



## **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](http://www.beaufortnc.org)

### **Town of Beaufort Board of Commissioners Regular Meeting 6:00 PM Monday, May 08, 2023 - Train Depot, 614 Broad Street, Beaufort, NC 28516 Monthly Meeting**

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#### **Call to Order/Pledge of Allegiance**

#### **Roll Call**

#### **Agenda Approval**

#### **Public Comment**

#### **Items of Consent**

- [1.](#) American Rescue Plan Policies
- [2.](#) Meeting Minutes

#### **Presentations**

- [1.](#) FY 2024 Budget Presentation

#### **Public Hearing**

- [1.](#) Case #23-01 Text Amendment - Affordable Housing District

#### **Items for Discussion and Consideration**

- [1.](#) Approval of Plans and Specifications- USDA-Funded Utilities Project
- [2.](#) Award of Construction Contract- Cedar Street Pervious Parking Lanes Pavement
- [3.](#) ARP Budget Ordinance and Amendments- Revenue Replacement
- [4.](#) Arts in Beaufort Mural Project

#### **Manager Report**

#### **Mayor/Commissioner Comments**

#### **Closed Session**

- [1.](#) Pursuant to NCGS 143-318.11 (a) (5)

#### **Adjourn**



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**Board of Commissioners  
Regular Meeting  
6:00 PM – Monday, May 8, 2023  
Train Depot, 614 Broad Street  
Beaufort, NC 28516**

**AGENDA CATEGORY:** Items for Consent  
**SUBJECT:** Policies Required for Eligibility American Rescue Plan funding

**BRIEF SUMMARY:**  
The following five policies are required to be in place and followed to ensure eligibility for ARP funding. These policies include:

- 1) Eligible Use Policy
- 2) Conflict of Interest Policy (approved August 2022 by the BOC)
- 3) Non-discrimination Policy
- 4) Record Retention Policy
- 5) Allowable Cost Policy

**REQUESTED ACTION:**

Approve Attached Policies

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Christi Wood – Finance Director

**BUDGET AMENDMENT REQUIRED:**

**NO**



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### Recitals

**WHEREAS**, the Town of Beaufort has received an allocation of funds from the “Coronavirus State Fiscal Recovery Fund” or “Coronavirus Local Fiscal Recovery Fund” (together “CSLFRF funds”), established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (the “ARP/CSLFRF award”).

**WHEREAS**, CSLFRF funds are subject to the U.S. Department of Treasury (“Treasury”) regulations, including the Final Rule, the Award Terms and Conditions, and the Title VII implementing regulations at 31 C.F.R. Part 22.

**WHEREAS**, pursuant to the ARP/CSLFRF Award Terms and Conditions, and as a condition of receiving CSLFRF funds, the Town of Beaufort agrees to follow all federal statutes and regulations prohibiting discrimination in its administration of CSLFRF under the terms and conditions of the ARP/CSLFRF award, including, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin within programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury’s implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

**RESOLVED**, That the governing board of the Town of Beaufort hereby adopts and enacts the following nondiscrimination policy, which shall apply to the operations of any program, activity, or facility that is supported in whole, or in part, by expenditures CSLFRF pursuant to the ARP/CSLFRF award.



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**Nondiscrimination Policy Statement**

It is the policy of the Town of Beaufort to ensure that no person shall, on the ground of race, color, national origin (including limited English Proficiency), familial status, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity administered by the Town of Beaufort, including programs or activities that are funded in whole or part, with Coronavirus State and Local Fiscal Recovery Funds (“CSLFRF”), which the Town of Beaufort received from the U.S. Department of Treasury (“Treasury”) pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (herein the “ARP/CSLFRF award”).

**I. Governing Statutory & Regulatory Authorities**

As required by the CSLFRF [Award Terms and Conditions](#), the Town of Beaufort shall ensure that each “activity,” “facility,” or “program”<sup>1</sup> that is funded in whole, or in part, with CSLFRF and administered under the ARP/CSLFRF award, will be facilitated, operated, or conducted in compliance with the following federal statutes and federal regulations prohibiting discrimination. These include, but are not limited to, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury’s implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age within programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs,

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<sup>1</sup> 22 C.F.R. § 22.3 defines “program” and “activity” as all operations of an entity, including local governments, that receive Federal financial assistance, and the departments, agencies, or special purpose districts of the local governments to which Federal financial assistance is distributed. “Federal financial assistance” includes, among other things, grants and loans of federal funds. “Facility” includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.



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activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

**II. Discriminatory Practices Prohibited in the Administration of the ARP/CSLFRF Award**

To ensure compliance with Title VII of the Civil Rights Act of 1964, and Title 31 Code of Federal Regulations, Part 22, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities, the Town of Beaufort shall prohibit, at a minimum, the following practices in its administration of CSLFRF pursuant to the ARP/CSLFRF award:

1. Denying to a person any service, financial aid, or other program benefit without good cause;
2. Providing to a person any service, financial aid, or another benefit which is different in quantity or quality, or is provided in a different manner, from that provided to others under the program.
3. Subjecting a person to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under the program;
4. Restricting a person in the enjoyment of any advantages, privileges, or other benefits enjoyed by others receiving any service, financial aid, or other benefit under the program;
5. Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet to be provided any service, financial aid, or other benefit provided under the program;
6. Implementing different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities to the program;
7. Adopting methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
8. Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations;
9. Discriminating against any person, either directly or through a contractual agreement, in any employment resulting from the program, a primary objective of which is to provide employment;
10. Committing acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or



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privilege secured by any pertinent nondiscrimination law, or because an individual made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

**III. Reporting & Enforcement**

1. The Town of Beaufort shall cooperate in any enforcement or compliance review activities by the Department of the Treasury. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Town of Beaufort shall comply with information requests, on-site compliance reviews, and reporting requirements.
2. The Town of Beaufort shall maintain a complaint log and inform the Treasury of any complaints of discrimination on the grounds of race, color, or national origin (including limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, whether pending or completed, including the outcome. The Town of Beaufort shall inform the Treasury if it has received no complaints under Title VI.
3. Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Treasury. Any such complaint must be in writing and filed with the Treasury’s Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.



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- 4. Any person who believes that because of that person’s race, color, national origin, limited English proficiency, familial status, sex, age, religion, or disability that he/she/they have been discriminated against or unfairly treated by the Town of Beaufort in violation of this policy should contact the following office within 180 days from the date of the alleged discriminatory occurrence:

Human Resource Manager  
Town of Beaufort  
701 Front Street  
Beaufort, NC 28516  
252-728-2141 ext. 238

Date of Adoption: \_\_\_\_\_

Sharon Harker, Mayor \_\_\_\_\_

Elizabeth Lewis, Town Clerk \_\_\_\_\_



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**ELIGIBLE USE POLICY FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021  
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY TOWN OF BEAUFORT**

**WHEREAS** the Town of Beaufort, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

**WHEREAS** US Treasury is responsible for implementing ARP/CSLFRF and has enacted a Final Rule outlining eligible projects; and

**WHEREAS** the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

**WHEREAS** the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the Assistance Listing; and

**WHEREAS** US Treasury has issued a Compliance and Reporting Guidance v.3.0 (February 28, 2022) dictating implementation of the ARP/CSLFRF award terms and compliance requirements; and

**WHEREAS** the Compliance and Reporting Guidance states on page 6 that

Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

**BE IT RESOLVED** that the Town of Beaufort hereby adopts and enacts the following Eligibility Determination Policy for ARP/CSLFRF funds.



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## Eligibility Determination Policy for American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds

This policy defines the permissible and prohibited uses of the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF) funds. It also outlines the procedures for determining how Town of Beaufort will spend its ARP/CSLFRF funds.

### I. PERMISSIBLE USES OF ARP/CSLFRF FUNDING

US Treasury issued its **Final Rule** regarding use of ARP funds on January 6, 2022. (The Final Rule is effective as of April 1, 2022. Until that date, a local government may proceed under the regulation promulgated by US Department of the Treasury in its **Interim Final Rule** or the Final Rule.) The Final Rule (and the Interim Final Rule) identify permissible uses of ARP/CSLFRF funds and certain limitations and process requirements. Local governments must allocate ARP/CSLFRF funds no later than December 31, 2024 and disburse all funding no later than December 31, 2026. Failure of an entity to expend all funds by December 31, 2026 will result in forfeiture of ARP funds.

ARP/CSLFRF funds may be used for projects within the following categories of expenditures:

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and



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## II. PROHIBITED USES OF ARPA FUNDING

The ARP/CSLFRF and US Treasury’s Final Rule prohibit certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed.);
2. To borrow money or make debt service payments;
3. To replenish rainy day funds or fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding (There is an exception to this prohibition if the settlement or judgment requires the Town of Beaufort to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then the costs of those otherwise ARP/CSLFRF-eligible projects are allowed.);
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

The Town of Beaufort, and any of its contractors or subrecipients, may not expend any ARP/CSLFRF funds for these purposes.

## III. PROCEDURES FOR PROJECT APPROVAL

The following are procedures for ARP/CSLFRF project approvals. All Town of Beaufort employees and officials must comply with these requirements.

1. Requests for ARP/CSLFRF funding, must be made in writing and include all the following:
  - a. Brief description of the project
  - b. Identification of ARP/CSLFRF Expenditure Category (EC) (A list of ECs in in the Appendix to the US Treasury Compliance and Reporting Guidance.)
  - c. Required justifications for applicable projects, according to the requirements in the Final Rule. Employees or any applicant seeking ARP funding should review the Final Rule and Final Rule Overview prior to submitting a proposal.
  - d. Proposed budget, broken down by cost item, in accordance with the Town of Beaufort’s Allowable Cost Policy.



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- e. A project implementation plan and estimated implementation timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully expended by December 31, 2026.)
- 2. Requests for funding must be submitted to the Town Manager for approval. All requests will be reviewed by the Town Manager for ARP/CSLFRF compliance and by the Finance Director for allowable costs and other financial review.
- 3. No ARP/CSLFRF may be obligated or expended before final written approval by the Town Manager.
- 4. If a proposal does not meet the required criteria, it will be returned to the requesting party for revision and resubmittal.
- 5. Following approval, employees responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget. Changes in project budgets must be approved by the Finance Director and may require a budget amendment before proceeding. Any delay in the projected project completion date shall be communicated to the Town Manager immediately.
- 6. Finance Director must collect and document required information for each EC, for purposes of completing the required Project and Expenditure reports.
- 7. Finance Director must maintain written project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.

Date of Adoption: \_\_\_\_\_

Sharon Harker, Mayor \_\_\_\_\_

Elizabeth Lewis, Town Clerk \_\_\_\_\_



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**Record Retention Policy: Documents Created or Maintained Pursuant to the ARP/CSLFRF Award**

**Retention of Records:** The Coronavirus Local Fiscal Recovery Funds (“CSLFRF”) Award Terms and Conditions and the Compliance and Reporting Guidance set forth the U.S. Department of Treasury’s (“Treasury”) record retention requirements for the ARP/CSLFRF award.

It is the policy of the Town of Beaufort to follow Treasury’s record retention requirements as it expends CSLFRF pursuant to the APR/CSLFRF award. Accordingly, the Town of Beaufort agrees to the following:

- Retain all financial and programmatic records related to the use and expenditure of CSLFRF pursuant to the ARP/CSLFRF award for a period of five (5) years after all CLFRF funds have been expended or returned to Treasury, whichever is later.
- Retain records for real property and equipment acquired with CSLFRF for five years after final disposition.
- Ensure that the financial and programmatic records retained sufficiently evidence compliance with section 603(c) of the Social Security Act “ARPA,” Treasury’s regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
- Allow the Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, the right of timely and unrestricted access to any records for the purpose of audits or other investigations.
- If any litigation, claim, or audit is started before the expiration of the 5-year period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved.

**Covered Records:** For purposes of this policy, records are information, regardless of physical form or characteristics, that are created, received, or retained that evidence the Town of Beaufort’s expenditure of CSLFRF funds on eligible projects, programs, or activities pursuant to the ARP/CSLFRF award.

Records that shall be retained pursuant to this policy include, but are not limited to, the following:

- Financial statements and accounting records evidencing expenditures of CSLFRF for eligible projects, programs, or activities.



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- Documentation of rationale to support a particular expenditure of CSLFRF (e.g., expenditure constitutes a general government service);
- Documentation of administrative costs charged to the ARP/CSLFRF award;
- Procurement documents evidencing the significant history of a procurement, including, at a minimum, the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for contract cost or price;
- Subaward agreements and documentation of subrecipient monitoring;
- Documentation evidencing compliance with the Uniform Guidance property management standards set forth in 2 C.F.R. §§ 200.310-316 and 200.329;
- Personnel and payroll records for full-time and part-time employees compensated with CSLFRF, including time and effort reports; and
- Indirect cost rate proposals

**Storage:** Town of Beaufort’s records must be stored in a safe, secure, and accessible manner. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

**Departmental Responsibilities:** Any department or unit of the Town of Beaufort, and its employees, who are responsible for creating or maintaining the covered documents in this policy shall comply with the terms of this policy. Failure to do so may subject the Town of Beaufort to civil and/or criminal liability. Any employee who fails to comply with the record retention requirements set forth herein may be subject to disciplinary sanctions, including suspension or termination.

