oliver asked Mr. Grady if there was anything in the proposals, excluding the one that the Town entered into a LOI with, that restricts whether it can be made public.

Mr. Grady said he did not think so, explaining that if the RFP process is concluded, the Town does not have any discretion to hold back the proposals.

Charlie Burgess, Interim Town Manager, suggested it would be helpful from an administrative standpoint to reject all submitted RFPs and to start clean.

Commissioner Cooper made a motion to terminate the RFP process associated with the Waterfront Improvement Project, as well as reject all proposals made in that process.

Mr. Grady shared that Town staff would work on getting the proposals in electronic format and fulfilling public records request.

Commissioner Oliver asked if electronic dissemination of materials would meet the requirements of a Public Records Request.

Mr. Grady confirmed that it would.

Mayor Harker called for a vote on Commissioner Cooper's motion on the floor.

The motion carried unanimously.

Mr. Grady suggested the new committee Chair and Vice Chair consider approaching the General Assembly with a special appropriation request for the future project.

Commissioner Cooper suggested exploring options for adding parks and/or playground structures on the waterfront for families to enjoy.

Adjourn

Commissioner Oliver made a motion to adjourn the meeting at 12:00 p.m.

The motion was carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk



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

Board of Commissioners Work Session
4:00 PM Monday, August 26, 2024
Train Depot, 614 Broad Street

Call To Order

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

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

- Mayor Harker
- Mayor Pro Tem Cooper
- Commissioner Gillikin
- Commissioner Oliver
- Commissioner Spiegler
- Commissioner LoPiccolo, *joined the meeting late.*

Agenda Approval

Mayor Harker asked for an amendment to the agenda, to add an update from the Beaufort Waterfront Operations & Finance Committee, noted as number three under items for review and discussion.

Commissioner Cooper made a motion to approve the amended agenda.

The motion carried unanimously.

Presentations

1. Beaufort Housing Authority (BHA) Annual Audit

Rachel Carroll, Executive Director of the Beaufort Housing Authority (BHA), presented the annual audit report and provided the Board with hard copies of the document. Ms. Carroll highlighted that there were no audit findings for fiscal year 23, with an increase in net position by \$141,607 reaching a total of \$1,850,024. She shared that operating revenues increased by \$116,4780 due to higher rental income and federal grants, while operating expenses decreased slightly. Ms. Carol mentioned the authority's commitment to affordable housing and its reliance on HUD funding for operations.

Commissioner Oliver requested the audit and any associated documents be provided by the BHA in advance of the meeting to allow adequate review time for the Board. He asked if all BHA facilities were insured for their replacement cost.

Ms. Carroll confirmed they were all insured for their replacement cost.

Commissioner Cooper asked questions regarding rent and social security increases.

Ms. Carroll explained residents always pay 30% of their income, minus any deductions.

Commissioner Gillikin praised Ms. Carroll for the work she has done for the BHA.

Mayor Harker thanked Ms. Carroll for her presentation and congratulated her on the clean audit.

2. Beaufort WWTP Capacity, Expansion Options, and Discharge Limits Update

Mayor Harker introduced Sam Bell, Interim Town Engineer and Greg Churchill of Rivers and Associates, to discuss the Beaufort's Wastewater Treatment Plant capacity and expansion options.

Mr. Bell provided an update on the current wastewater treatment capacity and the High Rate Infiltration Basin (HRIB) permitting efforts. He mentioned that the average daily flow to the wastewater treatment plant has stayed about the same, but the reserved capacity has been reduced. He highlighted specific lift stations and developments that are close to or over capacity. He discussed future flow projections and the potential need for additional capacity in three to five years.

Mr. Bell outlined the options for wastewater treatment capacity expansion, including the HRIB and increased discharge to Taylors Creek. He explained the challenges associated with the HRIB, including the need for redesign and permitting. He emphasized the need for careful tracking of capacity allocation requests to avoid exceeding the 80% limit.

Both Mr. Bell and Mr. Churchill discussed the potential for increasing discharge limits to Taylors Creek and the requirements for such a project.

