



## **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)

### **Board of Commissioners Regular Meeting 6:00 PM Monday, March 14, 2022 Train Depot, 614 Broad Street Beaufort, NC 28516 Monthly Meeting**

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**Call to Order**

**Pledge of Allegiance**

**Roll Call**

**Agenda Approval**

**Manager Report**

**Public Comment**

**Items of Consent**

- [1.](#) Minutes
- [2.](#) Year End Parking Program Report

**Items for Discussion and Consideration**

- [1.](#) Sewer Allocation Request (Reservation) Proposed Trestle Walk Subdivision Live Oak Street
- [2.](#) FY 2022 Budget Amendment 7
- [3.](#) Voluntary Annexation Request
- [4.](#) NCBIWA Member Appointment

**Public Hearing**

- [1.](#) Rezone 1113 Live Oak Street totaling 0.258 acres from R-8 to RS-5
- [2.](#) Modify/Revise the Existing Planned Unit Development (PUD) for Beau Coast Subdivision

## **Quasi-Judicial Proceeding**

- [1.](#) Case #22-06 Special Use Permit for a Mini-Storage facility at 2150 & 2176 Live Oak Street

## **Mayor/Commissioner Comments**

## **Closed Session**

- [1.](#) Pursuant to NCGS 143-318.11 (a) (3); and NCGS 143-318.11 (a) (5)

## **Adjourn**



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**Board of Commissioners  
Regular Meeting  
6:00 PM – Monday, March 14, 2022  
Train Depot, 614 Broad Street**

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**AGENDA CATEGORY:** Items of Consent  
**SUBJECT:** Minutes

**REQUESTED ACTION:**

Approval of attached minutes for the Board of Commissioners meetings listed below:

- February 8, 2021
- April 26, 2021
- August 9, 2021
- October 20, 2021
- November 10, 2021
- January 24, 2022

**EXPECTED LENGTH OF PRESENTATION:**

1 minute

**SUBMITTED BY:**

Elizabeth Lewis, Town Clerk

**BUDGET AMENDMENT REQUIRED:**

No



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**Town of Beaufort Board of Commissioners Regular Meeting  
6:00 PM Monday, February 08, 2021 - Virtual  
Minutes**

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**Call to Order**

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

**Roll Call**

Town Clerk Allen Coleman conducted roll call.

Present:

Mayor Rett Newton

Mayor Pro Tem Charles McDonald

Commissioner Ann Carter

Commissioner John Hagel

Commissioner Sharon Harker

Commissioner Marianna Hollinshed

**Agenda Approval**

Mayor Newton: Can we delete the closed session? We don't have anything to do discuss other than that.

Does anyone else have any changes or corrections move approval as the amended motion has been made? Any discussion? Let's go down.

Clerk Allen Coleman explained the closed session was a clerical error and should not have appeared on the agenda.

Agenda approved unanimously with the removal of the closed session.

**Public Comment**

Janet Woodward, 2217 Lennoxville Road, Beaufort - I'm. Thank you. OK, fine, I just was able to read some of my emails because I had visual problems and I see that Mr. Coleman said he received letters that were sent to him that I wanted to be put in the record during public comment, but they were dated last year. But all the letters sent did have an attachment with the person's signature, with yesterday or the day before. So we would like them to be entered into the record because these letters that were submitted, were typed last year. But we couldn't get on the agenda since last year. And these were about naming the bridge after Miss Violet Bailey. And our consensus was that it would be great for you guys to put it on the agenda during Black History Month, because I don't see you have anything on your agenda for Black History Month. But in closing, I want to say if the town wants to show their support for the black community, they can say in a resolution to move the Confederate statue with a Confederate flag on the courthouse grounds over to Fort Macon. And that would show a lot to everyone on how this town feels about honoring people of all races. And we would love such a resolution to go forward to the county to have it moved. Thank you.

**Manager Report**

Town Manager John Day: Let's start by talking a little bit about the comprehensive land use plan that we have, the online survey will be active February 10th through March 10th, and that will help guide the CAMA /comprehensive land use plan update. Representatives from Stewart, the consulting firm that has been selected to assist with the plan, will host a second public informational meeting via Zoom on Tuesday, March 23 at 6 p.m. During the meeting, the project team is going to give an update and have draft goals that are based on those survey responses that I just mentioned a little bit earlier and then also discuss the next steps. And then here's the stuff you may want to jot down if you're watching this. Additional information regarding the project is available online at BeaufortNC.org/future. And then if you'd like to subscribe to updates for the project, you can email Kate Allen at k.allen@beaufortnc.org.

Also, we've received preliminary informal notification from the USDA regarding a financing and grant package for water and sewer projects with additional information to be followed by mid-month regarding the stormwater portion of those projects.

I'm going to be working with the mayor and commissioners to schedule a special meeting later this month to more thoroughly discuss this project. And then also working with the mayor and the commissioners on scheduling the annual board retreat around mid-March.

No questions for the Town Manager.

**Items of Consent**

Approved unanimously.

- 1. Minutes

**Public Hearing**

- 1. Request for Special Use Permit for Accessory Dwelling Unit at 102 Carteret Ave.  
Case No. 20-13

Mayor Newton: Request for special use permit for accessory dwelling unit at 102 Carteret Avenue case number 20-13. Through clarification with Kate and the attorney, we will do the public hearing this evening. We still need to do the 24 hour period for additional comments and then we can pick up the rest of the quasi judicial proceedings after that.

Town Planner Kate Allen: Case number 20-13 is a request for a special use permit for an accessory dwelling unit at 102 Carteret Avenue. The subject property is zoned residential, it's a conforming existing lot of record with an existing nonconforming structure. However, if approved, the nonconforming situation would not be increased. The future land use map identifies this

property as mixed use, so an amendment would not be required and a portion of the subject property is located in a special flood hazard area. The applicant would like to convert the existing garage into an accessory dwelling unit and has provided renderings. The planning board reviewed the request at their January 19 meeting and found the request to be consistent with the land use plan, future land use map and an additional condition that the planning board recommends would be that the use be allowed only for family members. But again, that is up to the board's discretion and can be addressed at the next meeting when we enter the quasi judicial process. So the requested action for tonight is to simply conduct a public hearing and set the time and date for the quasi judicial proceedings and consideration of any questions.

Mayor Newton: I have motion. Please open the public hearing.

Motion to open the public hearing passed unanimously.

Mayor Newton: Do we have anybody signed up Allen for public comment?

Town Clerk Allen Coleman: Yes, we have Mr. William Bell.

William Bell: Thank you for allowing my comment here, but just short and quick and to the point, we would like to purchase this property. My husband and I, along with my parents who currently reside on this property would like to turn the garage into a cottage with the purpose of my parents moving into that cottage to provide them a place. Chris and I will then live in the house. Mom and dad will occupy the cottage. We have no desire to use this property for an Airbnb or any short term rental or lease in the future, which we hope will be down the road a number of years when the property is no longer used by my parents, it would become an additional long term rental as there are already existing type of rentals in the neighborhood. So again, it's not anything outside of what's happening there now, as a matter of fact, the house that they're in has been a long term rental now for many years. So that's all we're asking is just to convert this garage into a cottage for my parents to live in.

No one else was signed up to comment during the Public Hearing.

A motion was made and carried unanimously to hold the quasi-judicial evidentiary hearing at the next BOC meeting.

2. Rezoning from TR to CS-MU 508 & 510 Cedar St

Case No. 21-01

Planning Director Kyle Garner: Mayor, we have before you this evening, case number 21-01, and it's a rezoning from TR Transitional to CS-MU Mixed-Use. This is a staff initiated rezoning and the two lots combined total twelve thousand nine hundred and six square feet. The location is 508 and 510 Cedar Street. And again, the total area is less than three tenths of an acre. This was published in the newspaper and posted on site, and the legal advertisement ran on January 24 and 31, and we sent out 13 letters to adjacent property owners within one hundred feet.

Again, the project area was recommended by the Stantec Group as part of the small area plan and in October of 2018, this rezoning is consistent with the 2006 CAMA Land Use plan, which says that this area is perfect for the redevelopment of Cedar Street. Town has been working with the Department of Transportation to look at improving the infrastructure in this area that included those elements in the small area plan. And again, we've been working with several property owners in this area that would like to look at the redevelopment of it, in turn needed in transforming Cedar Street. These properties were not a part of the 2019 rezoning.

As of late, there have been a number of inquiries regarding these properties and that if designing were mixed use like others along this corridor and in an effort to encourage this redevelopment, we have submitted them for the rezoning to Cedar Street MIXED-USE. We have a photo of the first lot, which shows that it's relatively undeveloped. And then we have the other photo, which shows the structure at 510 Cedar Street.

We did some additional research and reached out to some of our folks at State Historic Preservation Office. And there might be some difference on the dates on this particular structure. But this structure was built somewhere between 1913 and 1924 and it was on the site formerly occupied by an African-American school. This building did serve as an African-American school that was associated with the St. Stephen's Congregational Church. That church remains, of course, standing at the corner of Cedar and Craven. This was one of two school buildings that was on the site. The other one was a one story and was where the bail bond building is currently located by 1941. Supposedly this building was converted potentially into a dwelling that would have been either for the preacher or used as a parsonage. And I just wanted folks to realize that this has been there.

So it's currently a permitted use by right and conforming. And even with the new zoning, it would be conforming. The maps that we have before you show the the current zoning of the property as being that the transitional and then the future land use plan and then we have the overall what was recently approved is Cedar Street mixed use going from Turner Street all the way to Hedrick Street so folks can have an understanding of exactly where the existing Cedar Street zoning is.

As part of any reasoning process, the board of commissioners would need to provide a consistency statement . In the January planning board meeting, the planning board conducted a public hearing, public comment, and then recommended unanimously for these two properties to be reassigned to Cedar Street.

Mayor Newton: Let's go down the roster with the commissioners and for questions that will open up the public hearing and the owner of the properties is available if you have any questions of the owner. So let's go down the roster for any questions.

Commissioners commented on the history and importance of the building.

Mayor Newton: Is there a motion to open up the public hearing.

Motion was made. Motion passed unanimously.

Mayor Newton: Do we have anybody signed up for the public hearing?

Town Clerk Allen Coleman: No one has signed up.

Mayor Newton: May I have a motion, please, to close the public hearing?

Motion was made and passed unanimously.

Mayor Newton: We'll pause here to allow 24 hours for additional comments and we will make a decision at the work session.

**Items for Discussion and Consideration**

1. Sewer Allocation Request

197 Rudolph Dr., Beaufort NC (Deerfield Shores Subdivision)

Town Engineer Greg Meshaw: We have a Don and Carolyn Butler of 197 Rudolph Drive in Deerfield submitting this request. The Deerfield Shore subdivisions have requested permission to connect to the town on low pressure sewer collection system that exist in part of this subdivision. You will see their parcel is located right here. They have made this request because they are currently served by an offsite septic system that is being managed by Deerfield Shores Utility Company and with the town recently taking over the collection system from Deerfield Shores Utility by agreement, they are being made to vacate the easements that allow them access to the off site septic system and their service is going to be terminated. So with that, they need, of course, another alternative for sewer service, and that would be the collection system that exists in the subdivision. They are not a part of the houses that you see there in green that were automatically picked up by the town through agreement with Deerfield Shores utility.

And as such, they have to make this individual request. They have paid all the fees, including the system development fee and town staff recommends that the allocation and the amount of 480 gallons per day be granted for their four bedroom home residential unit.

The BOC asked clarifying questions of Meshaw to ensure the Town system has the capacity to service this location without repercussions to the system.

Mayor Newton: What's a pleasure of the board?

Motion was made to approve. Motion passed unanimously.

2. Paid Parking

Mayor Newton: At the last meeting we discussed that the board of commissioners had canceled paid parking for the 2020 season in downtown due to economic concerns related to the COVID-19 pandemic.

The Beaufort Development Association (BDA) recently conducted a survey on paid parking downtown and made a number of recommendations. Those recommendations primarily follow the parking regulations that existed in 2019 . And so what we're requesting is for you to review and decide whether to reinstate paid parking and the applicable regulations. Susan Sanders, the president of the Beaufort Development Association, is at the meeting and available to answer any questions that you might have about that group's survey or their request to the board.

Discussion revolved around ferry parking, signage, long-term parking areas, and received feedback from BDA president Susan Sanders. Sanders suggested more long-term parking areas for employees and a possible promotion. Discussion ensued about the possibility of giving one free hour of parking, having the ferry service issue yellow placards, the dates for the season, parking passes, and more.

The Board voted unanimously to have the Town Manager summarize the comments, changes, parking program and to bring it back to the next Board of Commissioners' Work Session for a vote.

3. Emergency Paid Sick Leave Policy

Finance Director Christi Wood shared the Emergency Paid Sick Leave Policy stating that the policy is a replacement for the Families First Katrina Response Act that expired on Dec. 31. The policy provides eligible employees with temporary emergency sick leave. Staff recommended the policy as Covid infections continued to grow.

The Town attorney reviewed the policy and said it provides employees with 80 hours of emergency sick leave as long as they meet the criteria of the policy.

The Board approved the policy unanimously.

4. Budget Amendment

100 Block Turner Street Improvements

Town Engineer Greg Meshaw explained the need for a budget amendment for the Turner Street 100 Block Improvements Project. The project uncovered unexpected water services with galvanized lines which could not be isolated to turn water off during the project. These lines need to be replaced with PVC lines with valves.

The contractor currently working on Turner Street quoted the Town \$29,200 to complete the work. Another bid came in at a little over \$45,000.

A motion was made to move \$33,000 from the capital reserve fund and to approve Budget amendment #7.

**Mayor/Commissioner Comments**

The commissioners gave closing remarks to include a reminder of Black History Month, a safety message on slips, trips and falls and questioning when construction work at town hall would be complete for the lobby to re-open and a thank you to town staff for their hard work.

**Adjourn**

Commissioner Hagel made a motion to adjourn. Motion carried unanimously.

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**Mayor**

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Deputy Clerk



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**Town of Beaufort Board of Commissioners Work Session Meeting  
4:00 PM Monday, April 26, 2021 - Virtual  
Minutes**

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**Call To Order**

Mayor Newton called the meeting to order.

**Roll Call**

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

**PRESENT**

Mayor Everette Newton

Commissioner McDonald

Commissioner Ann Carter

Commissioner John Hagle

Commissioner Sharon Harker

Commissioner Marianna Hollinshed

**Agenda Approval**

Mayor Newton: There is an amendment to the agenda. The last discussion item will be Beaufort Harbor and Waterways Master Plan Advisory Committee and we will remove item #9 by request of the applicant, Tony Frost.

*Commissioner Hagle: Move approval as amended.*

*Amended agenda approved unanimously.*

**Public Comment**

Logan Louis, 900 Cedar Street, Beaufort, NC : Expressed concern about outside residents being on the Harbor and Waterways committee. Kindly suggest appointing only Beaufort residents. Commissioners should agree that no family members of any commissioners be appointed to the harbor and waterways commission. The

board needs to ensure the activities surrounding the \$10,000 donation be transparent and visible to the residents of Beaufort.

Susan Sanders, 437 Front Street, Beaufort, NC : I really am speaking for Steve Bishop. He is concerned that the 4-hour time limit on parking spaces is too long and would like it considered being lowered to 2 hours.

**Project Updates**

Town Engineer Greg Meshaw: Nothing in terms of the number of projects that we have as far as capital projects has changed. We aren't as far along on the Cedar St project as we wanted to be. We have yet to be dedicated to NCD T right away. We are close to being done with the street rehab. Orange St is complete. Turner St is pretty much done on the upper portion of the project. We still have to put pavers down and we have to put the bike racks and pavement markings. Hoping to be done with this project by the end of next week. We will be starting the elevated crosswalks using a different contractor. Marking the street with loading zone marks and should be done fairly quickly. They will start the sidewalk work along Cedar St this week. He is continuing on with connecting or connecting services to the houses and the businesses to the new water line. We are going to do some maintenance on Charles St regarding the flooding problems. We are waiting on some signatures from homeowners, but that should be started within the next week. The railing at Town Hall is continuing as a project. The bent piece has been fixed and put back up but we are waiting on another piece to come in to finish this project. It will probably be a couple of weeks before the office can reopen due to this piece of railing.

Commissioner Hagle: Could we use a temporary railing fix like a piece of wood?

Town Engineer Greg Meshaw: We can look into that but it might not work.

Commissioner Holinshed: When is the splash pad expected to open?

PIO/Parks & Events Coordinator Rachel Johnson: It is weather permitting and probably won't be on regularly until later in May.

Commissioner Harker: Do you use foresee any difficulty with a passenger being able to open their door on that side to get out comfortably on Turner St.?

Town Engineer Greg Meshaw: If you leave your car just a little bit off the curb, I think you can get out without any issues.

Commissioner Hagle: When will NCDOT start on Cedar St.?

Town Manager John Day: Either by June or in the fall.

**Items for Discussion and Consideration**

**1. Resolution Honoring and Remembering the Life of Joyce Fulford Former Mayor of the Town of Beaufort N.C.**

Mayor Newton: Resolution honoring and remembering the life of Joyce Fulford, former mayor of the Town of Beaufort. We the Board of Commissioners, the Town of Beaufort, on behalf the town residents, officials and employees honor and remember Joyce fall Fulford for her spirit, her energy in her innumerable contributions to Beaufort and beyond. The board extends condolences to her children, Terry, and Kay and all of Joyce's family and friends. Adopted this the 26th day of April 2021.

*Approved unanimously with changing the date to the BOC meeting in May and reading it again at that meeting.*

**2. Minutes**

Town Clerk Allen Coleman: March 2, March 8, March 11, March 12, will be included on the May 10 agenda. I just ask that you consider those at that time.

Mayor Newton: What is the pleasure of the board? Would you want this on the Consent Agenda pending your review?

*Approved Unanimously to be placed on the Consent Agenda for the May meeting.*

**3. Water Quality Research Proposal**

Town Manager John Day: Dr. Rachel Noble submitted this proposal. She has a proposed a water analysis of Town Creek that will help the town prioritize repair of specific sewer and stormwater conduits that dump there. This proposal starts off with an overall cost estimate of \$35,000. And that's for the Town Creek portion of the study. There's also a proposal to sample again at the Orange Street stormwater outfall to ensure that the issue was addressed, and there aren't any problems elsewhere down the line, that would cost about \$6,000.

Mayor Newton: They were able to identify the Orange Street outfall and other outfalls and detect this fecal indicator bacteria.

Dr. Rachel Noble: Town Creek is really the focal point for the project, we can address Orange Street, but let's have the conversation at first as if Town Creek is of our particular interest.

Mayor Newton: Let's put this on discussion and consideration for the next meeting.

Commissioner Holinshed: I would also suggest it going on the budget as an item for consideration on the new budget.

Mayor Newton: Okay so let's discuss this as a line item in the budget.

*Approved unanimously to add as a line item for the upcoming budget.*

**4. Sewer Allocation Request**

201 Rudolph Dr., Beaufort NC (Deerfield Shores Subdivision)

Town Engineer Greg Meshaw: This particular request is to reserve allocation. It is being made by Daniel and Amy Perry of Raleigh, NC who have recently purchased 201 Rudolph Drive. They are requesting reserve in the amount of 480 gallons per day which is representative of a four-bedroom home. They will have two years to basically get everything done and be connected otherwise, the allocation and the reservation fee that they will have to pay will revert back to the Town.

*Approved unanimously for a consent agenda.*

**5. Fourth of July Parade Event Application Request**

PIO/Parks & Events Coordinator Rachel Johnson: Beaufort Development Association has submitted an application to host the annual Fourth of July parade with the town's assistance. This is usually an event we do together to help offset staffing cost as it requires extra PD staff and an additional 8 town employees. The parade request is for 4 pm since the holiday falls on a Sunday. They are also asking to suspend paid parking starting at 3 pm that day.

*Approved unanimously*

**6. Big Rock Event Request to Close Off Two Parking Spaces**

PIO/Parks & Events Coordinator Rachel Johnson: Request to close two parking spaces adjacent to John Newton Park, in order to pull a food truck parallel to the park and create a pedestrian safe area for patrons participating in Big Rock to receive a meal and to use the park space for a one-way entry and exit/access to the food window while using the park for distancing. It is during paid parking season and the rate is \$18 per day so it would be \$18 per parking space if approved.

Commissioner Holinshed: That includes a handicap space so I would recommend moving it over a space.

Mayor Newton: Do we want to put this on discussion and consideration to further listen to the handicapped parking spot solution?

*Approved unanimously to move to further discussion regarding the handicap spot.*

**7. Carteret County Art & Crafts Event Request to Close Off Three Parking Spaces**

PIO/Parks & Events Coordinator Rachel Johnson: Carteret County Arts and Crafts event, they typically have an event Memorial Day weekend at the historic grounds. They have actually since I've submitted this application reduced the request to two parking spaces. For Friday through Sunday, they would be closed to allow their vendors to unload and load. And then used during the event for seniors for parking. The rate for those spaces is \$9 per day in the past, we have waived those fees. So that was a question that I would have is if we charge the \$9 or to waive those fees as we have in the past.

*Approved unanimously for the two spaces and waiving the fee.*

**8. Navigable Water Ordinance Amendment**

Town Manager John Day: Currently, the navigable waters ordinance requires that vessels may only remain anchored for 10 days in a 30-day period. We're recommending, to avoid gaming of the system, an amendment that would increase the 30-day period to 75 days.

Commissioner Holinshed: Why would it be the Town's responsibility to remove these vessels?

Town Manager John Day: The owners are not willing to do it. And we also contacted NCDOT, and they were not willing to do it either. So, I guess the Town's not obligated to remove it. It's just that if the Town would like it to be removed, then in some cases, the Town is the only entity that is willing to remove it. We could look at a penalty for offenders, as was suggested and saying that this new 75-day period only applies under certain circumstances, and I suppose that could probably be written.

Mayor Newton: Shall we place this on discussion and consideration?

*Approved unanimously to be put on discussion.*

**9. Amendment to Homer Smith Marina Covenant**

Item removed from the agenda via agenda amendment.

**10. March 2021 Financial Report-Notes**

Finance Director Christi Wood: I would like to bring up to you that I have failed to mention to you over the past few months, but there is a concern in the sanitation department. And that is the cost of the recycling fees. So we've gone from \$10.34 a ton in July of 2019, which is what in the past the cost from Waste Industries was to the Town to \$131 a ton. I do want to note that the CPI increase though, that you recently approved is just for the collection costs that GFL charges us so that's just them dumping the cans that doesn't have anything to do with this charge that we're talking about.

**11. FY 2021 Budget Amendment No. 9**

Finance Director Christi Wood: Tax collections are higher than budgeted; therefore, tax collection expense is more than budgeted. An additional appropriation is requested of \$17,000. There are some items that are requesting fund balance appropriations. One of those is the grants that the police department has, there are two of those that are currently open that are funded by a reimbursement request. I'm requesting an appropriation to cover those, but this money will be reimbursed. It's just a timing based on when the items are received and the close of year end. That's the first \$35,000. The first principal payment was made this year on the street and pedestrian improvement loan, the preliminary payment schedule that we were given. And that was used for budgeting purposes varied from the final schedule. We had budgeted \$230,000 and the actual principal payment was \$245,000. So, \$15,000 is requested for that line item. Legal Services, requesting an additional \$40,000 due to current litigation and not being quite sure

where we will end up at the end of the year. As year-end approaches, \$60,000 is requested for any unforeseen expenditures that may arise. In your January meeting, you approved that the dump truck be purchased with cash instead of it being financed. I failed to provide the amendment that would decrease the loan proceeds. So we need to reduce the loan proceeds by \$90,000.

*Approved unanimously for consent agenda.*

**12. Police Department Body Cameras**

Police Chief Paul Burdette: This request would fund a police body camera program that would complement the in car video camera program that we currently have in place, the systems that we have now, as far as interactions and recording, we have an audio recording, and there is video, but only that which can be captured by the in-car, the car camera, and most law enforcement interactions happen outside the realm of the front windshield, which is what, the car camera essentially sees.

*Commissioner Hagle: Motion made to approve.*

*Approved unanimously for approval.*

**13. Capital Reserve Fund Budget Amendment No.9 & Capital Project Fund Street & Pedestrian Improvement Budget Amendment No. 2**

Finance Director Christi Wood: Requesting a transfer from the Capital Reserve Fund to the Capital Project Fund Street and Pedestrian Improvement to replace the curb and gutter on the west side of the 100 block of Turner Street. The amount of the request is \$7,000.

*Commissioner Hagle: Motion to put it on consent agenda*

*Approved unanimously*

**14. Appointment to the Parks and Recreation Advisory Board**

Town Clerk Allen Coleman: One vacant position on the Parks and Recreation board, this would be filling a partial term that's set to expire in 2024. So, at this point we're just looking for if the board would like to recommend an individual to fill this slot, then we can move forward with the final approval on the May 10 agenda.

Mayor Newton: I recommend we just keep with the normal routine and do this in our May meeting.

*Approved unanimously*

**15. Manager Evaluation Proposal**

Commissioner Harker: Donna Warner and Peg Carlson of the UNC School of Government worked with Commissioner Harker, Mayor Newton, and the Town Manager to develop a process for manager and board evaluations. So, at the last meeting, we were supposed to send all that information to Allen. And he got all that information and compiled it into what's presented in front of us today, we have two things to look at is a process that goes over your goals, your objectives, and your outcomes. And then we have the evaluation template to review. I think we should probably break that up and talk about each one of those and see if we have any concerns or suggestions as to where the board is leaning.

Mayor Newton: I want to talk about two statements that have been made. The first one is that the evaluations are to look for weaknesses and then provide guidance. It's evaluated strengths and weaknesses, not just weaknesses. The second thing I heard was, the truth will be brutal. Well, the truth doesn't have to be brutal. It just needs to be honest. And the truth can also be a very positive thing. So, we need to come to consensus on the evaluation, not as individuals, there needs to be a consensus. I would strongly recommend that we use a facilitator for the first time that we go through this as well, to help guide us through this this process.

Commissioner Harker: All right, Mayor what else would you like to have from us? It seems like there's a consensus that we're going to work with the materials that has been presented in our packet. We're going to start an informal evaluation in July of this year.

Mayor Newton: Okay that sounds great, we will work with that.

*Approved unanimously to start evaluation process in July.*

**16. Beaufort Harbor and Waterways Master Plan Advisory Committee**

Town Manager John Day: On several occasions the board has talked about forming this committee and again at the last meeting on April 12. The board agreed to add a seat for a commissioner on the committee. And to require monthly progress reports also suggested that there be a prioritization of the scope elements. And there seemed to be consistency around having the task completed by the fiscal year 22. Those changes were incorporated into the background charge document that had been provided previously, and they're highlighted in yellow. So, we provided the information, and we'll just wait the board's direction.

Commissioner Carter: It was recommended that it be an ongoing committee. This was a board initiative, and yet the board's had not a whole lot of input in it. It concerns me a bit there, because I do think the docks and the boardwalk and bulkhead, are number one on the list. And that's critical for the economics of downtown and the town. But I don't think you need an ending date on here, because I don't think it's going to end. We can't make a plan and just put it on the shelf and walk off and forget it.

Mayor Newton: How about if you say that this committee will stay intact until approval by the Board of Commissioners and then it will disband?

Commissioner Carter: Well, it can just be that it will serve at the pleasure of the board and let it go that.

Commissioner Harker: Timeframe would be nice this way, you know, that they're going to have work to do and how it needs to be done.

Commissioner Hagle: I think we need a recommendation on the timeline when we expect the final report of this work.

Mayor Newton: The end of FY 22 gives you one year one fiscal year to incorporate this into the five-year plan to execute in FY 24. So that makes perfect sense that you would want to have at least a stake in the ground and say we'd like to have some form of results by the end of FY 22. So, what is the consensus of the board? Regular Meetings? Timeframe? Out of town people on the board?

*Unanimously the board agrees to regular meetings, timeframe FY22 and only out of town if they bring an abundance of knowledge to the committee.*

**Adjourn**

**Commissioner Hagle:** *Motion to adjourn.*

*Approved motion unanimously.*

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Mayor

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Deputy Clerk



**Town of Beaufort, NC**

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**Town of Beaufort Board of Commissioners Virtual Regular Meeting  
6:00 PM – Monday, August 9, 2021- Virtual  
Minutes**

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**Call to Order**

Mayor Newton called the meeting to order.

**Roll Call**

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

PRESENT

Mayor Everette Newton

Commissioner McDonald

Commissioner Ann Carter

Commissioner John Hagle

Commissioner Sharon Harker

Commissioner Marianna Hollinshed

**Agenda Approval**

*Commissioner Harker made motion to approve agenda, motion carried unanimously.*

**Closed Session (Special Meeting at 5:00 p.m.)**

North Carolina General Statutes §143-318.11(a) 3

*Commission Hagle made motion to go into closed session, motion carried unanimously.*

*Commissioner Harker made motion to leave closed session, motion carried unanimously.*

*Commissioner Hagle made motion to recess until 6 p.m., motion carried unanimously.*

**Mayor Newton:** Called the meeting back to order

**Town Manager’s Report**

**John Day:** Dredging should begin in September. American Recovery Plan updated to receive \$1.4 million. \$650,000 of improvements this year and \$650,000 next year. Barbara Cooper is our new HR manager. Confirmed new planner to start. New fire truck to arrive in April.

**Commissioner Harker:** Can we get an update on the lines for the crosswalks next month please.

**Commissioner McDonald:** Has the federal government passed the infrastructure bill, and how will that affect Beaufort?

**John Day:** It hasn’t been passed. It will be some time before we know how it will affect Beaufort.

**Public Comment**

**Derek Ritzel,** 117 Chelsea Circle, Beaufort, NC: I would like to ask the commissioners to deny the special use permit for 1550 Lennoxville Rd. Refers to the land development ordinance for the town of Beaufort on page 64 Section O. There is universal support for another gas station in Beaufort, but the support for this location is only coming from those that will benefit financially. Special use permits require a detailed review to ensure such projects are carefully designed to minimize impact on the surrounding properties. If the commissioners don’t take the request very seriously, and provide the requested due diligence, that will open the town up to tremendous legal challenges and the bills that go along with them. The town really does need another gas station. But the last thing I think it needs is to spend money on expert legal fees or a class action lawsuit settlement.

**Mayor Newton:** Just for clarification on quasi-judicial proceedings, the board cannot use this information as a part of the decision-making process.

**Logan Louis,** 900 Cedar Street, Beaufort, NC: On November 2, 2021, there will be an election. If you don’t like the way the commissioners respond and vote in the meeting, remember this when you go to the polls and vote.

**Items of Consent**

**1. Minutes**

**Mayor Newton:** Minutes from April 26, May 10, 17, 20, 24, and 26. The 17, 20, and 26 were all budget work sessions.

**2. FY 2022 Budget Amendment No. 1**

**Mayor Newton:** Projects that were budgeted in FY 21 but not completed by June 30, 2021, and those include from Public Works Topsail Park \$7540 dredging \$85,000 for planning design guidelines, which is \$7,500 then the CAMA and unified development ordinance \$95,100. And then non departmental ADA plan, which is \$10,300 and the harbor management plan, which is \$45,000 for a total of \$250,448.