The Finance Director is responsible for identifying the documents that Town of Beaufort must or should retain and arrange for the proper storage and retrieval of records. The Finance Director shall also ensure that all personnel subject to the terms of this policy are aware of the record retention requirements set forth herein.



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**Reporting Policy Violations:** The Town of Beaufort is committed to enforcing this policy as it applies to all forms of records. Any employee that suspects the terms of this policy have been violated shall report the incident immediately to that employee’s supervisor. If an employee is not comfortable bringing the matter up with the supervisor, the employee may bring the matter to the attention of the Human Resource Manager. The Town of Beaufort prohibits, any form of discipline, reprisal, intimidation, or retaliation for reporting incidents of inappropriate conduct of any kind, pursuing any record destruction claim, or cooperating in related investigations.

**Questions About the Policy:** Any questions about this policy should be referred to the Finance Director, 252-728-2141 ext.240, who is in charge of administering, enforcing, and updating this policy.

Date of Adoption: \_\_\_\_\_

Sharon Harker, Mayor \_\_\_\_\_

Elizabeth Lewis, Town Clerk \_\_\_\_\_



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## **POLICY FOR ALLOWABLE COSTS AND COST PRINCIPLES FOR EXPENDITURE OF AMERICAN RESCUE PLAN ACT CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY NORTH CAROLINA LOCAL GOVERNMENTS**

**WHEREAS** the Town of Beaufort, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

**WHEREAS** the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

**WHEREAS** the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Sect. 200 (UG), as provided in the Assistance Listing; and

**WHEREAS** the Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds provides, in relevant part:

**Allowable Costs/Cost Principles.** As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability.

ARP/CSLFRF Funds may be, but are not required to be, used along with other funding sources for a given project. Note that ARP/CSLFRF Funds may not be used for a non-



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Federal cost share or match where prohibited by other Federal programs, e.g., funds may not be used for the State share for Medicaid.

Treasury’s Interim Final Rule and guidance and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed in accordance with 2 CFR Part 200, Subpart F are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

- a. Administrative costs: Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the ARP/CSLFRF Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs. Direct costs are those that are identified specifically as costs of implementing the ARP/CSLFRF program objectives, such as contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the ARP/CSLFRF award such as the cost of facilities or administrative functions like a director’s office. Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement (NICRA) established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).
- b. Salaries and Expenses: In general, certain employees’ wages, salaries, and covered benefits are an eligible use of ARP/CSLFRF award funds; and

**WHEREAS** Subpart E of the UG dictates allowable costs and cost principles for expenditure of ARP/CSLFRF funds; and

**WHEREAS** Subpart E of the UG (specifically, 200.400) states that:



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The application of these cost principles is based on the fundamental premises that:

- (a) The non-Federal entity is responsible for the efficient and effective administration of the Federal award through the application of sound management practices.
- (b) The non-Federal entity assumes responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.
- (c) The non-Federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award.
- (d) The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-Federal entity. However, the accounting practices of the non-Federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to the Federal award.
- (e) In reviewing, negotiating and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-Federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-Federal entity, the reasonableness and equity of such treatments should be fully considered.
- (f) For non-Federal entities that educate and engage students in research, the dual role of students as both trainees and employees (including pre- and post-doctoral staff) contributing to the completion of Federal awards for research must be recognized in the application of these principles.
- (g) The non-Federal entity may not earn or keep any profit resulting from Federal financial assistance, unless explicitly authorized by the terms and conditions of the Federal award;

**BE IT RESOLVED** that the governing board of Town of Beaufort hereby adopts and enacts the following UG Allowable Costs and Cost Principles Policy for the expenditure of ARP/CSLFRF funds.



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## Town of Beaufort Allowable Costs and Costs Principles Policy

### I. ALLOWABLE COSTS AND COSTS PRINCIPLES POLICY OVERVIEW

Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart E, defines those items of cost that are allowable, and which are unallowable. The tests of allowability under these principles are: (a) the costs must be reasonable; (b) they must be allocable to eligible projects under the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); (c) they must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and (d) they must conform to any limitations or exclusions set forth in these principles or in the ARP/CSLFRF grant award as to types or amounts of cost items. Unallowable items fall into two categories: expenses which are by their nature unallowable (e.g., alcohol), and unallowable activities (e.g., fund raising). Town of Beaufort shall adhere to all applicable cost principles governing the use of federal grants. This policy addresses the proper classification of both direct and indirect charges to ARP/CSLFRF funded projects and enacts procedures to ensure that proposed and actual expenditures are consistent with the ARP/CSLFRF grant award terms and all applicable federal regulations in the UG.

Responsibility for following these guidelines lies with the Beaufort Board of Commissioners, Town Manager and Finance Director who are charged with the administration and financial oversight of the ARP/CSLFRF. Further, all local government employees and officials who are involved in obligating, administering, expending, or monitoring ARP/CSLFRF grant funded projects should be well versed with the categories of costs that are generally allowable and unallowable. Questions on the allowability of costs should be directed to the Finance Director.. As questions on allowability of certain costs may require interpretation and judgment, local government personnel are encouraged to ask for assistance in making those determinations.

### II. GENERAL COST ALLOWABILITY CRITERIA

All costs expended using ARP/CSLFRF funds must meet the following general criteria:

**1. Be necessary and reasonable for the proper and efficient performance and administration of the grant program.**

A cost must be *necessary* to achieve a project object. When determining whether a cost is necessary, consideration may be given to:

- Whether the cost is needed for the proper and efficient performance of the grant project.
- Whether the cost is identified in the approved project budget or application.



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- Whether the cost aligns with identified needs based on results and findings from a needs assessment.
- Whether the cost addresses project goals and objectives and is based on program data.

A cost is *reasonable* if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices. When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the Town of Beaufort or the proper and efficient performance of the federal award.
- The restraints or requirements imposed by factors, such as: sound business practices; arm’s-length bargaining; federal, state, and other laws and regulations; and terms and conditions of the ARP/CSLFRF award.
- Market prices for comparable goods or services for the geographic area.
- Whether individuals concerned acted with prudence in the circumstances considering their responsibilities to Town of Beaufort, its employees, the public at large, and the federal government.
- Whether Town of Beaufort significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the ARP/CSLFRF award’s cost.

**2. Be allocable to the ARP/CSLFRF federal award.** A cost is allocable to the ARP/CSLFRF award if the goods or services involved are chargeable or assignable to the ARP/CSLFRF award in accordance with the relative benefit received. This means that the ARP/CSLFRF grant program derived a benefit in proportion to the funds charged to the program. *For example, if 50 percent of a local government program officer’s salary is paid with grant funds, then the local government must document that the program officer spent at least 50 percent of his/her time on the grant program.*

If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized by



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the ARP/CSLFRF, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required.

3. **Be authorized and not prohibited under state or local laws or regulations.**
4. **Conform to any limitations or exclusions set forth in the principles, federal laws, ARP/CSLFRF award terms, and other governing regulations as to types or amounts of cost items.**
5. **Be consistent with policies, regulations, and procedures that apply uniformly to both the ARP/CSLFRF federal award and other activities of Town of Beaufort.**
6. **Be accorded consistent treatment.** A cost MAY NOT be assigned to a federal award as a direct cost and also be charged to a federal award as an indirect cost. And a cost must be treated consistently for both federal award and non-federal award expenditures.
7. **Be determined in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in the UGG.**
8. **Be net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to and received by the local government related to the federal award, they shall be credited to the ARP/CSLFRF award, either as a cost reduction or a cash refund, as appropriate and consistent with the award terms.
9. **Be adequately documented.**

III. **SELECTED ITEMS OF COST** The UGG examines the allowability of fifty-five (55) specific cost items (commonly referred to as Selected Items of Cost) at 2 CFR § 200.420-.475.

The Finance Department responsible for determining cost allowability must be familiar with the Selected Items of Cost. The Town of Beaufort must follow the applicable regulations when charging these specific expenditures to the ARP/CSLFRF grant. The Finance Department personnel will check costs against the selected items of cost requirements to ensure the cost is allowable and that all process and documentation requirements are followed. In addition, State laws, Town of Beaufort regulations, and program-specific rules may deem a cost as unallowable, and Finance Department personnel must follow those non-federal rules as well. Exhibit A identifies and summarizes the Selected Items of Cost.



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#### IV. DIRECT AND INDIRECT COSTS

Allowable and allocable costs must be appropriately classified as direct or indirect charges. It is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

*Direct costs* are expenses that are specifically associated with a particular ARP/CSLFRF-eligible project and that can be directly assigned to such activities relatively easily with a high degree of accuracy. Common examples of direct costs include salary and fringe benefits of personnel directly involved in undertaking an eligible project, equipment and supplies for the project, subcontracted service provider, or other materials consumed or expended in the performance of a grant-eligible project.

*Indirect costs* are (1) costs incurred for a common or joint purpose benefitting more than one ARP/CSLFRF-eligible project, and (2) not readily assignable to the project specifically benefited, without effort disproportionate to the results achieved. They are expenses that benefit more than one project or even more than one federal grant. Common examples of indirect costs include utilities, local telephone charges, shared office supplies, administrative or secretarial salaries.

For indirect costs, the Town of Beaufort may charge a 10 percent de minimis rate of modified total direct costs (MTDC). According to UGG Section 200.68 MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance the subawards under the award). MTDC EXCLUDES equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.

#### V. SPECIAL PROVISIONS FOR STATE AND LOCAL GOVERNMENTS

There are some special provisions of the UG that apply only to states, local governments, and Indian Tribes.

##### **§ 200.444 General costs of government.**

**(a)** For states, local governments, and Indian Tribes, the general costs of government are unallowable (except as provided in § 200.475). Unallowable costs include:

**(1)** Salaries and expenses of the Office of the Governor of a state or the chief executive of a local government or the chief executive of an Indian tribe;

**(2)** Salaries and other expenses of a state legislature, tribal council, or similar local governmental body, such as a county supervisor, city council, school board, etc., whether incurred for purposes of legislation or executive direction;

**(3)** Costs of the judicial branch of a government;



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(4) Costs of prosecutorial activities unless treated as a direct cost to a specific program if authorized by statute or regulation (however, this does not preclude the allowability of other legal activities of the Attorney General as described in § 200.435); and

(5) Costs of other general types of government services normally provided to the general public, such as fire and police, unless provided for as a direct cost under a program statute or regulation.

(b) For Indian tribes and Councils of Governments (COGs) (see definition for *Local government* in § 200.1 of this part), up to 50% of salaries and expenses directly attributable to managing and operating Federal programs by the chief executive and his or her staff can be included in the indirect cost calculation without documentation.

**§ 200.416 COST ALLOCATION PLANS AND INDIRECT COST PROPOSALS.**

(a) For states, local governments and Indian tribes, certain services, such as motor pools, computer centers, purchasing, accounting, etc., are provided to operating agencies on a centralized basis. Since Federal awards are performed within the individual operating agencies, there needs to be a process whereby these central service costs can be identified and assigned to benefitted activities on a reasonable and consistent basis. The central service cost allocation plan provides that process.

(b) Individual operating agencies (governmental department or agency), normally charge Federal awards for indirect costs through an indirect cost rate. A separate indirect cost rate(s) proposal for each operating agency is usually necessary to claim indirect costs under Federal awards. Indirect costs include:

(1) The indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and

(2) The costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

(c) The requirements for development and submission of cost allocation plans (for central service costs and public assistance programs) and indirect cost rate proposals are contained in appendices V, VI and VII to this part.

**§ 200.417 INTERAGENCY SERVICE.**

The cost of services provided by one agency to another within the governmental unit may include allowable direct costs of the service plus a pro-rated share of indirect costs. A standard indirect cost allowance equal to ten percent of the direct salary and wage cost of



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providing the service (excluding overtime, shift premiums, and fringe benefits) may be used in lieu of determining the actual indirect costs of the service. These services do not include centralized services included in central service cost allocation plans as described in Appendix V to Part 200.

## VI. COST ALLOWABILITY REVIEW PROCESS

### PREAPPROVAL COST ALLOWABILITY REVIEW

Before an ARP/CSLFRF-funded project is authorized, Finance Department must review the proposed cost items within an estimated project budget to determine whether they are allowable and allocable and whether cost items will be charged as direct or indirect expenses. This review will occur concurrently with the review of project eligibility and *before* obligating or expending any ARP/CSLFRF funds.

- Local government personnel must submit proposed ARP/CSLFRF projects to the Finance Department for review. In addition to other required information, all proposed project submissions must delineate estimated costs by cost item.
- Along with a general review of project eligibility and conformance with other governing board management directives, Finance Department must review estimated costs for specific allowable cost requirements, budget parameters, indirect rates, fringe benefit rates, and those activities/costs that require pre-approval by the US Treasury.
- If a proposed project includes a request for an unallowable cost, the Finance Department will return the proposal to the requesting party for review and, if practicable, resubmission with corrected cost items.
- Once a proposed project budget is pre-approved by the Finance Department, the local government personnel responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget.

### POST-EXPENDITURE COST ALLOWABILITY REVIEW

Once an expenditure is incurred related to an eligible project, and an invoice or other demand for payment is submitted to the local government, the Finance Department must perform a second review to ensure that actual expenditures comprise allowable costs.