Mr. Churchill provided a recap of a previous meeting with NCDEQ, where he, Town of Beaufort representatives, and other entities were present to discuss current capacity versus permitted capacity of the Town's WWTP. He provided historical context on the wastewater treatment plant, including its completed construction in 2010 and the initial capacity of 1.5 million gallons per day. He explained the upgrades made to the plant were increased pump capacities, weir sizes, and additional piping. He mentioned the potential plans for a 350,000 gallon per day expansion and what additional improvements would need to be made to achieve the expansion, noting there were aspects already in place to support a capacity of 1.85 million gallons per day. He discussed the requirements for dual disinfection and the changes in regulations that affect the HRIB. He also highlighted the Town's efforts to improve the sanitary sewer collection system and reduce inflow and infiltration.

Mr. Churchill spoke on past dye studies and shellfish sanitation concerns. He emphasized the importance of addressing shellfish sanitation concerns and the potential for a long-term solution for wastewater treatment capacity. He suggested having another dye study performed in the future. He discussed compliance with copper limits and future actions associated with long-term solutions to meet regulatory requirements.

Commissioner Spiegler asked if modifying the actual discharge into Taylors Creek would be a long-term solution.

Mr. Churchill said he thought it would.

Commissioner Oliver asked questions related to the measurement of flow of the wastewater treatment facility.

Mr. Churchill explained the Town of Beaufort's Wastewater Treatment Plant has both an influent flow meter, where raw wastewater is coming into the plant and it also has an effluent flow meter, where it leaves the plant.

Commissioner Oliver asked exactly where it is measured on the input side.

Mr. Churchill confirmed it was at the wastewater plant, noting the operator has a choice of which to report by; typically, the report is based on effluent flow meter. He further discussed the relationship between water treatment quantities and sewer capacity.

Commissioner Oliver went on to further express his opinion that the Town had an inflow and infiltration problem rather than a capacity problem.

Mr. Churchill agreed the Town had an inflow and infiltration problem. He elaborated on the inflow and infiltration processes and the variables associated with each area.

Commissioner Oliver suggested the Town discuss the things that they can proactively do to work on inflow and infiltration, because the capacity issue is a distraction.

Mayor Harker noted the need for an updated inflow and infiltration study.

Mr. Churchill explained chasing the reduction of inflow and infiltration is a never ending process.

Commissioner Oliver suggested the Board stop talking about capacity and start concentrating on inflow and infiltration.

Mr. Churchill suggested performing a study after improvements are made.

Commissioner Oliver recommended each pump station should be evaluated as well.

Commissioner Cooper asked for further clarification on the dye study and shellfish sanitation concerns. He also asked what the feasibility of the HRIB permit would be.

Both Mr. Bell and Mr. Churchill explained there were a lot of unknowns, extra work, and added costs associated with pursuing a potential HRIB permit.

Commissioner Gillikin expressed the need to develop a strategic growth plan, as it would directly affect any future expansion of the plant. She also noted the need to have an inflow and infiltration study done. She suggested the Board be careful issuing sewer reservations until those items were complete and the Town had a better understanding on related information and growth factors.

Items for Review and Discussion

1. FY 2025 Budget Amendment #2

Christi Wood, Finance Director shared the amendment requests the appropriation of Fund Balance for purchases and professional services budgeted in FY 24 but not completed prior to June 30, 2024. The total associated with the General Fund was noted as \$350,430. The total associated with the Utility Fund was noted as \$77,200.

Commissioner Oliver made a motion to approve the proposed budget amendment.

The motion carried unanimously.

2. Balloon Release Ordinance

The Board reviewed a draft ordinance, as provided in the meeting packet, which would regulate balloon releases.

Keith Riittmaster, Director of Bonehenge Whale Center, spoke about the dangers of balloons to marine life.

The Board provided a few grammatical suggestions to the draft ordinance and noted their support of adopting the ordinance. The consensus of the Board was to place it on the consent agenda at the next regular meeting, September 9, 2024.

3. Update from the Beaufort Waterfront Operations and Finance Committee

Commissioner Spiegler shared the below statement:

As you all may be aware, on August 15th, Mayor Harker established the Beaufort Waterfront Operations and Finance Committee to review and update the recommendations of the Harbor and Waterways Advisory Committee, and to determine an action plan for the town's waterfront.