*Commissioner Carter made motion to approve consent of agenda, motion passed unanimously.*

**Items for Discussion and Consideration**

**1. Town Manager Search Contract with Mercer Group Associates**

**John Day:** I had suggested that the board engage a firm to assist in finding my successor. In the agenda the Mercer Group and Ellis Hankins who is joining us will discuss the process.

**Ellis Hankins:** Mr. Mayor I am willing to tell you all as much or as little as you would like to hear. You have our proposal in your material which includes a timeline for the search. Mainly need to approve the proposal and there is a proposed agreement in the proposal. I would like to answer any questions from you all if you have any.

**Commissioner Harker:** The Mercer Group comes highly recommended. I like the fact that you're able to incorporate the staff, but you also mentioned the public, how does that work out?

**Ellis Hankins:** The council can hold a public hearing in an open council meeting and invite citizens to make comments.

**Commissioner Hollinshed:** I like the proposal.

**Commissioner Carter:** I am pleased to work with Ellis Hankins. It would be helpful to have the new manager available to work with John the last month.

**John Day:** I will and am planning on staying through the first of the year so that the transition is smooth.

**Commissioner McDonald:** No Comments

**Commissioner Hagle:** Your proposal looks great. I do like the timeline provided.

**Mayor Newton:** What is the pleasure of the board?

*Commissioner Hagle moved to approve the budget amendment.*

*Approved unanimously.*

**2. County Water Rate Increase – Eastman Creek Subdivision**

**Town Engineer Greg Meshaw:** You asked for us to come back and provide some alternative rates to you for consideration of possibly raising the rates for the Eastman Creek landing so that the town would break even. We've tried to show the three different scenarios again, loading on the front end, doing a rate change based upon just usage, and then trying to spread it across both the front end and the usage for your consideration. And I will be happy to take any questions about that.

**Commissioner Harker:** It seems like if you pay a higher flat rate, you get a lower per gallon fee. And if you pay a lower flat rate, you're going to get a higher per gallon fee. It would be unfair for someone who uses more water or somebody who uses less water than someone who's using more water to average out that amount. I don't think that would be a good option. So, if I use more water and you use less water, we're all going to pay pretty much an averaged-out amount of money that doesn't seem like a good option at all.

**Commissioner Hollinshed:** I think that if someone uses more, they should pay the higher rates.

**Commissioner Carter:** Is it possible to turn it over to the county and we just do the sewer?

**Town Engineer Greg Meshaw:** We have proposed that to them. It doesn't appear that will be something that will be brought in front of their commissioners at this time.

**Commissioner Hagle:** I agree that the more people use is what they should pay. But I also think that we should continue to investigate separating us from the county.

Commissioner Hagle made a motion to move the discussion to next work session so Greg can get further information on how many users use how many gallons of water and operating in a deficit for one month, passed unanimously.

**3. Beaufort Garden Club Public Art Project at Topsail Park "Menhaden Melody"**

**Parks Coordinator Rachel Johnson:** The overall project would be 14 foot tall and 6 foot wide. Since our last meeting, they have presented information from the artist as to why they would like the base to be proposed at 4 feet. Discussion ensued.

*Commissioner Hagle moved approval as presented, approved 4-1. Commissioner McDonald voted no.*

**4. Middle Passage Marker Project**

**Parks Coordinator Rachel Johnson:** The Town of Beaufort has been identified by the Middle Passage Ceremonies Important Markers Project and by the North Carolina African American Heritage Commission as a place of arrival for enslaved Africans directly from the African coast. Two sites in Beaufort were identified. Topsail Park and the other is the former location on the Market Street Wharf. The committee would like permission to move forward with a story board in Topsail Park. The consideration is to approve the project for placement there. Consider designating August 23, the United Nations Day of Remembrance and consider an annual remembrance ceremony. Consider dedication of Topsail Park as a memorial park to the Africans ancestors and consider the possibility of a future memorial monument to be placed in a public space at another location.

**Commissioner Harker:** I support all four requests.

**Commissioner Hollinshed:** I would ask that the two storyboards, the one for this project and the one for the Menhaden Project, be complimentary in the use a type and point so that one doesn't dominate the other. I am in favor of all requests.

**Commissioner Carter:** I am concerned about being obligated for a celebration every year on that date. I think that should be optional not required.

**Heather Walker:** We aren't asking that the town put on a ceremony every year, but we are asking that the park be reserved for a ceremony every year. Cindy did reach out about the story boards and incorporating them together. That way there is a flow in that space.

**Commissioner Hagle:** I recommend we approve all requests.

**Mayor Newton:** What is the pleasure of the board?

*Commissioner Harker moved approval as presented.*

*Commissioners voted approval 4-1, Commissioner McDonald voted No.*

**5. COVID Numbers in Carteret County and Return to In-Person Board Meetings Check-In**

**Town Clerk Allen Coleman:** Right now, Carteret County is still showing in the red in terms of transmission rate. The governor implemented last week that state offices would require mask or re-implement the mask mandate, and then those that had not been vaccinated would have to be tested weekly. As you know, the town implemented as of today, wearing masks in indoor facilities. The board just wanted to have a discussion and a check in at each board meeting to see if it was appropriate to return to in person meetings.

**Mayor Newton:** As of last Monday, there were 76 active cases today 132 reported. Let’s go down the roster and discuss coming back in person or staying virtual.

*All commissioners agreed to continue virtual and recheck every meeting.*

**Public Hearing**

**1. Request to Rezone 100 Fairview Drive and 1310 Live Oak Street from B-1 to TCA; Case No. 21-18**

**Planning Director Kyle Garner:** Case number 21-18. It is a rezoning from B-1 commercial to townhouse condominiums and apartments. The request is to rezone two lots that total 69,216.84 square feet, the applicant is Pamlico Limited Partnership. The locations of these two lots is 1310 Live Oak Street and 100 Fairview Drive. We mailed out 18 letters and it was advertised in the newspaper on Wednesday, July 18, and Aug. 4. The planning board at their meeting on June 21 did recommend approval of the rezoning as well as an update to the future CAMA land use map. What we're requesting of you this evening is conduct a public hearing and either approve, deny, or recommend a more restrictive zoning district as well as the consistency statement and the addition to the amendment of the land use plan.

**Commissioner Harker:** Have we received any information back from the people that were contacted?

**Planning Director Kyle Garner:** We have received no information, nor have we had any calls or any correspondence with any of the adjacent property owners.

*Commissioner Hagle made a motion to go into public hearing, approved unanimously.*

**Mayor Newton:** Allen, do we have anyone signed up for the public hearing?

**Town Clerk Allen Coleman:** No Sir

*Commissioner Harker made motion to close public hearing.*

*Approved unanimously.*

**Mayor Newton:** What is the pleasure of the board?

**Commissioner Hollinshed:** The request is consistent with surrounding land use patterns and zoning in the area. The board determines that the request for rezoning is approved, and the town’s zoning map is amended accordingly.

Commissioners approved unanimously.

**Quasi-Judicial Hearing**

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

**Mayor Newton:** I'm going to open the evidentiary hearing. This hearing is a quasi-judicial evidentiary hearing. That means that it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decision. The Board of Commissioners must base its decision upon competent material and substantial evidence in the record. A quasi-judicial decision is a decision constrained by all the standards in the land development ordinance and based on the facts presented. All applications for special use permits must be consistent with the land development ordinance for the Town of Beaufort, and whether the special use is appropriate in the proposed location. If you'll be speaking as a witness, please focus on the facts and standards, not personal preference, or opinion. The Board of Commissioners shall hear relevant information from the parties withstanding as set forth in North Carolina General Statute 160D- 406 and 1402. All of this at the sole discretion of the Board of Commissioners. Other witnesses who do not have standing may present competent material and substantial evidence that is not repetitive. Parties may appear in person by designee or by attorney to present information relative to the requirements of the ordinance. Parties may present evidence, call witnesses, and make legal arguments. The Board of Commissioners acting through the mayor may subpoena witnesses and compel the production of evidence for certain topics the Board of Commissioners may hear opinion testimony from expert witnesses. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion, witnesses must swear or affirm their testimony. At this time, we will administer the oath for all individuals who intend to provide witness testimony. And what we're going to use for the standing is those people that have been notified for zoning and the 200 feet or fact-based testimony so if you're within the 200-foot range, and you have signed up for this hearing, then we will swear you in at this time.

**Town Clerk Allen Coleman:** I have Bob and Laura Cunningham, Suzanne Lee, Carol Maloney, Laura Satterlee, Rita Tomlinson, Jamie Clarke, Ryan Butt, Bruce Chappell, and Lisa Cox.

**Mayor Newton:** Okay and how about from the applicant's side?

**Town Clerk Allen Coleman:** I've got Paul Sutton and Hunter Evans.

**Town Clerk Allen Coleman:** Mayor, are you wanting each one of them to go ahead and unmute and turn their video on?

**Mayor Newton:** That is correct. So that you can do the oath.

**Town Clerk Allen Coleman:** Bob Cunningham, are you on?

**Bob Cunningham:** Yes, I am.

**Town Clerk Allen Coleman:** Do you swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth and nothing but the truth so help you God?

**Bob Cunningham:** Yes

**Town Clerk Allen Coleman:** Okay. Laura Cunningham

**Laura Cunningham:** Yes

**Town Clerk Allen Coleman:** Do you swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth and nothing but the truth so help you God?

**Laura Cunningham:** Yes

**Town Clerk Allen Coleman:** Thank you. Suzanne Lee.

**Suzanne Lee:** Hello, yes.

**Town Clerk Allen Coleman:** Do you swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth and nothing but the truth so help you God?

**Suzanne Lee:** I do

**Town Clerk Allen Coleman:** Thank you. Carol Maloney

**Carol Maloney:** Okay

**Town Clerk Allen Coleman:** Do you swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth and nothing but the truth so help you God?

**Carol Maloney:** Yes, I do.

**Town Clerk Allen Coleman:** Thank you. Laura Satterlee

**Laura Satterlee:** Yes, and I'm not able to take my video on, it says the host must turn video on, please. Thank you.

**Town Clerk Allen Coleman:** Do you swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth and nothing but the truth so help you God?

**Laura Satterlee:** Yes, I do.

**Town Clerk Allen Coleman:** Thank you. Rita Tomlinson

**Rita Tomlinson:** Yes. Can you hear me?

**Town Clerk Allen Coleman:** We can hear you. Do you swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth and nothing but the truth so help you God?

**Rita Tomlinson:** Yes, I do.

**Town Clerk Allen Coleman:** Thank you. Jamie Clark

**Jamie Clark:** Hi, yes, I'm present.

**Town Clerk Allen Coleman:** Do you swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth and nothing but the truth so help you God?

**Jamie Clark:** I do.

**Town Clerk Allen Coleman:** Thank you. Ryan Butt

**Ryan Butt:** Here

**Town Clerk Allen Coleman:** Do you swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth and nothing but the truth so help you God?

**Ryan Butt:** I do

**Town Clerk Allen Coleman:** Thank you. Bruce Chapel

**Bruce Chapel:** Yes

**Town Clerk Allen Coleman:** Do you swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth and nothing but the truth so help you God?

**Bruce Chapel:** Yes, I do.

**Town Clerk Allen Coleman:** Thank you. Lisa Cox

**Lisa Cox:** Yes. Can you hear me?

**Town Clerk Allen Coleman:** Yes, okay. Do you swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth and nothing but the truth so help you God?

**Lisa Cox:** I do

**Town Clerk Allen Coleman:** Thank you, Mayor, would you also like to swear in the other two?

**Mayor Newton:** I would like to swear in the applicant, and we also need to swear in the town staff, specifically Kyle.

**Town Clerk Allen Coleman:** Okay. We'll start with Kyle. Do you swear or affirm that the evidence you shall give to the board and This action shall be the truth, the whole truth and nothing but the truth so help you God?

**Planning Director Kyle Garner:** I swear.

**Mayor Newton:** Okay. And, Allen, it looks like some of the folks within the 200-foot radius are also asking for expert witnesses. And I would ask Barbara Buckley, Bob Upchurch, Robin Smith, and Richard Chadwick to state why they are experts.

**Barbara Buckley:** This is Barbara Buckley. I'm a PhD, toxicologist. I worked for 13 years at EPA, assessing the health effects of air pollutants.

**Mayor Newton:** Thank you. Will you swear in Barbara, please, Allen?

**Town Clerk Allen Coleman:** Yes, sir. Do you swear or affirm that the evidence you shall give to the board and this action shall be the truth, the whole truth and nothing but the truth so help you God?

**Barbara Buckley:** I do

**Mayor Newton:** And is Bob Upchurch on online?

**Bob Upchurch:** Yes, I am here.

**Mayor Newton:** Okay. And sorry, can you state your expertise?

**Bob Upchurch:** Hi, I'm a Carteret County general appraiser been appraising Carteret County for 22 years and thousands of appraisals and I am qualified to appraise adjacent to obsolescence in residential areas.

**Mayor Newton:** Okay, thank you Bob. Allen, will you swear in Bob Upchurch please.

**Town Clerk Allen Coleman:** Do you swear or affirm that the evidence you shall give to the board and this action shall be the truth, the whole truth and nothing but the truth so help you God.

**Bob Upchurch:** I do.

**Town Clerk Allen Coleman:** Thank you.

**Mayor Newton:** Thank you, Robin. Robin Smith.

**Robin Smith:** Can you hear me?

**Mayor Newton:** Yes, I can. Okay, I've got you loud and clear.

**Robin Smith:** Okay. I am an environmental lawyer with about 30 years of experience in environmental land use law. I spent about half of my career in the Attorney General's Office representing environmental agencies and the second half of my career at what was then the Department of Environment natural resources as Assistant Secretary and since then, I in the last eight years I've been in a solo environmental law and policy consulting practice.

**Mayor Newton:** Okay, thank you. Will you please swear in Robin, please Allen?

**Town Clerk Allen Coleman:** Do you swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth and nothing but the truth so help you God?

**Robin Smith:** I do

**Mayor Newton:** Thank you. And Richard Chadwick. Are you online?

**Richard Chadwick:** Yes, sir. Mr. Mayor, I'm a licensed clinical addiction specialist and clinical mental health counselor in Carteret County, past six years speaking on substance use issues, specifically those pertaining to our youth.

**Mayor Newton:** Allen, would you swear in Richard Chadwick, please?

**Town Clerk Allen Coleman:** Do you swear or affirm that the evidence you shall give to the board and this action shall be the truth, the whole truth and nothing but the truth so help you God?

**Richard Chadwick:** I do swear.

**Mayor Newton:** Okay. And I've also got Paul Sutton and Hunter Evans signed in. Do we have anybody other than that Allen?

**Town Clerk Allen Coleman:** We have Brooke Lupton

**Chase Cullipher:** Mr. Mayor this is Chase Cullipher. I would like to join in swearing on the applicant's side as well.

**Mayor Newton:** Okay, yeah, if you just hold on just a second, please. Paul Sutton, Hunter Evans, what was the other one Allen?

**Town Clerk Allen Coleman:** Lupton

**Mayor Newton:** Brooke Lupton. Okay. And do Paul Sutton, Hunter Evans, and Brooke Lupton, do they live within the 100, the 200-foot radius?

**Town Clerk Allen Coleman:** No sir.

**Mayor Newton:** Okay. Can you bring Paul Sutton up and ask him what his expertise is?

**Town Clerk Allen Coleman:** Paul, I believe you are unmuted.

**Paul Sutton:** Yep. I graduated with a degree in construction management. I've worked in the petroleum industry for 13 years installing and maintaining service stations and truck stops. I built in five different states, and we maintain over 400 convenience stores.

**Mayor Newton:** Okay. And Paul, are you with the applicant?

**Paul Sutton:** Yes

**Mayor Newton:** Okay, thank you. And Hunter Evans, please excuse me, let's go ahead and swear in Paul while we're while we're doing this.

**Town Clerk Allen Coleman:** Do you swear or affirm that the evidence you shall give to the board and this action shall be the truth, the whole truth and nothing but the truth so help you God?

**Paul Sutton:** I do.

**Mayor Newton:** Okay, and Hunter Evans?

**Hunter Evans:** Yes, I'm an environmental consultant for Mr. Davis. We manage and monitor day to day environmental compliance.

**Mayor Newton:** Okay, thank you. So go ahead and swear him in. Please Allen.

**Town Clerk Allen Coleman:** Do you swear or affirm that the evidence you shall give to the board and This action shall be the truth, the whole truth and nothing but the truth so help you God?

**Hunter Evans:** I do.

**Mayor Newton:** Thank you. And Brooke Lupton, please.

**Brooke Lupton:** Yes, my name is Brooke Lupton. And I'm a public-school educator at Beaufort Elementary School and I've been asked to share comments to illustrate the overall approval of the issue by the community on behalf of Jim Dandy.

**Mayor Newton:** Okay. We swear in Brooke, please.

**Town Clerk Allen Coleman:** Yes sir. Brooke, do you swear or affirm that the evidence you shall give to the board and this action shall be the truth, the whole truth and nothing but the truth so help you God?

**Brooke Lupton:** I do.

**Mayor Newton:** Okay. Thank you. And is there anybody else for the applicant, Allen?

**Town Clerk Allen Coleman:** No sir. Not that has signed up.

**Chase Cullipher:** Yes, I missed the signup time. I apologize.

**Mayor Newton:** And who is that please?

**Chase Cullipher:** This is Chase Cullipher, Vice President of the Cullipher Group Engineering Surveying Services of Morehead City.

**Mayor Newton:** Okay somebody stepped in, you could you say your name again?

**Chase Cullipher:** This is Chase Cullipher.

**Mayor Newton:** Okay Chase, got it. And you are with the applicant, Chase?

**Chase Cullipher:** Yes, sir.

**Mayor Newton:** Okay, thank you. All right. I need to ask if there's any disclosure by...

**Town Clerk Allen Coleman:** Mr. Mayor, do you want to let Chase do an oath as well?

**Mayor Newton:** I absolutely do. Thanks for catching that.

**Town Clerk Allen Coleman:** Chase, do you swear or affirm that the evidence you shall give to the board and this action shall be the truth, the whole truth and nothing but the truth so help you God?

**Chase Cullipher:** I do.

**Mayor Newton:** Great. Thank you. And I need to ask for any disclosure from board members have any ex parte, communication bias, and conflicts of interest? Let's go down the roster and see if you have any concerns?

**Commissioner Harker:** I have no concerns to report.

**Commissioner Hollinshead:** I have none.

**Commissioner Carter:** I have none.

**Commissioner McDonald:** I have none.

**Commissioner Hagle:** I have none.

**Mayor Newton:** Thank you, Kyle, we're going to go over to you for an overview of the case.

*Exhibit 1: Staff Report*

*Exhibit 2: Staff Presentation*

*Exhibit 3: Staff Exhibits*

**Planning Director Kyle Garner:** Thank you, Mayor. And when I am finished, you might also want to swear in the actual applicant as well. I don't believe he was sworn in this evening. But this is case number 21-17. And I would like to officially ask for the record, that the staff report and the exhibits are included in the record, as well as this presentation. And again, this is case number 21-17 for at 1550 Lennoxville Road special use permit or gas service station. It is .478 acres. We have two maps up on the screen right now. The hatched area indicates the property in question with the red border line around it indicating the property owners within 200 feet. The map to the right is the zoning map indicating that the property in question is zoned light industrial. There is R8 residential to the north as well as plan unit development to the northeast to the east or southeast, R-8 zoned property to the south trans positional property and to the west RC-5 or R-5 cluster as may be well known. The next slide that we have for you is the future land use plan, which identifies this area in the future as being appropriate for medium density residential. We also have the submitted site plan which indicates the location of the structures as well as buffer areas associated with the proposed request. The next slide that we have is an existing elevation of the structure that is currently there. In addition, the required findings that the Board of Commissioners must make is that the proposed use is an allowable use in the zoning district it is being located within. Staff reports that we have shown it is a gas service station as a special use in the light industrial area. The board will also need to determine if the application is complete, that the location of the character of the area will be in conformity with the town's land use, plan and other comprehensive plan elements and that is included in your packet as part of the exhibit D, which was the land use map, the streets driveways, parking lots, traffic control and other traffic circulation features shall be designed and provided in the current

coordinates with current traffic engineering standards and town's regulations to be adequate for this proposed special use. In regard to the parking lots, driveways, that area has been in regard to traffic control staff has not been provided with a traffic impact analysis from the applicant or those in opposition of stating otherwise. Again, on Item E, the proposed special use will not substantially injure the value of adjoining or abutting properties. At this time Mayor, I'd also enter into the record that we have not been provided any information as to whether or not the proposed use would injure or not injure the abutting properties. Item F the proposed special use will be compatible and in harmony with adjacent land use patterns in the immediate area. That is something that the board will need to determine as well as item G that the use will not materially endanger the public health and safety of the community if located in the proposed area and developed according to the submitted and approved plan. And again, mayor that is where the information and testimony that will be presented to you will help you render those specific findings. And, at this time Mayor, I'll be glad to take our entertain questions from the board.

**Mayor Newton:** Okay, let's go down the roster and see if there are any questions specifically for Kyle. Commissioner Harker?

**Commissioner Harker:** No questions for Kyle.

**Commissioner Hollinshed:** Yes, on Item B application complete. Were there any drawings, or renderings of the canopy superimposed over the building? So, you could get an idea of what that looks like?

**Planning Director Kyle Garner:** No, ma'am. We do not have any drawings of that. The applicant or others may but we do not.

**Commissioner Carter:** No questions for Kyle.

**Commissioner McDonald:** Kyle as far as the Town is concerned, could you give us some of the pros and cons for this station going in that area?

**Planning Director Kyle Garner:** Commissioner considering that this is a fact-based hearing, I don't believe that it would be appropriate for me to give anything pro and con that would be considered as nonfactual, and only my opinion. So, I'd prefer to stay away from that.

**Commissioner McDonald:** What does the attorney say about that?

**Town Attorney Arey Grady:** I think that's the correct answer from Kyle. That question I think would be best asked of the applicant and anyone testifying against the property or the application.

**Mayor Newton:** Okay. Any other questions Commissioner McDonald?

**Commissioner McDonald:** No, I'm going to assume, and I guess this is a bad thing is to assume on this, that the applicant meets all the qualifications for the town. Maybe I might need to rephrase it, or if the applicant has met all of the requirements as requested by the town?

**Mayor Newton:** And I think that's for the board to determine through this process.

**Commissioner McDonald:** I am part of the board Mayor.

**Mayor Newton:** I know you are part of the board, but the board all five of the commissioners need to kind of understand what the testimony is and then deliberate.

**Commissioner Hagle:** No questions

**Mayor Newton:** All right. Thank you. I just want to remind everybody that when you're doing your testimony to please share your video. And Allen we still need to swear in Mr. Davis.

**Town Clerk Allen Coleman:** Jim Davis can you hear me?

**Jim Davis:** Yes, sir. And I'd also like to mention that we may need to swear in Sam Barnes who is helping me present tonight.

**Mayor Newton:** Yes. Got that. So, if you're swearing, or give the oath to Mr. Davis first and then Mr. Barnes.

**Town Clerk Allen Coleman:** Okay. Mr. Davis, do you swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth, and nothing but the truth so help you God?

**Jim Davis:** Yes, sir I do.

**Town Clerk Allen Coleman:** Mr. Barnes, do you swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth, and nothing but the truth so help you God?

**Sam Barnes:** Yes, sir. Absolutely.

**Mayor Newton:** All right. So, let's, let's turn this over to Mr. Davis, the applicant.

*Applicant Exhibit 1 – Slide Presentation*

**Sam Barnes:** And, Mayor, we've got a corresponding slide presentation to go along with our testimony from the individuals that you just swore in. So, we want to submit obviously, through the course of our presentation, the slides, as well as the testimony as evidence to the board.

**Mayor Newton:** Okay. And do you want to share your screen to do that?

**Sam Barnes:** We're attempting to do that right now. Let me know when you can see it.

**Town Clerk Allen Coleman:** I just enabled the function, so you should be able to do it.

**Sam Barnes:** Thank you. Sorry. We're all trying to get used to these meeting formats. Okay. I guess if anyone could just let me know when you see our cover slide.

**Mayor Newton:** Looks Good.

**Sam Barnes:** Okay. Thank you, Mayor. I want to thank the mayor. I want to thank the Board of Commissioners. We want to thank all the town staff, we sincerely want to thank the tremendous outpouring of support and, and generous statements from not only the immediate neighboring community and neighbors, but also the town as a whole. It's been pretty humbling

to hear all that support in recent weeks. And that means a ton. And the way we felt that would be best for the board. And the commissioners to really understand this project as a whole and provide kind of a basis point is to just start with the concerns, we feel like those are important to address. And we feel like those are relevant to once we get into the design, aesthetics, the operational aspects of the proposed development. And so having a firm understanding of the concerns that have been voiced, you know, from the neighbors as well as others, some in the community, I feel like will give us a good starting point to then segue more or less into the nuts and bolts of the proposed development itself. So, with related to the concerns, they obviously correlate very close to the required findings that you all will need to deliberate later when you close the session. So, we've marked those in exhibits that correspond directly to Section 20 in the land development or land use plan. Subsections A and B are straightforward. The use is allowed through the zoning district with a special use, one B the application is complete. We felt like the series of findings after that were directly related to the concerns of the community or the concerns that have been voiced to us. So that's how we want to correlate this section of the presentation. So, with regard to section 1-C in the required findings, the location and character of the land of the use will be in conformity with the town's land use plan and other comprehensive planning elements. Actually, as we know, the proposed use and zoning is not in conformity with the land use as it's written. However, based off guidance from the town and, and attorney that the zoning actually supersedes the land use plan which actually is only intended to serve as a guide for future development. The current zoning has been in place for over 40 years at this point unchanged and actually supports the previous use that existed and operated on this property before Dr. Austin's practice was there which is the same type, not necessarily same class but same type of use. So, with the zoning in place, we have been advised and told by town representatives that actually does supersede the land use plan, again, which serves as a guide. There's that slide there which shows the site and then obviously an overview. In subsection 1-D of section 20, streets, driveways, parking lots traffic control, etc., or shall be designed and provided in accordance with current traffic engineering and the town's regulations found to be adequate for the proposed special use. I'm actually going to let Mr. Cullipher get into that a little bit later, I feel like the traffic elements of the specific site would best and appropriately be referenced when looking at the site plan. But we do know, in talking with a couple of the neighbors, as well as the planning board, that they would like an idea of what impact on traffic this is going to have. And we all know that the increased traffic in the Lennoxville corridor as well as around town as a whole lot specifically in this corridor is being driven by the hundreds of homes that have been developed recently, or over the last few years in the Lennoxville corridor. With many hundreds planned to come in the vicinity of this location and east of this site. That is only going to increase we know that everyone knows that. And it's due to the number of rooftops going in. Now what is a little bit ambiguous is how do you gauge that volume coming in? You know, DOT is not due for another traffic survey, I believe, for about 12 or 18 months. And then you get into things like housing absorption rates, you know, how fast are these homes built? How many folks live in each home? These are all unknowns at this time. What we really wanted to focus on was what can we tell you today that will show how this proposed development will help or hurt the traffic in the corridor. What we have found is that it will only hurt. And the fact of the matter is, is that the existing business there. Would only help I'm sorry, the existing use there. I didn't mean to say that. Dr Sarah Austin, she was nice enough

to share some average patient visits as well as some employee numbers with us, showing the volume of business that they are bringing to the Lennoxville corridor currently. Believe it or not, on a monthly basis, on season averages, including daily visits to the veterinary practice as well as employees. This adds up to just over 5,000 vehicle trips per week to the Lennoxville corridor with just this one user. With her practice going away and this new proposed development coming in. She is actually bringing in patients from all over the area, some of the immediate area most not some around town and a lot without it being located out in the county. But that is a tremendous amount of cars that would be taken away from the corridor almost immediately. I think it can be also expected that with the placement of the proposed use, that anyone within a general close area, certainly east of this site, or in the neighborhood that is now going all the way down Lennoxville taking a right down Live Oak just simply go get either a gallon of milk or a gallon of gas. This vehicle traffic and volume would be cut from the corridor as well. The delivery trucks required to support the proposed operation already use Lennoxville Road to deliver to other existing businesses, even the fuel delivery trucks are already going by this proposed location. So, what we have found in some immediate due diligence is that we feel that proposed development will have a net positive effect on the neighborhood and surrounding communities. Not only that, but it serves to take away pinch points and congestion points from other parts of town. As any town or municipality grows, you need to decentralize your services, place them strategically out in neighborhoods and areas of the community where those services are needed. And you can create these not only critical needs but amenities. Right now, this is focused on one bull's eye area of town. And so, we can see that not only will this aid the traffic condition, it will help decentralize those critical services. And perhaps even with eliminating this initial push of volume could assist the town in giving a little bit of leeway with catching up to the pedestrian and bike walk plan which we know is a plan for the Lennoxville corridor. So, we do feel like this will have a net positive effect. So that's why we kind of wanted to take the conversation of traffic a little bit step further because we knew that traffic, study, and comments were important to the decision-making process. The next is 1-E, again correlates to subsection 1-E of section 20. And the required findings, the purpose of the special use will not substantially injure the value of the adjoining or abutting properties. The Google Earth image you see is from 2008. Every home there is existing today. As you can see from that picture, the existing convenience store was there, the canopy was there, and there's actually a fuel truck right there, loading the tanks. So, what we say by that and then the, the corresponding inset view is a Street View Map for again from 2008, showing the existing convenience store. What we're saying by this is the property was operated for over 40 years with the same allowable use that we are requesting during and after the adjoining neighborhood properties were developed. Any effect on property values positive, negative, or indifferent was realized long ago. To back this up, there is a Superior Court ruling a legal ruling from Middlesex Connecticut in 2007. This noted that any project that removing existing assets or empty lot, or empty business, which is forthcoming, and replace it with a modern facility, which would fit in well would enhance the value of properties in the vicinity. Again, this use has been there a long time, as you can see from the satellite imagery, all the hands were there, this was a known condition. Again, any effect positive or negative on value has been realized long ago. Section 1-E, we got a subsection 1-F, the proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area. We've got a little

hand drawn area there. But if you can see it, we wanted to give you a representation of the whole neighborhood area but the site in question is just under the first L in Lennoxville. As you can see the small purple site right there. So, what we are saying is that we feel it is harmonious and compatible with adjoining land uses and development patterns in the immediate area. If you stand at the curb cut on front of this property with an eye shot and with either several 100 feet or a couple of 100 yards, not only is there the exact zoning that this this property is zoned now, there are other industrial and warehouse zonings along with four to five residential zoning classifications and some transitional use areas. The diversity of all of this zoning and mixed uses makes this site compatible. Almost by definition, look at the myriad of zoning classifications you've got in the in the very immediate area of this. Again, not only does this show that it does fit with the development patterns and intent of the overall area. Again, this shows that the town has the diversity in the zoning and plan here to properly build out and service this part of town with a variety of uses that can create amenities and special needs and critical needs to not only the immediate neighborhood but surrounding area in general. Again, we feel like due to the diversity of the land uses and the existing zonings it in fact makes it harmonious and compatible with the immediate area. The next point of concern is probably one of the most important both it's important to us and important to the neighboring community as well as the town as a whole. Subsection G, the proposed use will not materially endanger the public health or safety of the community if located where proposed and developed, according with the submitted and approved site plan. Now, I'm going to turn this over to Mr. Davis as well as industry experts to speak a little bit about this. But what I do want to say is, please understand that the purpose of these slides and testimony is to demonstrate how far the technology has come with these systems in the last, heck even 10 years, but go back 30 or 40 is not even comparable. These systems are safe. They're state of the art. They are constantly regulated, permitted, inspected. And to that we'd like to speak on the specific design system that's going into this site to show you the difference and the progression in the technology of these fueling systems, how they were and how they've ended up now.