- All invoices or other demands for payment must include a breakdown by cost item. The cost items should mirror those presented in the proposed budget for the project. If an invoice or other demand for payment does not include a breakdown by cost item, the Finance Department will return the invoice to the project manager and/or vendor, contractor, or subrecipient for correction.



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- The Finance Department must review the individual cost items listed on the invoice or other demand for payment to determine their allowability and allocability.
- If all cost items are deemed allowable and properly allocable, the Finance Department must proceed through the local government’s normal disbursement process.
- If any cost item is deemed unallowable, the Finance Department will notify the project management and/or vendor, contractor, or subrecipient that a portion of the invoice or other demand for payment will not be paid with ARP/CSLFRF funds. The Finance Department may in their discretion, and consistent with this policy, allow an invoice or other demand for payment to be resubmitted with a revised cost allocation. If the local government remains legally obligated by contract or otherwise to pay the disallowed cost item, it must identify other local government funds to cover the disbursement. Town of Beaufort’s governing board must approve any allocation of other funds for this purpose.
- The Finance Department must retain appropriate documentation of budgeted cost items per project and actual obligations and expenditures of cost items per project.

## VII. COST TRANSFERS

Any costs charged to the ARP/CSLFRF federal award that do not meet the allowable cost criteria must be removed from the award account and charged to an account that does not require adherence to federal UGG or other applicable guidelines.

Failure to adequately follow this policy and related procedures could result in questioned costs, audit findings, potential repayment of disallowed costs and discontinuance of funding.



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## EXHIBIT A

Selected Items of Cost	Uniform Guidance General Reference	Allowability
Advertising and public relations costs	2 CFR § 200.421	Allowable with restrictions
Advisory councils	2 CFR § 200.422	Allowable with restrictions
Alcoholic beverages	2 CFR § 200.423	Unallowable
Alumni/ae activities	2 CFR § 200.424	Not specifically addressed
Audit services	2 CFR § 200.425	Allowable with restrictions
Bad debts	2 CFR § 200.426	Unallowable
Bonding costs	2 CFR § 200.427	Allowable with restrictions
Collection of improper payments	2 CFR § 200.428	Allowable
Commencement and convocation costs	2 CFR § 200.429	Not specifically addressed
Compensation – personal services	2 CFR § 200.430	Allowable with restrictions; Special conditions apply (e.g., § 200.430(i)(5))
Compensation – fringe benefits	2 CFR § 200.431	Allowable with restrictions
Conferences	2 CFR § 200.432	Allowable with restrictions
Contingency provisions	2 CFR § 200.433	Unallowable with exceptions
Contributions and donations	2 CFR § 200.434	Unallowable (made by non-federal entity); not reimbursable but value may be used as cost sharing or matching (made to non-federal entity)
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	2 CFR § 200.435	Allowable with restrictions
Depreciation	2 CFR § 200.436	Allowable with qualifications
Employee health and welfare costs	2 CFR § 200.437	Allowable with restrictions



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Entertainment costs	2 CFR § 200.438	Unallowable with exceptions
Equipment and other capital expenditures	2 CFR § 200.439	Allowability based on specific requirement
Exchange rates	2 CFR § 200.440	Allowable with restrictions
Fines, penalties, damages and other settlements	2 CFR § 200.441	Unallowable with exceptions
Fund raising and investment management costs	2 CFR § 200.442	Unallowable with exceptions
Gains and losses on disposition of depreciable assets	2 CFR § 200.443	Allowable with restrictions
General costs of government	2 CFR § 200.444	Unallowable with exceptions
Goods and services for personal use	2 CFR § 200.445	Unallowable (goods/services); allowable (housing) with restrictions
Idle facilities and idle capacity	2 CFR § 200.446	Idle facilities - unallowable with exceptions; Idle capacity - allowable with restrictions
Insurance and indemnification	2 CFR § 200.447	Allowable with restrictions
Intellectual property	2 CFR § 200.448	Allowable with restrictions
Interest	2 CFR § 200.449	Allowable with restrictions
Lobbying	2 CFR § 200.450	Unallowable
Losses on other awards or contracts	2 CFR § 200.451	Unallowable (however, they are required to be included in the indirect cost rate base for allocation of indirect costs)
Maintenance and repair costs	2 CFR § 200.452	Allowable with restrictions
Materials and supplies costs, including costs of computing devices	2 CFR § 200.453	Allowable with restrictions
Memberships, subscriptions, and professional activity costs	2 CFR § 200.454	Allowable with restrictions; unallowable for lobbying organizations



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Organization costs	2 CFR § 200.455	Unallowable except federal prior approval
Participant support costs	2 CFR § 200.456	Allowable with prior approval of the federal awarding agency
Plant and security costs	2 CFR § 200.457	Allowable; capital expenditures are subject to § 200.439
Pre-award costs	2 CFR § 200.458	Allowable if consistent with other allowabilities and with prior approval of the federal awarding agency
Professional services costs	2 CFR § 200.459	Allowable with restrictions
Proposal costs	2 CFR § 200.460	Allowable with restrictions
Publication and printing costs	2 CFR § 200.461	Allowable with restrictions
Rearrangement and reconversion costs	2 CFR § 200.462	Allowable (ordinary and normal)
Recruiting costs	2 CFR § 200.463	Allowable with restrictions
Relocation costs of employees	2 CFR § 200.464	Allowable with restrictions
Rental costs of real property and equipment	2 CFR § 200.465	Allowable with restrictions
Scholarships and student aid costs	2 CFR § 200.466	Not specifically addressed
Selling and marketing costs	2 CFR § 200.467	Unallowable with exceptions
Specialized service facilities	2 CFR § 200.468	Allowable with restrictions
Student activity costs	2 CFR § 200.469	Unallowable unless specifically provided for in the federal award
Taxes (including Value Added Tax)	2 CFR § 200.470	Allowable with restrictions
Termination costs	2 CFR § 200.471	Allowable with restrictions
Training and education costs	2 CFR § 200.472	Allowable for employee development
Transportation costs	2 CFR § 200.473	Allowable with restrictions
Travel costs	2 CFR § 200.474	Allowable with restrictions



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Trustees	2 CFR § 200.475	Not specifically addressed
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Date of Adoption: \_\_\_\_\_

Sharon Harker, Mayor \_\_\_\_\_

Elizabeth Lewis, Town Clerk \_\_\_\_\_



**Town of Beaufort, NC**

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**Board of Commissioners  
Regular Meeting  
6:00 PM Monday, May 8, 2023  
Train Depot, 614 Broad Street  
Beaufort, NC 28516**

**AGENDA CATEGORY:** Items of Consent  
**SUBJECT:** Meeting Minutes- April 10<sup>th</sup> & 24<sup>th</sup>

**REQUESTED ACTION:**  
Approval of the following minutes:  
April 10, 2023 Board of Commissioners Regular Meeting  
April 24, 2023 Board of Commissioners Work Session

**SUBMITTED BY:**  
Elizabeth Lewis, Town Clerk

**BUDGET AMENDMENT REQUIRED:**  
No



**Town of Beaufort, NC**

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

**Call to Order/Pledge of Allegiance**

Mayor Harker called the meeting to order at 6:00 p.m. and invited all to join in reciting the Pledge of Allegiance.

**Roll Call**

Elizabeth Lewis, Town Clerk, called the roll.

**PRESENT:**

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

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

The motion carried unanimously.

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

**Agenda Approval**

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

The motion carried unanimously.

**Public Comment**

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

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

**Items of Consent**

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

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

The motion carried unanimously.

**Items for Discussion and Consideration**

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

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

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

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

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

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

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

Mr. Clark confirmed it would.

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

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

Mr. Clark suggested those items be handled administratively.

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

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

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

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

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

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

The motion carried unanimously.

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

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

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

The motion carried unanimously.

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

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

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

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

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

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

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

The motion carried unanimously.

**Public Hearing**

1. Walking Tour Permit- Beaufort’s Southern Stroll

Commissioner Hollinshed made a motion to open the Public Hearing.

The motion carried unanimously.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was none.

Commissioner Hagle made a motion to close the Public Hearing.

The motion carried unanimously.

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

The motion carried unanimously.

**Manager Report**

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

**Mayor/Commissioner Comments**

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

Commissioner Oliver had no comments.

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

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

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

**Closed Session**

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

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

The motion carried unanimously.

**Adjourn**

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

The motion carried unanimously.

\_\_\_\_\_  
Sharon E. Harker, Mayor

\_\_\_\_\_  
Elizabeth Lewis, Town Clerk



**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, April 24, 2023  
Train Depot, 614 Broad Street  
Beaufort, NC 28516  
Minutes**

**Call To Order**

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

**Roll Call**

Elizabeth Lewis, Town Clerk, called the roll.

**PRESENT:**

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

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

The motion carried unanimously.

**Agenda Approval**

Mayor Harker shared she would like to add an item to the agenda, noted as number eight, "George Street & Fairview Drive Update".

Commissioner Hagle made a motion to approve the amended agenda.

The motion carried unanimously.

**Items for Discussion and Consideration**

1. Case #23-01 Text Amendment - Affordable Housing District

Todd Clark, Town Manager, explained the process of a work session meeting, noting that after staff presented information on the proposed case, they would be available to answer questions from the Board. He provided background on Case #23-01, which is a Text Amendment that would create an Affordable Housing District. He noted this was one way the housing needs crisis could be addressed in Beaufort, and the Board needed to make a decision on whether or not the text amendment was a prudent step in that effort.

Kyle Garner, Planning Director, explained the text amendment was developed as an effort to combat the lack of attainable and affordable housing in the community for those with limited housing options. He shared the text comes first, then the map to follow. He explained the Town worked with the Beaufort Housing Authority to develop specific criteria that could be applied in the development of new housing to reach the needs of a growing community. As presented, this new district would only apply to properties that are owned by the Housing Authority and Federal Government (HUD). He shared the Planning Board voted 3-2 to recommend the request, with several proposed changes to the amendment; the comparison table below was shared.

	<b>Original Proposal</b>	<b>Planning Board Proposal</b>	<b>LDO References</b>
Building Height	40 Feet Maximum*	35 Feet Maximum	The maximum Height in the TCA Zoning District is 35 Feet
Open Space Requirement	Not Included	12% Minimum Open Space Required	The Minimum in the PUD District 15%
Allowance of Duplexes	Not Included	Allowed as a Permitted Use	Allowed in TCA & TR
Parking Space Requirements	1.5 Spaces per unit	2.0 Spaces per unit	Table of parking Requirements 13-1 Multi-family - allows for 2 parking spaces for each individual dwelling up to 3 bedrooms and 1 additional space per unit for each bedroom over 3
Density Requirements	16 Dwelling Units Per Acre.	12 Dwelling Units Per Acre	TCA allows for 12 units per acre.

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

Commissioner Hollinshed questioned whether the amendment would affect government owned properties only.

Mr. Garner confirmed based on the text before the Board, that was correct, it would potentially apply to all federally owned property.

Commissioner Hagle pointed out the Federal Government (HUD) and Housing Authority were two different entities in which the text amendment would apply. He expressed his concern with including the terms "Federal Government", and suggested the text could be limited to the Housing Authority only.

Mr. Garner shared a few key points from the Planning Board meeting, where the item had been previously discussed. He said the group mentioned the idea of the Board of Commissioners appointing a study group to research housing needs in the community. He suggested the Planning Board felt the item was being rushed into, and there should be more discussion and research before approving the text amendment.

Commissioner Oliver had questions about some of the permitted uses in the proposal; specifically noting, mixed use, public utility facility, religious institution, and utility minor.

Mr. Garner provided examples as to what would be allowed in each permitted use Commissioner Oliver questioned, and the rationale for including them in the current proposal.

Commissioner Cooper question rental rates and who would determine them. He also expressed concerns about future development based off the text amendment. He asked Mr. Garner why a new district should be created.

Mr. Garner explained the current TCA (Townhome, Condominium and Apartment) District at 12 units per acre would not get the client what they needed, based on the request and scope of the project.

Commissioner Hollinshed suggested a daycare center be included in the permitted uses, as those are extremely limited in the area, and the need will continue to increase.

Mr. Garner shared the process of how text amendments are initiated in general. He noted the Board of Commissioners had previously discussed affordable housing and asked that staff research the issue. He explained the Housing Authority approached the Town and they worked together on the proposed text amendment.

Mayor Harker asked if the proposed district was an effort to recraft a TCA District to fit the development.

Mr. Garner said yes.

Mayor Harker asked if there was anything in the TCA that existed currently, that should be included in the proposed district, such as setbacks, lot sizes, covenants, etc.

Mr. Garner confirmed all those specifics were included in the proposed text before them.

Mayor Harker asked if there were any concerns about flooding or anything of that nature.

Mr. Garner noted that every development, regardless of size, would have to go through the site review process, where both the Planning Board and Board of Commissioners would review it.

Commissioner Cooper suggested the Board take a step back and review the current TCA to determine whether changes should be made to it, rather than creating a new district that is similar. He expressed concerns regarding future development under any changes that are made.

Commissioner Hagle suggested scheduling a Public Hearing on the topic, to allow citizens to provide their input.

Commissioner Oliver asked Mr. Garner if he believed it was advisable to consider special use applications for assisted living or group homes.