Commissioner Gillikin and I were directed to lead the committee and choose members that represent areas of expertise that will allow us to find solutions that reflect the desired character of the town and docks while meeting financial expectations. Additionally, as needed, we will consult with other subject matter experts to provide input. We'd like to take this opportunity to announce the committee members, who have all committed to participating.

Steve Bishop, Mike Bradley, Vic Fasolino, Dexter Matthews, Ted Morris, Becky Newton, Barry Slade, Craig Souza, Miriam Sutton, and Weymouth Tillet.

We want to also thank Rachel Johnson for acting as our staff liaison for the committee. We are working with Rachel to schedule our first meeting coming up in September.

These meetings will be public, so stay tuned for the schedule to be released. We're excited to get started and for our community to follow along.

Closed Session

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

Commissioner Cooper made a motion to enter closed session pursuant to NCGS 143-318.11 (a) (3). The motion carried unanimously.

Adjourn

Commissioner Cooper made a motion to adjourn the meeting at 6:37 p.m.

The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk



Town of Beaufort, NC

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

**Board of Commissioners
Regular Meeting
6:00 PM Monday, September 9, 2024**

AGENDA CATEGORY: Items of Consent

SUBJECT: Unsealing of Closed Session Minutes

REQUESTED ACTION:

Approval to unseal closed session minutes for the following meetings:

- July 25, 2022
- September 12, 2022
- October 10, 2022
- November 14, 2022
- March 27, 2023
- April 10, 2023
- June 26, 2023
- September 11, 2023
- September 25, 2023
- February 12, 2024
- March 11, 2024
- March 25, 2024
- April 8, 2024
- May 28, 2024
- July 8, 2024
- July 22, 2024

SUBMITTED BY:

Elizabeth Lewis, Town Clerk



Town of Beaufort, NC

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

**Board of Commissioners
Regular Meeting**

6:00 P.M. September 9, 2024 – 614 Broad Street – Train Depot

AGENDA CATEGORY: Items of Consent
SUBJECT: Approval of the Order for 609 NC Hwy. 101 - Special Use Permit – Boat Storage

BRIEF SUMMARY:

As part of the new General Statutes (160D), prior to Evidentiary Hearing Orders being signed and sent to the applicant/property owners, the Board in which conducted the hearing is to review the order for accuracy.

The staff has consulted with the Town Attorney and now asks that the Board of Commissioners review the order for such accuracy.

REQUESTED ACTION:

Review the order for accuracy and approve as presented; or approve with recommended changes.

SUBMITTED BY:

Michelle Eitner, Planner

BUDGET AMENDMENT REQUIRED:

N/A



TOWN OF BEAUFORT
ORDER APPROVING A SPECIAL USE PERMIT

The Board of Commissioners for the Town of Beaufort, having held an evidentiary hearing on August 12, 2024, to consider Case # 24-08, submitted by Tom Owens of Copeland Road Property LLC, a request to construct and operate dry boat storage at 609 Highway 101 in the Residential Single-Family District (R-20) zoning district, and having heard all of the evidence and arguments presented at the hearing, makes the following **FINDINGS OF FACT** and draws the following **CONCLUSIONS**:

In accordance with Section 20 of the Town’s Land Development Ordinance, the Board **FINDS** as follows: a) The proposed use is an allowable special use in the zoning district it is being located within; b) The application is complete; c) the location and character of the use will be in conformity with the Town’s Comprehensive and CAMA Land Use Plan and other comprehensive planning elements; d) Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with current traffic engineering standards and Town regulations and found to be adequate for the proposed special use; e) The proposed special use will not substantially injure the value of adjoining or abutting properties; f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and, g) The proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.

Therefore, on the basis of all the foregoing, **IT IS ORDERED** that the application for a **SPECIAL USE PERMIT** be **APPROVED TO CONSTRUCT AND OPERATE DRY BOAT STORAGE AT 609 HIGHWAY 101, WITH THE FOLLOWING CONDITION**:

- The lighting must be motion sensor activated.
- The lighting must be warm temperature 2700-3000K.

Ordered this 9th day of September, 2024.