**Jim Davis:** All right. Good evening, everybody. As Sam said, thank you for joining with us tonight. Thank you for your time thus far and helping us review this proposed project. I am Jim Davis. I'm president of Jim Dandy convenience stores. What I would like to go through really quick in this particular part of the presentation is the overall design of the fuel system. That seems to be the area that has given the most concern when we talk about health and safety for the neighboring property. So, in general, this is a five-dispenser design, we will have one large fuel tank with three compartments on the size of the system is not necessarily built to accommodate what we're forecasting for demand, but rather forecasting in the event of an extreme needs such as hurricane or other environmental situation, though that would put extra demand on the site's capability. So, keep that in mind. When we talk about the tank size the tank is of sufficient size to support the town's need if we were the only operation, surviving a hurricane, things, things like that are important to us to make sure that we are prepared to support the community when those when those needs arise. I'd like to go ahead and switch over and introduce Paul Sutton to talk about the specific components of this design. Paul is the manager of Thailand petroleum and construction. His credentials include an NCDEQ certified UST contractor that's the North Carolina Division of Environmental Quality, UST division that stands for underground storage tank division. CSI certified and OPW certified, those are both equipment manufacturers that will

be providing some of the tanks and piping and fittings that we would use in this installation. Paul currently services and maintains over 400 Active Fuel sites on the East Coast. All of which are fully permitted approved by not just NCDEQ, but other state, UST divisions and EPA. He has been directly involved in 50 new UST installation projects and as partially supervising the construction of 25. With that said, I'd like to turn it over to Paul to kind of cover the initial components and the safety that has become the standard within the industry at this point in time. Paul if you're ready.

**Paul Sutton:** Yes sir. Good evening commissioners and town members. We want to speak about the tanks, the vapor recovery piping and spill buckets, trying to clear up any questions or concerns. The tanks are double wall fiberglass is exactly like this picture you see here, there will actually be three compartments. Inside of this picture, you see three smaller tanks in cast by this larger capsule. Being fiberglass, non-corrosive, there's a 30-year warranty on tanks. That's a very long warranty for any industry. The double wall gives you 360 degrees of secondary containment. Each little tank, within which we will call those your primary, is always continuously monitored, is CSL D continuous static leak detection for each three compartments. The overall tank that encapsulates those three is a brine interstitial. It has a high low, high level, and low level the green you see in this picture represents the brine and it's hard to see but if you look down at B towards the right end of the picture that's actually a reservoir. Inside of that reservoir, there's a sensor, it's a two-stage sensor. If for some reason one of the compartments on the inside ends up with a hole and you lose brine, it goes into that compartment. It picks it up as water, your sensors goes off because it is continuously monitored at all times, 24/7. If you have an outer breach, use brine and your liquid drops out. Your alarm goes off on the tank monitor. It is always monitored 24/7. The double wall tank is 360 degrees of secondary containment, they're definitely not bulletproof. Once they're in the ground and installed correctly, they will last a long time.

The vapor recovery for the E-3 and regular, the two gas tanks, they will have a vacuum pressure vent. If you look at the top right, just under decay in this picture is a van. But on that regular and gas these will be a vacuum pressure Vent Cap. As customers pull from the dispenser, it creates a vacuum inside of the gas tank. So, there's no pressure building and just gas vapors going out the vent pipe, a vacuum is created. So, if you would go over and touch the vapor recovery cap, there would actually be a suction into the tank. The vent allows the air in as needed to prevent the tank from collapsing because eventually it could just collapse in on itself if there was no way to allow some air into the tank. When the transport driver drops fuel, as the gas goes into the tank, the vapors push back into the tanker through the vapor recovery. So, all the vapor that he's pushing in, all the air is pushed into his tank. The piping is a double wall pipe. The primary pipe is always monitored and tested critically every time customers hang up the handle through electronic line leak detection. So, every time somebody hangs up the handle it does a critical test. If it fails this test, it shuts down the operation of that line until somebody goes and retests it. That line's motor will not come on. That's done every time the handle is hung up. It also does a point two gallon per hour leak test; it does it every couple of days. You can set it up to however often you want to do it. For the state of North Carolina, if it passes a point two gallon per hour test every month, you don't have to pay a third party to test it daily. They pay that regardless to have additional testing done. Also, twice a year, we do a point one gallon per hour

leak test. And it has to do it. The state requires, it to be done once a year but they'd like to see it at the beginning and near the end of the year. If it does that, it is still not required to do a third party. But Jim does that as well. Anyway, he just does it as the secondary space of the piping. It's electronically monitored by the sensor cutouts that are on top of the tank, that is a sump the one that you see underneath the dispenser, that's a sump, your secondary space is open. If you have a leak in a primary pipe, the fuel is pushed out into a sump an electronic sensor goes off on the tank. A monitor goes off and you have to go out and check. Also, now North Carolina requires that convenience stores do the monthly checking. Hunter Evans can speak more to that but every month they have to fill out paperwork where they've looked in every sump. It says if a sensor for some reason has messed up, it's visually checked every month. So, to see if there's an issue. All sensors are monitored through that same tank monitor that does the tank testing and CSLB testing. The sumps are tested every three years by a third party. They are Hydra tested, that put water of four inches above the highest seam or booth integration. And if it fails, it has to be repaired. Or they have 30 days, they get it you know the CIO. Every three years the whole system is tested just as if it was installed the day before. But it's also tested the lines and primaries be tests annually. The spill buckets or the fuel is dropped in this picture. They're shown in the little second compartment here. Those are double wall buckets as well. The primary is monitored monthly through the inspection that the third party does, and the secondary is electronically monitored back to the tape monitor as well. There's a sensor, if it gets water or gas in the sensor, it goes off and you have to see what you have to correct the problem. The tanks also inside the spill buckets have an overfill device. That overfill device does not allow the top of the tanks to ever get wet. The tanks are always, you can only put 95% full as most of the tanks can get. Not saying you can't overfill it, that is 95 percent is what North Carolina requires.

Last thing is the NC regulations changed in November of 2007. That put North Carolina just behind California and New York in their regulations. As with any mechanical system, there is maintenance. But with the way systems are designed now, it's very little to do with the tank or piping failures. Thank you.

**Jim Davis:** Paul, thank you for giving us that detail. Um, in addition to some of those facts, there's other concerns, obviously, that relate to the public health and safety. Relative to our proposed design, there's been a lot of concern shared with us from neighboring property owners and other people in that community about the lighting that would be provided by the store. What we decided to do, we reached out to an IDA, which is the International Dark Skies Association certified lighting company, to give us a professionally engineered lighting design, I'll get into more detail about that. But that that was really interesting, we actually learned a lot ourselves about that and about how lighting can be controlled. Also, we'll have a state-of-the-art surveillance system that we can remote view, I can pull up cameras from any location on my cell phone right now. And I am able to monitor a situation or help address a concern remotely.

Just due to the nature of the industry, convenience stores and gas stations, really have very little cash on hand anymore. Most people are paying with their credit card or, or some other form of mobile payment methods that I'm still learning about: Apple Pay and chip readers, it changes so quickly, we're actually struggling to keep up with those payment methods.

We have a zero-tolerance policy on loitering. That's an insurance requirement that we are very, very focused on. We also are going to have limited hours of operation here. Contrary to what some of the comments have been, we're not a 24/7 operation. I value the safety of my staff. And if the business does not justify us being open, there's simply no reason for us to be open. I would say we have probably some of the most conservative hours in our industry, just for that very reason. Obviously, we're going to keep the site clean, it'll be a well-presented building, and the exterior of the property and interior will be well maintained. Let's turn it back over to Sam.

**Sam Barnes:** well, perfect. We just wanted to, we thought it would be very helpful to everyone to kind of go through a lot of the neighborhood concerns and concerns that the public has shared to kind of get those out of the way and show how we're being sensitive to those and are trying to alleviate those on the front end. At this time, we'd like to segue directly into a little bit about slight background on the business and then dive right into the specifics of the design details, operational and the aesthetics of the building.

**Jim Davis:** So, I think it's Commissioner Hollinshed who asked for an exterior elevation that shows the canopy, that's kind of what you'll see here. And I can come back to that here in just a few moments. And we can discuss it some more. But a little bit about who we are. For those of you who aren't familiar with us. We have been in Carteret County; we actually began in Beaufort in 1939. I'm a third-generation operator for our family-owned business. And we continue to support today, Carteret, Craven and even portions of the Onslow community. We've endured a lot of challenge over the last several years like every business. I think in America, but we have been able to remain successful. And we continue to make strategic and deliver actions to reinvest in our company, rebuild it to modernize our locations to better support the needs of the communities that we serve. And the past several years, we've personally invested more than \$5 million in capital into our properties. This comes in the way of interior improvements, exterior signage, improvements, repaving, parking lots, just about everything you can imagine right up to completely remodeling and rebuilding stores. Which we have more of that scheduled in the coming years. And we've sort of been delaying it hoping that we could find a solution for Beaufort. So that's part of why we're here tonight. We can't do everything at one time. So, we're going to try to hold out see if we can help Beaufort with this solution.

A lot of people have asked me why we picked the Lennoxville site. That's a pretty easy answer. I've spent years and that is not an exaggeration, I've spent years carefully studying Beaufort watching the road be planned, developed watching the traffic patterns evolve, and investigating and researching sites with the help of consultants like Sam, other realty firms, other commercial real estate professionals, other operators have come down here and helped review locations with me. And while we had a pretty long list of potential sites, it quickly narrowed down over the last couple years to just a few available properties that had the features necessary to make a store not just successful, but valuable to the community. It's intended to serve. Some of those locations, we found out after more extensive investigation that they simply could not be used for that purpose due to ingress and egress concerns. There were some issues with a large power line that Duke Energy operates through town, that kind of nixed several locations, ironically, and then there's just you know, certain areas that are just already inundated with traffic, and something like this would not suit well to those areas. While we have commitments on other properties that we currently own, again, we're trying to figure out how to provide a solution for

our hometown. Most of my family lives in Beaufort, and this is personally important to me to make sure that the town has what it needs, as it continues to grow. Lennoxville provides a very strategic location in that it is a very densely populated and heavily traversed area of town already and is only continuing to be developed further to that very extent. And that is part of what we look for. When we try to figure out how to pick a location, we don't look for places that we can attract traffic or volume of customers, we look for locations where that traffic and volume already exists. Lennoxville is an increasingly popular corridor for residents of the Town of Beaufort, for people utilizing the hotel at the end of the road, the boat ramp. There's a large marina at the end of the road, all of which many people, multiple times a day are going up and down that road. Placing a solution like this on Lennoxville will allow those people a convenient, quick place off of Live Oak Street where there's already some severe traffic concerns. Instead, these people could safely find these goods and services on a road that they're already traversing. We don't attract traffic, we mean to capture it, if you will. See, right there at the bottom of the slide are a few comments that were shared with us from the neighboring community. We actually have hundreds, but it would be impossible to share all the support that we have. You can take the time read those at your convenience. The location highlights as I said, is kind of a strategic urban location to allow services to an underserved but heavily used portion of town. We plan to utilize a professionally landscaped exterior to help ensure that the that the store matches the character of that area and almost more or less disguise it for what it actually is.

Early in our presentations, we continue to call this a community store market. And we're committed to just that. We don't want it to be a traditional, what people would traditionally think of as a convenience store. We just we want it to fit the community. And this really has a lot of influence on how we're designing both the exterior and interior of the property. We've talked about the pumps a little bit, but we will have three grades of product will have non-ethanol gas, which is very important to the boating community, very important to your landscapers that are taking care of the yards around town. High end vehicles all use non-ethanol gas. And then of course, regular E10, which is the least expensive but most commonly used gasoline. And then highway diesel for the diesel pickup trucks and even a few of the efficient diesel cars around town. We included some golf cart parking. I've been noticing a lot of golf carts right around that area of town. So, we thought that was a good use of some space. We had the option to include touchless entry doors, something we've been considering just due to recent concerns with COVID, something we've investigated in other locations. The bathrooms will have touchless features like faucets soap hand dryers and going back to the IDA International Dark Skies Association certified lighting plan that ensures there's no light spill over to the neighboring properties. It's very intricately designed so that the angle of the bulbs and the footprint of the light that is cast from our fixtures stays on the property. It does not leave the property. I'll share some photos in just a moment of an example of how that should look.

We make freshly made to order bakery items and deli sandwiches every day. Cheese biscuits and subs and things of that nature. All something that we're we've gotten pretty good at and are popular in a lot of our locations. And we have the space to include those here. Beaufort doesn't necessarily need another restaurant, but they need something convenient for breakfast, for sure. And the folks going to the boat ramp and work like a quicker option when it comes to

lunchtime. Premium coffees and we also want to add some custom brewed cup machines. And lastly, there already exists on the property a standby generator that we plan to keep and make some improvements to so that we can have the use of that during emergencies to operate the store. This is just a picture of the cheese biscuits that we make every day at a few of our locations. Um, we've got a couple of stores that sell anywhere from 300-350 of these a day. This is just a picture of some of the deli fresh items that we have. You can see some fruit and prepared sandwiches and then there's the fresh made to order wraps. We can do salads, we also do toasted and non-toasted subs and sandwiches. These are just a few pictures of some of the features. We'll have a walk-in cooler with all the different types of drinks that people enjoy. In the center of the picture there you'll see a bean to cup machine, you can pretty much make any kind of coffee creation, if that's your heart's desire, anything that you could get at Starbucks or Dunkin, that little puppy right there will do. And then off to the side, there's just our traditional coffee bar setup with the more standard stuff that I prefer.

Okay, so what will this look like? These are some photos of what is actually there today. Um, along the top row, you can see the building is a handsome building. I think the current operators made a lot of investment and improvements to it. I don't really want to change much about the exterior of the building itself other than some paint and some additional landscaping features that are going to help dress it up. Other than that, we're certainly inquiring about replacing the fence if the adjacent properties will give their consent for us to do so. There's portions of it that I think got damaged in hurricane Florence. And it's just, it seems to be time to replace that. And I think it will look better for both the adjacent property owners and this property to go ahead and take this opportunity to improve that fence.

One thing I want to talk about right here is, this is one of the negative aspects that I see us improving. If you look at the bottom photos, I went out there the other night. And we're talking about the IDA certified lighting. This is an example of a failure of lighting outside on the back of the existing building. Currently, they just have traditional, non-certified lighting solutions that are casting extremely bright LED light to the neighboring houses. I actually spoke to the property owners in this house, a kind of a darker tan colored house, and they have some very dark curtains hung all in the back windows of their house just for this very issue. I don't think that the property owners that are there have shared this concern with Dr. Austin. I don't know if some of these folks don't live there all the time. But that is something that we are going to eliminate entirely. All the lighting that we will have on the back of the building is going to shine straight down at the ground at a 45-degree angle. And then any lighting located on the back property line, of which there's only one, is going to shine towards the road not towards the back property line. It'll have a focused optic that casts a light into the parking area, not towards the back fence. So pretty much everything negative that I see in these photos, as far as light pollution to neighboring properties, we're going to eliminate. The photo on the far right is actually a photo looking across the street. And what you'll notice is how bright the road looks. Because there's a streetlight at the intersection of Ocean and Lennoxville, our lighting design did not when we get to that it will show foot candles, it doesn't account for things like that, that are existing, but you can already see that it's very bright out there. I took this picture around 9:30 at night. So, here's the lighting design. And I can try to zoom this in as I know the numbers are very tiny. But what these numbers are is every 10 feet, there is a foot candle measurement. And what you'll what

you'll notice is that around the canopy and underneath of it, the foot candle intensities go up around the front of the building. The foot candle intensities are elevated. But if you look as you get near the property line itself, those foot candles drop down to close to zero, or zero. And what that showing you is that the light that we're emitting with our fixtures is staying on the property. We've had this reviewed by a third party and also several other people and we believe that this is probably one of the most detailed lighting plans that a convenience store has ever submitted. Just for comparison, one-foot candles are about the equivalent of a 60-watt incandescent bulb on your front porch or something.

I am having technical difficulties. I will just touch on the hours of operation again. You know most people are headed to the boat ramp to go fishing around five o'clock in the morning. Some residents may be headed to Cherry Point or other jobs that somebody might be getting up fairly early. And then open throughout the day and then closing at 10 pm. Dr. Austin, right now is opening at 7:30 a.m. and closing at 8 p.m., so really not much change and she's also open six days a week, we would be open seven, but on Saturday or Sunday we only open from 8am to 7 pm. So, on Sunday, we actually run even further reduced hours.

The property layout, I think we've already looked at this photo a couple of times, which you can pretty much see that we're not changing the exterior of the building at all. The parking lot is not really going to change that much. Other than that, we're just going to remove anything that's existing and install the canopy remarks and parking spaces and redo some landscaping. The dispenser layout we've set up to make it easy for boats or trucks with you pulling a boat trailer to be able to swing in there and get underneath under the canopy to the dispensers without having to make any unnatural movements. Chase if you're still on here, I don't know if this would be a good opportunity for you to talk about any of traffic concerns at this point.

**Mayor Newton:** Mr. Davis, can I get you to kind of do a wrap up. We're a little bit over an hour for your presentation here and we still need to get to the other person's withstanding.

**Jim Davis:** Okay. Well, I will go ahead and wrap up then and just say thank you for the opportunity to provide the facts and we'll continue our commitment to the overwhelming volume of nearby residents who've openly discussed their support with us for this needed service to the community. And the last comments I would like to have shared tonight are from Ms. Lupton. She's going to read a message that she has written that I believe summarizes best why we're here tonight.

**Brooke Lupton:** Thank you, Mayor and Commissioners for hearing the proposal this evening. My name is Brooke Lupton. And I am a Beaufort native. I've got roots that run into the burial grounds back behind Ann St and Shackleford Banks. And I was raised in the marshes of North River and Back Sound. So, I'm blessed with memories of simpler times. I grew up here and enjoyed the gas station that was once in place at 1550 Lennoxville Road. One of my very best friends actually lived in the house that was directly across the street from that business. And after practicing at Freedom Park or cheering over at a Beaufort Middle School ballgame. We could walk over to the station and grab a snack and a cold drink. We always felt safe. And we made wonderful memories. This was part of old Beaufort; this was in the days of the shad factory when Lennoxville Road smelled of fish and hard work. It was quaint, it was safe. It was wonderful then, and it's wonderful now. Through the years our community has changed so

much. Some would say that change is bad, but I would argue otherwise. This is a concept that I instill in my own children on a constant basis. You see my family is connected to this town. We use Lennoxville Road on a daily basis. We launch our boat from the Taylors Creek boat ramp, we enjoy baseball games with our children at Freedom Park, we ride our bikes down to the waterfront and we frequent the refreshment of the new splashpad which thank you so much for helping get installed. We do these things as frequently and as often as possible. These activities bring alignment and joy to our family. The proposed project for 1550 Lennoxville Road is one which supports our family, we would enjoy the services which it would offer for our boat and for our vehicles. But more importantly for our home and for our family and for our friends. It supports our community, and it supports our heritage. It is a business which will be led with integrity for the benefit of both land and people. And I know this with certainty. As a public-school teacher, I have witnessed the good that JM Davis enterprises produces. They have supported our school system through donations of food and resources and time, I can honestly say that if anyone was in need, this business would step up and they would help, they would be there through the storms and they would help us in every capacity possible. And I believe this with my full heart. I would challenge anyone that opposes this project to try to incorporate their energy into other things that are needed within our community. This business is a benefit for our community, for people who will likely already be driving down Lennoxville Road like myself, like my family. It shouldn't change the nature of that very road or the homes which surround it except for the better. There should only be a positive light, fun towards us. Let us put our energy and our voices into larger scale problems within our community. There's plenty of them or better yet let's donate our energy and resources to aiding the children within our county. Just like the folks of JM Davis Enterprises. I challenge us all to unite for the good and support of a business which embraces the spirit of Beaufort, North Carolina. Thank you.

**Mayor Newton:** Alright, thank you. Let's see if any of the commissioners have any questions for the applicant? Commissioner Harker?

**Commissioner Harker:** Are we hearing from expert witnesses next?

**Mayor Newton:** We are but we just want to see if you have any initial questions for the applicant before we go to the persons in standing.

**Commissioner Harker:** No, I think they covered themselves well.

**Mayor Newton:** Great. Thank you. Commissioner Holinshed?

**Commissioner Holinshed:** In-depth presentation, thank you.

**Mayor Newton:** Thank you. Commissioner Carter?

**Commissioner Carter:** No questions. I think they did an excellent presentation.

**Mayor Newton:** Thank you. Commissioner McDonald?

**Commissioner McDonald:** I have no questions.

**Mayor Newton:** Great. And Commissioner Hagle?

**Commissioner Hagle:** No. Good presentation.

**Mayor Newton:** Okay. We're going to go over to the persons withstanding now. And we've got about 14 speakers here. And what I would ask is if you can please limit your comments to about five minutes each and that'll keep it the same for the persons withstanding and the applicant as far as the timeframe is concerned. And if you have an expert witness to speak, then I will ask that you introduce for instance, Bob and Laura Cunningham, if you will introduce your expert witness Barbara Buckley as well. So, let's go to Bob Cunningham first.

**Bob Cunningham:** Hello, can you hear me?

**Mayor Newton:** Gotcha loud and clear. Thank you, Bob.

**Bob Cunningham:** My name is Bob Cunningham. Thank you, commissioners for hearing our concerns. Our home at 100 Beaufort Walk is a family friendly community. People are often on foot or bike and kids catch the bus at Lennoxville and Oak. The same store and gas station directly behind our home has many adverse impacts for our community. No matter how well the underground storage tanks are installed, they must be maintained. To date the Jim Dandy organizations, have Department of Environmental violations, including three underground storage tank violations and seven defections at a club or industry. To address our environmental concerns. I would like to ask our expert, Dr. Barbara Buckley, retired toxicologist to speak on our behalf. Dr. Buckley.

**Dr Barbara Buckley:** Hello, I'm a homeowner in the Oaks and a recently retired toxicologist. I received a PhD from the Johns Hopkins University and worked for 13 years at the US Environmental Protection Agency assessing the health effects of air pollutants. Toxicologists think in terms of hazard exposure and risk. Is a chemical hazardous? How hazardous? How great is the exposure, if the chemical is in the air, what is its concentration? What is the duration of the exposure, both hazard and exposure factor into determination of risk, that chemical can be hazardous but if there is no exposure, then there is no risk? In contrast, if the chemical is very hazardous, or the exposure involves a high concentration or occurs over a long time, then there is an increased risk of an adverse health effect. What does this have to do with the proposed gas station at 1550 Lennoxville Road? Gas stations, including the one you're considering tonight, are a well-known source of benzene in the environment, and benzene is a well-known human carcinogen. While gasoline is a liquid, it can also vaporize on the foremost study constituents of gasoline vapor that is benzene, toluene, ethyl benzene and xylene. Benzene is the most toxic and the most carcinogenic. There is a large amount of evidence from epidemiologic and toxicological studies linking benzene to exposure to the development of leukemia. This includes findings of an increased risk of childhood leukemia associated with residential proximity to a petrol or repair station. Benzene is in the air around all gas stations. It is measurable and has been measured in many studies. Motor vehicle exhaust contains benzene. Benzene escapes into the air during transfer of fuel from tanker trucks to underground storage tanks, and during fueling of motor vehicles, USGS are vented, usually through four-meter-high vent pipes, and that is the largest source of benzene in air around gas stations. Importantly, the concentration of benzene in air declines with increasing distance from gas stations. Benzene released from vintage USGS was recently evaluated in a study funded by the NIH and Johns Hopkins University that emissions were tenfold greater than reported and an older study that provided the foundation for the 300-foot setback regulation adopted by California in 2005. This setback

applies to gas stations with large sales volumes and is based on lifetime cancer risk estimates for benzene. Results of the new study showing much higher vent emissions call into question the adequacy of a 300-foot setback to protect public health. There is no setback requirement for gas stations; however, many US jurisdictions have adopted setbacks of 100 to 200 feet. EPA guidelines for school siting recommend 1,000-foot setback, risk of an adverse health effect can be effectively managed by appropriate siting of gas stations, since both the concentration of benzene and air and the calculated risk of cancer decline with increasing distance from the source the gas station based on these considerations, and proposed special use endangers the public health of nearby residents, which is relevant to required finding G described in Section 20 of the LDO. Thank you very much.

**Mayor Newton:** Thank you and Barbara. I think you wanted to speak as well as or excuse me, Laurie, you wanted to speak as well. Correct?

**Laurie Cunningham:** Yeah, so Allen has slides that he is going to be sharing on our behalf. Are they available Allen?

**Town Clerk Allen Coleman:** Yes, they are.

*Exhibit*

**Laurie Cunningham:** Okay. Can you go ahead and pull up the first slide for me, please? And then I'll begin. Perfect. Thank you, Allen. Thank you, commissioners. My name is Laurie Cunningham, my husband Bob and I own our home at 100 Beaufort Walk and that adjoins 1550 Lennoxville Road. When we purchased our property in 2013, a prior gas station, underground fuel storage tanks or USP and leaking gas pumps were not there, they were gone. Environmental pollution required removal of over 400 tons, that's 100 dump trucks of contaminated soil from the previous gas station, and the groundwater remains unusable to this day.

Slide two, please. This special use permit reintroduces us to holding 30,000 gallons of fuel and a dispenser island 20 feet from our property as you can see on the slide, a delivery truck would offload 1,000s of gallons of fuel just steps from our kitchen door. To understand these impacts to our home and health, I emailed Ruth Strauss head of UST permits and inspections with NC Department of Environmental Quality.

Slide three, please. She informed me that although modern UST systems have improved, I quote, things do happen such as natural disasters, drivers pulling the hose away as they drive away from a pump, drivers knocking pumps over belt fittings, etc. And, quote, no one can guarantee these hazards will not threaten the properties that completely surround this site. Beaufort land use plans acknowledge the residential nature of 1550 Lennoxville Road. It is to be low to medium density residential with bike and pedestrian paths and the Planning Board concluded that this permit is not in keeping with those plans. For land development ordinances define a gas service station as a building or lot where gasoline, oil, greases, accessories, batteries, and tires are sold. This is not the intent of the applicant. But for the original application was for a convenience store. Jim Dandy representatives publicly presented a neighborhood market and a community store. These are not permitted uses for L-1 special use

permits. This convenience store market will be open extended hours seven days a week. It will sell tobacco, lottery alcohol, fresh food, grocery, and gas.

Slides five, six and seven show local convenience stores and gas stations and not one in a residential community. Because gas stations are not in harmony with residential communities. UST pollute and elevate risk of cancers. Robberies at Jim Dandy, Morehead and Havelock prove convenience store crime. Neighboring homes will suffer noise and light pollution from increased vehicular traffic. No Beaufort citizen should bear these risks. This permit produces health and environmental dangers. It lacks conformity with residential communities and land use plans and therefore must be denied. Thank you.

**Mayor Newton:** Thank you. Let's go over to Suzanne Lee.

*Exhibit*

**Suzanne Lee:** I will unmute myself and believe that I have some slides to be shared also. Allen, if you would. Okay. Good evening. Thank you for hanging in there with us. My name is Suzanne Lee and I live at 206 Ocean Street, adjoining the proposed gas station on the east side.

Next slide. I hold a master's degree in public health and environmental health from Yale University and a PhD in Epidemiology from the University of California Berkeley. And I've spent a career examining environmental contributions to disease and I'm currently faculty at East Carolina University. I also did serve on the Town of Chapel Hill stormwater utility advisory board from 2004 to 2006. I've invited an expert appraiser, Mr. Bob Upchurch to speak about finding i.e., injury to value of adjoining property. However, my talk is going to focus on criteria which relates to harmony and to health.

Next slide, please. Leaking pumps and piping created groundwater contamination detected in 2008 at the former gas station at 1550 Lennoxville. I think we've mentioned this previously, this resulted in a perpetual land use restriction due to groundwater contamination attached with the deed of the property. The groundwater drains toward Beau Coast and enter Turner's Creek. There are wetlands between this property and Turner's Creek that are federally protected. Benzene, which is carcinogenic and other hazardous gasoline compounds were detected in the groundwater at higher levels than allowed by the state of North Carolina and indeed, EPA. Benzene was found to be 220 times the allowable limit and other gasoline constituents were also elevated. The DEQ issued - next slide please uh- no further action finding under the assumption that the benzene and the petroleum products posed low risk because the Town of Beaufort is on well water from the Castle Hayne aquifer. In the letter DEQ, made the assumption that the groundwater contamination is going to migrate. And that is supported by national data from many states, hundreds of drinking water aquifers have been contaminated by gasoline and are no longer used for drinking water. A national survey of groundwater contamination with benzene determined that the medium plume is somewhere around 185 feet that can be up to 435 feet. There are hundreds of gasoline spill violations that occur in North Carolina annually reported by DEQ that are publicly available. Today, the status of the dispersion of this existing groundwater contamination is not known in the Town of Beaufort. No assessment has been done since the groundwater wells were piped. The bore wells were closed in 2011. That we do not know where the dispersion and the plume has gone. The Planning Board recommended the

applicant perform an environmental impact assessment and a traffic survey to be submitted to the Board of Commissioners, which the applicant has not done yet. A baseline assessment for the future contamination is requested for the public record before this application can proceed.

That next slide please. Stormwater runoff into our waterways is a concern of Beaufort among the stormwater samples collected at gas stations in North Carolina. All of the locations had high gasoline contaminant concentrations, and this included Beaufort. Local stormwater runs into Turner's Creek and Taylor's Creek. The town has spent significant dollars reducing stormwater runoff.

Next slide. please. This application is not in harmony with the adjoining land and its future uses and a gas station could materially damage the environment and endanger public health. I do request that the Board of Commissioners follow up on a traffic impact assessment and an environmental impact assessment at this property before moving further so that decisions can be fully informed on the conditions outside of this site. Thank you.