Mr. Garner said he would always encourage those to be special uses.

Mayor Harker deemed a consensus to schedule a Public Hearing for Case #23-01 Text Amendment - Affordable Housing District, on May 8, 2023, at 6:00 p.m. at the Train Depot.

2. Request for Street Closure & Abandonment of West End of Ann Street

Mr. Garner explained a request for abandonment of a portion of the western end of Ann Street was submitted to the Town Manager in November of 2022 by Jay Horton with Filter Design Group, on behalf of The Beaufort Inn. The area to be abandoned is approximately 12,041 square feet per attached survey; currently, the area is used as parking for the Beaufort Inn, through a lease agreement with the Town of Beaufort. Mr. Garner explained Town staff had met with Filter Design to discuss and review the proposal, and requested they provide the following items:

A survey of the property with metes & bounds description.

An appraisal of the property requested to be abandoned.

A site plan depicting the existing infrastructure and showing proposed utility and access easements for both the Town and adjacent property owners.

Mr. Garner said to date, all the requests from staff have been satisfied. He explained the next step in the process, as required by North Carolina General Statutes, would be for the Board to consider adopting a Resolution of Intent on the abandonment. A public hearing would also need to be scheduled and conducted regarding the request.

Commissioner Hollinshed confirmed the dockage was not considered as part of the negotiation, as the Town does not own that area.

Commissioner Hagle had questions regarding the survey area and easement agreement.

Arey Grady, Town Attorney, confirmed the easement agreement was non-exclusive.

Commissioner Oliver asked if it was the applicants desire to acquire the surveyed property.

Mr. Garner confirmed that it was.

Mr. Grady explained the current proposal was for the Town to abandon the portion of Ann Street outlined in the survey; if the property is abandoned, it will be split in half and it will revert back to the adjacent property owners. He went on to explain the Town was not being solicited to buy the property, and that the applicant was not offering to provide any kind of payment to the Town for that specific area. He noted if the Town wished to sell that portion of the property, it would trigger the upset bid process if an offer was made.

Commissioner Oliver shared he did not believe there was anything in it for Beaufort.

Mr. Clark added there were utilities on a portion of the property, and the Town would not abandon those.

Commissioner Cooper added those who were requesting the abandonment would benefit, not the Town.

Mayor Harker asked if the property was abandoned, would it void the easement with the Town.

Mr. Grady confirmed it would and explained the abandonment procedure, should the Town want to go that route.

Commissioner Oliver made a motion to deny the request for street closure and abandonment of the West End of Ann Street, and to not move forward with a Resolution of Intent regarding the matter.

The motion carried unanimously.

### 3. Wayfinding Update

Rachel Johnson, Parks & Events Coordinator/PIO, gave an update on the Wayfinding Project. She noted what had been accomplished to date and gave a presentation on the next phase of the project. All information referenced is included in the meeting packet. She explained staff had identified 18 locations for direction wayfinding signage. She asked the Board to review and approve suggested locations to be called out as destinations on the signage. She also noted after this phase is complete, the remaining phase of the project involves parking signage; these signs will be evaluated during the parking season to ensure they meet the needs of residents and visitors and will be installed after July 1, 2023.

Commissioner Hagle asked how much was budgeted for the project.

Ms. Johnson shared the original budget was \$60,000 but she believed the Town would come in well under budget.

Commissioner Hagle suggested minimizing signs when possible.

Commissioner Oliver questioned the sign materials and life expectancy.

Ms. Johnson confirmed the signs were aluminum with enamel coated paint.

Commissioner Oliver expressed concerns about signage lasting in the extreme environment.

Ms. Johnson suggested the signs were expected to last 15-20 years.

Mayor Harker noted the need for additional signage outside of the Town limits, directing people towards Beaufort. She also suggested adding information about the Farmers Market to some of the signs, with specific dates and times.

Commissioner Hagle made a motion for Ms. Johnson to proceed with the next phase of the Wayfinding Project.

The motion carried unanimously.

4. Arts in Beaufort Mural Project

Ms. Johnson explained that in June 2022, Arts in Beaufort received permission from the Board of Commissioners to proceed with a mural project on the shower house at the end of the boardwalk. Ms. Johnson went on to explain, since that time, Arts in Beaufort has revised their original request to include several changes and seeks the Board of Commissioner's approval to move forward with the project. The revisions include, to paint the mural directly on the shower house; remove the existing fence from the boardwalk that is adjacent to the shower house; remove the current shutters and replace them with solid pieces of wood. Ms. Johnson noted if the changes were approved, Public Works staff would complete the work associated with the last two items.

The Parks and Recreation Board was directed to review seven proposed designs and make a recommendation to the Board of Commissioners. Ms. Johnson shared the top three choices and noted "Beaufort Blue" as the number one recommendation.

Additionally, Ms. Johnson shared upon reviewing the finalists for the Arts in Beaufort proposed mural project, the Parks and Recreation Advisory Board unanimously recommend the Board of Commissioners consider the submission titled "Under the Sea" for a mural at Randolph Johnson Park near the splashpad. The location would be on wooden panels along the fence separating the splashpad from the parking lot. The mural would not only add an artistic whimsical element to enhance the park, but would also serve as a protective barrier between the splash pad and the parking lot. Currently, staff has observed the majority of children arriving at the park go through the fence slats instead of using the designated pathways.

Commissioner Oliver asked if there was a gap between the boardwalk and shower house, to ensure taking the fence down would not be a safety issue.

Ms. Johnson confirmed it would not be a safety issue.

Commissioner Cooper expressed concerns with having Blackbeard represented in the recommended design.

Ms. Johnson asked if there were any suggestions she could take back to the artist.

After discussion from the Board, the consensus was for the artist to create several different designs within the Beaufort Blue piece, and to bring it back to the Board of Commissioners for approval at a future meeting. Their directive was to remove Blackbeard and the mahi fish from the current design, and to identify other images incorporated in the piece, such as Rachel Carson. The replacement images should include historical pieces that define the best of Beaufort.

Commissioner Hagle suggested there not be any designs painted on the fence at Randolph Johnson Park, as there would be too much maintenance in the upcoming years.

Mayor Harker suggested the mural proposal be readdressed at the May 8th Regular Meeting, if the artist has enough time to come up with new ideas, per the direction of the Board.

5. Dock House Lease

Mr. Clark explained staff was requesting the Board consider approving a modification of the current Dock House lease, as listed in the meeting packet, with the attached document titled "Deed of Reciprocal Transfer of Adjacent Parcels." He noted the subject property is located at 500 Front Street and is further described as Carteret County Parcel # 730505196802000. He shared some background on the property and discussed the rendering, which is referenced as "Exhibit B". Mr. Clark explained the owner, Haywood Weeks had expressed interested in the proposed exchange of property, where the Town would gain ownership of the dockmaster offices and give up ownership of the deck/porch areas.

Mr. Grady confirmed the property exchange included two offices which comprise the dockmaster's office, and the easement to get to those spaces, via the west side of the building. He explained specific details outlined on page two of the proposed modified lease, as noted in the meeting packet. He noted the utilities for the space were separately metered, and there would be shared maintenance cost in the future.

Commissioner Hagle made a motion to approve the modified Dock House Lease as presented.

The motion carried unanimously.

6. Residential Solid Waste Fee Increase

Christi Wood, Finance Director, explained the Town's residential service agreement with Waste Industries (GFL) notes the monthly fee shall be adjusted on an annual basis to reflect rates based on the Consumer Price Index for All Urban Consumers (CPI-U): South Region as published by US Department of Labor. She noted the rates will be increased by 7% for residential services effective May 1, 2023, and a 7% rate increase for Waterfront Business District (WBD) which will be addressed in the FY 24 Fee Schedule.

Commissioner Hollinshed made a motion to approve the change in the residential solid waste fee from \$20.88 to \$22.34, broken down to be \$1.46 per month or \$17.52 annually.

The motion carried with a 3-1 vote, with Commissioner Cooper voting in opposition.

7. March Financial Report

Ms. Wood presented the March Financial Report. She noted Carteret County is currently submitting estimates for property tax collections; the estimate for February collections was \$103,559. This payment was received in March. Staff has received a few preliminary reports from the county for billing and collections and estimated values. She shared that the MVT collected in February was received in April, in the amount of \$17,529. She also noted sales and use tax distribution for April as \$195,672, for January sales. She explained that is a 30% increase from the distribution in April 2022. Ms. Wood also noted the below account balances as of April 13, 2023.

General Fund- Unrestricted Fund Balance: \$6,552,078

Utility Fund Unrestricted Net Position: \$3,238,593

Commissioner Oliver shared his review of the quarterly reports show the Town in a very good financial place. He also suggested budget season was a good opportunity to look at debt payment on utility loans, setting money aside for capital reserves and reduction of sewer rates.

8. George Street & Fairview Drive Update

Mr. Clark provided a recap regarding a previous item on the Board's agenda. He explained the item focused on consideration of connecting Beau Coast West to George Street and Fairview Drive. Th Board agreed there was a need to connect the roads and directed the Town Manager to have a conversation with the developers to potentially share the cost associated with the connection. Mr. Clark was pleased to report, after

having a conversation with Karl Blackley, on behalf of Beau Cost, he agreed to incur 50% of the construction cost to interconnect those streets. The Town would incur the other 50% of the total cost of the project.

2.

### **Adjourn**

Commissioner Hagle made a motion to adjourn the meeting at 6:00 p.m.

The motion carried unanimously.

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Sharon E. Harker, Mayor

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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, May 9, 2022  
Train Depot, 614 Broad Street**

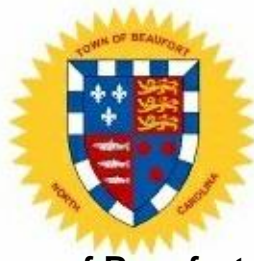
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**AGENDA CATEGORY:** Presentation  
**SUBJECT:** Budget Presentation

**SUMMARY:**  
The Town Manager will present the proposed FY 23 Budget.

**SUBMITTED BY:**  
Todd Clark, Town Manager

**BUDGET AMENDMENT REQUIRED:**  
No



**Town of Beaufort, NC**

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

**Board of Commissioners  
Regular Meeting  
6:00 PM Monday, May 8, 2023  
Train Depot**

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**AGENDA CATEGORY:** Public Hearing  
**SUBJECT:** Case #23-01 Text Amendment - Affordable Housing District

**BRIEF SUMMARY:**

The need for affordable housing has been at the forefront of many community workshops and public surveys in Beaufort over the last decade and the proposed new zoning district is a start in in the right direction to address this important community issue. This text amendment was developed as an effort to combat the lack of attainable and affordable housing in the community for those with limited housing options.

In developing this proposal, the Town partnered with the Beaufort Housing Authority to develop specific criteria that could be applied in the development of new housing to reach the needs of a growing community. At present this new district would only apply to properties that are owned by the Housing Authority and Federal Government (HUD).

After making some adjustment to the proposed amendment, the Planning Board voted 3-2 to recommend the current proposal.

**REQUESTED ACTION:**

Conduct a Public Hearing and render a decision on the proposed Text Amendment.

**EXPECTED LENGTH OF PRESENTATION:**

15 Minutes

**SUBMITTED BY:**

Kyle Garner, Planning Director

**BUDGET AMENDMENT REQUIRED:** No

# STAFF REPORT

**BOARD ACTION REQUEST**

**AGENDA ITEM:**

**TO:** Board of Commission Members  
**FROM:** Kyle Garner, Planning Director  
**DATE:** March 22, 2023  
**RE:** Case # 23-01: LDO Text Amendment Modifying Section 8 Transitional Zoning Districts by adding a new zoning district to be called the “Affordable Housing District”

**Background**

The need for affordable housing has been at the forefront of many community workshops and public surveys in Beaufort over the last decade and the proposed new zoning district is a start in in the right direction to address this important community issue. This text amendment was developed as an effort to combat the lack of attainable and affordable housing in the community for those with limited housing options.

In developing this proposal, the Town partnered with the Beaufort Housing Authority to develop specific criteria that could be applied in the development of new housing to reach the needs of a growing community. At present this new district would only apply to properties that are owned by the Housing Authority and Federal Government (HUD).

This proposed amendment is not a one size fits all proposal but more of a starting point. It’s anticipated that through the development of a new Unified Development Ordinance that other options be presented that will aid in providing multiple housing options to those wanting to live and work in Beaufort.

At the March 2023 Planning Board meeting, the Board heard from Town Staff, Representatives from the Housing Authority and Public regarding the proposed text amendment that has been submitted for consideration. The Planning Board recommended changes that included a reduction in building height to 35 feet, an open space requirement of 12%, the allowance of duplexes as permitted use, and increase in the parking requirement from 1.5 spaces to 2 spaces per dwelling unit and a decrease in density from 16 units per acre to 12 units per acre plus some minor text changes. All of these changes are incorporated in the proposed text.

Action Needed: Conduct Public Hearing  
 Discussion & Consideration of the Text Amendment

Attachments: Proposed Text Amendment

Board Action: Motion by \_\_\_\_\_ 2nd by \_\_\_\_\_

***Affordable Housing Zoning District (AHD)***

1) Purpose.