Sharon Harker, Mayor

Elizabeth Lewis,
Clerk to the Board



Town of Beaufort, NC

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

**Board of Commissioners
Regular Meeting
6:00 PM Monday, September 9, 2024
Train Depot, 614 Broad Street
Beaufort, NC 28516**

AGENDA CATEGORY: Items of Consent
SUBJECT: Amendment to the Town of Beaufort Code of Ordinances to Add- "Balloon Releases"

REQUESTED ACTION:
Adoption of the draft ordinance to regulate balloon releases.

SUBMITTED BY:
Elizabeth Lewis
Assistant Town Manager/Town Clerk

BUDGET AMENDMENT REQUIRED:
No



**AN ORDINANCE OF THE TOWN OF BEAUFORT BOARD OF COMMISSIONERS
AMENDING THE TOWN OF BEAUFORT CODE OF ORDINANCES TO ADD
“BALLOON RELEASES” ORDINANCE NO. 24-_____**

WHEREAS, pursuant to North Carolina General Statutes 160A-174, a town may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town; and

WHEREAS, in furtherance of the public’s health, safety and welfare it is necessary to regulate certain activities upon the lands, waterways, beaches, and dune areas of the Town which degrade or cause harm to these areas or the waters of the Atlantic Ocean, and tributaries of same; and

WHEREAS, it is necessary to regulate certain activities to protect the well-being of the natural environment and the wildlife present in this environment.

NOW THEREFORE BE IT ORDAINED by the Town Board of Commissioners of the Town of Beaufort, North Carolina:

The Code of Ordinances, Town of Beaufort, North Carolina, is hereby amended by adding a section, to be numbered Title XIII- General Offenses, Section 130.12, titled, Unlawful to Release Balloons within the Town, which shall read as follows:

Sec. 130.12 Unlawful to Release Balloons within the Town.

- A. It shall be unlawful for any person, firm, nonprofit organization, or corporation to knowingly and intentionally release, participate in the release of, intentionally cause to be released, or to litter by abandoning and not properly disposing of all waste material, any type of balloon inflated with a liquid, air, or gas within the Town limits, any waters within the zoning jurisdiction of the Town, or the beach and/or dune areas of the Town.
- B. The following are not violations of this Section:
 - (1) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;
 - (2) Hot air balloons that are recovered after launching; or
 - (3) Balloons released inside a building or structure which do not make their way into the open air.
- C. The following definitions apply to this Section:

“Balloon” means a flexible, nonporous bag made from materials such as, but not limited to, rubber, latex, polychloroprene, mylar, or nylon fabric that can be inflated or filled with gas or fluid, such as helium, hydrogen, nitrous oxide, air, or water, and then sealed



at the neck of the bag. The Town does not recognize any balloon as “biodegradable or photodegradable” and therefore such balloons are not exempted from this Section.

“Litter” includes all waste materials resulting from the outdoor release or abandonment of a balloon.

D. Penalty for violation of this Section:

In addition to other remedies and penalties which apply to violations of the Town’s Code of Ordinances, any person violating the provisions of this section shall be subject to a civil penalty in the amount of \$250, which must be paid within ten days from the date on which the offending party is cited for the violation. The Town will recover any such penalty in a civil action in the nature of a debt if the penalty is not timely paid in full.

Adopted this _____day of September, 2024

Sharon E. Harker, Mayor

(Seal)

ATTEST:

Elizabeth Lewis, Town Clerk



Town of Beaufort, NC

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

**Board of Commissioners
Regular Meeting
6:00 PM Monday, September 9, 2024**

AGENDA CATEGORY: New Business
SUBJECT: Award of Construction Contracts
1809 Live Oak Water and Sewer Extensions Project

BRIEF SUMMARY:

Sealed bids for the construction of the 1809 Live Oak Water and Sewer Extensions project were received on Thursday, August 8, 2024. Four bids were received for the project with Thomas Simpson Construction Co being the apparent low bidder.

Examination of the attached bid tabulation and review of each bid for completeness and correctness confirmed that Thomas Simpson Construction Co produced the lowest responsible bid at a total dollar amount of \$374,299.00 for the construction of water main and gravity sewer main extensions to the property at 1809 Live Oak Street thus once completed will fulfill the Town's obligation to extend services to this location based on a development agreement with current and previous property owners.

Given the foregoing, Town staff recommends award of a construction contract to Thomas Simpson Construction Company.