**Mayor Newton:** Thank you, Suzanne. Were you going to introduce Bob Upchurch?

**Suzanne Lee:** Yes, I am going to introduce Bob Upchurch, and he is a licensed appraiser, as he mentioned and he is here to speak on my property in particular, but it may also be germane to other adjacent properties as well. Thank you, Mr. Upchurch for being here tonight. You can unmute your microphone

**Bob Upchurch:** About now?

**Suzanne Lee:** Yeah

**Bob Upchurch:** Okay. Can you hear me now?

**Mayor Newton:** Gotcha loud and clear Bob.

**Bob Upchurch:** Okay, good. My name is Robert Upchurch. I live at 211 Georgia Avenue, Morehead City, North Carolina. I am a North Carolina State certified general appraiser. And I've been appraising Carteret County for 22 years. When one buys a residential property, they normally have a deed to the property what's called fee simple ownership. Along with that comes a bundle of rights that says the owner should be able to enjoy his or her property such as sitting on that deck or porch without toxic fumes, loud noises, bright lights, illuminated property, and so forth. If there are forces from outside their property that infringe on these rights, then their property suffers from degradation and dies based on what is called external obsolescence. These are factors outside their property that the residential landowners cannot control or influence. Examples of these are service stations of a noisy high traffic establishments, commercial businesses, large wind turbines, railroad tracks, and being in the falls over water tower or path to an airport. It's very difficult to place a dollar amount on the degradation in value due to external obsolescence, but it certainly has a negative effect on how much a property owner can get for their property, if they can sell it. That brings in the concept of principle of substitution. If there are two properties, two homes with similar characteristics for similar prices, then the buyer will pick the one with the least amount of negative aspects, such as an external obsolescence. That will probably result in the seller having to reduce the selling

price of their property just to attract a buyer. There's a wood fence approximately eight foot high along the rear property line or home zone. While that will abate some of the visual aspects of the proposed service station, it will not stop high intensity lights on poles approximately 20 to 30 feet high that will illuminate the homes at 206 Ocean Street, the rear of both... (inaudible)...and the homes across the road from the managed service station... (inaudible)... for security are definitely service stations. They make toxic...(inaudible)...increased traffic and they're certainly a continual threat of stray bullets from anticipated robbery, which are the second most likely to be robbed-service stations next to taxicab drivers. If you approve the service station and it is installed, you will have automatically encumbered all surrounding properties with external obsolescence. And as the county appraisers are doing their job, they should lower those properties value quarterly, it will lower your tax base. I was surprised that somebody a while ago built a wall, the degradation and value of a property.

**Mayor Newton:** Thank you, Bob. Suzanne, any closing comments?

**Suzanne Lee:** Well, I have none at this time. I appreciate Bob's time and the time the board has given me tonight to speak. Thank you.

**Mayor Newton:** Thank you. Over to Carol Maloney.

*Exhibit*

**Carol Maloney:** Yes, thanks. I have a set of slides from Allen and then I'm also going to call Robin Smith who is our legal consultant. Okay, so I just want to start off and show you what it looks like from our back deck where my husband and I live at 104 Beaufort Walk and as you can see right across that fence is the property at 1550 Lennoxville.

Next slide. So, I don't really have to tell you guys, this you know, gasoline is a very dangerous substance. That's why they have special hazard signs for it. So, if you end up approving this permit, you'll be greatly increasing our community risk of fire from gas pumps and spills from customers and employees who smoke on the property close to gasoline sources or use cell phones that can create a static spark or distracted or criminal activity. And I would believe that all of these things have increased over the years.

Next page please. Beaufort's own ordinance calls out gasoline as a dangerous weapon or substance that carries a threat of serious bodily injury or destruction of property. Next, according to a report from the National Fire Protection Association, December 2020. In the five years they studied, local fire departments responded to an estimated average of 4,150 fires in or on service or gas station properties per year. These fires caused an average of three civilian deaths, 43 civilian fire injuries and 30 million in direct property damage annually.

Next. In addition, the applicant has indicated that baked goods and other food items will be prepared on site at the convenience store. This increases the risk of fire from cooking accidents, and improperly handled fats, oils, and greases. Grease buildup in hoods and duct systems. And as you probably can imagine, starting a fire an extra-large amount of gasoline is much more dangerous than a regular kitchen fire. This at the bottom is just a citing where an inspection report from Jim Dandy number 12 Newport shows that in the current locations, they're not even

necessarily using the correct equipment to cook. So, there was no hood provided. And so, they were suggesting that no cooking should have been conducted here.

Next please. Fires can happen anytime and anywhere, so it's important to mitigate risks. We were all sad to see the loss of this Spouter Inn restaurant and bakery in 2019. According to WITN, the spattering along with at least two other businesses and four apartments were affected, at least seven residents were displaced. Well, thank goodness this fire did not occur right next to a gas station. Remember the threat is both ways a fire at a residence on Beaufort Walk could also spread to 1550 Lennoxville. This would be much more dangerous if there is a gas station there.

Next. The request to add a convenience store with a gas station at 1550 Lennoxville does not meet condition G which is that is not materially endangering the public health of safety of the community. In addition, unlike other cities like Asheville, the Town of Beaufort has not specifically listed public need as being one of the requirements for approval of the special use permit. So public or town need may not be used in the decision issue. I would ask that you please vote to deny this special use. Thank you. Okay. And now I'd like to call Robin Smith.

**Robin Smith:** Thank you, Mayor, commission members. I'm Robin Smith, an environmental lawyer graduated from Duke University and UNC School of Law which just shows you how broad minded I am. Some of the property owners near the proposed site asked me to review the Town of Beaufort's Land Development Ordinance and provide an analysis and an opinion on whether this project is an allowable use in the light industrial zoning district. And if you remember, I believe Mr. Garner went through all of the criteria for issuing a special use permit. And the first criteria and the most fundamental criteria is that it must be an allowable use. I provided the property owners a memo sending out my analysis, which I believe has been shared with the town staff, and I hope has been shared with the commissioners and will be entered in the record. But the conclusion that I came to, after reviewing the entire land development ordinance is that this is not an allowable use in the light industrial district. And I think you have to start with my analysis starts with the fact that the proposed use here is a convenience store rather than a gas station. So, it is a convenient store with gas pumps, but it is not a gas station. And the Town of Beaufort ordinance very clearly distinguishes between those two types of land uses. So, the ordinance defines both convenience store and gas station. And the memo that I provided to the property owners and to the town staff. I know those two definitions, and I won't go through both of them, but I will mention that the definition of the term that's used in the ordinance is convenient food store is defined to mean a retail store designated and stocked to sell primarily food, beverages, gasoline and household items. So, the important thing about that is that even the definition in the ordinance itself recognizes that a convenience store often has gas pumps and sells gasoline. So, the presence of the gas pumps does not make a convenient store a gas station, the definition of gas station that's in the ordinance itself instead describes a facility that primarily sells gasoline, oil, provides automotive services, tires, and batteries. So, the difference between these are clearly in the ordinance, distinct land uses. And the difference between the two doesn't have anything to do with the sale of gasoline. It has to do with the other services and facilities that are being provided in addition to the sale of gasoline. So, the fundamental conclusion that I reached initially was that these are two very distinct land uses recognized in the ordinance itself, they're defined differently, different terms are applied. And

more importantly, throughout the ordinance, the ordinance itself determines that those two types of uses are not always appropriate in the same zoning district. And in fact, in several zoning districts under the Town of Beaufort ordinance, convenience stores may be allowed but gas stations are not. Or in the case of three zoning districts including the live industrial district. Gas stations are allowed by special use permits, but convenience stores are not. And so, it's clear these are not interchangeable terms. These are very distinct land uses defined in the ordinance itself. The ordinance itself makes different decisions about the appropriateness of citing these two distinct uses. And in the light industrial district, it's clear that a gas station is an allowable use with a special use permit, a convenience store is not. And that's the conclusion that I provided in the memo. I'd be glad to answer any questions if I could.

**Mayor Newton:** Okay, thank you. Carol, did you want to wrap up there, or are you good?

**Carol Maloney:** Good, thank you.

**Mayor Newton:** Okay, thank you. Let's go over to Laura Satterlee.

*Exhibit*

**Laura Satterlee:** Hi, everyone. You don't need a stretch break? We're going on three hours and 20 minutes. But um, yeah. So would you like to share my slides there, um, or I can share my screen. Okay, um, great. So, I just want to bring the energy because this is so important. And so, I hope everyone is still awake and has had some sort of dinner. So hi, everyone, thank you so much for this opportunity to speak to you this evening. This is so important to us. And we appreciate your time so much. So, I'm a homeowner at 103 Beaufort Walk, that's less than 200 feet from this proposed convenience store and 30,000-gallon gas storage tank. And I just want to give a quick overview of my expertise. I have over 20 years and certified project management, including risk management for Fortune 100 multinational corporations. And that includes assessing the launch of operations around the globe. And so, I'll also be speaking from experience tonight.

Next. But before I hit on traffic, which is the main reason I'll be talking tonight, I do want to emphasize on record that the Town confirmed to us that this special permit, if approved, and we hope you will deny, is transferable. And I would also like to go on record that, you know, when we met with Jim Davis and Sam Barnes, and he told us that he would not put a Sheetz there. And so, we appreciated his honesty, but we want you to understand how we feel that that risk could be transferred in the instance that another owner were to buy it. And I loved hearing from Brooke, but we can't be ensured that that would happen if it was transferred to another buyer. That includes the 24/7 hours.

So now I'd like to talk a little bit about traffic. And as you know, in the planning board discussion, and you can take the next slide, there was a request for a formal traffic study. And by formal we mean an expert testimony. So tonight, we heard from Sam Barnes, but we really feel this is so important, we need to have an independent traffic study analysis. And the reason why we requested that just as a someone that knows about us management are four things I'd like to review here. First, we're going to look at the Beaufort bypass and some findings that were published there, some of which from this on this committee. Second, visibly inadequate turn

lanes for the radius of a tanker truck. So, we know that tanker trucks I'm going to go back up are over 53 feet. And, you know, since we haven't had the formal traffic study, that's why we need it. Third, the last slide I have is going to show you the parking lot. And we know because this is how it's advertised that this would be a place for many people with a boat trailer, and a boat. And so that is very different than Sara Austin, Sara Austin has visits that are about an hour on average as a veterinarian appointment, whereas a convenience store visitor is on average there for 10 minutes. So, what that means is, you know, we heard about traffic that's on the highway, but it's actually people coming in and leaving and people coming in and leaving, right and we know what that means, right? You know, there's blind spots. And that's what we need to analyze, this study is so important. And then lastly here, just one of many things, we need to look at the current condition of Ocean Street. When we spoke with Jim Davis, he has confirmed that there may be large tanker trucks bringing this gas to refill the tanks at least one time a week. And do we know if Ocean Street is weight bearing for those large tanks because the Town of Beaufort is responsible for caring for the street from what I'm aware of this is to the best of my knowledge, that is what I have been told.

The next slide please. So, our team of very concerned neighbors, and we thought tonight we would see a formal traffic analysis study which we didn't so we in the meantime, have identified consultants with our independent traffic consultant, the civil engineer, PhD from NC State University, who's willing to review any materials that Jim Davis can supply us that he has formally reviewed this traffic study analysis NCDOT standards. So, I would like to formally make a motion that until an independent traffic study analysis takes place that we either deny this permit, or we table because this is so important when we think about pedestrians and children waiting for a school bus. This is mandatory. And it was also recommended by the planning board.

Next slide, please. I just want to quickly reference the 2018 published bike path. This was also something that the planning board asked that the applicant come back and speak to. I haven't heard too much about the bike path tonight. But if you can take it to the next slide, the map. First of all, I did want to point out the number one principle of the bike path is the safety of pedestrians. And this is something that we're also excited about for the future of our town. Next slide, please. In the published map of the bike path, Lennoxville was called out as needing major improvements. And we know that the bike path crosses Ocean and Lennoxville. And this is why the formal traffic analysis study by a civil engineer that has been published and reviewed by all of us and an independent consultant is so important, because even one death or injury, especially by a child would just be terrible for our town. And this is absolutely critical that this is reviewed, before you consider this proposal.

Next slide please. I did want to call out here. This is another technical reality. Again, we would like to leverage our independent travel consultant. But we did take some measurements here and we understand that the driveway must have a permit from the N C D O T. We spoke with them last week and they have not yet been engaged. So, we feel it is absolutely critical that we hear from them as well. But you can see here, this measurement that was taken 53 f feet on both sides. However, based on our notes, we know that a tanker truck could be longer than that. So, this is why the traffic study is so important.

Last slide, please. This is the sitemap. And I do want to just speak last again about the parking because I mentioned that the veterinary visits are different than the visits to the convenience store. And per the, from what I understand there is a required 12 parking spaces. Okay, and I just want to point out a few things. Right now, three of the parking spaces are filling stations. And four of the parking stations are golf carts. So, golf carts are not the same size as a regular car. And we also feel it's very important that the parking lot is evaluated with a boat with a boat trailer, again for safety. So again, these are the things that we would expect from the civil engineer to come back with a published report that we could all review and feel comfortable, because this is so important when it comes to the safety of the children, users of the bike path and the community. Thank you so much for this opportunity to speak tonight.

**Mayor Newton:** Thank you. Let's go over to Rita Tomlinson.

**Rita Tomlinson:** Okay, great. Thank you so much. Allen, are you ready with the slides? Can you put the picture of the house up? Thank you so much. Um, before moving here, 14 months ago, I conducted an internet search to see if any violent crime stories would surface. I'm pleased to report that no robberies, rapes, murders, or violent crimes came up when I was looking at the Town of Beaufort, except one old unusual multiple murder case that occurred almost 10 years ago. So, I went forward, and I bought my home. So, I'm going to talk with you a little bit about crime data. Allen, can you put the FBI slide, the next slide, please. The FBI collects and publishes annual data where robberies occur. And this is really important, because they have listed convenience stores as one of their little segments of where robberies occur. They don't list barber shops or bars or taverns or restaurants. But they choose convenience stores because very many robberies do occur there. In fact, in 2019, 6.6 percent of all robberies that occurred in the United States occurred at convenience stores. And there has been an increase of 24% in robberies over the most recent five years of data when compared with five years prior. So, it's happening more.

And I want to talk a little bit, I know Jim Davis mentioned that, you know, there's not much cash in convenience stores. Well, the FBI data indicates something different than that. Because FBI data for 2019 states that the average amount robbed from a convenience store in 2019 was \$1,009. In prior years, for example, in 2010, it was \$782. And in 2011, it was \$667. So, when robbers go to convenience stores more recently, they're able to they get more cash, because convenience stores are still a cash business. And so many other businesses are not as focused on cash. So, it's where the cash is. And so, the FBI data indicates that the robber on average gets more money from a convenience store robbery than they did in the last few years than they did in prior years. Now, I didn't include that in this slide here because I didn't really plan to talk about it until Mr. Davis kind of mentioned it on his own, but I do have the same data and if you look if you scroll down on the bottom of this slide, you can see where I got this from. This is [fbi.gov](https://www.fbi.gov) data and it's a different table to look at the how much the robbers get in each particular convenience store robbery. Another thing I wanted to note here is I looked at North Carolina data and actually for robberies, this is still FBI data specific to North Carolina and 56.6% of all robberies that occur in North Carolina are committed with firearms and that is a pretty high percent, and you know we hear about convenience store robberies, and they typically aren't. Um, can you please go to the next slide? So, this slide talks a little bit about the neighborhood, because I want you to get familiar with our neighborhood a little bit. And it's

important to note that 60 and by the way, I got this data from the Carteret County tax record. So, this is taken directly from the deeds. So, I went in and looked us all up, this is the same list that the town provided, Kyle provided of all the folks that are located 200 feet from 1550 Lennoxville. So, you can see I've highlighted the ones in yellow, those are since June of 2012. And that's when you know as Suzanne mentioned, that all the storage tanks for were remediated. And the lot was all cleaned up, you know, the gas station, convenience or whatever was there before as long gone. And as you know, some of us were buying our properties in 2012, late 2012, you know, we knew that there was going to be some kind of doctor's office going in there. And so, 68% or if you could scroll down just a little bit more here are 15 to 22 of these houses. These are houses that have been purchased since 2012, after all that other stuff happens. So, I don't know what happened 40 years ago, or 20 years ago, or 10 years ago, or whatever, I bought my house because there was a cute little vet down the corner and I take my black lab, Lucy there, I take her to Austin Vet. So, it was a very attractive thing for me to have the vet there.

I'm ready to go on to the next slide, please. This is a study from again, I'm here talking about crime a bit. Arizona State University completed a study called the problem of robbery of convenience stores. And they made many conclusions that are relevant for us. And I want to tie this into, you know, what's relevant, you know, for us, more than 50% of robberies at convenience stores occur in winter months between November and February. So, we have to think about that how many Beaufort residents are seasonal. And with fewer people here, there's fewer people to actually witness a crime if it were to happen there. Next, convenience stores located in shopping complexes or strip malls have fewer robberies, that's what this study found. Why is that? Well, there are people around, there are good sightlines. And there the police can more quickly respond because there's highways nearby. The next one is availability of viable escape routes is also a consideration in determining whether or not a store is a prime robbery target. Well, you know, here at 1550, there's a ditch like right across the street, there's several streets, there's Briar Patch, Ocean, the Oaks, Lennoxville. And then of course, there's the risk of entering homes hiding in boats or sheds. All of that is possible. The next point here is people outside the store. This is what the study showed at Arizona State University, people outside the store including on patrol to be able to see into the store. Now, if you look at our site there, there's lots of fencing on several sides. It's a two-lane road with houses, all of our houses, Suzanne's house, the house across the street, they're going to purposely block out the store. So, there's going to be very few people present to witness a crime that occurs. And then the next thing that the study found is operational operation hours are the strongest factor contributing to convenience store robberies. They typically occur late and early, late at night early in the morning.

So next slide please Allen and this is my last slide that we're coming up to now. I believe some of these factors were present in these areas, small convenience store robberies that happened around us. These are all armed robberies. In May 2021, Jim Dandy armed robbery in Morehead City on 20th Street and realize that that's one of the two-lane roads that's not on a highway. It was at 7:54 in the morning and the suspect fled on foot. I mean, that is frightening to me. The next is a September 25, Midway Mart armed robbery and Harkers Island, which was at 7pm. This was a planned robbery. It involved a stolen car and it resulted in a 19-mile car chase. The four

people involved knew that there was only the one two lane road and that you have to take a bridge to get to it. They completed the robbery and then drove off the same road and off the island. They actually were able to do that they got off the island it actually took two months to catch one of those suspects. So, I mean, I don't know, that's crazy that somebody robbed the convenience store on an island. And then this June 9, 2019, Jim Dandy armed robbery happened at 1:54 in Havelock. It involved a truck chase, an innocent bystander in a golf cart being hit and injured, another car being hit and then flipping into a ditch. And then the suspect continuing to flee by car escaping into a house where he holed up until apprehended later that day. I don't know. It can happen to us; it can absolutely happen. And the stats, the crime stats support it, because so many robberies occur at convenience store because that's where the money is. Thank you so much for your time.

**Mayor Newton:** Thank you, Rita. And we've still got five more speakers here as far as the persons withstanding. So, let's please, if you can keep your comments to about five minutes. Jamie Clark, you're next.

**Jamie Clark:** Hi, everyone. Can you hear me, okay?

**Mayor Newton:** Gotcha. Loud and clear.

*Exhibit*

**Jamie Clark:** Thank you. Awesome. And Allen, I do have a couple slides if you don't mind bringing them up. Thank you so much. Good evening, everyone. My name is Jamie Clark, and I purchased my first home at 107 Beaufort Walk in October of 2020. Thank you for the opportunity to speak and present to the board of commissioners. I know it's a long night. I work as a marine scientist at the National Oceanic and Atmospheric Administration in the University of Miami as well as the past President and now Treasurer of the Beaufort Lions Club. My new home has become my haven where I work from, live full time, and grow food from. I also have a huge respect for the environment and hope to protect it from potential hazards.

Next slide please. Jim Davis from personal conversation estimated that one truck would be by once per week to refuel the station maybe twice a week during peak season. The station's underground storage tanker holds about 30,000 gallons of fuel. To show the severity of potential pollution to this location, I calculated the average and maximum accidental pollution created from this gas station if this station sells one tanker per week. Yes, there's state of the art equipment to prevent leakage. However, as I will show later these systems have been proven not to be 100% effective. Human error during the refueling process creates the majority of escaping unburned fuel. If we predict monthly sales would be 30,000 gallons of fuel per week. The average gas sales of this store would be 120,000 gallons per month, which is equivalent and natural gas station monthly sales averages. In 2015 it was estimated that about point zero one percent of the gas sold can be spilled during the refueling process in small droplet form, and up to point .5% can be lost in vapor form to the atmosphere during refueling. I estimated the average monthly sales would be about 120,000 gallons of fuel, meaning that 12 gallons of that sold fuel would be emitted as small droplets onto the porous concrete below and about 600 gallons of that sold fuel would be given off as vapor per month.

You can hit the next slide please. I estimated that during peak season, this potential station would be selling about 240,000 gallons of fuel a month, the aforementioned accidental liquid and gaseous leakage rates would be doubled. Essentially, these calculations are estimates and may overestimate the store sales to be totally honest. (In audible) 2014 developed a model that showed the fraction of spilled fuel infiltrating into the pavement increases as the droplet size decreases. Therefore, repeated small spills of fuel could be of greater concern for groundwater contamination than instantaneous release of that cumulative spill volume.

Next slide please. One of the pollutants of unburned fuel benzene is found to lead to multiple types of cancer. One study examined outdoor and indoor benzene concentrations at numerous residences within 30 meters in between 60 to 100 meters from gas stations and found median outdoor benzene concentrations far above acceptable levels, while also discovering even higher indoor concentrations in the furthest residences studied. My sources are at the bottom of the slide. Next slide please. The release of about 600 to 1200 gallons of accidental fuel pollution per month at this location has the potential to cause many health consequences to those who have prolonged exposure to the contamination. By sharing this evidence tonight, I hope that I have provided thoughtful estimations and facts to educate your decision about the potential pollution that will be surrounding this gas station and affecting the local area. Thank you so much for your time, and I hope you guys get a good night's sleep after this.

**Mayor Newton:** Thank you, Jamie. Let's go to Ryan Butt and Ryan I think is going to introduce Rich Chadwick, right?

**Ryan Butt:** That is correct, sir. Good evening. Thank you, folks, for your time. Um, my name is Ryan Butt and I reside on McGregor Drive in the Oaks of Beaufort and as you just said, Mayor, I would like to ask Richard Chadwick, a fellow board member to speak on behalf of his specialties as my expert witness. I'm a North Carolina State certified general real estate appraiser and for my entire 35-year career I have practiced in Carteret County. I'm also the president of the board of directors of the oaks, there are 41 property owners in our development. I'm respectfully requesting that you deny this special use permit, as it will directly impact seven of the owners located within 200 feet of the 1550 Lennoxville Road property and indirectly impact the other 34 owners. In reference to Section 20, subsection E of the town's land development ordinance. I'm going to address requirements D, E and G. Concerning D and G, we've already noted tonight the traffic volume is only anticipated to increase on this two-lane road as hundreds and hundreds of more dwellings are planned and proposed to the east later in the years. This is a redevelopment of an existing property and adequate traffic circulation plan shall be required. But no trip generation study or anything yet has been conducted by the NCDOT, that's already been related this evening. What I'm showing here is referencing the photographs basically in front of the Oaks and in front of the 1550 Lennoxville Road property. Allen, please sir, if you could switch to the next photograph. There are no shoulders, curbs, or sidewalks along Lennoxville Road. This was taken last Wednesday morning after heavy rain. The ditches along this road often have high water levels after such rains. As this is a state-maintained road, speed bumps are not permitted. How are the children and other residents that live within just a few blocks supposed to safely walk to this convenience store if it is permitted? It's also noted that the new park that was just opened is less than three tenths of a mile away from the store. So, it's very possible children would want to go down there to get a candy bar or drink or something after they played. This

inadequate infrastructure would appear to be a clear case of endangering public safety. The streets and alleys within The Oaks are private. They should not be expected to provide backup access routes for pedestrians, bikes, and golf carts in order to compensate for the infrastructure needed in order to support this special use permit. Regarding our ponds, The Oaks should not be expected to bear the added costs incurred in order to manage the surface runoff and the trash that will be generated if this permit is approved. As detailed in requirement, E, the proposed special use will not substantially injure the value of adjoining or abutting properties. And as Mr. Upchurch alluded to a little while ago, one of the first things that a Real Estate Appraiser is trained to do is to look for external obsolescence that could have adverse effects on the marketability or values of properties. External obsolescence is a factor that is located off site that a property owner has no control over - think cell phone, electric and water towers, salvage yards, busy streets, and convenience stores. Banks and lenders require external obsolescence to be addressed and factored into an appraiser's opinion of market value. Many require aerial views to show such issues. While generally determined on a case-by-case basis, home loan interest rates and insurance premiums can be increased during underwriting if such external hazards are identified. FHA and USDA have restrictions on above ground tanks that could render properties ineligible completely for loans. VA requires veterans to sign waivers if negative external factors exist whether this be called, a community store, a neighborhood market, a convenience store, in closing those semantics aside. Allen if you would please sir, the last slide, in closing semantics aside for the town's LDO a convenience store as defined is not legally permissible use in the L-1 zoning district period that is highlighted down at the bottom of this where it shows convenience store and under the L-1 zoning which is the second from the right. It is blanked out. So that means that convenience store is not permitted in an L-1 zone, a gas station is permitted with a special use permit in all six of the town's nonresidential zoning districts. Thank you. Now, Mr. Chadwick is going to say a few words.

**Richard Chadwick:** Thank you, Ryan, Mr. Mayor, and the board. I appreciate this. My name is Rich Chadwick, 105 Chelsea Circle in Beaufort. I do want to note that it was mentioned that there are some energy efforts to be diverted elsewhere into important concerns going on in this town. I can emphasize that there is a multi-generational family history here including myself, including serving the town in various capacities. So, I want to emphasize that we can redirect our unified efforts to prevent some of the exacerbating factors that are going on in this town. One of them is substance abuse issues of our youth specifically, and that's what I want to speak to tonight. I'm a licensed addiction specialist and mental health counselor of practice in Carteret County for the past six years. I'm also obtaining my PhD in in rehabilitation at ECU, and I again thank everyone for the opportunity to speak. The recent increase in alcohol use and the promotion and use of vaping by adolescents is alarming. I'm sure we have caught that in the news over the past several years. Social exposure, which is increased through retail outlet density is what contributes to the rise in initial use and abuse of nicotine and alcohol, especially by middle schoolers and high schoolers. A Stanford study in 2006 indicates that two thirds of over 2,000 Middle School students reported at least weekly visits to convenience stores where alcohol advertising was widespread. Many of the advertising is by contract, vendor contract, these things must be in place by various goods and services, purveyors of the owners of convenience stores. That's just a fact. Such exposure was associated with higher odds of drinking, and 1/5 of students reported on at least one alcohol promotional item available at the

store. These students were three times more likely to have tried drinking, and one and a half times more likely to report current drinking. From the journal of addictive behaviors report in 2019, in a survey of nearly 10,000, kids aged 13 to 17, about 80% of those who vaped in the last 30 days, obtained the vape from a social source; 20% of the kids who currently vape bought it themselves. The most common place of purchase was a gas station or convenience store. That is not anecdote. That is not opinion. That is statistics. Another study found that for 12- to 17-year-old children, the likelihood of binge drinking, and driving was related significantly to the number of alcohol retailers within a half mile radius of home, which this proposed site would certainly be close to several developments. Furthermore, from the US Department of Justice, the Office of Juvenile Justice and Delinquency Prevention, their stated best practice for guidelines of commercial availability of alcohol outlets, restrict the location of alcohol outlets, create buffer zones that extend at least 1,000 feet to separate alcohol outlets from schools, facilities, and the key is residential neighborhoods. If collectively, again, going back to how we can best use our competencies and energies for those interested in protecting youth from undue negative influence. The guideline is to create a buffer zone of at least 1,000 feet. That's from the Office of Juvenile Justice from the DOJ. I have the honor of working with our youth for years and the school system with substance use issues. I can tell you firsthand, vaping and alcohol are high concerns, there will be CBD vaping products sold at this proposed site by contract, we were told that by Mr. Davis. I understand that that's honest, aboveboard transparent, however, going back to statements in the research if we were interested in protecting the youth, creating a buffer of youth away from such undue influence, we would follow a guideline and create a buffer zone. There are other sites available. To locate a store promoting substances that are illegal for youth in a residential zone will have a far greater negative impact than the same outlet in a commercial center. That is a profound market reality, the site of the proposed business will increase exposure to youth who will undoubtedly go to the store often and already have a limited pro social activities and places to go. Honestly, personally, drug and alcohol education begins in a God-fearing household. I believe that, however, put on a political professional hat, this is not about discouraging alcohol, cigarettes, CBD vaping in a store, every business owner site owner has their perfect right to do that. It's about location and diverting our unified efforts into not putting substances that are illegal for youth right in front of where they live and play. The proposed site will do that. There are alternatives. Let's explore them. So that is what this is about, the proposed use. Not only is it not an allowed use on the site for a reason by ordinance by law, it will increase exposure to youth and endangers public health. So, I thank you for the Board's time.

**Mayor Newton:** Thank you. Let's go over to Bruce Chappell, please

**Bruce Chappell:** Okay, I'm unmuted now. And I've cut down my talk tonight a little bit. Mr. Mayor, commissioners, greetings, and thank you for this opportunity to speak on the subject of regulations concerning the use of the L-1 zone property. Mr. Butt has already shown a slide so I'm not even going to ask Allen to show his slide again, I'm sure we quickly saw that on page 120 that the retail sales and service section showed that only B1 and BW were allowed, not for L-1. And that on page 121 vehicles and equipment facilities showed that a gas station would be allowed with a special use permit. So, I'm going to talk directly to the commissioners. And you Mr. Mayor, I was a commissioner at another town in Connecticut. So, I know the pressure you're

under. But I know that when I made decisions there, we took into account the entire town. And yes, the entire town would love to see a gas station. Well, a gas station with a convenience store might be great, too. But does it impinge upon the local community more than it's worth? So far? Beaufort has had so many gas stations that disappeared. The regulations that you yourselves voted for in the LDO really are gearing towards changing this L-1 property to residential. It's a transition area true and yes, it's still L-1. And it was pointed out, it was 40 years in the making that it's been a L-1. Mr. Davis pointed out that in his opening slide, it's going to be a community market and convenience store. And I still have to say that a convenience store is not an allowable operation on an L-1 district. Sure, you could vote for a gas station. But then I think you should put conditions on that and not allow him to sell CBD, tobacco, alcohol, liquor and all the other things, including the biscuits, I'm sure they're great biscuits, but they are not allowed in that usage. Further the planning board voted to deny. Mr. Merrill commented that it was a convenience store and that was on the application. Now I see the application has changed to a gas station. In my mind, somebody may be thinking that that's interchangeable. And I know Robin Smith pointed out it's not interchangeable because then it makes meaningless conversation later in other parts of your own LDO. In conclusion, I want to say that I really feel that you owe it to the community to think deeply as to what everyone said tonight. And I thank you very much for your attention. Good night.