The purpose of this district is to protect the opportunity for a variety of housing that is affordable for those within Beaufort that have limited housing options. This District has also been developed as a partnership with the Beaufort Housing Authority and the Town of Beaufort who see the need for additional housing of this type in our community. This zoning is available only for property owned by The United States of America, The State of North Carolina, The Town of Beaufort, or an authority created under Chapter 157 of the North Carolina General Statutes. The owner and/or landlord of the property shall be subject to rental rate and occupancy requirements and limitations determined by the United States Department of Housing and Urban Development for workforce and mixed income affordable housing projects.

The Affordable Housing Zoning District for the Town of Beaufort, as set forth on a map so entitled and dated 00-00-0000, is hereby adopted by reference as an element of the *Land Development Ordinance* hereafter known as the *LDO*, and the Official Zoning Map of the Town of Beaufort.

2) Maximum Overall Density.

The AHD district shall have a maximum density of twelve (12) units per acre.

3) Minimum Lot Width.

All lots in the AHD district shall have a minimum lot width of eighty feet (80') at the minimum building line.

4) Permitted Uses.

The uses listed here shall be subject to the Development Standards listed below.

- |                        |                         |
|------------------------|-------------------------|
| Dwelling, Multi-family | Public Utility Facility |
| Mixed Use              | Religious Institution   |
| Government Offices     | Utility Minor           |
| Park, Public           | Duplexes                |

5) Prohibited Uses.

Any use not listed in subsection four (4) of this section is prohibited.

6) Development Standards.

a) Site Plan Submission.

A detailed site plan, meeting all N.C. State Building Codes and Town Ordinances, shall be required for all multi-family and mixed-use development within this zoning district with the exception that mixed use and multi-family developed lots shall be required 2 parking spaces per unit.

b) Signage.

A detailed signage plan, meeting all Town Ordinances, shall be required for all multi-family and mixed-use development within this zoning district.

c) Landscaping.

Any new multi-family and mixed-use development site plan with on-site parking shall provide a detailed landscape plan identifying all shrub and tree types as well as the number of such trees and shrubs as per section 14 and 19 of the *LDO*. Additionally, if developing adjacent to a different type of land use, a screening and buffering plan shall also be required.

d) Driveway Limitations.

- i) Two driveways entering the same street from a single lot shall only be permitted if the minimum distance between the closest edges of the driveways equals to or exceeds one hundred feet (100’).
- ii) In no case shall the total width of all driveways exceed fifty percent (50%) of the total property frontage.
- iii) No driveway shall be located within a hundred feet (100’) of an intersection except in cases where no other access to a public street is available.

7) Building Setback and Building Height Requirements and Limitations.

Subject to the exemptions of this Ordinance, each structure on said lot in this zoning district shall be set back from the boundary line of the lot at least the distance provided in the tables set forth in this section. The building height limitation in this district is also provided in the tables of this section.

**Table 8-8 Interior Lot Setback Requirements**

<i>AHD District</i>	<i>Street Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
	15 feet minimum	25 feet	8 feet	35 feet
	20 feet maximum	25 feet	8 feet	35 feet

**Table 8-9 Corner Lot Setback Requirements**

<i>AHD District</i>	<i>Broad Street Front Setback (Right-of-Way)</i>	<i>Designated Side (Right-of-Way) Setback</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
	10 feet minimum	10 feet minimum	20 feet	0 feet	35 feet
	20 feet maximum	20 feet maximum	20 feet	0 feet	35 feet

*NOTE:* If the Affordable Housing Zoning District is added to the Transitional Zoning District, the Table of Uses (currently on page 103 of the *LDO*) will be relabeled to Table 8-10. This will take place likely after the BOC review.

8) Open Space Requirement

A minimum of twelve percent (12%) of the total area shall be maintained as open space. Street rights-of-way, parking lots, building areas (as defined) shall not constitute any part of the required open space; however, building areas for recreational facilities may be computed as open space.

Table 8-8 Transitional Zoning District Table of Uses

Land Development Ordinance Uses		R-8	TR	TCA		AHD	
<b>Residential Uses</b>							
<b>Group Living</b>	Assisted Living		P	P			
	Dormitory		P	P			
	Group Home	P	P	P			
	Nursing Home		P	P			
<b>Household Living</b>	Accessory Dwelling Unit	S	S				
	Dwelling, Duplex/Townhome		S	P		P	
	Dwelling, Multi-Family			P		P	
	Dwelling, Single-Family	P	P	S			
	Manufactured Home						
	Manufactured Home Park						
	Recreational Vehicle Park						
<b>Mixed Uses</b>							
	Mixed Use		P	S		P	
<b>Public/Institutional Uses</b>							
<b>Aviation</b>	Airport/Landing Strip						
<b>Cemeteries/Graveyards</b>	Cemetery/Graveyard	S	S				
<b>Cultural Facilities</b>	Library		P				
	Museum		S				
<b>Day Care</b>	Day Care Center		S				
	Day Care/Child Care Home	S	S				
<b>Government Services</b>	Government/Non-Profit Owned/ Operated Facilities & Services	P	P	P		P	
	Public Safety Station	S	P	P			
	Public Utility Facility	P	P	P		P	
<b>Hospitals</b>	Hospital						
<b>Parks and Athletic Fields, Public Use</b>	Athletic Field, Public	S					
	Community Garden	P	P	P			
	Neighborhood Recreation Center, Public	S	P	P			
	Outdoor Amphitheater, Public	S	S	S			
	Park, Public	P	P	P		P	
	Resource Conservation Area	P	P	P			
<b>Religious Uses</b>	Religious Institution	S	P	S		P	
<b>Educational Uses</b>	Preschool	S	S	S			
	School, K-12		S				
	School, Post-Secondary	S	S	S			
<b>Non-Governmental Facilities</b>	Transportation Facility			S			
	Utility Facility	S	S	S			
	Utility Minor	P	P	P		P	
<b>Agricultural Uses</b>	Agritourism						
	Aquaculture		S				
	Farming, General						
	Forestry						
	Produce Stand/Farmers' Market	S	S				

Permitted Use

Special Use

**Table 8-8 Transitional Zoning District Table of Uses**

Land Development Ordinance Uses		R-8	TR	TCA		AHD	
<b>Commercial Uses</b>							
<b>Animal Services</b>	Kennel, Indoor Operation Only		S				
	Kennel, Indoor/Outdoor Operation						
<b>Assembly</b>	Club, Lodge, or Hall	S	P				
<b>Financial Institutions</b>	Financial Institution		S				
<b>Food and Beverage Services</b>	Microbrewery						
	Restaurant, with Drive-Thru Service			S			
	Restaurant, with Indoor Operation		P	S			
	Restaurant, with Outdoor Operation			S			
	Tavern/Bar/Pub with Indoor Operation		S	S			
	Tavern/Bar/Pub with Outdoor Operation			S			
<b>Offices</b>	Office, Business, Professional, or Medical		P				
<b>Public Accommodations</b>	Bed & Breakfast	S	P				
	Hotel or Motel		S				
<b>Indoor Recreation &amp; Entertainment, Privately Owned</b>	Adult Entertainment						
	Amusement Establishment						
	Commercial Indoor Recreation Facility		P				
	Neighborhood Recreation Center Indoor/Outdoor, Private	S	P				
	Pool Hall or Billiard Hall						
	Theater, Large						
	Theater, Small			S			
<b>Outdoor Recreation &amp; Entertainment, Privately Owned</b>	Athletic Field, Private	S					
	Commercial Outdoor Amphitheater						
	Commercial, Outdoor Recreation Facility						
	Golf Course, Privately-Owned	S	S				
	Golf Driving Range	S	S				
	Motor Vehicle Raceway						
<b>Retail Sales and Services</b>	Adult-Oriented Retail Establishment						
	Convenience Store						
	Mortuaries/Funeral Homes/Crematoriums		P	P			
	Liquor Store						
	Personal Service Establishment			S			
	Retail Store		S	S			
<b>Vehicle Storage Facilities</b>	Dry Boat Storage						
	Marina	S	S	S			
	Parking Lot						
	Parking Structure						
<b>Vehicles and Equipment Facilities</b>	Boat Sales/Rentals						
	Car Wash						
	Gas/Service Station						
	Heavy Equipment Sales/Rentals						
	Heavy Vehicle Repair						
	Moped/Golf Cart Sales/Rentals						
	Motor Vehicle Sales/Rentals						
	Towing & Vehicle Storage						
Vehicle Service							

**Permitted Use**

**Special Use**

**Table 8-8 Transitional Zoning District Table of Uses**

Land Development Ordinance Uses		R-8	TR	TCA		AHD	
<b>Industrial Uses</b>							
<b>Industrial Service Uses</b>	General Industrial Service						
<b>Manufacturing and Production Uses</b>	Manufacturing, Heavy						
	Manufacturing, Light						
	Resource Extraction						
<b>Telecommunication Facilities</b>	Antenna Co-Location on Existing Tower	P	P	P			
	Concealed (Stealth) Antennae & Towers	S	S	P			
	Other Building-Mounted Antennae & Towers						
	Other Freestanding Towers						
<b>Warehouse and Freight Movement Uses</b>	Commercial Waterfront Facility						
	Hazardous Material Storage						
	Mini-Storage						
	Outdoor Storage						
	Warehousing & Distribution Establishment						
	Wholesale Establishment						
<b>Waste-Related Uses</b>	Recycling and Salvage Operation						
<b>Accessory Uses and Structures</b>							
<b>Accessory Uses</b>	Carport	P	P	P			
	Dock	P	P	P			
	Garage, Private Detached	P	P	P			
	Home Occupation	P	P	P			
	Outdoor Retail Display/Sales						
	Satellite Dish Antenna	S	S				
	Shed	P	P	P			
	Signs, Commercial Free-Standing		P	P			
	Swimming Pool (Personal Use)	P	P				
	Temporary Construction Trailer	P	P	P			
	Vehicle Charging Station	P	P	P			

**Permitted Use**

**Special Use**

### Affordable Housing District Text Amendment Comparison Table

	<b>Original Proposal</b>	<b>Planning Board Proposal</b>	<b>LDO References</b>
Building Height	40 Feet Maximum*	35 Feet Maximum	The maximum Height in the TCA Zoning District is 35 Feet
Open Space Requirement	Not Included	12% Minimum Open Space Required	The Minimum in the PUD District 15%
Allowance of Duplexes	Not Included	Allowed as a Permitted Use	Allowed in TCA & TR
Parking Space Requirements	1.5 Spaces per unit	2.0 Spaces per unit	Table of parking Requirements 13-1 Multi-family - allows for 2 parking spaces for each individual dwelling up to 3 bedrooms and 1 additional space per unit for each bedroom over 3
Density Requirements	16 Dwelling Units Per Acre.	12 Dwelling Units Per Acre	TCA allows for 12 units per acre.

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



**Town of Beaufort, NC**

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

**Board of Commissioners  
Regular Session Meeting  
6:00 PM Monday, May 8, 2023**

**AGENDA CATEGORY:** Items for Discussion and Consideration

**SUBJECT:** Approval of Plans and Specifications  
USDA-Funded Utilities Project

**BRIEF SUMMARY:**

The plans and specifications for the USDA-funded water-wastewater-stormwater projects have been completed. All regulatory permits and authorizations needed to construct the improvements have also been obtained. Copies of these plans, specifications, and permits/authorizations have been supplied to and accepted/approved by USDA. With these approvals, the next step in the process is for the local USDA office in conjunction with the State office to request loan closing instructions from the USDA Office of General Counsel.

Loan closing instructions cannot be requested until the Town has supplied a number of documents and informational items to USDA. Among these items are resolutions adopted by the Board of Commissioners which provide the Board’s approval of the plans and specifications for the planned utility improvements work. To that end, staff has prepared three resolutions for consideration by the Board. Three resolutions have been prepared because USDA views the water, wastewater, and stormwater work as separate projects with each requiring an individual approval of the associated plans and specifications.

Town staff recommends adoption of the resolutions based upon its review of the plans and specifications as well as, acceptance and approval of them by USDA.

**REQUESTED ACTION:**

Consider adopting the resolutions that provide the Board’s approvals of the plans and specifications for the wastewater collection system rehabilitation project, the water distribution system improvements project, and the storm drainage project.

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Greg Meshaw, PE, Town Engineer

**BUDGET AMENDMENT REQUIRED:**

No



**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR THE  
WASTEWATER COLLECTION SYSTEM REHABILITATION PROJECT**

**RESOLUTION NO. 23-\_\_\_\_\_**

WHEREAS, the **Town of Beaufort** identified the need to rehabilitate and replace portions of its aging wastewater collection system due to structural failures and deterioration to the point that they are allowing the infiltration and inflow of extraneous water into the system; and

WHEREAS, the Board of Commissioners of the **Town of Beaufort** adopted a resolution during the regular meeting of March 22, 2021 accepting conditions set forth in a letter of the same date from the United States Department of Agriculture (USDA) and authoring the Mayor and Town Clerk to execute all forms necessary to obtain a loans and grants from the USDA to help fund the rehabilitation and replacement of failed and deteriorated parts of the wastewater collection system; and

WHEREAS, the firm of Rivers & Associates, Inc. has prepared plans and specifications bearing the project title of “Wastewater Collection System Rehabilitation Project” which are on file at the office of the Town Engineer that are intended to cause the rehabilitation and replacement of failed and deteriorated parts of the wastewater collection system.