REQUESTED ACTION:

Consider awarding construction contract to Thomas Simpson Construction Company.

EXPECTED LENGTH OF PRESENTATION:

10 minutes

SUBMITTED BY:

Sam Bell, PE, Interim Town Engineer

BUDGET AMENDMENT REQUIRED:

No.

BID TABULATION

DATE FOR RECEIPT OF BIDS: August 8, 2024

I CERTIFY THAT THIS IS A TRUE AND ACCURATE
TABULATION OF BIDS RECEIVED.

BY: Sam Bell, PE
Interim Town Engineer



Sam Bell
Sam Bell, PE



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

PROJECT: 1809 Live Oak Water and Sewer Extensions

PART 1

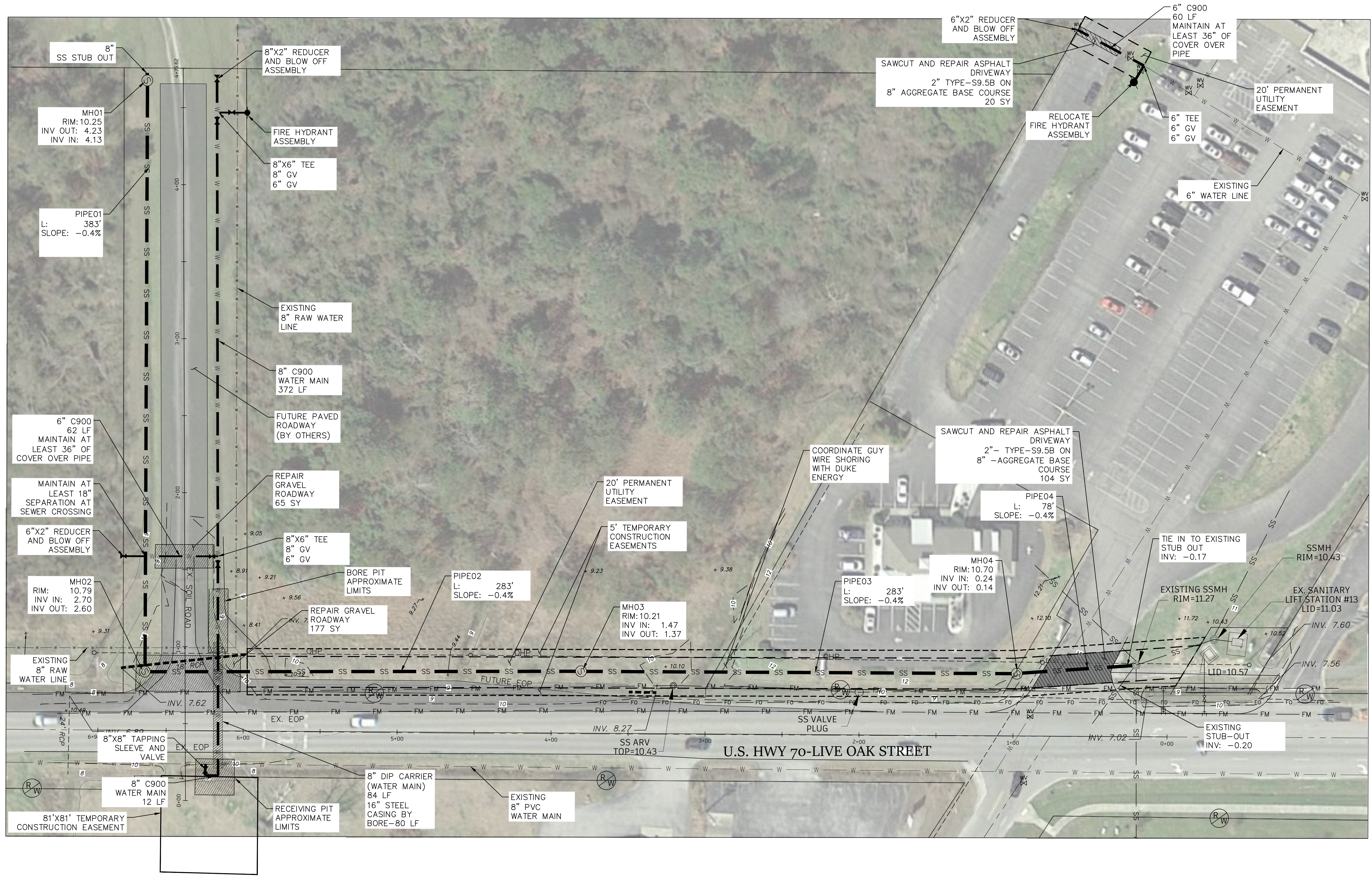
| Item No. | Description | Unit | Quantity | B. Benton & Co., LLC Swansboro, NC | | Thomas Simpson Construction Co. Beaufort, NC | | Sunland Builders, Inc. Newport, NC | | TA Loving Co. Goldsboro, NC | | Unit \$ | Total \$ |
|----------|---|------|----------|---------------------------------------|-----------|--|-----------|---------------------------------------|------------|--------------------------------|-----------|---------|----------|
| | | | | Unit \$ | Total \$ | Unit \$ | Total \$ | Unit \$ | Total \$ | Unit \$ | Total \$ | | |
| 1 | Temporary Traffic Control | LS | 1 | 18,525.00 | 18,525.00 | 16,500.00 | 16,500.00 | 30,000.00 | 30,000.00 | 57,500.00 | 57,500.00 | | |
| 2 | Construction Surveying | LS | 1 | 4,605.00 | 4,605.00 | 6,000.00 | 6,000.00 | 15,000.00 | 15,000.00 | 35,000.00 | 35,000.00 | | |
| 3 | Compacted #57 Stone | Tons | 61 | 95.15 | 5,804.15 | 58.50 | 3,568.50 | 200.00 | 12,200.00 | 60.00 | 3,660.00 | | |
| 4 | Dewatering | LS | 1 | 98,200.00 | 98,200.00 | 25,000.00 | 25,000.00 | 180,000.00 | 180,000.00 | 30,000.00 | 30,000.00 | | |