**Mayor Newton:** Thank you. Let's go to Lisa Cox, please.

**Lisa Cox:** Can you hear me, okay?

**Mayor Newton:** Loud and clear

*Exhibit*

**Lisa Cox:** Okay great Thank you. Mr. Mayor and commissioners. My name is Lisa Cox. And I've lived full time with my husband and 14-year-old son at 105 Beaufort Walk for the past 14 years. I did want to bring out an issue first. And that's the responsibility of those who testify. Well, I don't have the exact statute in front of me, it's my understanding. And this is the language that witnesses shall focus their testimony on the applicable criteria unless they are a qualified expert. Witnesses are not competent to testify about the impact of a proposed land use on the value of nearby property, the dangers of public safety resulting from increased increases in traffic or other matters, that require special training or expertise. non expert witnesses are competent to testify, testify about the facts known to them, and their opinion, so long as it is not about the impact on property values, the danger to public safety from increases in traffic, and other matters that require special training or expertise. So, I would ask that very serious consideration be given to the testimony that both Mr. Davis and Mr. Barnes provided on the impacts to the land values in the surrounding area, as well as their opinions on the traffic situation on Lennoxville Road. I am a proud resident of Beaufort, just like many of those who were born and bred here. And my son learned to ride his bike in our cul-de-sac, just so that he could ride it at the Ann St trike-a-thon.

I know like everyone else that Beaufort desperately does need another gas station, and it's my hope that another more suitable location can be found by working together. And I can't believe that in all of Beaufort, this is the only other suitable location for a gas station. Allen, I submitted

some slides if you would pull them up, please. So, looking at this slide, you can really see how Beaufort has changed in the past 30 years. Long gone is the time of Mr. Potter's TP and the express it. So, the location at 1550 Lennoxville Road has been home to a vet's office for almost a decade. And now the surrounding neighbors are faced with the possible sighting of a Jim Dandy gas station and convenience store in the middle of our neighborhoods. Next slide, please. We all know what the future land use plan looks like. But please note that there are also two Beau Coast homes that look to be built at the intersection of Lennoxville Road and Ocean. The move to 100% residential use by the town seems like a very deliberate decision, and one that follows the residential trend that's been going on for at least the past 30 years.

Next slide, please. So, when you look across from my home, if it weren't for the tree in the top photograph, I would view the roof of the vet's office. Really it looks very much like another house. But I can assure you that with or without that tree, I will certainly experience the overall impacts of citing a convenience store and gas station with its 21 foot plus canopy, traffic and noise and hours from 5am until 10 o'clock. And I would go so far as to suggest that the canopy alone is not compatible or in harmony with the adjoining land uses, as noted in criteria F of the required findings. In addition, one of the things that Mr. Barnes pointed out in his slide presentation, while I wasn't able to capture the exact language, it noted that an eyesore of a kind of decrepit canopy. If it was replaced by a newer canopy, it would add value to the surrounding community. And I totally get that. But the issue is that the old TP and the express it has not been in existence and that canopy was removed about 10 years ago. And so, what we're looking at is the addition of a new canopy that's going to be 21 to 24 feet in height, at least with lights and signage and everything else. So, while the previous eyesore was removed, it's no longer been there. I don't think that that's a valid point to bring up. Next slide, please. So, I believe that cumulative impacts, when considered together will put pressure on the surrounding small neighborhoods, and that pressure was not meant to be there. And if you look, Mr. Davis is already advertising the Beaufort location on Facebook with a new unique Jim Dandy neighborhood market. And he doesn't say anything at all about a gas station, but a new unique Jim Dandy neighborhood market concept that is hopefully coming to Beaufort soon. So, in addition to what I and others have already shown on our slides or mentioned, we're also looking at additional impacts, such as constant noise from gas tanker trucks, delivery trucks, loud radios, loud mufflers while in the parking lot, as well as issues that result from store employee actions or lack thereof. And driver operator error. I'm sure everybody's seen that person who has overfilled their gas tank and it's spilled out all over the place. Jim Dandy stores has a history of repeated violations for underground storage tanks not being in compliance with North Carolina regulations, including compliance issues that were in 2020. Next slide, please.

**Mayor Newton:** Lisa, can I get you to kind of wrap up here.

**Lisa Cox:** This is it. I know that this is not a popularity contest, and I am not here to just make noise. Tonight, board of commissioner's consideration and decision on the special use permit for a Jim Dandy store has the potential to alter the fabric of this entire area for generations. I would urge you to consider the factual information and weigh the combined and very real impacts of citing a convenience store and gas station at 1550 Lennoxville Road in the middle of residential neighborhoods. Thank you for the opportunity to speak tonight. I greatly appreciate it.

**Mayor Newton:** Thank you, Lisa. We're going to go back to the applicant for a five-minute rebuttal. And then I'm going to go to the commissioners to ask if they have any questions of anyone who has spoken this evening. So, Mr. Davis, over to you for five minutes, please.

**Jim Davis:** Thank you, Mr. Mayor. Um, there's kind of a lot of things in there that I don't believe we're based in fact, relative to our environmental compliance, I can show a slide let me see if I can share my screen? So, folks, what you're looking at here is, hold on. Can everybody see my screen?

**Mayor Newton:** Not yet.

**Jim Davis:** How about now, Mr. Mayor?

**Mayor Newton:** Yes, got it.

**Jim Davis:** Okay. This is actually a screenshot from the USC Section of the North Carolina Division of Environmental Quality. And what it shows is every single site that we operate, its compliance, the status of any inspections that have been completed, and then if you'll see off to the right it either says no violations or resolved, status closed, that means that any violation that was documented most of the time which are purely clerical errors in how we submit our monthly reports to the State - Everything has been resolved for every single site. This goes back as you'll see all the way to 2011 and 2009. Depending on the site, that's as far back as the electronic record goes, we would not be able to operate if we did not have full compliance with the state of North Carolina. As far as lighting, we don't have any light poles in our design that are above 12 feet. As far as grease and the concerns about how we prepare our foods, we're not going to be frying anything. We're not required by the Carteret County Health Department to have a hood because we don't fry anything, we're going to be baking all the all the food products that we prepare, so there is no grease generator, we won't be required to have a grease trap because we don't generate grease. As far as concerns about fire, the fuel tank is going to be buried. The dispensers have breakaway devices where if somebody drives over top of the dispenser, a valve will automatically close, sealing the lines from leaking. The same goes for the nozzles that you put in your car. That is a failsafe device that only takes about 150 pounds to separate from the dispenser. If you pull on it too hard, it's going to come loose, and it seals at both ends of the hose. And no fuel is released. Um, as far as concerns about traffic and things of that nature, I can ask Chase if he's still on the call to make some comments there. I don't know if that would be more valuable to the board. Or if y'all would like me to speak about some of the other facts or some of the other information that was shared tonight that I don't believe was based entirely, in fact that I can speak to is really at this point, I would like to offer the board to propose their questions to us.

**Mayor Newton:** Okay. So, let's go down the roster, see if there any questions that you may have of any of the presenters this evening? Or if there are other materials not in evidence, which would prevent the board from determining the case this evening? So, Commissioner Harker?

**Commissioner Harker:** Just one, we've had a couple of different descriptions as to what is going to go in this property, it started out as convenience store and then it switched to a gas station.

And I need to know exactly what's going there. Because there is some delineation between the two. And how we are looking at that. And I don't know whether our attorney could help us with that. But you know, what is going there a gas station and convenience store? Because if that's the case, it's not really written well on the application, or because I know one's not allowed?

**Jim Davis:** Yes, ma'am. And I will take responsibility for that when I completed the application, I was unaware that I was supposed to use a description that matched a town listed, permitted use or special use for that particular zoning. So that is my fault. The primary use for the site and the greatest need for Beaufort is for a gas station. I use gas station and the word convenience store interchangeably just as a habit within the industry. They're interchanged. But clearly with the Town's ordinance, they are they are not and that is my fault for making that mistake. However, the primary purpose of this store is to provide the needed function of a gas station to the Town of Beaufort. The other items are secondary to the primary function.

**Commissioner Harker:** The site plan that is including a convenience store, will that go away?

**Jim Davis:** No, ma'am, because I can't afford to build just a gas station and not sell anything else. We actually don't make any money on the gasoline to the extent to be able to service, install and maintain the equipment without the store there to offset our expenses.

**Commissioner Harker:** That still is a little hiccup for me because there's two different things going on. And only one definition that's allowable. And then the planning board had also asked for a traffic impact analysis and as you can hear, there's a lot of discrepancy as to who feels there is going to be some and who's not going to be some, I think we needed to have a more independent analysis and that wasn't provided. That's kind of disappointing. And then Environmental Assessment Plan was also recommended. I understand that you guys are putting in some high-quality tech tanks and things of that nature that are different than what some be thinking about years ago. But we still need to have some kind of an assessment on how that's going to impact the neighborhood. And that wasn't provided either, which is kind of disappointing as well. But other than that, I have no further questions, mayor.

**Mayor Newton:** Thank you. Commissioner Hollinshed?

**Commissioner Hollinshed:** Yes, I think all the presentations were well done and very articulate. I have a concern about the canopy. And the traffic study, especially the turn radius, as a tanker would need that for a turn and if they have to make it up, they would go into one of those ditches across the street. But my other concern is light sweep, which I'm familiar with by living downtown is when someone exits a convenience store, any kind of store parking lot, and they have their lights on, it sweeps the houses around them, and it can't be eradicated because you would be looking at the people across the street from this building. So those are my concerns, and they haven't been resolved tonight. Thank you.

**Mayor Newton:** Thank you. Commissioner Carter?

**Commissioner Carter:** Concerned about the discussion about release of toxic vapors into the air and I don't know if Mr. Davis said they captured most of that in their delivery system. Is that so or is the release of vapors a common and toxic problem?

**Jim Davis:** Commissioner Carter, that is correct. We capture all the vapors when delivering to the site and when pumping into vehicles however, there's a study completed in the state of California about emissions from gas stations and I can share my screen again if that would be helpful to you.

**Commissioner Carter:** It might be because that seemed to be a major concern.

**Jim Davis:** Can you see that yet?

**Commissioner Carter:** no

**Jim Davis:** Bear with me, I'm getting some technical assistance from an associate here.

**Chase Cullipher:** Hey, Jim, while you're messing with your screen, can I discuss a little traffic stuff from NCDOT?

**Jim Davis:** Sure

**Chase Cullipher:** My name is Chase Cullipher. I'm a licensed engineer in the state of NC and I have been working with Mr. Davis on this project, we have reached out to NCDOT. We have talked to other independent engineering firms who offer traffic impact analyses. We are aware there's a recommendation by the board. When I reached out to set the engineering out of Raleigh, they recommended it to be about a four-to-six-week turnaround and approximately 10 to \$20,000 in costs. So, the timeframe did not work for us to get to this meeting. And that's a pretty substantial cost considering we were turned down by the planning board. I do know that if we were to do any sort of driveway manipulations to this site that with Lennoxville Road in the NCDOT roadway that NCDOT would do their own traffic study. And they would require Mr. Davis to make improvements as they deem necessary based on their traffic numbers, which could be a turn lane road widening. So, if this special use permit were to be approved, and we had to go to NCDOT to get the driveway analyzed, they would actually require Mr. Davis to do things as necessary for tractor trailers and the traffic count coming and going from the site. That's all I had. Jim, I just want to add it in there.

**Jim Davis:** Thank you, Chase. Commissioner Carter if you'll see my screen now, I believe I've got it up there correctly. And I apologize for the challenges I'm experiencing. But this was a study that was conducted in the state of California assessing the different types of gas station emissions. This goes from systems that were designed in the 70s and 80s with no controls all the way up to modern day convenience stores with phase one and phase two vapor recovery systems. And what you'll see is that I don't know now I'm not a scientist, but this chart shows that the cancer risk per million is actually a very reduced number versus what a traditional convenience store would have been responsible for. And I think that speaks to the quality of the systems that we are installing now, the further you get from the site, it becomes virtually nonexistent, you would get more benzene from sunscreen than you would from a gas station.

**Commissioner Carter:** I'm sure there's some chemistry problems here. It doesn't make a difference with a gas station is if you're going to be breathing in benzene, I would assume it might make a difference in what kind of preparation the gas station had done to capture their

toxic emissions, but it's going to take multiple exposures, I'm sure over a period of time so it didn't have to be one station. I would think it would take many.

**Mayor Newton:** Okay, any other questions Commissioner Carter?

**Commissioner Carter:** That's it right this minute.

**Mayor Newton:** Thank you. Commissioner McDonald?

**Commissioner McDonald:** Mayor. I don't have any questions. However, I do have a concern. My concern is that I personally have heard so much information, pro and con, tonight that I am not able to decipher all of it tonight. And I am in a position of hoping or asking the board to go along with me in tabling this until the two studies have been completed in their entirety so that we can be more informed on the entire development of this project.

**Mayor Newton:** Okay, thank you. Just realize that using the term table means we still have time constraints. Last time I checked, I remember it was like four months that you can table something before we have to make a decision. But that certainly will give some time.

**Commissioner McDonald:** I was under the impression mayor that we're going to vote on it tonight

**Mayor Newton:** We don't have to. That's not a requirement. Let me go to Commissioner Hagle really quick and see if he's got any questions.

**Commissioner Hagle:** I guess I had some questions and comments about the confusion of gas station and convenience store when Mr. Davis talks about that, he talks in terms of both of them recognizing that the gas station could not be sustainable financially without the convenience stores. So, you got to question, which is that we're looking at and recognizing that one is approved in this district, and one is not. So, I have some concern about that and in terms of what it is as Commissioner Harker also spoke to and also the land use plan indicates this for a use that is a medium density residential area, and the L-1 is right in the middle of that and this whole area, even across Lennoxville Road is developing into residential. So, in my view of the future land use is what this area is trending to and what the land use plan indicates. So, I have some concern about that. Then there is just the compatibility and the harmony with the adjoining land use going along with that. So those are my those are my concerns. And the one about the zoning question is very confusing. But when you think about the financial viability of this location, they talked in terms of the convenience stores sales versus gasoline. So, what is the primary use? It seems to be more one than the other.

**Mayor Newton:** Okay, so let's see, do we have consensus that we want more information about traffic analysis, environmental analysis, definition of convenience versus gas station, and then compatibility? Do we have consensus on that? Commissioner Carter, you're still muted.

**Commissioner Carter:** When you say compatibility, compatibility to what?

**Mayor Newton:** I was just using Commissioner Hagle's terminology there.

**Commissioner Carter:** Okay

**Commissioner Hagle:** That is one of the findings it talks about compatibility.

**Commissioner Carter:** With what? The area?

**Commissioner Hagle:** Yes

**Commissioner Carter:** Okay

**Commissioner Hagle:** Compatibility and harmony with the area. That's number F.

**Mayor Newton:** Okay. Let me bring the town attorney up. Town Attorney Arey Grady, can you? It sounds like the consensus of the board is to table this until more information is available. And I would say that that's probably until the work session in August. Do you have any concerns about us tabling this issue this evening?

**Town Attorney Arey Grady:** No, sir. What you're technically doing is reassessing the hearing and then reopening it at a future date. And I think it sounds like the consensus of the board would be to ask for more evidence and testimony on both the traffic aspect and the environmental impact, I believe.

**Mayor Newton:** Correct. And the definition of the convenience versus gas station?

**Town Attorney Arey Grady:** Yes, sir. So, I think what you would basically be asking is the applicant, and any of those testifying against the application to focus on those three issues and provide further concrete testimony. And I think what I'm also understanding from the board is, particularly on the traffic aspect, there seems to be a fair amount of opinion, if not speculation, without any real factual basis for what the traffic may or may not be. I don't know that we want to be in the position of requiring a study. We could certainly recommend one, but I think the point is to receive more evidence on those facts without actually requiring a study or a specific form of evidence, and you'll leave it up to the applicant and to those testifying against the application of what that might mean.

**Mayor Newton:** Okay, thank you. Any questions for Town Attorney Arey Grady from the commissioners?

**Mayor Newton:** Okay, I have a motion to recess the hearing.

**Commissioner Hagle:** I make a motion to recess the hearing until the next work session on the 20th, whatever the date is.

**Mayor Newton:** Okay

**Commissioner Hagle:** August the 23<sup>rd</sup> or something like that.

**Mayor Newton:** 23<sup>rd</sup> right. Okay. Motion has been made. Is there any discussion?

**Commissioner McDonald:** Mayor, I have a question in reference to that.

**Mayor Newton:** Yes Sir

**Commissioner McDonald:** How long does it take for these studies to be completed?

**Commissioner Hagle:** We're not asking for studies; we're just asking for more evidence. And then we'll leave that up to the applicant to determine what that evidence would be.

**Commissioner McDonald:** Well, I thought I kept hearing that in the discussions tonight from the neighbors around this project, asked him for two types of studies. I think one of them even stated that they thought that those things were going to be presented tonight, based upon something that happened in the planning board meeting. So, I'm really confused now.

**Mayor Newton:** Arey, can you address that? Because I think the bottom line is we can't insist on a study that's not an interpretation of the LDO, is that correct?

**Commissioner McDonald:** But could we be insistent on it? I think the people in the neighborhood are requesting a study based upon what was presented to staff, the planning board. I mean, we don't want the study, we want true and factual evidence. So, I can make an intelligent decision on which way I want to vote for this. As it stands right now, I'm straddling the fence based upon the information that has been presented tonight. And I have not heard anything from staff to indicate, well this is a good thing, or maybe that's a bad thing. This is good for the Town of Beaufort or that isn't good for the Town of Beaufort, isn't it down to, you know, me to get off of that fence.

**Mayor Newton:** But I don't think that's the staff's responsibility to drive your decision, the evidence should drive your decision and not be influenced by the staff.

**Commissioner McDonald:** The evidence may, and I'm not in an arguing mood tonight, but the staff should provide at all times true and accurate evidence so that we as a board can make sound decisions for the citizens of Beaufort. That's my understanding, but I'm wrong on a lot of things.

**Mayor Newton:** Arey, over to you.

**Town Attorney Arey Grady:** Yes, sir. Mr. Mayor, Mr. Commissioner, you know, a study on the traffic impact is one way to get to that matter, but it's not the only way. You know, the applicant or an opponent or opponent of the application could have a traffic engineer testify, there are multiple ways you could get to the heart of that without necessarily going through the time and expense of a study. And I think it's incumbent on the board to leave that to the applicant, the opponents to prove or refute their case. And Commissioner McDonald, I think there are definitely many factors at issue in this application that are within the expertise of your staff and the planning department. But some of these just simply are not like substantially injuring the value of adjoining or abutting properties or the actual facts underlie on what the traffic may or may not be. And the difficulty with your quasi-judicial proceeding is that the board actually has to reach those conclusions and make those decisions independently of what an opinion or recommendation may be from the staff or anyone else.

**Mayor Newton:** Okay, we have a motion on the floor. Commissioner McDonald, you have any more questions as far as discussion?

**Commissioner McDonald:** I do not.

**Mayor Newton:** Okay. Let's go down the roster for a vote for recess. Commissioner Harker?

**Commissioner Harker:** Aye

**Mayor Newton:** Thank you. Commissioner Holinshed?

**Commissioner Holinshed:** Aye

**Mayor Newton:** Thank you. Commissioner Carter?

**Commissioner Carter:** Aye

**Mayor Newton:** Thank you. Commissioner McDonald?

**Commissioner McDonald:** Aye

**Mayor Newton:** Thank you. Commissioner Hagle?

**Commissioner Hagle:** Aye

**Mayor Newton:** Alright, let's go through Commissioner comments. Commissioner Harker final comments.

**Commissioner Harker:** Just want to welcome aboard the new employees and that's it.

**Mayor Newton:** Thank you. Commissioner Holinshed

**Commissioner Holinshed:** Yes, I'll echo that and look forward to talking about this, when we meet.

**Mayor Newton:** Thank you. Commissioner Carter

**Commissioner Carter:** Also welcome to the new employees and I recommend strongly that everybody get vaccinated.

**Mayor Newton:** Thank you, Commissioner McDonald

**Commissioner McDonald:** I have no comment.

**Mayor Newton:** Thank you, Commissioner Hagle

**Commissioner Hagle:** Great comments from many, many of our citizens with a passion for making Beaufort the town that they like to live in. And I applaud that and look forward to reviewing our continuing discussion on this item and my safety message is to be careful, it's late at night. We've been all talking if you drive on after this meeting, focus on your driving, nothing else.

**Mayor Newton:** And thank you. May we have a motion to adjourn, please?

**Commissioner Hagle:** So, move.

**Mayor Newton:** Motion has been made. Any discussion

Commissioner Carter: Are we recessing or adjourning?

**Mayor Newton:** We are adjourning the meeting; we are recessing the quasi-judicial proceeding. Motion to adjourn.

**Commissioner Harker:** Aye

**Mayor Newton:** Thank you. Commissioner Holinshed?

**Commissioner Holinshed:** Aye

**Mayor Newton:** Thank you. Commissioner Carter?

**Commissioner Carter:** Aye

**Mayor Newton:** Thank you. Commissioner McDonald?

**Commissioner McDonald:** Aye

**Mayor Newton:** Thank you. Commissioner Hagle?

**Commissioner Hagle:** Aye

**Mayor Newton:** Thank you. Everyone have a great evening.

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Mayor

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Deputy Clerk

Minutes prepared by Jennifer Rossi and Rachel Johnson.





Town of Beaufort  
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**Board of Commissioners  
Town of Beaufort  
Monday, October 20, 2021, 4:00 pm  
Train Depot, 614 Broad Street  
Beaufort, NC 28516  
Special Meeting Minutes**

Mayor Everett Newton convened the special meeting of the Beaufort Board of Commissioners at 4:00 pm. Those present were Mayor Newton and Commissioners Carter, Hagle, Harker and Hollinshed. Commissioner McDonald was not present when the meeting convened. Ellis Hankins, Consultant with Mercer Group Associates, also was present.

On motion of Commissioner Hagle, seconded by Commissioner Hollinshed, the Board voted unanimously to go into closed session to discuss personnel matters, and invited Mr. Hankins into the closed session.

Commissioner McDonald joined the closed session in progress.

The Board discussed the Town Manager search process and a number of well qualified candidates with Mr. Hankins. The Board selected five semifinalists to interview in a special meeting on November 10, 2021, and gave instructions to Mr. Hankins.

On motion of Commissioner Hagle, seconded by Commissioner Carter, the Board voted unanimously to return to open session.

On motion of Commissioner Harker, seconded by Commissioner McDonald, the Board voted unanimously to adjourn at 5:30 pm.

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Sharon Harker, Mayor

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Elizabeth Lewis, Town Clerk



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**Board of Commissioners  
Town of Beaufort  
Wednesday, November 10, 2021, 8:30 am  
Train Depot, 614 Broad Street  
Beaufort, NC 28516  
Special Meeting Minutes**

Mayor Everett Newton convened the special meeting of the Beaufort Board of Commissioners at 8:30 am. Those present were Mayor Newton and Commissioners Carter, Hagle, Harker, Hollinshed and McDonald. Also present were Commissioners-Elect Melvin Cooper and Bucky Oliver. Mayor Newton congratulated Mr. Cooper and Mr. Oliver on their election. Ellis Hankins, Consultant with Mercer Group Associates, also was present.

On motion of Commissioner Hollinshed, seconded by Commissioner Hagle, the Board voted unanimously to go into closed session to discuss personnel matters, and invited Commissioners-Elect Cooper and Oliver and Mr. Hankins into the closed session.

The Board discussed the Town Manager interview and decision-making process with Mr. Hankins, and finished selecting interview questions. The Board interviewed five semifinalists, received additional information from Mr. Hankins, deliberated carefully, selected their preferred candidate and gave instructions to Mr. Hankins.

On motion of Commissioner Carter, seconded by Commissioner McDonald, the Board voted unanimously to return to open session.

On motion of Commissioner Hagle, seconded by Commissioner Harker, the Board voted unanimously to adjourn at 4:00 pm.

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Sharon 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

**Town of Beaufort Board of Commissioners  
Work Session Meeting  
4:00 PM Monday, January 24, 2022  
Via Zoom Due to COVID-19 Pandemic  
Minutes**

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**Call To Order**

Mayor Harker called the meeting to order at 4:00 PM

**Roll Call**

Town Clerk, Elizabeth Lewis called the roll.

**PRESENT:**

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

Mayor Harker announced that Commissioner Cooper would be unable to attend due to personal reasons and asked for a motion to excuse him from the meeting.

Commissioner Hagle made a motion to excuse Commissioner Cooper.

Voting Yea: Commissioner Hagle, Commissioner Hollinshed, Commissioner Oliver, Commissioner Terwilliger

The motion passed unanimously.

**Agenda Approval**

Commissioner Hollinshed made a motion to approve the agenda.

Voting Yea: Commissioner Hagle, Commissioner Hollinshed, Commissioner Oliver, Commissioner Terwilliger

The motion passed unanimously.

**Public Comment**

There was none.

**Items for Discussion and Consideration**

1. Appointment to the Eastern Carolina Council of Governments

Todd Clark, Town Manager, explained that the Eastern Carolina Council of Governments (ECOG) is a voluntary non-profit association of local governments formed under NC General Statute 160A 470-478. The purpose of the organization is to provide long-range planning and technical assistance to local governments. The ECCOG is one of sixteen multi-county planning and development regions in the State and is governed by a General Membership Board that includes one elected official from each member county and municipality served by the organization. The full board meets twice a year to set policy for ECC, guide programming and discuss regional challenges. The ECC Executive Committee, the delegate from each of the nice counties and one municipal representative from each county, conducts business for the organization in months that the General Membership Board does not meet. He said the Town of Beaufort is currently represented on the ECCOG Board by Commissioner Hollinshed and she has expressed her desire for the Town Board to appoint someone to replace her on the ECCOG Board.

Commissioner Terwilliger said he would be happy to do it.

Commissioner Hagle made a motion to appoint Commissioner Terwilliger to the ECCOG position.

Voting Yea: Commissioner Hagle, Commissioner Hollinshed, Commissioner Oliver, Commissioner Terwilliger

The motion passed unanimously.

2. Authorize Human Resource Director Full-Time Position

Mr. Clark explained the Human Resource part-time position had been in place since July 2021 and explained the need to convert that into a full-time position, effective immediately. He said the employment of the HR Director has been very beneficial, explaining that the HR Director is professionally trained to manage employment matters as they pertain to various state and federal laws, the enrollment and coordination of employee benefits, safety and training of employees, and other associated responsibilities. Additionally, the HR Director has enabled the key management staff to focus more on their own core work duties and also reduced the dependency on our legal staff to answer Human Resource related questions.

Commissioner Terwilliger asked for confirmation that the cost for a full-time position was allocated in the current 2022 budget.

Mr. Clark said yes sir, that is correct.

Commissioner Oliver made a motion to convert the part-time Human Resource Director to a full-time position.

Voting Yea: Commissioner Hagle, Commissioner Hollinshed, Commissioner Oliver, Commissioner Terwilliger

The motion passed unanimously.

3. Appointment of Legal Representation

Mr. Clark said it had recently been brought to his attention the Town Code of Ordinances read that the Board of Commissioners shall appoint an Attorney to represent the Town after each election. He explained it was staff's recommendation for the Board to appoint the firm of Grady and Quattlebaum to serve as the attorney for the Town of Beaufort in accordance with the North Carolina General Statute. In addition, staff also recommends that the Board of Commissioners amend the Code of Ordinances to mirror North Carolina General Statute § 160A-173; The Council shall appoint a city attorney to serve at its pleasure and be its legal adviser.

Commissioner Terwilliger made a motion to re-appoint the organization of Grady and Quattlebaum as the Town's legal council.

Voting Yea: Commissioner Hagle, Commissioner Hollinshed, Commissioner Oliver, Commissioner Terwilliger

The motion passed unanimously.

Commissioner Terwilliger made a motion that the Town Code of Ordinances be amended as requested.

4. Case #22-01 Special Use Permit for an Accessory Dwelling Unit at 308 Ann Street

Kyle Garner, Planning Director, asked that Case #22-01 be placed on the February 14, 2022 agenda as an evidentiary hearing.

Commissioner Hagle made a motion to place the item on the agenda as an evidentiary hearing.

Voting Yea: Commissioner Hagle, Commissioner Hollinshed, Commissioner Oliver, Commissioner Terwilliger

The motion passed unanimously.

5. Topsail Park Public Art Donation

Ms. Lewis, presented the request, explaining that the Beaufort Garden Club wished to donate and dedicate a Public Art Sculpture honoring the Menhaden Fishing Industry at Topsail Park the first weekend of March 2022. She said Town Attorneys have reviewed and drafted the appropriate paperwork that will allow the Town to accept the donation. She added that the Board of Commissioners had previously approved the design, height materials, and dedication ceremony. Staff is requesting approval to move forward accepting the public art piece as a donation to the Town of Beaufort.

Commissioner Hagle made a motion to accept the donation.

Voting Yea: Commissioner Hagle, Commissioner Hollinshed, Commissioner Oliver, Commissioner Terwilliger

The motion passed unanimously.

6. Returning to In-Person Meetings

Mayor Harker gave an update on the current COVID numbers in Carteret County: 276 active cases, 29.7% transmission rate, and 24 hospitalizations.

The consensus of the board was to continue to meet virtually and access it again at the next meeting.

7. Meeting Minutes- December 6th, 13th & 20<sup>th</sup>

Commissioner Oliver suggested the item be placed on the consent agenda for the next meeting.

Commissioner Hagle, Commissioner Hollinshed and Commissioner Terwilliger also agreed with that recommendation.

8. Mardi Gras Event Request

Rachel Johnson, PIO/Events Coordinator, presented the request to the board and asked they consider approval/denial, given the time frame of the event. She said the Beaufort Development Association (BDA) anticipates 1,000-2,000 people in attendance; the event includes a parade, the closure of Middle Lane for the day and vendors positioned along that same street. She added the applicant requested an alcohol waiver for Middle Lane; she also said Susan Sanders, president of the BDA was available to answer any questions related to the event or COVID procedures.

Susan Sanders said she was available to answer any questions and explained that it was a total outdoor event. She said the only potential concern would be the concentration of people in the parade, and they had an alternative plan if need be.

Commissioner Oliver said he was in favor of the event but encouraged outside activity and social distancing. He suggested Ms. Sanders come up with some type of safety net idea if conditions were to decline and the event was thought to be unsafe, as the situation can change a month away.

Commissioner Hagle agreed with Commissioner Oliver’s thoughts, suggesting the committee continue to monitor the situation and be ready to decide to cancel if need be due to safety issues. He also discussed the concern of Middle Lane being so packed with people in the event emergency crews needed to pass through.

Ms. Johnson explained all of the plans were reviewed by Police and Fire before the request is taken to the board for approval, to ensure there is adequate room for safety personnel. She said the Police Department will be onsite to assist if there should be an emergency vehicle that needed to access the location.