NOW, THEREFORE, BE IT RESOLVED THAT,

- 1) That such plans and specifications are made a part hereof and are hereby approved; and
- 2) That the Town Clerk shall prepare and cause to be inserted in a newspaper of general circulation within the Town’s jurisdiction and with the North Carolina Office for Historically Underutilized Businesses an advertisement for bids to perform the work called for by the approved plans and specifications. The advertisement shall be published as soon as practicably possible after authorization to make such advertisement has been obtained from USDA. It shall specify the work to be done, state the date, time, and place where the bids will be received by the Town Engineer, and be publicly opened thereafter. The advertisement shall also state that no bids will be considered unless sealed and accompanied by a cash deposit, cashier’s check, bid bond, or certified check for 5% of the amount of such bid.

Adopted by the Town of Beaufort Board of Commissioners this 5<sup>th</sup> day of May 2023.

Elizabeth Lewis  
Clerk to the Board

Sharon Harker  
Mayor/Chairperson of Council/Board

\_\_\_\_\_  
Clerk to the Board (Signature)

\_\_\_\_\_  
Mayor of Board (Signature)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and Town Clerk of the Town of Beaufort does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Board of Commissioners duly held on the 5<sup>th</sup> day of May, 2023; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 6<sup>th</sup> day of May 2023.

---

Elizabeth Lewis, Clerk to the Board (Signature)

(Seal)



**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR THE  
WATER DISTRIBUTION SYSTEM PROJECT**

**RESOLUTION NO. 23-\_\_\_\_\_**

WHEREAS, the **Town of Beaufort** identified the need to replace portions of its aging water distribution system due to ongoing failures and leaks; and

WHEREAS, the Board of Commissioners of the **Town of Beaufort** adopted a resolution during the regular meeting of March 22, 2021 accepting conditions set forth in a letter of the same date from the United States Department of Agriculture (USDA) and authoring the Mayor and Town Clerk to execute all forms necessary to obtain a loans and grants from the USDA to help fund replacement of failed and leaking parts of the water distribution system; and

WHEREAS, the firm of Rivers & Associates, Inc. has prepared plans and specifications bearing the project title of “Water Distribution System Improvements” which are on file at the office of the Town Engineer that are intended to cause the rehabilitation and replacement of failed and deteriorated parts of the wastewater collection system.

NOW, THEREFORE, BE IT RESOLVED THAT,

- 1) That such plans and specifications are made a part hereof and are hereby approved; and
- 2) That the Town Clerk shall prepare and cause to be inserted in a newspaper of general circulation within the Town’s jurisdiction and with the North Carolina Office for Historically Underutilized Businesses an advertisement for bids to perform the work called for by the approved plans and specifications. The advertisement shall be published as soon as practicably possible after authorization to make such advertisement has been obtained from USDA. It shall specify the work to be done, state the date, time, and place where the bids will be received by the Town Engineer, and be publicly opened thereafter. The advertisement shall also state that no bids will be considered unless sealed and accompanied by a cash deposit, cashier’s check, bid bond, or certified check for 5% of the amount of such bid.

Adopted by the Town of Beaufort Board of Commissioners this 5<sup>th</sup> day of May 2023.

Elizabeth Lewis  
Clerk to the Board

Sharon Harker  
Mayor/Chairperson of Council/Board

\_\_\_\_\_  
Clerk to the Board (Signature)

\_\_\_\_\_  
Mayor of Board (Signature)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and Town Clerk of the Town of Beaufort does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Board of Commissioners duly held on the 5<sup>th</sup> day of May, 2023; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 6<sup>th</sup> day of May 2023.

---

Elizabeth Lewis, Clerk to the Board (Signature)

(Seal)



**RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
FOR THE  
STORMWATER IMPROVEMENTS PROJECT**

**RESOLUTION NO. 23-\_\_\_\_\_**

WHEREAS, the **Town of Beaufort** identified the need to improve portions of its stormwater collection and transmission system due to inadequacies relative to the volumes and rates of discharge to which they are subjected; and

WHEREAS, the Board of Commissioners of the **Town of Beaufort** adopted a resolution during the regular meeting of March 22, 2021 accepting conditions set forth in a letter of the same date from the United States Department of Agriculture (USDA) and authoring the Mayor and Town Clerk to execute all forms necessary to obtain a loans and grants from the USDA to help fund improvements to its stormwater collection and transmission system; and

WHEREAS, the firm of Rivers & Associates, Inc. has prepared plans and specifications bearing the project title of “Stormwater Drainage System Improvements” which are on file at the office of the Town Engineer that are intended to cause the rehabilitation and replacement of failed and deteriorated parts of the wastewater collection system.

NOW, THEREFORE, BE IT RESOLVED THAT,

- 1) That such plans and specifications are made a part hereof and are hereby approved; and
- 2) That the Town Clerk shall prepare and cause to be inserted in a newspaper of general circulation within the Town’s jurisdiction and with the North Carolina Office for Historically Underutilized Businesses an advertisement for bids to perform the work called for by the approved plans and specifications. The advertisement shall be published as soon as practicably possible after authorization to make such advertisement has been obtained from USDA. It shall specify the work to be done, state the date, time, and place where the bids will be received by the Town Engineer, and be publicly opened thereafter. The advertisement shall also state that no bids will be considered unless sealed and accompanied by a cash deposit, cashier’s check, bid bond, or certified check for 5% of the amount of such bid.

Adopted by the Town of Beaufort Board of Commissioners this 5<sup>th</sup> day of May 2023.

Elizabeth Lewis  
Clerk to the Board

Sharon Harker  
Mayor/Chairperson of Council/Board

\_\_\_\_\_  
Clerk to the Board (Signature)

\_\_\_\_\_  
Mayor of Board (Signature)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and Town Clerk of the Town of Beaufort does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Board of Commissioners duly held on the 5<sup>th</sup> day of May, 2023; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 6<sup>th</sup> day of May 2023.

---

Elizabeth Lewis, Clerk to the Board (Signature)

(Seal)



**Town of Beaufort, NC**

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

**Board of Commissioners  
Regular Session Meeting  
6:00 PM Monday, May 8, 2023**

**AGENDA CATEGORY:** Items for Discussion and Consideration  
**SUBJECT:** Award of Construction Contract  
Cedar Street Pervious Parking Lanes Pavement

**BRIEF SUMMARY:**

Sealed bids for the construction of the Cedar Street Pervious Parking Lanes Pavement project were received on Monday, April 17, 2023. The work for which bids were obtained includes the proposed construction of approximately 16,600 square feet of pervious pavement along Cedar Street between Orange and Marsh Streets. The project as designed calls for the construction of pervious pavement at the parking lanes of the street between the recently completed bioswales.

Examination of the attached bid tabulation shows that Sunland Builders., Inc. submitted both the lowest base bid and the lowest bid when potential alternate items are considered. Unfortunately, the base bid as well as the alternate amount exceed the engineer’s construction estimate and the available funding. The base bid includes placement of permeable pavers at \$725,285 while the alternate involves constructing pervious concrete in lieu of permeable pavers at \$648,885. The available funding stands at \$369,000.

Given the foregoing, Town staff recommends award of a construction contract to Sunland Builders, Inc. in the amount of the available funding minus an approximate five percent contingency to cover unforeseen conditions. This recommendation translates to an approximate contract amount of \$350,550 and a contingency in the range of \$18,450. The five percent contingency or any remaining portion of it can be expended to construct additional improvements once it becomes clear to Town staff that the likelihood of encountering unforeseen conditions is negligible.

**REQUESTED ACTION:**

Consider awarding the contract to construct the Cedar Street Pervious Parking Lanes Pavement project using pervious concrete to Sunland Builders, Inc. in the amount of the available funding minus an approximate percent contingency.

**EXPECTED LENGTH OF PRESENTATION:**

10 minutes

**SUBMITTED BY:**

Greg Meshaw, PE, Town Engineer

**BUDGET AMENDMENT REQUIRED:**

No. The Town’s match of \$125,500 will come from the Street Rehabilitation and Pedestrian Improvements capital project fund.

**BID TABULATION**

DATE FOR RECEIPT OF BIDS: April 17, 2023

BY: Sam Bell, PE  
Assistant Town Engineer

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



Sam Bell, PE



**Town of Beaufort**

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[www.beaufortnc.org](http://www.beaufortnc.org)

PROJECT: Cedar Street Pervious Pavement Construction

Item No.	Description	Unit	Quantity	Thomas Simpson Construction Co., Inc. Beaufort, NC		Sunland Builders, Inc. Newport, NC		Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$
				Unit \$	Total \$	Unit \$	Total \$						
1	Permeable Pavement with Interlocking Concrete Pavers	SY	2150	290.30	624,145.00	220.00	473,000.00						
2	Concrete Transition Curb	LF	2980	16.75	49,915.00	23.00	68,540.00						
3	Underdrains	LF	2790	35.00	97,650.00	18.50	51,615.00						
4	Cleanouts	Ea	100	25.00	2,500.00	90.00	9,000.00						
5	Cleanout Protection	Ea	45	350.00	15,750.00	250.00	11,250.00						
6	Temporary Traffic Control	LS	-	-	18,500.00	-	51,300.00						
7	Select Fill	CY	50	28.00	1,400.00	50.00	2,500.00						
8	Temporary Inlet Control, Silt Bag	Ea	9	130.00	1,170.00	200.00	1,800.00						
9	Coir Fiber Wattle Barrier	LF	324	8.50	2,754.00	20.00	6,480.00						
10	Temporary Steel Plate Bridging	Ea	42	1,400.00	58,800.00	900.00	37,800.00						
	<b>CONSTRUCTION SUBTOTAL</b>				<b>872,584.00</b>		<b>713,285.00</b>						
11	Mobilization (Maximum 4% of Construction Subtotal)				34,903.36		13,000.00						
	<b>CONSTRUCTION BASE BID TOTAL</b>				<b>907,487.36</b>		<b>726,285.00</b>						

Tabulation continued on next sheet



**Town of Beaufort**  
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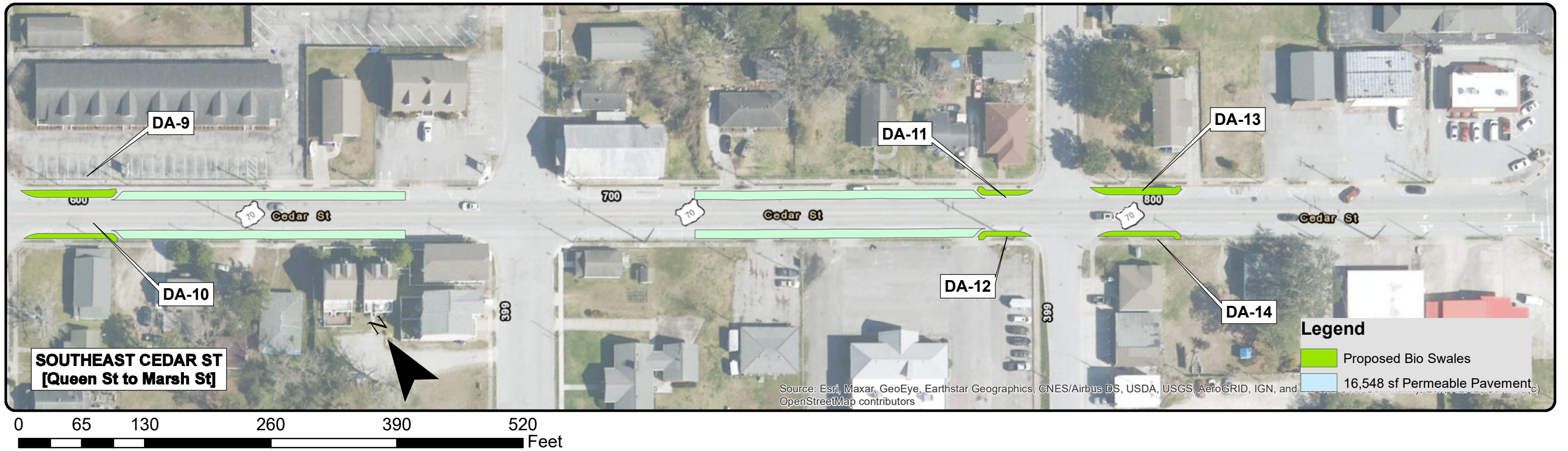
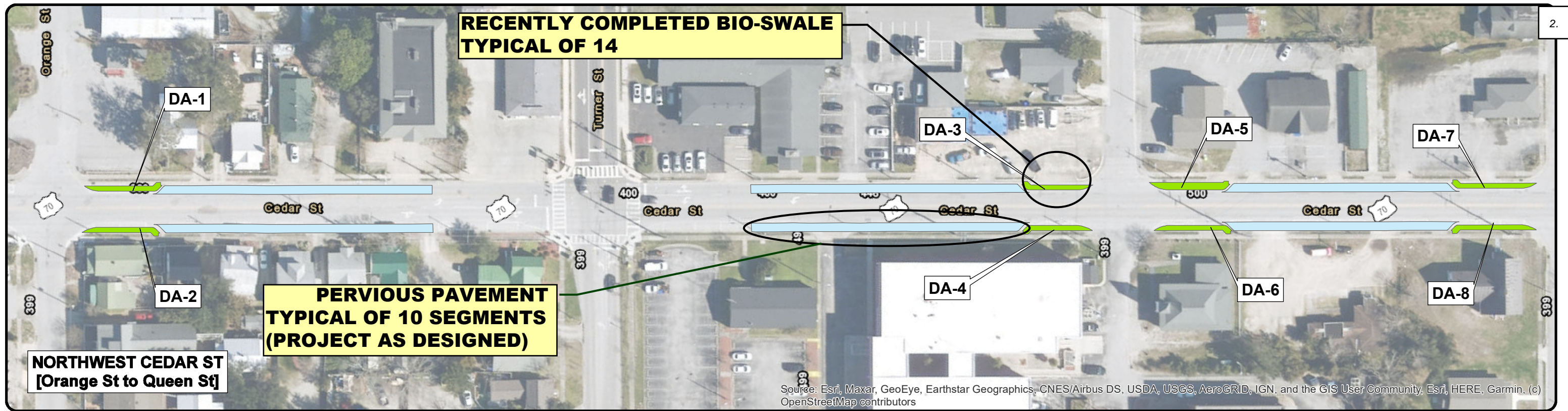
**Add Alternate 1**