| 5 | Seeding, Fertilizing, and Fine Grading | SY | 2837 | 4.60 | 13,050.20 | 6.00 | 17,022.00 | 16.00 | 45,392.00 | 1.00 | 2,837.00 | | |
| 6 | Silt Fence Barrier | LF | 910 | 7.65 | 6,961.50 | 5.00 | 4,550.00 | 8.00 | 7,280.00 | 6.00 | 5,460.00 | | |
| 7 | Removal of Existing Asphalt Pavement | SY | 124 | 55.50 | 6,882.00 | 6.00 | 744.00 | 25.00 | 3,100.00 | 10.00 | 1,240.00 | | |
| 8 | Asphalt Roadway Repair | SY | 124 | 152.00 | 18,848.00 | 40.00 | 4,960.00 | 450.00 | 55,800.00 | 100.00 | 12,400.00 | | |
| 9 | Gravel Roadway Repair | SY | 124 | 30.75 | 3,813.00 | 20.00 | 2,480.00 | 120.00 | 14,880.00 | 35.00 | 4,340.00 | | |
| 10 | 16" Steel Encasement (Bored) | LF | 78 | 0.01 | 0.78 | 480.75 | 37,498.50 | 1,700.00 | 132,600.00 | 800.00 | 62,400.00 | | |
| 11 | 8-Inch Dia. DIP, Bored and Jacked | LF | 80 | 789.00 | 63,120.00 | 155.00 | 12,400.00 | 95.00 | 7,600.00 | 100.00 | 8,000.00 | | |
| 12 | 6-Inch DIA. C900 DR18 PVC Water Main | LF | 140 | 104.75 | 14,665.00 | 65.00 | 9,100.00 | 84.00 | 11,760.00 | 160.00 | 22,400.00 | | |
| 13 | 8-Inch DIA. C900 DR18 PVC Water Main | LF | 365 | 108.00 | 39,420.00 | 75.00 | 27,375.00 | 125.00 | 45,625.00 | 160.00 | 58,400.00 | | |
| 14 | 8" x 6" x 8" MJ Tee, Class 350 | EA | 2 | 1,595.00 | 3,190.00 | 1,150.00 | 2,300.00 | 1,005.00 | 2,010.00 | 1,200.00 | 2,400.00 | | |
| 15 | 6-Inch DIP MJ Tee, Class 350 | EA | 1 | 1,328.00 | 1,328.00 | 1,000.00 | 1,000.00 | 675.00 | 675.00 | 725.00 | 725.00 | | |
| 16 | 8-Inch DIP MJ 90-degree Bend, Class 350 | EA | 2 | 1,069.00 | 2,138.00 | 1,000.00 | 2,000.00 | 697.00 | 1,394.00 | 950.00 | 1,900.00 | | |