Commissioner Hollinshed said she was in favor of the event, as well as the alcohol waiver.

Commissioner Hagle made a motion to approve event and waiver the alcohol, with the understanding that the committee continue to access the COVID situation and make decision far enough in advance that the date could be changed if need be.

Voting Yea: Commissioner Hagle, Commissioner Hollinshed, Commissioner Oliver, Commissioner Terwilliger

The motion passed unanimously.

9. Wooden Boat Show

Commissioner Terwilliger announced that he had a potential conflict; he is a current active participant on the Board of Directors of the Friends of the Maritime Museum, serving as Vice President. He said that he felt participating in the discussion, or any subsequent vote would be a conflict of interest.

Mayor Harker asked for a vote to excuse Commissioner Terwilliger from the discussion of the Wooden Boat Show.

Commissioner Hollinshed made a motion to excuse Commissioner Terwilliger.

Voting Yea: Commissioner Hagle, Commissioner Hollinshed, Commissioner Oliver

The motion passed unanimously.

Ms. Johnson presented the item, explaining that the Maritime Museum of Beaufort had submitted a request to host the Annual Wooden Boat Show on May 7, 2022. The event application request includes closure of Front Street between Turner and Orange Street to all traffic from 6:30 AM- 6:30 PM on the day of the event.

Commissioner Oliver suggested the same basic stipulations previously mentioned regarding the unknown lifespan of the pandemic be appropriate for the Wooden Boat Show as well.

Commissioner Hagle agreed and asked about staff review and emergency response.

Ms. Johnson confirmed emergency service staff members had reviewed the application, and that they do this before any event is presented to the board.

Commissioner Hollinshed asked if the boat building contest would be taking place this year, usually headed up by Susan Sanders.

Ms. Johnson said they have not yet submitted an application for that event.

Commissioner Hollinshed said she agreed with the event and suggested placing it on the consent agenda.

Mayor Harker confirm the consensus of the board was to put it on the consent agenda.

Commissioner Hagle made a motion to bring Commissioner Terwilliger back into the meeting.

Voting Yea: Commissioner Hagle, Commissioner Hollinshed, Commissioner Oliver

10. Historic Beaufort Road Race

Ms. Johnson presented the item and explained Beaufort Ole Towne Rotary was requesting an event date of Saturday, June 11, 2022. The event would require closure of roads and the use of John Newton Park during the hours of 6:00 AM-10:30 AM. Ms. Johnson explained that Town Staff of four Police Officers would be needed, and that the Beaufort Ole Towne Rotary would provide volunteers to help. She said they were also asking for the paid parking to be suspended until 10:30 AM.

Commissioner Terwilliger recommended that the board vote on the event now, as it was a worthwhile event that will hopefully be a great outside opportunity for the community to participate in.

Commissioner Oliver asked about the parking lot, and if there would be any kind of negative implications because of Big Rock being that same weekend.

Ms. Johnson asked if he was referring to the request about the paid parking being suspended.

Commissioner Oliver said he was, and said he thought that in the past Big Rock rented the private parking area from the church.

Ms. Johnson said that Big Rock had done different things in the past, such as purchasing parking passes from the Town prior to the event. She said she was unsure if they rented the church parking lot because that was not the Town's property. She explained this would not be any specific paid parking that was reserved, rather than they would not need to feed the meters until 10:30 AM; that would apply that day for participants as well as Big Rock.

Commissioner Oliver confirmed that it was not a closing of a parking lot, rather than just waiving the fees during the earlier morning.

Ms. Johnson said that was correct.

Commissioner Hagle said it was a well managed event that looks the same as in the past; he made a motion to approve the event as presented.

Commissioner Hollinshed said she agreed they should move forward with the request and added that the church parking lot area they used last time was no longer available but recommended suspending the parking the morning of the event.

Mayor Harker reminded the board there was a motion on the floor to approve the Beaufort Historic Road Race, and a vote was needed.

Voting Yea: Voting Yea: Commissioner Hagle, Commissioner Hollinshed, Commissioner Oliver, Commissioner Terwilliger

The motion passed unanimously.

11. Golf Cart Ordinance Update

Paul Burdette, Chief of Police, briefly described the proposed updates, by explaining there were some minor language changes and some clarifications to get Town Ordinances in line with statutory requirements through North Carolina General Statues. He recognized Lieutenant David Halsey to present the proposed updates in more detail.

Mr. Halsey explained the following proposed changes/updates:

- The owner shall complete an application provided by the town and the golf cart shall be inspected by designated town staff for compliance with the provision of this chapter prior to the issuance of an annual permit.
- All golf cart operators must be at least 16 years old and possess a valid driver's license.
- Prior to the issuance or renewal of an annual permit, designated town staff shall inspect the golf cart for compliance with the requirements of this chapter.
- Age and weight appropriate child passenger restraint systems must be used when transporting a child of less than 8 years of age.
- Golf carts may not be operated on any sidewalk.
- The town may refuse to register and issue a permit for the operation of a golf cart, or may immediately revoke a previously issued permit, if the registered golf cart and/or the owner of the golf cart is charged with operating a golf cart under the influence of an impairing substance, aiding and abetting the operation of the golf cart under the influence of an impairing substance, or operating a golf cart in a careless and reckless manner. Said revocation and/or denial of a permit shall be effective for one year, unless the charge is dismissed or the owner and/or operator is acquitted, in which event the permit shall either be immediately reinstated or the application for the permit shall be approved if the conditions of the ordinance have been met.

Commissioner Terwilliger said he agreed with what was being proposed, with the stipulation that it needs to be taken further and expanded in a couple ways: The Town to add an annual fee for renewing the golf cart; and a specific process should be developed to inform citizens of who handles the golf cart registration, renewal, etc.

Commissioner Oliver said he agreed with Commissioner Terwilliger and had no other questions.

Chief Burdette added that the overall process for registering a golf cart would not change, and it was outlined on the Town of Beaufort website. He explained one of the text changes proposed was eliminate confusion, as the language listed initial permit, where other areas referenced annual. He said that the mechanism for an annual fee and inspection is already built in the existing ordinance.

Commissioner Hagle asked for clarification regarding a vehicle referred to as a street cart and asked if this would apply to a vehicle like that as well.

Chief Burdette said he would have to see what type of vehicle it was; he mentioned it had also been brought up for ATVs and side-by-sides. He said they generally deferred to State guidelines if somebody wants to register any other type of vehicle, it must meet the State registration guidelines and get an actual license plate.

Mr. Halsey said the current ordinance specifically states that you cannot register ATVs, four wheelers, or any of those off-road vehicles within the Town; we only allow golf carts or essentially what is allowed on a golf course.

Commissioner Hagle said the carts he was talking about have larger wheels and he is not sure if they are permitted on golf courses.

Mr. Halsey said he believed that would fall under HR 120.

Commissioner Hollinshed said as long as people know that the inspection fee and the annual approval are one in the same, and that the fee is for the same thing, she approves.

Chief Burdette added that the annual inspection would run as a calendar year, from January to December and a sticker would be provided. He said they were also currently replacing all the issued license plates; should the ordinance be approved; staff is ready to move forward immediately with registrations.

Commissioner Oliver asked what the annual fee was in the ordinance.

Chief Burdette said it was 75 dollars.

Mayor Harker confirmed the consensus of the board was to put the item under discussion and consideration for the regular meeting.

12. Volunteer Board, Commission & Committee Appointments

Ms. Lewis discussed the current vacancies and explained the submission deadline was January 31, 2022. She also noted that detailed applications would be provided prior to the next meeting, as well as included in the agenda packet.

Commissioner Terwilliger asked if the three open positions for the Board of Adjustment were in-town members, ETJ members or a mix of the two.

Ms. Lewis said they were two in-town positions for this board to appoint, and there was also an ETJ member that the Carteret County Board of Commissioners needed to appoint.

Mayor Harker confirmed the consensus of the board was to put the item under discussion and consideration for the regular meeting.

13. Wastewater Asset Management Plan

Greg Meshaw, Town Engineer, presented an overview of the proposed Wastewater Asset Management Plan. He explained that the Town of Beaufort was awarded a grant by the North Carolina Division of Water Infrastructure via the Asset Inventory and Assessment grant program. The grant facilitated the recent completion of a Wastewater Asset Management Plan (WWAMP); the plan is intended to help facilitate the proper operation and maintenance of wastewater collection and transmission assets, so that they provide the required level of service for present and future customers in a sustainable and cost-effective manner. The completed WWAMP provides: 1) an inventory of collection and transmission system assets; 2) an assessment as to the conditions of those assets; and 3) a ranking of the assets according to their criticality. The WWAMP includes a recommended ten-year Capital Improvements Plan that was developed based upon the information inventoried, the assessment, and the rankings. The result is a document for use as a system management tool, a planning tool during the Town's annual budgeting process, and as an aid when applying for various funding opportunities.

Mr. Meshaw also presented a Power Point that further explained the WWAMP; it is attached and referenced as Appendix I. He recommended the Town adopt the WWAMP as a planning document, and for this be considered at the regular meeting.

Mayor Harker thanked Mr. Meshaw for the presentation and asked if there were any questions from the Commissioners.

Commissioner Terwilliger asked what the next steps would be, assuming the plan was adopted. He expressed concern for the lack of backup plans for critical pieces of the system or alternatives options if something fails. He asked if that would be pursued.

Mr. Meshaw said they could develop an internal plan of action. He explained some areas were more complicated than others, and suggested it be best to have written down procedures.

Commissioner Oliver commended Mr. Meshaw for his efforts in helping to prepare the plan and the presentation. He said he had four things he would like brought back to the next meeting. He said on page three of the executive survey, Rivers reports that we have a 1.5 million gallons per day wastewater treatment facility, he said he believed we have 1.85 and that is a subject he would like Mr. Meshaw to report back on. He asked, from Mr. Meshaw's professional standpoint, had he reviewed the cost estimates on page five of the executive review; did he think they were generally realistic and were they generated by Town staff or the consultant. He also asked if Mr. Meshaw had specific recommendations of additional measurements; for instance, different lift stations around, so perhaps we can continue to build the database that this study has started. He ended by asking how much overview and how much confidence Mr. Meshaw personally had in the inventory.

Mr. Meshaw said he would be happy to bring that back on February 14<sup>th</sup>

Commissioner Hollinshed said she thought it was a great report and especially liked the fact it was ranked. She said the plan gave a great starting point as to where they should dig in and make corrections. She expressed concern as for when new developments are added and asked how that addition would affect this report. She referenced the example of Pruitt because it was done after the report. She asked if mention for the need of a cleanout station in the eastern half of the system would be part of this improvement plan.

Mr. Meshaw said he would address those things at the next meeting.

Commissioner Hagle said it was a great report and emphasized the importance of the document to be used as a planning tool and better maintenance practice moving forward. He asked if preventive maintenance features would be added as needed; for example, when we upgrade and change the pump stations, will technology be able to be incorporated to somehow give predictions about aging and failures.

Mr. Meshaw said he was not sure about predictions but noted a cellular based Scada System was in the upcoming budget, which would be a major upgrade from what was currently used. He suggested a desired system would inventory and record much more than the current one does, that only alerts staff when something is wrong, rather than measuring performance and efficiency. He explained an upgrade would allow tracking capacity as well as examination of usage patterns.

Mayor Harker confirmed the consensus of the Commissioners was to put the item on the consent agenda for the next meeting.

14. Delinquent Utility Accounts

Christi Wood, Finance Director, gave background and staff suggestions regarding delinquent utility accounts in the Town. Presented information is listed below:

On March 10, 2020, Governor Cooper signed Executive Order 124 prohibiting utility account cutoffs for non-payments. The Governor then signed Executive Order 142 on May 30, 2020, extending the moratorium on utility cutoffs which was later extended to July 31,

2020. Upon expiration of the moratorium on July 31, 2020, local governments were required to offer a six (6) month payment plan for past due balances before utility customers could be disconnected for non-payment. The Town has continued to generate, post and mail utility bills as normal throughout the pandemic, without levying any late fees on past due amounts. Each utility bill shows the customers current amount due and the total past due amount. In order to encourage our customers to pay their utility bills, the staff has published several notices in the Town newsletter urging residents to call and setup payment plans. While the Town has also provided information to customers on the HOPE program and the Low-Income Housing Water Assistance Program (LIHWAP) to those who may qualify for financial assistance, no one has been cutoff due to their failure to setup a payment plan or make a utility payment. As of January 19, 2022 there are 160 accounts, totaling \$118,309, on the cutoff list. Account Balances range from \$25.00 to \$5,939, average is \$744.00

Ms. Wood explained that staff suggested the Board consider resuming late fees and cutoffs, after a 30-day notice is given on the bills and in the newsletter. The Finance Department will work with residents to establish payment plans as requested. Payment plans will be over a 12-month period or less, as applicable.

Commissioner Terwilliger asked some questions about the delinquent accounts and what those fees were made up of, such as water, sewer, and trash pickup.

Ms. Wood said it was all three services.

Commissioner Terwilliger said it looked as if there was one commercial account, totaling \$4,600 and they have not paid in 22 months; are we still providing service to them?

Ms. Wood said yes; staff is working to resolve that account. She said they have contacted the owner and are waiting to hear back.

Commissioner Terwilliger said that he did not have a problem with the proposed plan but wanted to add he thought the wording should be very explicit and clear. For example, you have 30-days to setup a payment plan, or we will proceed with disconnection.

Commissioner Oliver suggested that the Town had done its part, by not disconnecting these accounts until this point and it was time move forward. He said the part that is pre-covid, those delinquent accounts need to be handled as directly as possible, noting that total was around \$47,000.

Commissioner Hagle said they had been at this for some time now and have provided plenty of opportunity for people to setup payment plans. He said he agreed with staff recommendation and would like a report back to the Commissioners on monthly basis to show how the plan is working; he also agreed with Commissioner Oliver, the pre-covid accounts need to be taken care of immediately.

Commissioner Hollinshed said she agreed with what had been said but wanted to add the thought the newsletter was a tool to reach people; but the method needs to be strengthened for this topic, possibly requiring the person to sign for the mail. She also said that the mail needed to reach the person that is listed on the account, the one who is responsible for making the payment.

Commissioner Hagle suggested personal notification on these, not just the newsletter.

Commissioner Oliver suggested even registered mail if that was appropriate; whatever the staff recommends. He suggested the method chosen needs to have a direct, clear, and unambiguous message, so that it would be taken seriously.

Mayor Harker asked Ms. Wood if it would be possible to make individual phone calls to each of these 160 people.

Ms. Wood confirmed they could call the person on the account, which is ultimately the person responsible for the account, not necessarily renters or landlords.

Commissioner Hagle made a motion for staff to move forward with these recommendations as presented, with solid notification and firm deadlines.

Ms. Wood said that this would be included in the February Newsletter, but additional notifications would be sent as well.

Mayor Harker confirmed that if it was approved now, staff could get started right away.

Commissioner Oliver said he did not think the newsletter served as a legal notice.

Commissioner Hagle said he would put emphasis on sending out a personal letter to the account holder as fast as possible.

Mayor Harker asked if he was referring to a registered letter.

Commissioner Oliver suggested whatever the Town Attorney recommends, as a required formal notice under our Town.

Arey Grady, Town Attorney, said that the newsletter would not be deemed a formal notice; but in the spirit of communicating as much as possible, he believed it was a very good idea to use that method as well. He said that registered or certified mail is typical and customary in this type of situations, but the problem is people can avoid it. He explained that you do not have to pickup your registered mail, and people who were accustomed to getting mail of that nature may avoid acknowledging it. He suggested it was a good idea to jump through the hoops anyway, in the event this turned into a legal matter down the road; the Town would want to be able to say they did everything they could to notify these people about the situation and what might happen to them- a regular letter and a certified letter are just part of the process.

Commissioner Hagle suggested mentioning the programs that were available to help in the letter as well.

Ms. Wood said that could be included as well and she would use other outlets as well, such as communicating with the Town's Public Information Officer to get the awareness out through social media, Town website, newsletters, and late notices on the bills.

Mayor Harker reminded the Commissioners there was a motion on the floor to follow all of the staff recommendations, as well as the heightened tools necessary to get the information out to those citizens that are in the rears. She asked if there were any further questions on the topic, if not they would vote.

Voting Yea: Voting Yea: Commissioner Hagle, Commissioner Hollinshed, Commissioner Oliver, Commissioner Terwilliger

The motion passed unanimously.

15. Financial Notes

Ms. Wood presented the December finance report, she noted there was tax collection information on the coversheet for November and December 2021. She also noted the Sales and use tax distribution for the month of January was \$194,343, which is for October sales. She explained those amounts fall three months behind from when the Town receives the funds.

Ms. Wood said the Town received notification in late December that the premium cost for BCBS employee coverage would increase in January. This increase is more than the increase that was budget for this year. The increase amount is being reviewed and will likely result in and request for a budget amendment in an upcoming meeting.

Ms. Wood also gave notification on a six-month review of the trash costs for the Waterfront Business District (WBD); this review is being completed and is to ensure the costs of collections are being covered by the fees charged. There will be more information to follow on this, possibly at the February Work Session.

**Mayor/Commissioner Comments**

There were no additional comments from Commissioners.

Mayor Harker ended by thanking all who were involved in preparations, as it was a really good meeting. She also thanked the Beaufort Fire Department for improving the Town’s Municipal Rating Class from a 5 to a 4, which will save the citizens money on their insurance rates.

**Adjourn**

Commissioner Hagle made a motion to adjourn the meeting at 5:45 PM.

Voting Yea: Voting Yea: Commissioner Hagle, Commissioner Hollinshed, Commissioner Oliver, Commissioner Terwilliger

The motion passed unanimously.

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Sharon Harker, Mayor

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Elizabeth Lewis, Town Clerk

# Wastewater Asset Management Plan



Town of Beaufort

January 24, 2022

# Wastewater Asset Management Plan

- Asset Inventory and Assessment grant program
  - \$150,000 grant / \$22,000 Match
- Effort started August 2020
- Focus: Collection & Transmission System
- Report completed December 21, 2021

## Wastewater Asset Management Plan

for



**Town of Beaufort, N.C.**

December 2021  
Rivers and Associates, Inc.  
Project No. 2018042

# Wastewater Asset Management Plan

- Tool for facilitating proper maintenance & operation

## Wastewater Asset Management Plan

for



**Town of Beaufort, N.C.**

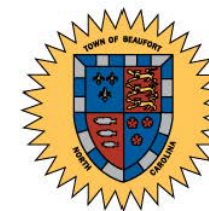
**December 2021**  
Rivers and Associates, Inc.  
Project No. 2018042

# Wastewater Asset Management Plan

- Presents inventory of assets
- Provides condition assessments of the assets
- Ranks & prioritizes asset needs
- Recommends 10-year Capital Improvements Plan

## Wastewater Asset Management Plan

for



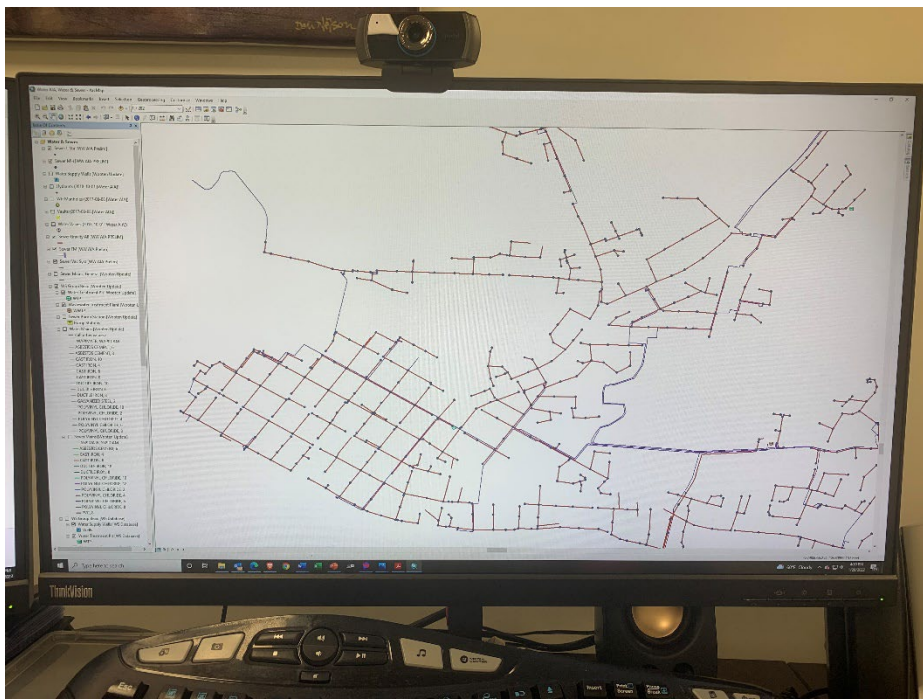
**Town of Beaufort, N.C.**

December 2021  
Rivers and Associates, Inc.  
Project No. 2018042

# Wastewater Asset Management Plan

## Inventory of Assets

- Deliverables
  - Current listing & mapping of assets
  - Electronic GIS mapping



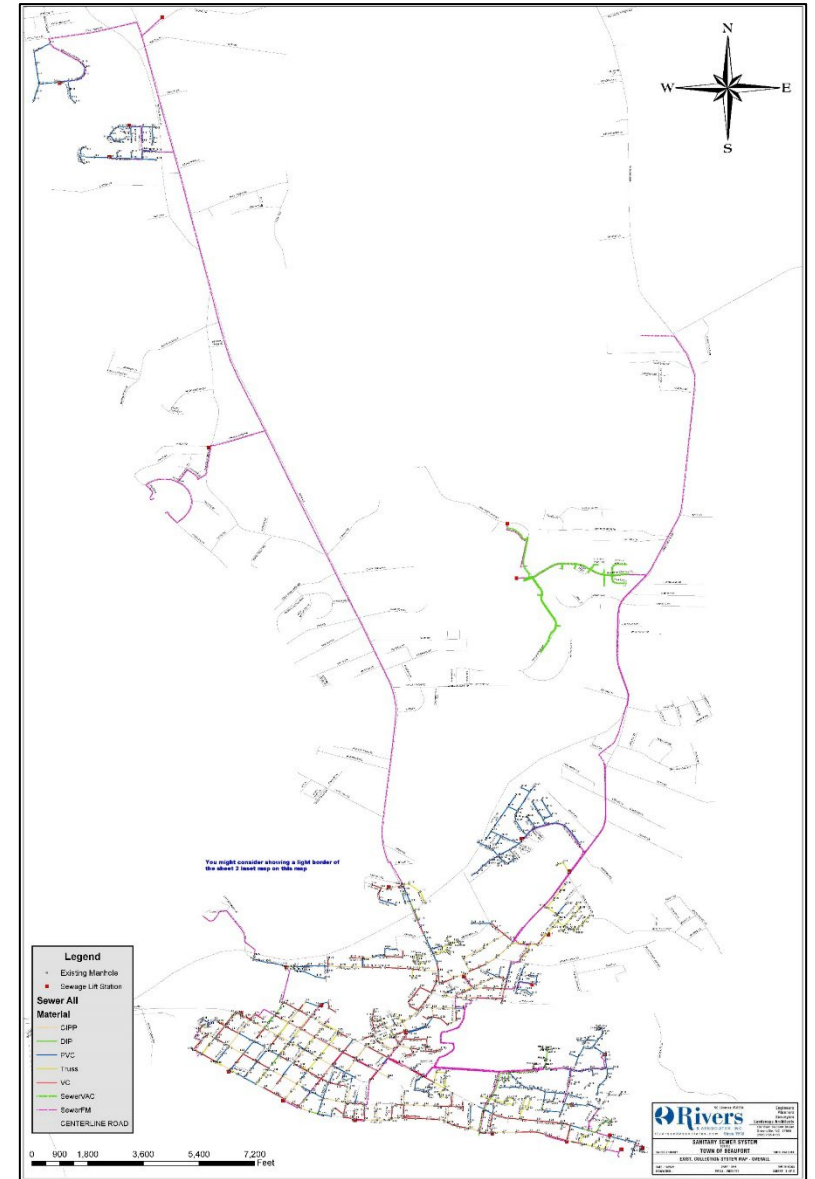
**Town of Beaufort  
Wastewater Asset Management Plan  
Lift Station Inventory**

PS #	Location	Wet Well Dimensions (ft)	Wet Well Capacity (cu ft)	Pump Manufacturer	Pump Model	Station Pumps	Pump Type	Pump Flow (GPM)	Pump Voltage	Flow Control	Pump 1 Size Discharge Rate (gpm @ ft)	Pump 2 Size Discharge Rate (gpm @ ft)	Lift Station Ave. Discharge Rate (gpm @ ft)	Avg. Daily Flow (March - February 2019)	Backup Power	Land Control	Flow Meter	Pump Size (inch)	
1	428 4th St.	6.2	223.6	Grundfos	T1A-SB-F	1	Deep Well Centrifugal	15.8	230	170 @ 24.1	111 @ 24.0	187 @ 27.7	147 @ 27.7	5.8	Fixed Generator	Public with Back-up Flow	4	2.75	
2	1122 4th St.	6.2	223.6	Grundfos	T1A-SB-F	2	Deep Well Centrifugal	15.8	230	100	228 @ 27.9	481 @ 26.0	261 @ 27.9	5.1	Fixed Generator	Public with Back-up Flow	6	2.14	
3	1788 First St.	6.2	223.6	Grundfos	T1A-SB-F	1	Deep Well Centrifugal	7.5	230	170 @ 24.1	113.5 @ 24.1	123.9 @ 24.8	183.3 @ 24.8	5.1	Fixed Generator	Public with Back-up Flow	6	2.45	
4	2341 First St.	6.2	223.6	Hytel	CP-1041 LT	1	Submersible	3.8	230	140	95.5	96.7	91.1	5.8	Fixed Generator	None	4	2.81	
5	264 4th St.	6.2	223.6	Grundfos	T1A-SB-F	1	Deep Well Centrifugal	3.8	230	100	219 @ 26.0	274 @ 26.0	228.1 @ 26.0	4.8	Fixed Generator	Public with Back-up Flow	4	3.2	
6	1518 Coche St.	13.5 x 6	625.4	Grundfos	T1A-SB-F T1A-SB-F	5	Surface Lift	36.8	230	450	318.5 @ 195.8	468.7 @ 141.8	397.5 @ 91.3	3.8	Fixed Generator	Public with Back-up Flow	10	1.51	
7	229 McHenry St.	6.2	223.6	Grundfos	T1A-SB-F	2	Deep Well Centrifugal	15.8	230	140	261 @ 41.1	135.9 @ 41.8	199 @ 33.8	7.9	Fixed Generator	Public with Back-up Flow	4	3.57	
8	314 Cannon Ave.	11.5 x 6	625.4	Grundfos	T1A-SB-F	1	Surface Lift	36.8	230	450	349 @ 67.2	Not Pumping	348.8 @ 67.2	2.9	Fixed Generator	Public with Back-up Flow	6	3.66	
9	2312 Live Oak St. (between 4th & McHenry Sts)	6.2	223.6	Hydromatic	361004-14	2	Submersible	40.9	220	480 @ 44.0	227 @ 123.9	167.4 @ 44.8	196.1 @ 97.3	6.1	Fixed Generator	None	6	1.87	
10	399 Swaner St.	6.2	223.6	Hytel	CP-1041 LT	2	Submersible	3.8	230	140 @ 24.0	92.7 @ 16.8	182.4 @ 21.0	97.5 @ 18.0	3.8	Fixed Generator	None	4	1.88	
11	181 4th Ave.	5.6	186.5	Grundfos	T1A-SB-F	1	Surface Lift	7.5	230	170 @ 16.1	91.0 @ 88.1	82.8 @ 15.0	88.0 @ 16.1	6.7	Fixed Generator	None	4	1.80	
12	229 Wilcox Dr.	5.6	186.5	Grundfos	T1A-SB-F	2	Surface Lift	3.8	200	200	149 @ 24.9	129.1 @ 21.0	144.6 @ 21.1	2.5	Fixed Generator	Private Road	4	3.99	
13	895 Live Oak St (behind Live)	6.2	223.6	Hytel	CP-1041 LT	1	Submersible	3.8	230	140	50.3	Not Pumping	58.3	0.1	Fixed Generator	None	4	1.10	
14	330 Beaufort Way Dr.	5 x 10	250.0	Grundfos	261-CL17527	2	Surface Lift	27.0	480	360	180 @ 138.8	78 @ 121.1	90 @ 121.0	0.6	Fixed Generator	None	8	25.81	
15	115 Platonic Circle	5.6	186.5	Hytel	CP-1041 LT	1	Submersible	3.8	230	320	112.2	122.4	117.5	0.9	Fixed Generator	Private Road	4	3.00	
16	426 Professional Park Dr.	6.2	223.6	Hydromatic	361004-14	2	Submersible	3.8	230	360	286.1	281.0	281.2	3.4	Fixed Generator	None	4	3.50	
17	Professional Works	6.2	223.6	Hydromatic	361004-14	2	Submersible	3.8	230	320	27.0	79.2	63.9	2.2	None	None	2	2.57	
18	1305 Madison Bay Ln.	8.0	176.8	Grundfos	T1A-SB-F	1	Surface Lift	15.8	480	100	181 @ 154.1	113.4 @ 99.1	147.7 @ 162.3	5.8	Fixed Generator	None	4	2.000	
19	1381 Madison Creek Dr.	6.2	223.6	Grundfos	0122	1	Submersible	2.0	480	90 @ 20.8 120 @ 21.0	74.4	82.1	78.4	1.6	Fixed Generator	None	4	1.310	
20	900 North Royal Oak Dr.	Unknown	N/A	Unknown	Unknown	1	Deep Well Centrifugal	Unknown	Unknown	Unknown	100 @ 16.1	N/A	N/A	0.2	Fixed Generator	None	6	2.715	
21	380 Lakes Dr.	6.2	223.6	Unknown	Unknown	2	Submersible	Unknown	Unknown	Unknown	13.0 @ 95.4	14.5 @ 119.7	10.7 @ 108.1	0.2	Fixed Generator	None	2	1.900	
22	238 Woodway Ln.	6.2	223.6	Hytel	DHL 132 2504-0872	1	Submersible	3.8	100	307	210 @ 14.4	298.7 @ 17.1	266.4 @ 16.8	0.4	Fixed Generator	Private Road with Back-up Flow	4	1.96	
23	Not been located in Town	Unknown	N/A	Unknown	Unknown	1	Submersible	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	4	1.100
24	2225 Leavenworth Rd	8.0	276.4	Hytel	CP 1085 135 1349-233	2	Submersible	4.8	480	110 @ 34.0	116.7 @ 34.1	116.7 @ 34.1	116.7 @ 34.1	0.8	Fixed Generator	Private Road with Back-up Flow	4	1.390	
25	561 Riverside Crk Road	5.6	186.5	Hytel	MP117107	1	Submersible	11.8	230	110 @ 26.1	20.1	217.1	217.1	Unknown	Fixed Generator	Private Road with Back-up Flow	4	1.60	