Description	Unit	Quantity	Thomas Simpson Construction Co., Inc. Beaufort, NC		Sunland Builders, Inc. Newport, NC							
			Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$
Permeable Pavement with Pervious Concrete	SY	2150	240.30	516,645.00	184	395,600.00						

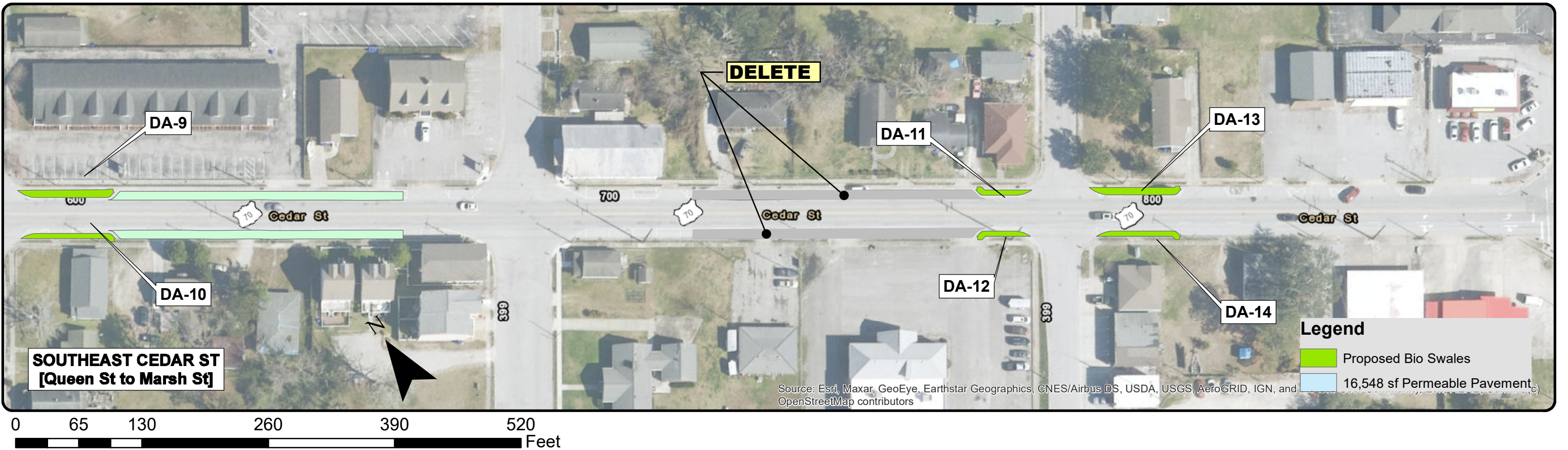
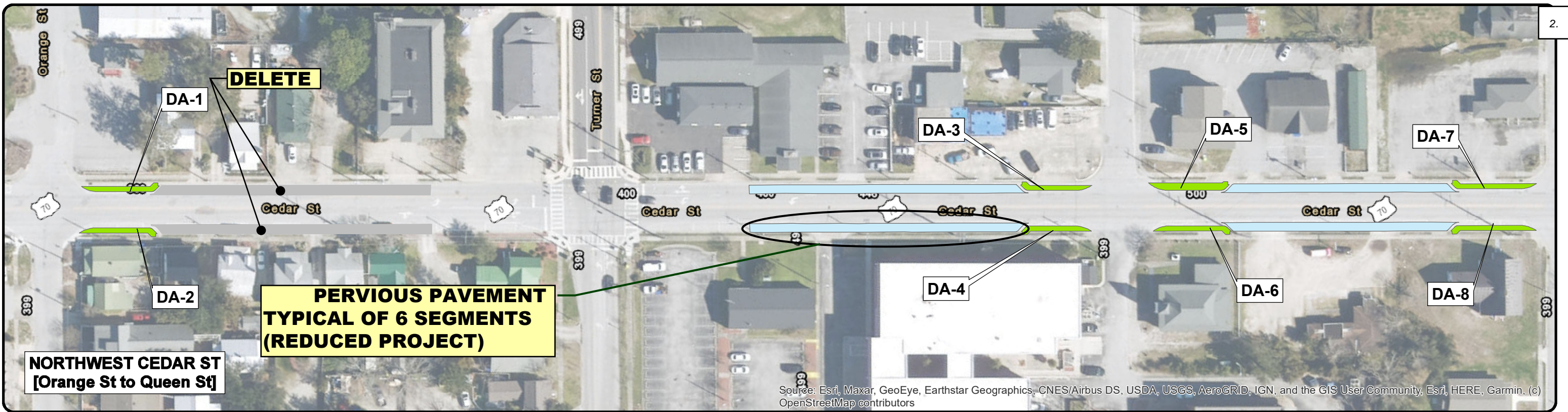
**Add Alternate 2**

Description	Unit	Quantity	Thomas Simpson Construction Co., Inc. Beaufort, NC		Sunland Builders, Inc. Newport, NC							
			Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$
Replacement of Concrete Curb and Gutter 2'6" (Vertical Curb)	SY	2730	29.00	79,170.00	60	129,000.00						

**End of tabulation**



Prepared For: 	<h1>CEDAR STREET</h1> <h2>PROPOSED WORK EXHIBIT - AS ORGINALLY PROPOSED</h2> <p>Carte 62 County, NC</p>	Drawn By: NB Date: 1/5/2022 Scale: As Noted Project No.: 2021110334	<b>FIGURE</b>  <b>1</b>
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# CEDAR STREET

## PROPOSED WORK EXHIBIT - REDUCED PROJECT

Carter 63 County, NC

Drawn By: NB  
 Date: 1/5/2022  
 Scale: As Noted  
 Project No.: 2021110334

**FIGURE**



**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, May 8, 2023  
Train Depot, 614 Broad Street  
Beaufort, NC 28516**

**AGENDA CATEGORY:** Items for Discussion and Consideration

**SUBJECT:** Capital Project Ordinances

- Stormwater and Equipment
- Utilities

**BRIEF SUMMARY:**

In April 2022, the Board of Commissioners approved a Grant Project Budget Ordinance with language suggested by the US Treasury.

In November 2022, staff made the Board aware of categories eligible for ARP funds and ask the Board to consider the Lost Revenue/Revenue Replacement. Keep in mind these categories are used for reporting and to determine the requirements and restrictions placed on expenditures using these funds. With guidance from UNC SOG and NCLM ARP team it is recommended that Tier 5 units with less than \$10 million in SLFRF funding select the Revenue Replacement Category. By selecting this category requirements and restrictions are lifted from the SLFRF funding and the Town can use funds as the Board directs.

In March 2023 at the Board of Commissioners retreat the Board discussed the projects to be funded with the unallocated funds. A decision was made to fund generators for two (2) well sites and three (3) lift stations with any remaining funds being applied to overages of the USDA utility projects. Other projects already approved by the Board include equipment for virtual meetings, site evaluation for future water plant, and replacement of sewer pump station #7.

As an accounting housekeeping item, staff requests that the Board approve the attached Budget Ordinances and Amendments.

**REQUESTED ACTION:**

Approve Capital Project Ordinances and Amendments

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Christi Wood – Finance Director

**BUDGET AMENDMENT REQUIRED:** Yes



**TOWN OF BEAUFORT  
GRANT PROJECT BUDGET ORDINANCE  
AMENDMENT #1  
FEDERAL AMERICAN RESCUE PLAN ACT 2021**

BE IT ORDAINED by the Board of Commissioners by the Town of Beaufort that the following Grant 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:**

This amendment requests eliminating the funding for stormwater, equipment and utilities water and sewer projects and funding public safety salaries and benefits for July 1, 2022 to March 21, 2022. This amendment is to change the budget for the project to be funded by the Coronavirus State and Local Fiscal Recover Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF). The Town of Beaufort has received the total allocation is \$1,418,841.02. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

**SECTION II:**

The Town has elected to take the standard allowance, as authorized by 31 CFR Part 35.6(d)(1) and expend all its ARP/CSLFRF funds for the provision of government services.

**SECTION III:**

The following amounts are amended for the project and authorized for expenditure for public safety salaries and benefits:

Project Description	Expenditure Category (EC)	Appropriation of ARP/CSLFRF Funds
Stormwater	66-815-0001	-\$60,000
Equipment	66-815-0002	-\$20,000
Unassigned	66-815-0003	-\$98,841.02
Water Projects	67-815-0001	-\$500,000
Sewer Projects	67-815-0002	-\$740,000
<b>TOTAL</b>		-\$1,418,841.02

Project Description	Expenditure Category (EC)	Cost Object	Appropriation of ARP/CSLFRF Funds
Law enforcement services for period of July 1, 2022 through March 31, 2023	10-510-0200: 10-510-0600	Salaries	\$979,493.95
		Benefits	\$188,810.46
Fire services for period of July 1, 2022 through March 31, 2023	10-531-0200: 10-531-0500	Salaries	\$245,326.52
		Benefits	\$5,210.09
<b>TOTAL</b>			\$1,418,841.02

**SECTION IV:**

The following revenues are available to complete the project:

**ARP/CSLFRF Funds:** \$1,418,841.02

**Total:** \$1,418,841.02

**SECTION V:**

The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements, including payroll documentation and effort certifications, in accordance with 2 CFR 200.430 & 2 CFR 200.431 and the Town’s Uniform Guidance Allowable Costs and Cost Principles Policy.

**SECTION VI:**

The Finance Officer is hereby directed to report the financial status of the project to the governing board on a quarterly basis.

**SECTION VII:**

Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to Town Council.

**SECTION VIII:**

This grant project ordinance expires on December 31, 2026, or when all the ARP/CSLFRF funds have been obligated and expended by the Town, whichever occurs sooner.

Adopted this 8<sup>th</sup> day of May 2023.

ATTEST:

\_\_\_\_\_  
Elizabeth Lewis  
Town Clerk

\_\_\_\_\_  
Sharon Harker  
Mayor



**TOWN OF BEAUFORT  
FY 2023 BUDGET AMENDMENT #9**

WHEREAS, the Town of Beaufort adopted its Fiscal Year 2023 Budget through Ordinance on June 27, 2022, 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 2023 Budget as follows:

**SECTION I: GENERAL FUND**

This amendment requests the appropriation of funds received from the Grant Project Budget for the Federal American Rescue Plan (ARP) in the General Fund for Public Safety salaries and benefits for the period of July 1, 2022 to March 31, 2023.

- Fire- salaries \$245,326.52, benefits \$ 5,210.09
- Police – salaries \$979,493.95, benefits \$ 188,810.46

**A. REVENUE**

<b><u>INCREASE</u></b>	
INTERGOVERNMENTAL.....	\$ 1,418,841.02
<b>TOTAL INCREASE.....</b>	<b>\$ 1,418,841.02</b>

**B. EXPENDITURES AUTHORIZED BY DEPARTMENT**

<b><u>INCREASE</u></b>	
FIRE.....	\$ 250,536.61
POLICE.....	\$ 1,168,304.41
<b>TOTAL INCREASE.....</b>	<b>\$ 1,418,841.02</b>

**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 May, 2023

ATTEST:

\_\_\_\_\_  
Elizabeth Lewis  
Town Clerk

\_\_\_\_\_  
Sharon Harker  
Mayor



**TOWN OF BEAUFORT  
FY 2023 BUDGET AMENDMENT #10**

WHEREAS, the Town of Beaufort adopted its Fiscal Year 2023 Budget through Ordinance on June 27, 2022, 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 2023 Budget as follows:

**SECTION I: GENERAL FUND**

This amendment requests the transfer of funds from General Fund - Fund Balance to Capital Projects Stormwater and Equipment (Fund 66) and Utilities (Fund 67) for projects decided by the Board of Commissioners to be funded during the discussions of the American Rescue Plan Act (ARP).