Tabulation continued on next page

Continuatiuon of Bid Tabulation

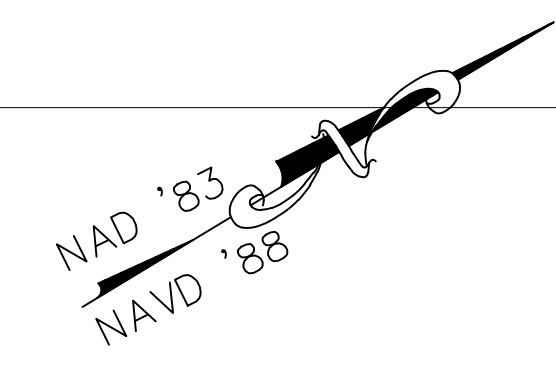
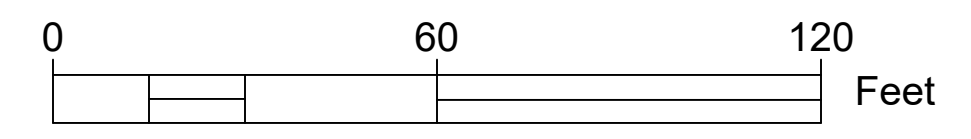
| Item No. | Description | Unit | Quantity | B. Benton & Co., LLC Swansboro, NC | | Thomas Simpson Construction Co. Beaufort, NC | | Sunland Builders, Inc. Newport, NC | | TA Loving Co. Goldsboro, NC | | Unit \$ | Total \$ |
|----------|---|------|----------|---------------------------------------|-------------------|--|-------------------|---------------------------------------|-------------------|--------------------------------|-------------------|---------|----------|
| | | | | Unit \$ | Total \$ | Unit \$ | Total \$ | Unit \$ | Total \$ | Unit \$ | Total \$ | | |
| 17 | 6-Inch DIP Restrained Joint Plug, Class 350 | EA | 2 | 600.00 | 1,200.00 | 625.00 | 1,250.00 | 395.00 | 790.00 | 500.00 | 1,000.00 | | |
| 18 | 8-Inch DIP Restrained Joint Plug, Class 350 | EA | 1 | 707.15 | 707.15 | 685.00 | 685.00 | 405.00 | 405.00 | 650.00 | 650.00 | | |
| 19 | Tapping Sleeve, Gate Valve, and Box, 8" x 8" | EA | 1 | 9,160.00 | 9,160.00 | 9,000.00 | 9,000.00 | 17,500.00 | 17,500.00 | 20,000.00 | 20,000.00 | | |
| 20 | Fire Hydrant Assembly | EA | 1 | 8,807.00 | 8,807.00 | 6,550.00 | 6,550.00 | 9,780.00 | 9,780.00 | 11,500.00 | 11,500.00 | | |
| 21 | Connect Pipe to Existing Sewer Manhole | EA | 1 | 4,641.00 | 4,641.00 | 12,000.00 | 12,000.00 | 36,950.00 | 36,950.00 | 12,500.00 | 12,500.00 | | |
| 22 | Relocate Fire Hydrant Assembly | EA | 1 | 9,141.00 | 9,141.00 | 3,300.00 | 3,300.00 | 9,240.00 | 9,240.00 | 7,500.00 | 7,500.00 | | |
| 23 | 6" Gate Valve and Box | EA | 2 | 2,463.00 | 4,926.00 | 2,450.00 | 4,900.00 | 2,570.00 | 5,140.00 | 3,000.00 | 6,000.00 | | |
| 24 | Gravity Sewer, 8" Dia. SDR 35 PVC, 6' to 8' Depth | LF | 343 | 124.00 | 42,532.00 | 98.00 | 33,614.00 | 108.00 | 37,044.00 | 155.00 | 53,165.00 | | |
| 25 | Gravity Sewer, 8" Dia. SDR 35 PVC, 8' to 10' Depth | LF | 644 | 160.00 | 103,040.00 | 103.00 | 66,332.00 | 190.00 | 122,360.00 | 180.00 | 115,920.00 | | |
| 26 | Gravity Sewer, 8" Dia. Class 350 DIP, 6' to 8' Depth | LF | 40 | 173.00 | 6,920.00 | 108.00 | 4,320.00 | 175.00 | 7,000.00 | 255.00 | 10,200.00 | | |
| 27 | Precast Concrete Gravity Sewer 4'0" Dia. Manhole, 6' to 8' Depth | EA | 2 | 7,530.00 | 15,060.00 | 5,100.00 | 10,200.00 | 5,300.00 | 10,600.00 | 9,250.00 | 18,500.00 | | |
| 28 | Precast Concrete Gravity Sewer 4'0" Dia. Manhole, 8' to 10' Depth | EA | 1 | 8,133.00 | 8,133.00 | 5,550.00 | 5,550.00 | 8,000.00 | 8,000.00 | 10,000.00 | 10,000.00 | | |
| 29 | Precast Concrete Gravity Sewer 4'0" Dia. Manhole, >10' Depth | EA | 1 | 12,465.00 | 12,465.00 | 6,100.00 | 6,100.00 | 9,000.00 | 9,000.00 | 10,750.00 | 10,750.00 | | |
| 30 | Temporary Shoring | LS | 1 | 12,800.00 | 12,800.00 | 19,500.00 | 19,500.00 | 35,000.00 | 35,000.00 | 5,000.00 | 5,000.00 | | |
| 31 | Power Pole Stabilization | LS | 1 | 17,125.00 | 17,125.00 | 8,500.00 | 8,500.00 | 15,000.00 | 15,000.00 | 1,500.00 | 1,500.00 | | |
| | PART 1 - CONSTRUCTION SUBTOTAL | | | | 557,207.78 | | 364,299.00 | | 889,125.00 | | 592,847.00 | | |
| 32 | Mobilization (Maximum 4% of Total Construction Subtotal) | | | | 16,350.00 | | 10,000.00 | | 35,000.00 | | 20,000.00 | | |
| | PART 1 - CONSTRUCTION BASE BID TOTAL | | | | 573,557.78 | | 374,299.00 | | 924,125.00 | | 612,847.00 | | |