# Wastewater Asset Management Plan

## Inventory of Assets

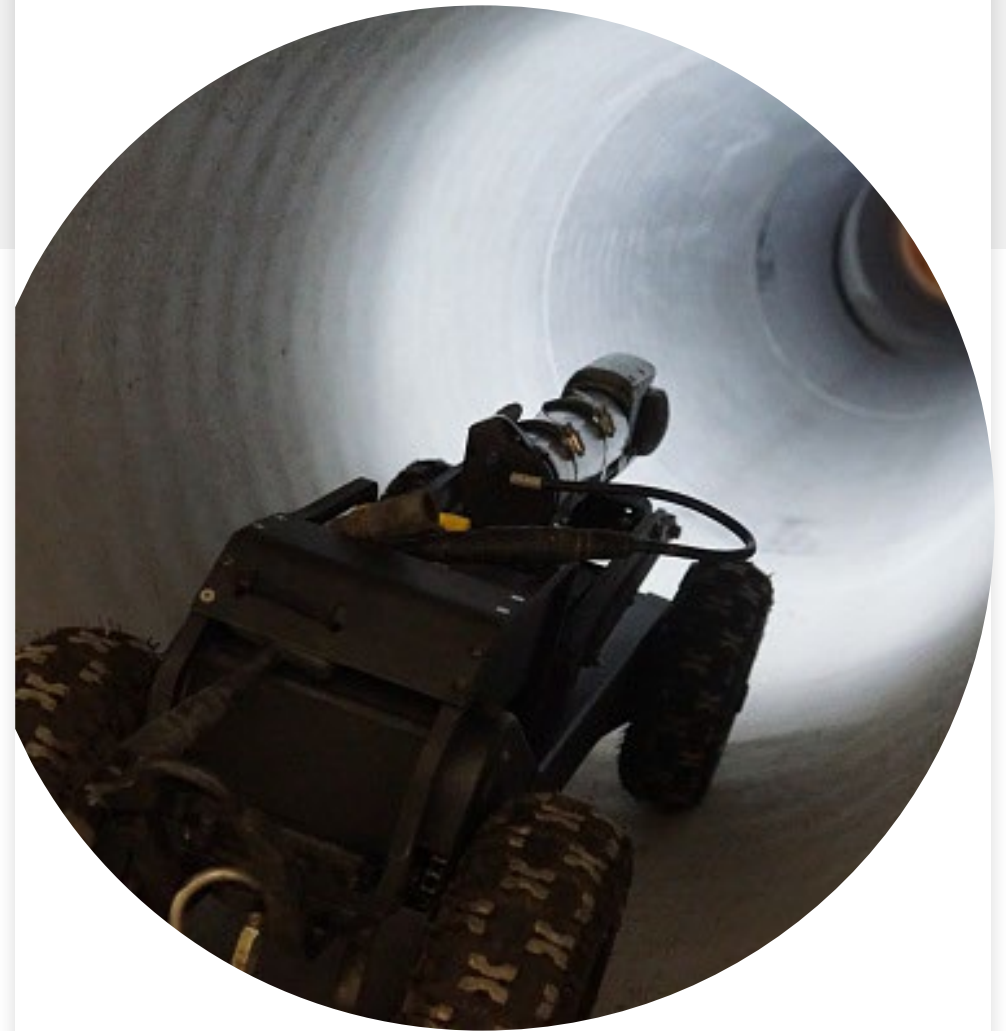
- Pressurized sewer force mains  
→ 26.3± miles
- Gravity sewer lines  
→ 33.2± miles
- Sewer manholes  
→ 832±
- Sewer pump stations  
→ 25



# Wastewater Asset Management Plan

## Condition Assessments

- Gravity sewer lines
  - Overall Rating: **Fair**
  - Age & materials of construction
  - Closed circuit television inspection



# Wastewater Asset Management Plan

## Condition Assessments

---

- Sewer manholes
  - Overall Rating: **Fair**
  - 2020 & 2021 visual inspections



# Wastewater Asset Management Plan

## Condition Assessments

- Pump Stations
  - Overall Rating: **Fair**
  - Visual general inspections
  - Electrical systems inspections
  - Drawdown testing

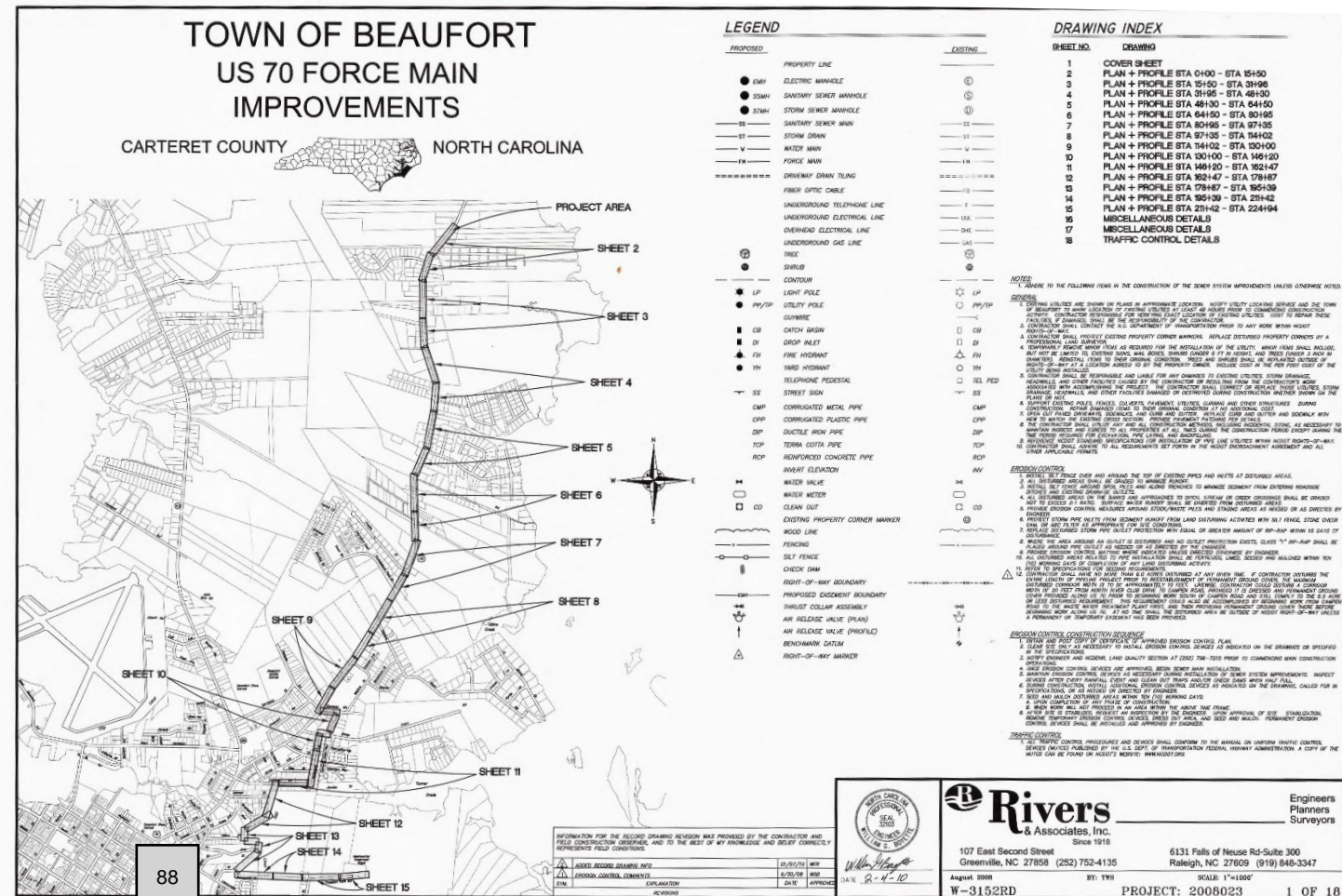
Station Number:	#2		
Station Address:	1112 Front St		
Date of Inspection:	1/6/2021	Current Weather:	Clear
Inspection Completed by:	Stephen Reece Gary Stone Elbert Godette	Days since last significant rain:	3



# Wastewater Asset Management Plan

## Condition Assessments

- Pressurized sewer force mains
  - Overall Rating: **Good**
  - Age & materials of construction



# Wastewater Asset Management Plan

## Asset Needs Analysis

- Criticality Rating
  - Risk
  - Consequence of failure

$$\text{'Risk' x 'Consequence' = 'Criticality'}$$

# Wastewater System Asset Condition and Criticality Assessment (Score Sheet)

Town of Beaufort, NC

## Wastewater Asset Management Plan

1.

Scoring Reference						Risk of Failure					Consequence of Failure	Criticality Rating	Criticality Ranking	
						0 - 5	0 - 5	0 - 5	0 - 5	0 - 5	SUM 1	SUM 2		SUM 1 x SUM 2 =
Scoring Range						0 - 5	0 - 5	0 - 5	0 - 5	0 - 5	0 - 25	1 - 20	0 - 500	
Beaufort Liftstation	Location	Installation Date	Rebuilt/Rehab	Replaced	Comment	Condition Rating	Capacity Rating	Service Life Rating	Pump Redundancy	Power Redundancy	Total Risk Score	Sewage Handling Volume	Product of Risk x Consequence	Numerical Rank
7	559 Mulberry St.	1969				4	4	5	3	0	16	3	48	1
6	101B Cedar St.	1969				3	2	5	3	0	13	3	39	2
1	620 Front St.	1969				4	3	5	3	0	15	2	30	3
5	334 Front St.	1969				4	3	5	3	0	15	2	30	3
2	1112 Front St.	1969				3	3	5	3	0	14	2	28	4
3	1708 Front St.	1969				3	3	5	3	0	14	2	28	4
8	314 Craven Ave.	1969				3	2	5	3	0	13	2	26	5
9	1512 Live Oak St.	1969	2008			3	4	1	3	0	11	2	22	6
						2	2	2	3	0	9	2	18	7
						4	2	2	3	5	16	1	16	8
18	130B Madison Bay Dr.	2003				3	3	1	3	3	13	1	13	9
4	2214 Front St.	1969				3	2	5	3	0	13	1	13	9
12	320 Wellons Dr.	1975				3	2	4	3	0	12	1	12	10
13	1899 Live Oak St. (Food Lion)	1994				2	0	2	3	3	10	1	10	11
15	119 Plantation Circle	2001				2	0	2	3	3	10	1	10	11
11	104 Earl Ave.	1969				2	0	5	3	0	10	1	10	11
19	918A Eastman Creek Dr.	2005				3	1	1	3	0	8	1	8	12
14	503 Sensation Weigh Rd.	1998				2	0	2	3	0	7	1	7	13
10	599 Turner St.	1969		2012	90	1	2	0	3	0	6	1	6	14
21	300 Links Dr.	2017				2	0	0	3	0	5	1	5	15

'Risk' x 'Consequence' = 'Criticality'

# Wastewater System Asset Condition and Criticality Assessment (Score Sheet)

Town of Beaufort, NC

## Wastewater Asset Management Plan

1.

Scoring Reference						Risk of Failure					Consequence of Failure	Criticality Rating	Criticality Ranking	
											SUM 1	SUM 2		SUM 1 x SUM 2 =
Scoring Range						0 - 5	0 - 5	0 - 5	0 - 5	0 - 5	0 - 25	1 - 20	0 - 500	
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6	101B Cedar St.	1969				3	2	5	3	0	13	3	39	2
1	620 Front St.	1969				4	3	5	3	0	15	2	30	3
5	334 Front St.	1969				4	3	5	3	0	15	2	30	3
2	1112 Front St.	1969				3	3	5	3	0	14	2	28	4
3	1708 Front St.	1969				3	3	5	3	0	14	2	28	4
8	314 Craven Ave.	1969				3	2	5	3	0	13	2	26	5
9	1512 Live Oak St.	1969	2008			3	4	1	3	0	11	2	22	6
						2	2	2	3	0	9	2	18	7
						4	2	2	3	5	16	1	16	8
18	130B Madison Bay Dr.	2003				3	3	1	3	3	13	1	13	9
4	2214 Front St.	1969				3	2	5	3	0	13	1	13	9
12	320 Wellons Dr.	1975				3	2	4	3	0	12	1	12	10
13	1899 Live Oak St. (Food Lion)	1994				2	0	2	3	3	10	1	10	11
15	119 Plantation Circle	2001				2	0	2	3	3	10	1	10	11
11	104 Earl Ave.	1969				2	0	5	3	0	10	1	10	11
19	918A Eastman Creek Dr.	2005				3	1	1	3	0	8	1	8	12
14	503 Sensation Weigh Rd.	1998				2	0	2	3	0	7	1	7	13
10	599 Turner St.	1969		2012	91	1	2	0	3	0	6	1	6	14
21	300 Links Dr.	2017				2	0	0	3	0	5	1	5	15

*'Risk' x 'Consequence' = 'Criticality'*

# Wastewater System Asset Condition and Criticality Assessment (Score Sheet)

Town of Beaufort, NC

## Wastewater Asset Management Plan

1.

Scoring Reference						Risk of Failure					Consequence of Failure		Criticality Rating	Criticality Ranking
											SUM 1	SUM 2	SUM 1 x SUM 2 =	
Scoring Range						0 - 5	0 - 5	0 - 5	0 - 5	0 - 5	0 - 25	1 - 20	0 - 500	
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6	101B Cedar St.	1969				3	2	5	3	0	13	3	39	2
1	620 Front St.	1969				4	3	5	3	0	15	2	30	3
5	334 Front St.	1969				4	3	5	3	0	15	2	30	3
2	1112 Front St.	1969				3	3	5	3	0	14	2	28	4
3	1708 Front St.	1969				3	3	5	3	0	14	2	28	4
8	314 Craven Ave.	1969				3	2	5	3	0	13	2	26	5
9	1512 Live Oak St.	1969	2008			3	4	1	3	0	11	2	22	6
						2	2	2	3	0	9	2	18	7
						4	2	2	3	5	16	1	16	8
18	130B Madison Bay Dr.	2003				3	3	1	3	3	13	1	13	9
4	2214 Front St.	1969				3	2	5	3	0	13	1	13	9
12	320 Wellons Dr.	1975				3	2	4	3	0	12	1	12	10
13	1899 Live Oak St. (Food Lion)	1994				2	0	2	3	3	10	1	10	11
15	119 Plantation Circle	2001				2	0	2	3	3	10	1	10	11
11	104 Earl Ave.	1969				2	0	5	3	0	10	1	10	11
19	918A Eastman Creek Dr.	2005				3	1	1	3	0	8	1	8	12
14	503 Sensation Weigh Rd.	1998				2	0	2	3	0	7	1	7	13
10	599 Turner St.	1969		2012	92	1	2	0	3	0	6	1	6	14
21	300 Links Dr.	2017				2	0	0	3	0	5	1	5	15

'Risk' x 'Consequence' = 'Criticality'

# Wastewater System Asset Condition and Criticality Assessment (Score Sheet)

Town of Beaufort, NC

## Wastewater Asset Management Plan

1.

Scoring Reference						Risk of Failure					Consequence of Failure	Criticality Rating	Criticality Ranking	
											SUM 1	SUM 2		SUM 1 x SUM 2 =
Scoring Range						0 - 5	0 - 5	0 - 5	0 - 5	0 - 5	0 - 25	1 - 20	0 - 500	
Beaufort Liftstation	Location	Installation Date	Rebuilt/Rehab	Replaced	Comments	Condition Rating	Capacity Rating	Service Life Rating	Pump Redundancy	Power Redundancy	Total Risk Score	Sewage Handling Volume	Product of Risk x Consequence	Numerical Rank
7	559 Mulberry St.	1969				4	4	5	3	0	16	3	48	1
6	101B Cedar St.	1969				3	2	5	3	0	13	3	39	2
1	620 Front St.	1969				4	3	5	3	0	15	2	30	3
5	334 Front St.	1969				4	3	5	3	0	15	2	30	3
2	1112 Front St.	1969				3	3	5	3	0	14	2	28	4
3	1708 Front St.	1969				3	3	5	3	0	14	2	28	4
8	314 Craven Ave.	1969				3	2	5	3	0	13	2	26	5
9	1512 Live Oak St.	1969	2008			3	4	1	3	0	11	2	22	6
						2	2	2	3	0	9	2	18	7
						4	2	2	3	5	16	1	16	8
18	130B Madison Bay Dr.	2003				3	3	1	3	3	13	1	13	9
4	2214 Front St.	1969				3	2	5	3	0	13	1	13	9
12	320 Wellons Dr.	1975				3	2	4	3	0	12	1	12	10
13	1899 Live Oak St. (Food Lion)	1994				2	0	2	3	3	10	1	10	11
15	119 Plantation Circle	2001				2	0	2	3	3	10	1	10	11
11	104 Earl Ave.	1969				2	0	5	3	0	10	1	10	11
19	918A Eastman Creek Dr.	2005				3	1	1	3	0	8	1	8	12
14	503 Sensation Weigh Rd.	1998				2	0	2	3	0	7	1	7	13
10	599 Turner St.	1969		2012	93	1	2	0	3	0	6	1	6	14
21	300 Links Dr.	2017				2	0	0	3	0	5	1	5	15

Criticality Ranking

# Wastewater Asset Management Plan

## Asset Needs Analysis

- Criticality Rating
  - Pump Stations
  - Sewer Line Segments
  - Force Mains

Force Main Location	Diameter (in)	Approximate Length (ft)	Material	Approximate Date	Approximate Age	Service Life Rating [Risk]	Capacity Rating [Consequence]	Total Rating
LS 14	8	35451	DIP/PVC	1969	52	5	5	25
WWTP	12	6179	DIP	1969	52	5	4	20
LS 3	6	2425	DIP	1969	52	5	3	15
LS 6	10	3561	DIP	1969	52	5	3	15
LS 7	6	952	DIP	1969	52	5	3	15
LS 8	8	965	DIP	1969	52	5	3	15
LS 9	6	1437	DIP	1969	52	5	3	15
East Carteret HS	8	13200	PVC	1992	29	3	4	12
Live Oak St	8	6520	PVC	1992	29	3	4	12
LS 1	6	2779	DIP	1969	52	5	2	10
LS 2	6	2114	DIP	1969	52	5	2	10
LS 4	4	782	DIP	1969	52	5	2	10
LS 5	4	329	DIP	1969	52	5	2	10
LS 11	4	480	DIP	1969	52	5	2	10
LS 12	4	899	DIP	1975	46	5	2	10
LS 13	6	10	DIP	1975	46	5	2	10
Live Oak 12" to WWTP 18" Connector	16	3480	DIP	2010	11	2	5	10
WWTP	16	3047	DIP	2005	16	2	4	8
WWTP	18	6145	DIP	2010	11	2	4	8
US Highway 70	12	4500	PVC	2010	11	2	4	8
Live Oak St	12	6350	PVC	2010	11	2	4	8
Vacuum Station to 12" Tie-in	8	23	PVC	2010	11	2	4	8
East Carteret HS to 12" Tie-in	8	3	PVC	2010	11	2	4	8
8" to 12" Tie-in Live Oak St @ LS 13	8	17	PVC	2010	11	2	4	8
8" to 16" Tie-in Live Oak St	8	27	PVC	2010	11	2	4	8
Lennoxville Rd 12" to 16" WWTP	12	1650	DIP	2005	16	2	4	8
Lennoxville Rd 12" to 18" WWTP Tie-in	12	25	PVC	2010	11	2	4	8
Lennoxville Rd 12" to 12" WWTP Tie-in	12	15	DIP	2005	16	2	4	8
LS 9 to 12" WWTP	12	2405	DIP	2002	19	2	4	8
LS 9 to 12" WWTP Tie-in	8	250	DIP	2002	19	2	4	8
LS 16	6	950	PVC	1999	22	3	2	6
LS 17	2	535	DIP	1999	22	3	2	6
LS 18	4	2000	PVC	2003	18	2	3	6
LS 20 (Vacuum Station)	8	3715	PVC	2007	14	2	3	6
Piver's Island	6	1000	HDPE	1996	25	3	2	6
US Highway 70 Utility Relocation	14	2250	DIP	2013	8	1	5	5
Grinder Pump (7-22)	2	200	PVC	1969	52	5	1	5
Grinder Pump (4-23)	2	150	PVC	1969	52	5	1	5
Sump Pump (5-25)	4	165	DIP	1969	52	5	1	5
Sump Pump (6-12)	2	270	PVC	1969	52	5	1	5

1.

Upstream Manhole	Downstream Manhole	Diameter (in)	Length (ft)	Material	Installation Date	Age (Years)	Inch-miles	Risk Assessment			Consequence Assessment		Total Ranking
								Material Rating	Service Life Rating	Condition Rating	OPD/In-Mi	Infiltration Rating	
2-33	2-32	6	175	VC	1969	52	0.22	5	5	5	198,725.88	5	75
2-32	2-31	10	65	VC	1969	52	0.12	5	5	4	108,725.88	5	70
2-5	2-4	8	100	VC	1969	52	0.15	5	5	2	56,100.00	5	60
2-6	2-5	6	250	VC	1969	52	0.28	5	5	5	17,600.00	4	60
2-16	2-14	8	350	VC	1969	52	0.53	5	5	5	38,076.92	4	60
2-27	2-12	8	400	VC	1969	52	0.61	5	5	5	16,645.00	4	60
2-34	2-33	6	56	VC	1969	52	0.04	5	5	5	28,758.17	4	60
2-35	2-34	6	117	VC	1969	52	0.13	5	5	5	26,758.17	4	60
3-24	3-8	8	75	VC	1969	52	0.11	5	5	2	87,724.00	5	60
3-25	3-24	8	75	VC	1969	52	0.11	5	5	2	87,724.00	5	60
6-11	6-10	8	175	VC	1969	52	0.27	5	5	5	20,742.86	4	60
6-30	Stub-out	6	299	VC	1969	52	0.32	5	5	5	15,114.29	4	60
7-16	7-6	8	239	VC	1969	52	0.35	5	5	5	16,869.04	4	60
8-26	8-25	8	150	VC	1969	52	0.23	5	5	5	11,318.95	4	60
Stub-out	8-25	8	135	VC	1969	52	0.22	5	5	5	11,578.95	4	60
8-28	8-25	8	209	VC	1969	52	0.32	5	5	5	11,948.47	4	60
8-29	8-28	8	275	VC	1969	52	0.42	5	5	5	11,948.47	4	60
8-61	8-39	8	195	VC	1969	52	0.32	5	5	5	10,830.77	4	60
9-25	9-24	8	282	VC	1969	52	0.43	5	5	5	16,600.00	4	60
9-36	9-25	8	253	VC	1969	52	0.38	5	5	5	16,600.00	4	60
9-30	9-28	8	199	VC	1969	52	0.29	5	5	5	11,708.26	4	60
9-93	9-92	8	305	VC	1969	52	0.45	5	5	5	10,036.36	4	60
9-56	9-55	8	285	VC	1969	52	0.42	5	5	5	13,813.95	4	60

# Wastewater Asset Inventory Assessment

## 10-Year Capital Projects Recommendations

- Based upon evaluation (i.e., criticality ranking)



# Wastewater Asset Inventory Assessment

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## 10-Year Capital Projects Recommendations

- Replacement of Pump Station #7
- Rehabilitate Pump Station #6
- Replace Pump Station #5
- Replace Pump Station #2
- Replace Pump Station #3
- Rehabilitate Pump Station #8
- Rehabilitate Sanitary Sewers



# Wastewater Asset Inventory Assessment

## 10-Year Capital Projects Recommendations

- Replacement of Pump Station #7
- Rehabilitate Pump Station #6
- Replace Pump Station #5
- Replace Pump Station #2
- Replace Pump Station #3
- Rehabilitate Pump Station #8
- Rehabilitate Sanitary Sewers



**\$8.4 Million**



# Wastewater Asset Management Plan

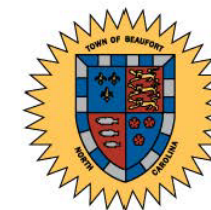
## Recommendations

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- Pump Stations
  - Complete the recommended projects
  - Test pumps annually (i.e., draw down tests)
  - Install pressure gauges on discharge mains

## Wastewater Asset Management Plan

for



**Town of Beaufort, N.C.**

December 2021  
Rivers and Associates, Inc.  
Project No. 2018042

# Wastewater Asset Management Plan

## Recommendations

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- Gravity Sewers
  - Continue infiltration & inflow reduction effort
- Manholes
  - Dedicate funds annually for replacement & rehabilitation

## Wastewater Asset Management Plan

for



**Town of Beaufort, N.C.**

December 2021  
Rivers and Associates, Inc.  
Project No. 2018042

# Wastewater Asset Management Plan

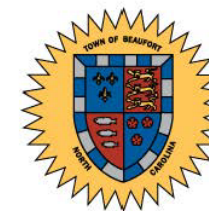
## Recommendations

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- Force Mains
  - Prepare contingency plans in case of failure
  - Develop comprehensive hydraulic model of the force main transmission network

## Wastewater Asset Management Plan

for



**Town of Beaufort, N.C.**

December 2021  
Rivers and Associates, Inc.  
Project No. 2018042

# Wastewater Asset Management Plan

- Tool for facilitating proper maintenance & operation

## Wastewater Asset Management Plan

for



**Town of Beaufort, N.C.**

**December 2021**  
Rivers and Associates, Inc.  
Project No. 2018042

# Wastewater Asset Management Plan

## Staff Request (February 14<sup>th</sup>)

- Consider adopting WWAMP
  - Planning Document
    - > Life expectancy resource
    - > Support during capital budgeting
    - > Assist with annual operation & maintenance budgeting



**RESOLUTION OF THE TOWN OF BEAUFORT  
ADOPTING A WASTEWATER ASSET MANAGEMENT PLAN  
RESOLUTION NO. 22-001**

**WHEREAS**, asset management is a process water and wastewater utilities can use to make sure that planned maintenance can be conducted and capital assets (pumps, motors, pipes, etc.) can be repaired, replaced, or upgraded on time and that there is sufficient funding for it; and

**WHEREAS**, asset management is the practice of managing infrastructure capital assets to minimize the total cost of owning and operating these assets while delivering the desired service levels; and

**WHEREAS**, the Town of Beaufort desires to utilize asset management to pursue and achieve sustainable infrastructure and to develop a high-performing asset management program to include detailed asset inventories, operation and maintenance tasks, and long-range financial planning; and

**WHEREAS**, the development of an asset management plan with good data-including asset attributes (e.g., age, condition, and criticality), life-cycle costing, proactive operations and maintenance, and capital replacement plans based on cost-benefit analyses-can be the most efficient method of meeting this challenge; and

**WHEREAS**, an asset management plan for the Town's wastewater collection and transmission system was developed by engineering professionals in conjunction with Town staff as evidenced by the Wastewater Asset Management Plan ("WWAMP") attached hereto; and

**WHEREAS**, the Board of Commissioners desires to formally adopt the WWAMP as a planning document for use in maximizing the life expectancy of the Town's capital assets and to also plan and budget for system upgrades, maintenance and repair as may be needed in the future in order to provide the rate payers of Beaufort with a system that performs efficiently from both an operations and financial perspective.

**NOW THEREFORE BE IT RESOLVED** by the Commissioners of the Town of Beaufort that the Wastewater Asset Management Plan attached hereto is hereby formally adopted.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2022

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

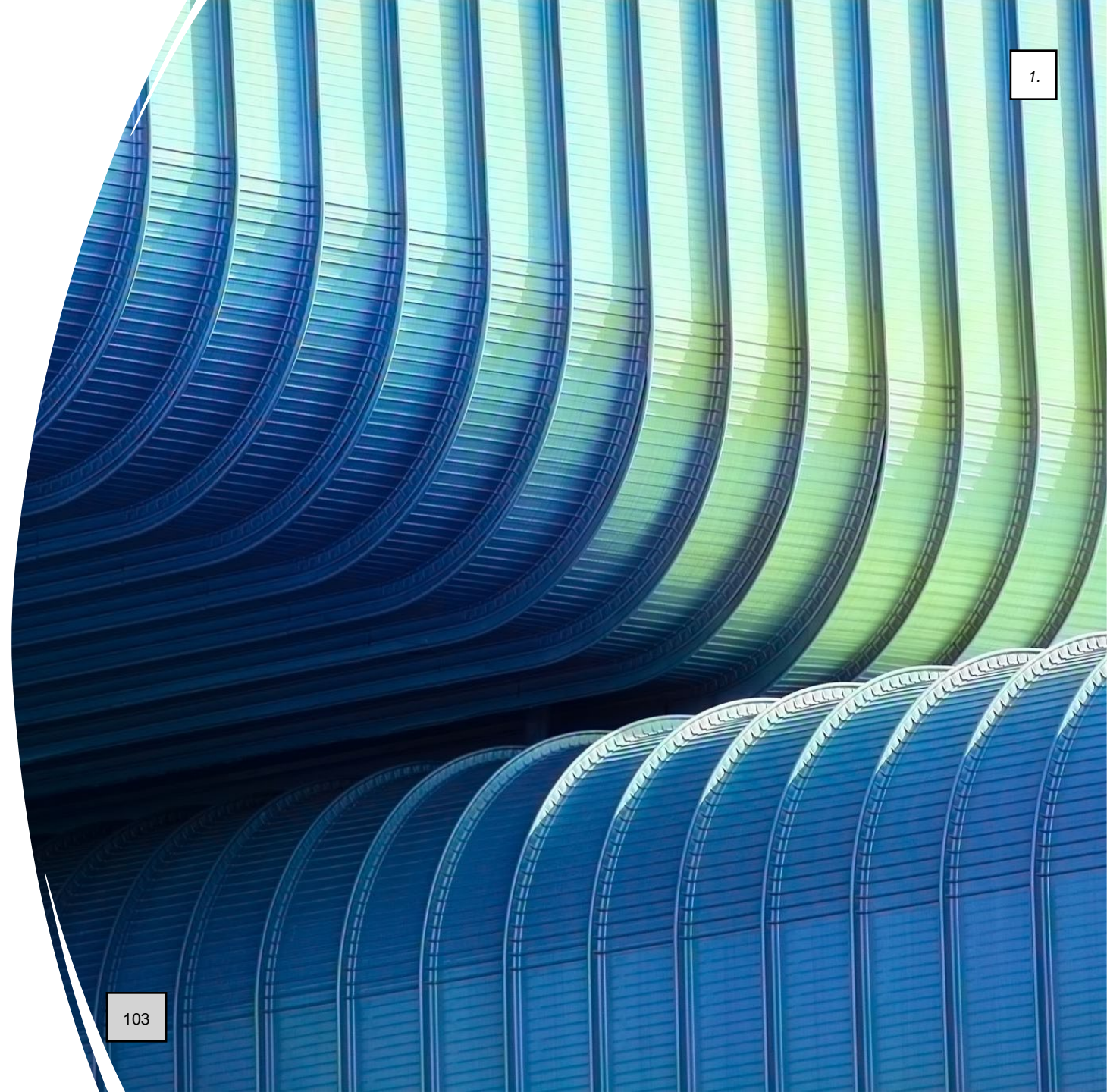
\_\_\_\_\_  
Elizabeth Lewis, Town Clerk

# Wastewater Asset Management Plan

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QUESTIONS?