- Fund 66 – Stormwater and Equipment \$78,364
- Fund 67 – Utilities \$ 1,340,477.02

**A. REVENUE**

**INCREASE**

APPROPRIATED FUND BALANCE.....	\$ 1,418,841.02
<b>TOTAL INCREASE.....</b>	<b>\$ 1,418,841.02</b>

**B. EXPENDITURES AUTHORIZED BY DEPARTMENT**

**INCREASE**

TRANSFER TO CAPITAL PROJECT FUNDS.....	\$ 1,418,841.02
<b>TOTAL INCREASE.....</b>	<b>\$ 1,418,841.02</b>

**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 25th day of July, 2022

ATTEST:

\_\_\_\_\_  
Elizabeth Lewis  
Town Clerk

\_\_\_\_\_  
Sharon Harker  
Mayor



**TOWN OF BEAUFORT  
CAPITAL PROJECT BUDGET AMENDMENT #1  
STORMWATER AND EQUIPMENT**

BE IT ORDAINED by the Board of Commissioners by the Town of Beaufort that the following Capital Project Budget Ordinance is amended in accordance with Section 13.2 of Chapter 159 of the General Statutes of North Carolina.

**SECTION I: REVNUUE**

This budget amendment requests the appropriation of funds received from the General Fund to fund the stormwater and equipment projects (Fund 66) discussed by the Board of Commissioners during the discussion of the American Rescue Plan Act funding.

GRANT PROCEEDS .....	(\$ 178,841.02)
TRANSFER IN FROM GENERAL FUND .....	\$ 78,364.00
<b>TOTAL DECREASE IN REVENUE .....</b>	<b>\$ 100,477.02</b>

**SECTION II: EXPENDITURES**

EQUIPMENT .....	( \$1,636.00)
FUTURE PROJECTS AS ALLOWED BY GRANT .....	(\$ 98,841.02)
<b>TOTAL DECREASE IN EXPENDITURES .....</b>	<b>(\$100,477.02)</b>

**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 5<sup>th</sup> day of May 2023.

ATTEST:

\_\_\_\_\_  
Elizabeth Lewis  
Town Clerk

\_\_\_\_\_  
Sharon Harker  
Mayor



**TOWN OF BEAUFORT  
CAPITAL PROJECT BUDGET AMENDMENT #1  
UTILITIES**

BE IT ORDAINED by the Board of Commissioners by the Town of Beaufort that the following Capital Project Budget Ordinance is amended in accordance with Section 13.2 of Chapter 159 of the General Statutes of North Carolina.

**SECTION I: REVNUUE**

This budget amendment requests the appropriation of funds received from the General Fund to fund the utilities projects (Fund 67) discussed by the Board of Commissioners during the discussion of the American Rescue Plan Act funding. These projects include Site Evaluation for future water plant (\$30,000), Pump Station #7 (\$840,000), Generators for 2 wells and 3 lift stations (\$219,270), estimated overages on USDA utility projects (\$251,207.02).

GRANT PROCEEDS .....	(\$ 1,240,000.00)
TRANSFER IN FROM GENERAL FUND .....	\$ 1,340,477.02
<b>TOTAL INCREASE IN REVENUE</b> .....	<b>\$ 100,477.02</b>

**SECTION II: EXPENDITURES**

WATER .....	(\$ 353,555.00)
SEWER .....	\$ 454,032.02
<b>TOTAL INCREASE IN EXPENDITURES</b> .....	<b>\$ 100,477.02</b>

**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 8<sup>th</sup> day of May 2023.

ATTEST:

\_\_\_\_\_  
Elizabeth Lewis  
Town Clerk

\_\_\_\_\_  
Sharon Harker  
Mayor



## Town of Beaufort, NC

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

### Board of Commissioners Regular Meeting 6:00 PM – Monday, May 8, 2023

**AGENDA CATEGORY:** Items for Discussion and Consideration

**SUBJECT:** Arts in Beaufort Mural

**Update:** At the April 2023 Work Session, the Board of Commissioners requested the artist recommended by Arts in Beaufort and the Beaufort Parks & Recreation Advisory Board make updates to the proposed mural design. Staff will present the updated design. The Requested Action items remain the same.

**Background:**

Arts in Beaufort, a 501 (c) 3 organization, received permission from the Board of Commissioners (BOC) in June 2022 to proceed with a mural project at the shower house at the end of the boardwalk.

The Board of Commissioner’s approved Arts in Beaufort to pursue a mural at the shower house location on the boardwalk. The BOC recommended making the mural removable for storms and renovation purposes. The Parks & Rec Board was directed to review the proposed designs and make a recommendation to the BOC. The BOC will make the final decision once a proposal is set forth.

**New Information:**

In March, Arts in Beaufort issued a call for artists with the theme of “Blue.” (Call for Artists attached). At this time staff noted, there were a few changes.

Arts in Beaufort has revised their original request to include the following changes and seeks the BOC’s approval of these requests to move forward with the project.

- Paint the mural directly on the shower house.
- Remove the existing fence from the boardwalk that is adjacent to the shower house.
- Remove the current shutters and replace them with solid pieces of wood.

If the changes are approved, Public Works staff will complete the work.

The Parks & Recreation Advisory Board reviewed these requests at their April 12 meeting and made a recommendation to the BOC to approve the changes.

*Recommendation #1: The Parks & Recreation Advisory Board unanimously recommends supporting the 3 proposed changes. Arts in Beaufort is asking for the following changes to their original request: to paint the mural directly on the building, to remove the existing fence from the boardwalk that is adjacent to the shower house and to remove the current shutters and replace them with solid pieces of wood to create a more uniform surface. The latter two changes would be conducted by Town Staff.*

Arts in Beaufort has involved the public by reaching out via social media as well as by including citizen representative members (list is attached) of Arts in Beaufort in the decision making and selection process. They have also presented the materials to the Beaufort Parks & Recreation Board for board review as well as public input. There are concerns about protecting the artist’s intellectual property when soliciting public input on the mural designs.

Arts in Beaufort is also asking the BOC to approve the selected design for the mural. Arts in Beaufort received 7 submissions from artists as far away as Thomasville and as close as Beaufort and New Bern. Members of the group narrowed down the 7 entries to 3 and to 1 and presented their top choices to the Beaufort Parks and Recreation Advisory Board on April 12. The P&R Board selected the same design as their top selection and recommends approval to the BOC with some modifications.

*P&R Recommendation #2: The Parks & Recreation Board voted unanimously to recommend the Board of Commissioners consider the mural concept of “Beaufort Blue” with a few slight changes to include more of a letter contrast between the lettering and the background to include possibly darkening the letter outline and lighting then sky, changing the fish vignette to a bottlenose dolphin, the addition of name tags to Michael Smith and Rachel Carson.*

An additional recommendation to the BOC arose from the Arts in Beaufort presentation on the Mural project to the P&RAB on April 12:

*Upon reviewing the finalists for the Arts in Beaufort proposed mural project, the Parks and Recreation Advisory Board unanimously recommend the Board of Commissioners consider the submission titled “Under the Sea” for a mural at Randolph Johnson Park near the splashpad. The location would be on wooden panels (provided by the Town and cut to exact specification) along the fence separating the splashpad from the parking lot. The mural would not only add an artistic whimsical element to enhance the park but would also serve as a protective barrier between the splash pad and the parking lot. Currently staff has observed, the majority of children arriving at the park go through the fence (between the slats) and through the plantings from the parking lot to the park instead of using the designated pathways. In the past, staff has discussed adding art panels in this area to alleviate this safety concern and to add an element of art to the park. The estimated cost of a mural project like this is around \$6,000 +/- based on the cost of the wooden inserts.*

BJ Vincent of Arts in Beaufort is present for the meeting and can address additional concerns. The art is not to be photographed or reproduced to protect the artist’s intellectual property.

**REQUESTED ACTIONS:**

- 1) Consider approval of the requested changes to the project and directive for staff to make the physical changes to the site.
- 2) Consider approval of the submitted design and permission for the artist to begin work on the mural.
- 3) Direct staff to continue to investigate a potential mural at Randolph Johnson Park or not.

**EXPECTED LENGTH OF PRESENTATION:** 15-20 minutes

**SUBMITTED BY:** Rachel Johnson, Parks & Event Coordinator/PIO

**BUDGET AMENDMENT REQUIRED:** No

Arts in Beaufort NC, Inc. AIB seeks to facilitate, encourage and promote Public Art in our community and eastern North Carolina.

**Call For Artists**

A Call For Artists is an opportunity notice that announces a public art project.

Arts In Beaufort, AIB is seeking applications from Artists who are interested in designing and completing a Community Mural.

The theme for the mural is Blue.

**Design Requirements**

- The design may be representational or abstract but should be appropriate for Beaufort's setting and be acceptable to a broad audience of all ages.
- The design cannot include logos, copyrighted or trademarked images, or be from signage or advertising in any way. Non-copyrighted words or phrases may be incorporated into the design.
- The work should communicate a message that inspires, connects and reflects the values and diversity of our community.
- The mural will be in a harsh environment of sun, salt and wind, artists are asked to demonstrate a technical understanding of appropriate materials.

**Location- Beaufort Boardwalk**

- The mural will be painted on the marina Shower House wall located at the west end of the Boardwalk, Beaufort NC, near the intersection of Front & Turner Street.
- The mural wall as seen in the photo above is 33'long X 8'tall. The railing as seen in the photo will not be there.

**TIMELINE & APPLICATION REQUIREMENTS**

-----Artists written application to include Name, Address, Phone Number, Email address, a statement of experience, estimated budget and timeline, and 3 or more digital images of artist's work. --

-----• Submit to: [bv28516@gmail.com](mailto:bv28516@gmail.com). For more information, please text questions to 757-636-7555 or above email address.

- The artist's description of the proposed mural with accompanying sketch(s) and specifications.
- The due date for completed applications is March 31, 2023.
- AIB will review all applications and notify a finalist by April 15, 2023.
- The painting of the mural is expected to be complete by end of May, 2023.

**Budget**

- The budget for the Blue mural project is expected to cover the cost of materials and remuneration for the final execution of the mural.

**Evaluation of applications**

- AIB will consider the following as provided with the application.
- Work samples and statements, 3 or more digital images of artist's work.
- Applicant’s ability to work within the timeline, budget and stakeholder interests as specified.
- Applicant’s ability to work on scale appropriate to this wall and understanding of durable materials due to this harsh waterfront location.
- Applications demonstrate the artist's description of the proposed mural with accompanying sketch and specifications.

Selection of Artist will be made by a AIB Sub-committee who will select a finalist- an individual or team to create a design which meet the Blue theme and specifications for this project. Announcement of the finalist will follow in 10 days after the final submission date of March 15, 2023.

The selected finalist will enter into an agreement with AIB that specifies the budget & timeline expectations for the project. This agreement will include the final design as approved by all required Stakeholders. The completed work shall resemble the final design as approved.

Arts In Beaufort is a tax-exempt 501(c)(3) nonprofit organization your gift of a donation is tax-deductible as allowed by law and greatly appreciated in support of public art.



Maria Apolloni
Glad Atkins
Katherine Bland
Marc Connolly
Wendy Davidson
Joyce Edwards
Vic Fasolino
Sheila Metcalf
Reuben Sanders
Kathy Spruill
Victoria Sullivan
BJ Vincent
Jennifer Wuester



Revised proposal from Arts in Beaufort, Inc. to paint a mural on the Boardwalk Shower Houses.

Due to changes in price and availability of materials, we submit that painting directly on the building is the most appropriate and efficient way to proceed with this project. To install panels on the concrete block wall would require a minimum of 6 anchors per panel and removal of 7 panels would leave 42 holes in the smooth wall that would need to be patched and the wall repainted. If the mural is to be removed, it would be far easier to simply paint over it with the wall color.

To achieve the best possible results, we request that the fence be permanently removed to allow ease in painting, to widen the walkway, and to avoid it from detracting from the design.

The windows are currently covered with deteriorating shutters. We would like to replace them with solid pieces of board to equalize the surface.

The concerns of public input have been discussed but it is the selected artist who presents the image and we will present our final choices to the Parks and Rec Board. The Call for Artists has been made public on Facebook and flyers have been placed in art shops and galleries. Our main concern is to protect the artist's work (intellectual property).

The selection process includes evaluation of the following, as required in the application.

We will consider:

- Work samples and artists' statements with 3 or more digital images of artists' work.
- Applicants' ability to work within the timeline, budget and stakeholder interests, as specified.
- Applicants' ability to work on scale appropriate to this wall and understanding of durable materials due to this harsh waterfront location.
- The artists' description of the proposed mural with accompanying sketch and specifications.

We will identify 3 artists as finalists and present them to the Parks & Recreation Advisory Board in April for approval.

Core Members of Arts in Beaufort

Maria Apolloni  
Katherine Bland

Glad Atkins  
Marc Connolly

Wendy Davidson  
Vic Fasolino  
Kathy Spruill

Joyce Edwards  
Sheila Metcalf  
Victoria Sullivan  
BJ Vincent



**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, May 8, 2023  
Train Depot, 614 Broad Street  
Beaufort, NC 28516**

**AGENDA CATEGORY:** Closed Session  
**SUBJECT:** Pursuant to NCGS 143-318.11 (a) (5)

**REQUESTED ACTION:**

Motion to enter closed session pursuant to NCGS 143-318.11 (a) (5), to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating.

**SUBMITTED BY:**

Todd Clark, Town Manager

**BUDGET AMENDMENT REQUIRED:**

No