*In the event of an arithmetic error in the tabulation of the BASE BID, the unit prices shall prevail.

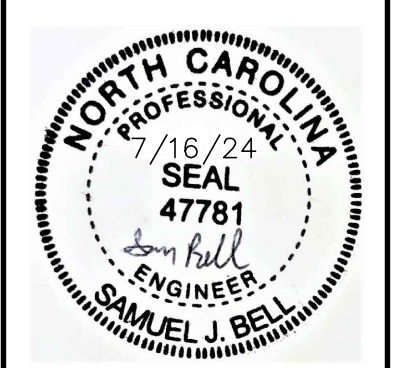


1 PLAN VIEW - 1809 LIVE OAK STREET

SCALE: 1" = 30'



1809 LIVE OAK ST WATER AND SEWER
MAIN EXTENSIONS
JULY 2024



TOWN OF BEAUFORT
701 FRONT STREET
BEAUFORT, NC 28516
Tel. No. (252) 728-2141

| REVISIONS | NO. | BY: | DATE: | REMARKS: |
|-----------|-----|-----|-------|----------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

DRAWN BY: SJB
CHECKED BY: GKM
DATE: 7/16/24
DRAWING NUMBER:

C1



Town of Beaufort, NC

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

**Board of Commissioners
Regular Meeting
6:00 PM Monday, September 9, 2024**

AGENDA CATEGORY: New Business

SUBJECT: Parks & Recreation Advisory Board Appointments

REQUESTED ACTION:

Appoint three members to the Parks & Recreation Advisory Board from the applicants listed below:

- Carol Beard, *new applicant*
- Sheresa Elliot, *seeking re-appointment*
- Dave Inscoe, *new applicant*
- Russell Wilde, *new applicant*
-

Note, these are four-year terms set to begin September 30, 2024.

SUMBMITTED BY:

Elizabeth Lewis, Town Clerk