COMMENTS?





**Town of Beaufort, NC**

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

**Board of Commissioners  
Regular Meeting  
6:00 PM – Monday, March 14, 2022  
Train Depot, 614 Broad Street**

**AGENDA CATEGORY:** Items for Consent  
**SUBJECT:** Year End Parking Program Report

At the February 28<sup>th</sup> Work Session, a presentation was given by staff summarizing the 2021 paid parking season. The below changes were listed as staff recommendations for the upcoming season.

Paid Parking Season 2022 Changes:

- Citation fees go up to \$ 50 per Town Ordinance
- The 5 spaces on Pollock Street in front of Town Hall will be made All Day Parking and parking signage will be added in front of them.
- Adding a 15-minute space on Craven St. to accommodate customers picking up orders on Front St.

Parking Regulations for the 2022 Season are attached for reference.

**REQUESTED ACTION:**

Approve staff recommendations for 2022 Parking Season.

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Chief Burdette – Police Department

**BUDGET AMENDMENT REQUIRED:**

No



**Town of Beaufort**

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)

**Parking Regulations for 2022 Season**

**Dates: May 23, 2022 (Monday before Memorial Day) - Sept. 5, 2022 (Labor Day)**

**Hours: 8 a.m. - 5 p.m.**

**Parking fee schedule:**

- Front Street parking lots (East & West lot): escalating fee beginning at \$1/hour
- All other spaces: \$1/hour.
- Overtime/improper parking violation: \$50
- Handicap parking violation: \$100
- Violation fee for late payment (after 30 days): \$30
- Weekly parking pass: \$25-Valid for one week - Subject to time limits, except at Queen/Craven Streets lots & Craven Street on-street
- Monthly parking pass: \$100-Valid for one calendar month - Subject to time limits, except at Queen/Craven Streets lots & Craven Street on-street
- Seasonal parking pass: \$200-Valid May 23-Sept. 5, 2022 - Subject to time limits, except at Queen/Craven Streets lots & Craven Street on-street
- WBD Resident Premium parking pass: \$800 (only available to Waterfront Business District Residents. Not subject to any time limits)

**Fee-Parking space locations (includes golf cart-only spaces):**

- On-street spaces on Front Street from Queen Street to Moore Street, 4-hour limit
- On-street spaces on Front Street from Live Oak to Queen Street, all-day
- Front Street parking lots (East and West), all-day with escalating rate
- Queen Street parking lot, all-day
- Craven Street parking lot, all-day
- 100 block of Turner Street, all-day
- 100 block of Craven Street to Middle Lane, all-day
- Pollock Street in front of Town Hall (5 spaces), all-day

Golf cart spaces, 4-hour limit.



**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, March 14, 2022  
Train Depot, 614 Broad Street**

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**AGENDA CATEGORY:** Items for Discussion and Consideration  
**SUBJECT:** Sewer Allocation Request (Reservation)  
Proposed Trestle Walk Subdivision Live Oak Street

**BRIEF SUMMARY:**

Beach Moss Development & Consulting, LLC is requesting that 3,360 gallons per day (gpd) of sewer capacity be reserved for a proposed 7-lot subdivision. The firm is planning to subdivide two parcels to create the subdivision. The two parcels have access to Live Oak Street and are located between the former Beaufort Elementary School property and the Hancock Park subdivision. Granting of the request must be by the Board of Commissioners even though the request is for less than 10,000 gpd. Action by the Board is required because the request is for **reservation** of sewer capacity.

A request for reservation of sewer capacity for future use is deemed by the Town's Wastewater Allocation Policy to be a Level 4 priority when considering allocation requests. If approved, a non-refundable reservation fee equivalent to twenty percent of the applicable sewer system development fee must be paid. Additionally, Priority Level 4 projects have twenty-four months to receive all approvals, certifications, and/or permits to begin construction. Otherwise, the allocation reverts to the Town, provided that the Board of Commissioners does not grant an extension.

**REQUESTED ACTION:**

Consider approving the reservation of 3,360 gpd of sewer capacity subject to the payment of the reservation fee.

**EXPECTED LENGTH OF PRESENTATION:**

10 minutes

**SUBMITTED BY:**

Greg Meshaw, PE, Town Engineer

**BUDGET AMENDMENT REQUIRED:**

No



**TOWN OF Beaufort**  
Public Services Department  
701 Front Street, Beaufort, NC 2816  
P.O. Box 390, Beaufort, NC 28516  
Phone: 252-728-2141

## WASTEWATER ALLOCATION REQUEST

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

Wastewater Allocation Request Review Fee: \$50

### SITE INFORMATION

Name of Project: Trestle Walk      Acreage of Property: 3.42  
County Tag Number: N/A      NC PIN: \_\_\_\_\_  
Address/Location: Live Oak St, Just North of the Old Elementary School, the old railway trestle property.  
Zoning District: R-8  
Location Status:     Town Limits       Existing Out-of-Town Service Area  
                              Out-of-Town Service Approval/Agreement

### APPLICANT INFORMATION

Applicant: Beach Moss Development & Consulting LLC  
Mailing Address: 114 Radley Lane, Beaufort, NC 28516  
Phone Number: 252-617-3040      Fax: \_\_\_\_\_  
Contact Person: Greg Moss  
Email Address: BeachMossConsulting@gmail.com

### PROPERTY OWNER INFORMATION

Name: LDA&J, LLC  
Mailing Address: 479 Imperial Dr, Mohnton, PA 19540  
Phone Number: 917-578-2022      Fax: \_\_\_\_\_  
Email Address: dont.cvc@gmail.com

*FOR OFFICE USE ONLY*

Date Received: \_\_\_\_\_      File Number/Name: \_\_\_\_\_

**PROJECT INFORMATION**

Use:  New  Expanded  Change Use Type:  Residential  Commercial

Proposed Use(s): 7 lot single family home neighborhood Existing Use(s): Vacant Land

Developer Name: Beach Moss Development & Consulting LLC  
Mailing Address: 114 Radley Lane, Beaufort, NC 28516  
Phone Number: 252-617-3040 Fax Number: \_\_\_\_\_  
Email Address: BeachMossConsulting@gmail.com

**ALLOCATION REQUEST (See instructions on page 3 regarding use of Professional Engineer)**

The following supplemental information is required:

- Complete development proposal for Priority Levels 1, 2 or 3 allocation request
- Preliminary plan or sketch plan for Priority Level 4 allocation request meeting requirements for site plans as established on the Town's Building Permit Application or as described for sketch plans by the Town's Subdivision Ordinance
- If a phasing schedule is proposed, include as an attachment

Residential:

Gross Acreage: 3.42

Single Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units			
>3 Bedroom Units	7	480	3360
<b>Total</b>			

Multi-Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units			
>3 Bedroom Units			
<b>Total</b>			

Non-Residential: (Design Flow Guideline provided as Appendix A)\*

\*If design flow deviates from the flow rates presented in Appendix A, provide supporting documentation/justification as an attachment in the form of 12 months of water bills demonstrating gallons per day utilized.

Gross Acreage: \_\_\_\_\_

Use	Measurement Unit	# of Units	GPD per Unit	Total Requested GPD
<b>Total</b>				

TOTAL REQUESTED GALLONS PER DAY: 3360

### APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town of Beaufort to approve the subject Wastewater Allocation. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Beaufort, North Carolina, and will not be returned.

Gregory B Moss

Print Name

  
Signature of Applicant

2/4/2022  
Date

### ENGINEER'S CERTIFICATION

The allocation request data provided on page 2 of this form shall be provided by a Professional Engineer for all requests except single lot residential infill requests and commercial requests equal to or less than 360 gallons per day. The certification statement below shall be completed by the Professional Engineer providing the data.

I, JONATHAN L. MCDANIEL hereby attest that the total requested allocation and the values used to derive the total are to the best of my knowledge, accurate and complete having been prepared in accordance with the instructions of this form while also adhering to applicable State laws, regulations, and rules, concerning the determination of design daily wastewater flows from facilities served by public wastewater collection and treatment systems.



Signed and Dated Professional Engineer Seal

TIDEWATER ASSOCIATES, INC. 604-E CEDAR POINT BLVD., CEDAR POINT  
Firm Name Address NC 28584

252-393-6101  
Telephone No.

JMCDANIEL@TIDEWATERENC.COM  
Email Address

TOWN OF BEAUFORT OFFICE USE ONLY:

Approved by:  Town Engineer  
 Board of Comissioners

Allocation approved: \_\_\_\_\_ gallons per day

Date of Approval: \_\_\_\_\_

Confirmation signature by:

\_\_\_\_\_  
Town Manager

## APPENDIX A: DESIGN FLOW RATES

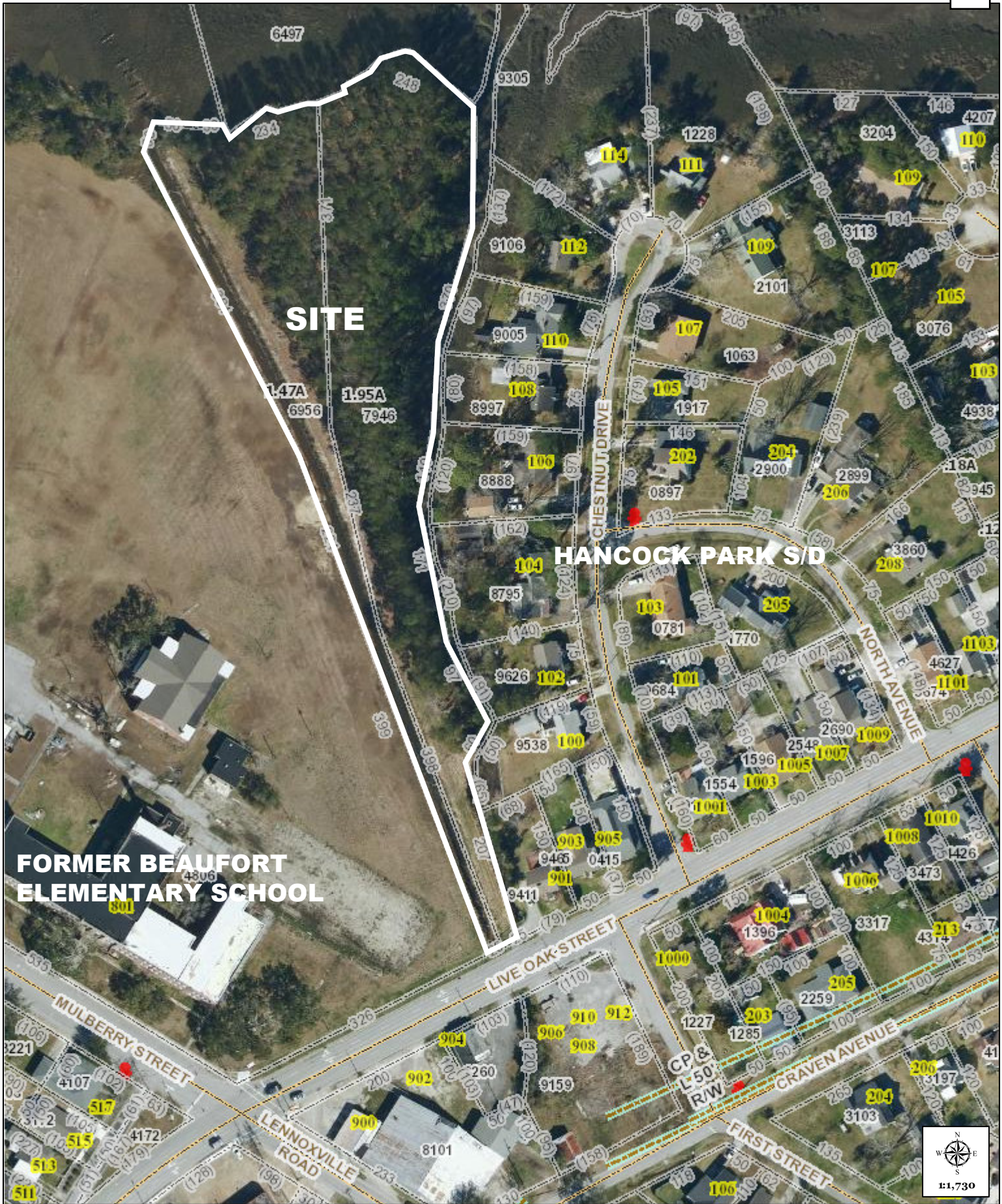
The following table from the North Carolina Administrative Code 02T.0114 shall be used to determine the minimum allowable design daily flow of wastewater facilities. Alternatively, the Town in its sole and absolute discretion may calculate the customer's initial average daily wastewater flow based on data from the customer's operations (or from similarly situated customers) with a comparable sanitary sewer system, where such data are available and reasonably current.

Establishment Type	Daily Flow Rate
<b>Barber and Beauty Shops</b>	
Barber Shops	50 gal/chair
Beauty Shops	125 gal/booth or bowl
<b>Businesses, Offices and Factories</b>	
General business and office facilities	25 gal/employee/shift
Factories, excluding industrial waste	25 gal/employee/shift
Factories or businesses with showers or food preparation	35 gal/employee/shift
Warehouse	100 gal/loading bay
Warehouse – self storage (not including caretaker residence)	1 gal/unit
<b>Churches</b>	
Churches without kitchens, day care or camps	3 gal/seat
Churches with kitchen	5 gal/seat
Churches providing day care or camps	25 gal/person (child & employee)
<b>Fire, Rescue and Emergency Response</b>	
Fire or rescue stations without on-site staff	25 gal/person
Fire or rescue stations with on-site staff	50 gal/person/shift
<b>Food and Drink Facilities</b>	
Banquet, dining hall	30 gal/seat
Bars, cocktail lounges	20 gal/seat
Caterers	50 gal/100 sq. ft. floor space
Restaurant, full Service	40 gal/seat
Restaurant, single service articles	20 gal/seat
Restaurant, drive-in	50 gal/car space
Restaurant, carry out only	50 gal/100 sq. ft. floor space
Institutions, dining halls	5 gal/meal
Deli	40 gal/100 sq. ft. floor space
Bakery	10 gal/100 sq. ft. floor space
Meat department, butcher shop or fish market	75 gal/100 sq. ft. floor space
Specialty food stand or kiosk	50 gal/100 sq. ft. floor space
<b>Hotels and Motels</b>	
Hotels, motels and bed & breakfast facilities, without in-room cooking facilities	120 gal/room
Hotels and motels, with in-room cooking facilities	175 gal/room
Resort hotels	200 gal/room
Cottages, cabins	200 gal/unit
Self-service laundry facilities	500 gal/machine
<b>Medical, Dental and Veterinary Facilities</b>	
Medical or dental offices	250 gal/practitioner/shift
Veterinary offices (not including boarding)	250 gal/practitioner/shift
Veterinary hospitals, kennels, animal boarding facilities	20 gal/pen, cage, kennel or stall
Hospitals, medical	300 gal/bed
Hospitals, mental	150 gal/bed
Convalescent, nursing, rest homes without laundry facilities	60 gal/bed
Convalescent, nursing, rest homes with laundry facilities	120 gal/bed
Residential care facilities	60 gal/person
<b>Parks, Recreation, Camp Grounds, R-V Parks and other Outdoor Activity Facilities</b>	
Campgrounds with comfort station, without water or sewer hookups	75 gal/campsite

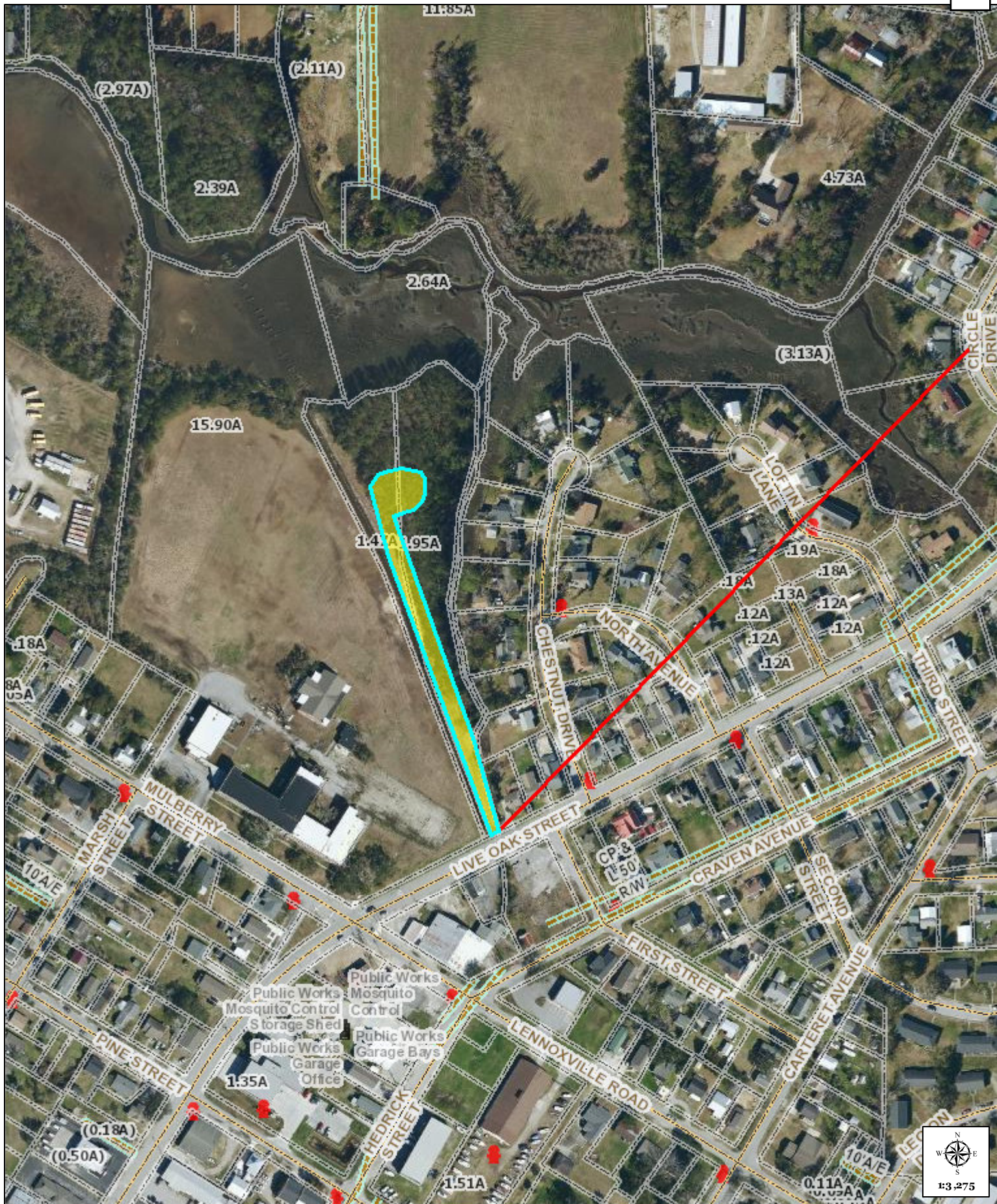
Establishment Type	Daily Flow Rate
Campgrounds with water and sewer hookups	100 gal/campsite
Campground dump station facility	50 gal/space
Construction, hunting or work camps with flush toilets	60 gal/person
Construction, hunting or work camps with chemical or portable toilets	40 gal/person
Parks with restroom facilities	250 gal/plumbing fixture
Summer camps without food preparation or laundry facilities	30 gal/person
Summer camps with food preparation and laundry facilities	60 gal/person
Swimming pools, bathhouses and spas	10 gal/person
Public access restrooms	325 gal/plumbing fixture
<b>Schools, Pre-school and Day Care</b>	
Day care and preschool facilities	25 gal/person (child & employee)
Schools with cafeteria, gym and showers	15 gal/student
Schools with cafeteria	12 gal/student
Schools without cafeteria, gym or showers	10 gal/student
Boarding schools	60 gal/person (student & employee)
<b>Service Stations and Car Wash Facilities</b>	
Service stations, gas stations	250 gal/plumbing fixture
Car wash facilities	1200 gal/bay
<b>Sports Centers</b>	
Bowling center	50 gal/lane
Fitness, exercise, karate or dance center	50 gal/100 sq. ft.
Tennis, racquet ball	50 gal/court
Gymnasium	50 gal/100 sq. ft.
Golf course with only minimal food service	250 gal/plumbing fixture
Country clubs	60 gal/member or patron
Mini golf, putt-putt	250 gal/plumbing fixture
Go-kart, motocross	250 gal/plumbing fixture
Batting cages, driving ranges	250 gal/plumbing fixture
Marinas without bathhouse	10 gal/slip
Marinas with bathhouse	30 gal/slip
Video game arcades, pool halls	250 gal/plumbing fixture
Stadiums, auditoriums, theaters, community centers	5 gal/seat
<b>Stores, Shopping Centers, Malls and Flea Markets</b>	
Auto, boat, recreational vehicle dealerships/showrooms with restrooms	125 gal/plumbing fixture
Convenience stores, with food preparation	60 gal/100 sq. ft.
Convenience stores, without food preparation	250 gal/plumbing fixture
Flea markets	30 gal/stall
Shopping centers and malls with food service	130 gal/1000 sq. ft.
Stores and shopping centers without food service	100 gal/1000 sq. ft.
<b>Transportation Terminals</b>	
Air, bus, train, ferry, port and dock	5 gal/passenger

Source: North Carolina Administrative Code 02T.0114, January 1, 2007

Per 15A NCAC 02t .0114 (b), in determining the volume of sewage from dwelling units, the flow rate shall be 120 gallons per day per bedroom. The minimum volume of sewage from each dwelling unit shall be 240 gallons per day and each additional bedroom above two bedrooms shall increase the volume by 120 gallons per day. Each bedroom or any other room or addition that can function as a bedroom shall be considered a bedroom for design purposes. When the occupancy of a dwelling unit exceeds two persons per bedroom, the volume of sewage shall be determined by the maximum occupancy at a rate of 60 gallons per person per day.



February 22, 2022



September 1, 2021

The information displayed by this website is prepared for the inventory of real property found within this jurisdiction. It is compiled from recorded deeds, plats, and other public records and data. Users of this information are hereby notified that the aforementioned public primary information sources should be consulted for verification of information contained on this site. Carteret County assumes no legal responsibility for the information contained on this site. Carteret County does not guarantee that the data and map services will be available to users without interruption or error. Furthermore, Carteret County may modify or remove map services and access methods at will.

# What we want to create

7 lots:

5 on the water

2 off water along the creek to the east of property



# All of the lots meet the guidelines for size, setbacks, and layout from the town

Note: When we have this professionally surveyed/engineered it is likely that all of these lot sizes will increase as they tie them into the road/cul-de-sac. I wanted to make sure we could meet the minimums required. We are above the minimums on all the lots, so it will get even better when it is all surveyed.





**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, March 14, 2022  
Train Depot, 614 Broad Street**

**AGENDA CATEGORY:** Items for Discussion and Consideration  
**SUBJECT:** FY 2022 Budget Amendment 7

**BRIEF SUMMARY:**

This general fund budget amendment requests the appropriation of fund balance for grant work to be completed for the Waterfront Master Plan (\$18,000) and authorizes the Town Manager to enter into a contract with Moffatt and Nichol for Grant Support Services.

**REQUESTED ACTION:**

Approve Budget Amendment 7

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Christi Wood – Finance Director

**BUDGET AMENDMENT REQUIRED:**

Yes



**TOWN OF BEAUFORT  
FY 2022 BUDGET AMENDMENT #7**

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

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

BE IT THEREFORE ORDAINED that the Board of Commissioners amends the Fiscal Year 2022 Budget as follows:

**SECTION I: GENERAL FUND**

This amendment requests the appropriation of fund balance for grant work to be completed by Mofatt and Nichol for the Waterfront Master Plan. (\$18,000).

**A. REVENUE**

<b><u>INCREASE</u></b>	
APPROPRIATED FUND BALANCE .....	\$ 18,000
<b>TOTAL INCREASE</b> .....	<b>\$ 18,000</b>

**B. EXPENDITURES AUTHORIZED BY DEPARTMENT**

<b><u>INCREASE</u></b>	
NON-DEPARTMENTAL .....	\$ 18,000
<b>TOTAL INCREASE</b> .....	<b>\$18,000</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 14th day of March, 2022

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, March 14, 2022  
Train Depot, 614 Broad Street**

---

**AGENDA CATEGORY:** Items for Discussion and Consideration  
**SUBJECT:** Voluntary Annexation Request

**REQUESTED ACTION:**

The Town received an application for voluntary annexation from Beaufort Agrihood Development, LLC. The application is attached for review.

Adopt resolution directing the clerk to investigate the sufficiency of the petition requesting annexation.

**EXPECTED LENGTH OF PRESENTATION:**

1 Minute

**SUBMITTED BY:**

Elizabeth Lewis, Town Clerk

**BUDGET AMENDMENT REQUIRED:**

No

Beaufort Agrihood Development, LLC  
176 Mine Lake Ct Suite 100  
Raleigh NC 27615

February 16nd, 2022  
Town of Beaufort North Carolina  
Planning Department  
701 Front St.  
Beaufort NC 28516

RE: Submission transmittal for Salt Wynd Preserve

Dear Mr. Kyle Garner,

Please be advised that Beaufort Agrihood Development, LLC is providing the following documents to the Town of Beaufort Planning Department and the Board of Commissioners for the Salt Wynd Preserve project today:

- 1. Application for Voluntary Annexation Request (20 pages with attached check \$100.00)
- 2. Annexation Survey (1 page 24x36)
- 3. Wastewater Allocation Request provided for reference *only*, at it was officially submitted on February 2nd 2022 with the payment (3 pages)

Please let us know if any of these documents are deficient and we will rectify it immediately.

Regards,

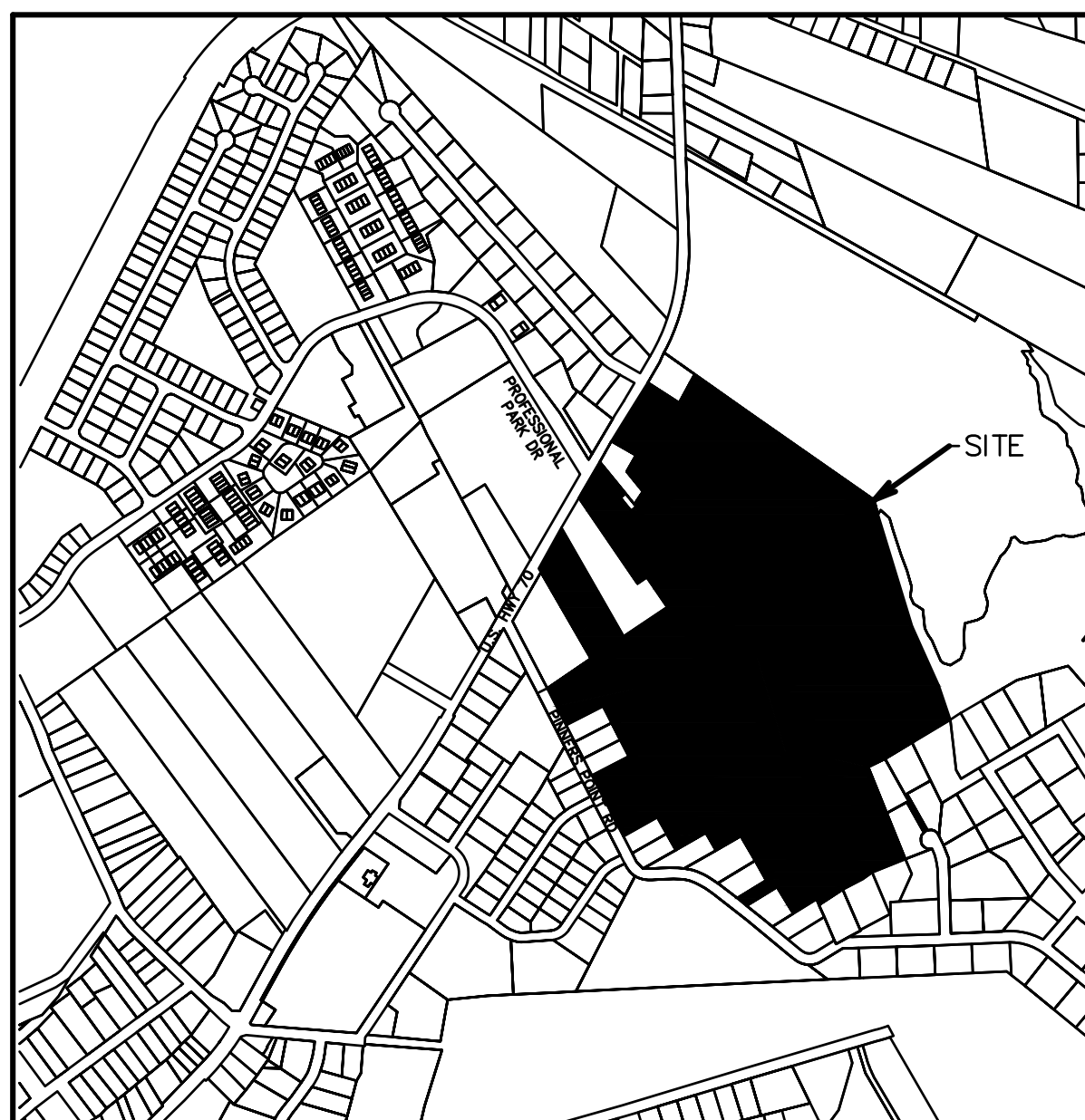


Beth Clifford, Director



Received by: Laurel Anderson Date: 2/17/2022

*received for Kyle Cramer / Samantha Burdick to review.*



N/F TILLER SCHOOL FOR ELEMENTARY  
DB 739 PG 713  
MB 31 PG 524  
N.C.PIN# 731609066779000  
ZONED: R-8

N/F FRANK GRASSI  
DB 1479 PG 116  
N.C.PIN# 731609077308000  
ZONED: B-1

N/F BRATCHER CEMETERY  
DB 292 PG 366  
MB 33 PG 28  
N.C.PIN# 731609077242000  
ZONED: R-20

N/F BERTRAM RENTAL PROPERTIES, LLC  
DB 1580 PG 14  
MB 33 PG 28  
AREA = 9.93+/- ACRES  
N.C.PIN# 731609161556000  
ZONED: R-20

N/F BERTIE NEELY  
DB 330 PG 258  
AREA = 42.39+/- ACRES  
N.C.PIN# 731609167703000  
ZONED: R-20

N/F PEARL WEST TRUSTEE  
DB 1327 PG 241  
MB 32 PG 92  
AREA = 7.92+/- ACRES  
N.C.PIN# 731609066438000  
ZONED: R-20

N/F PEARL WEST TRUSTEE  
DB 1327 PG 241  
MB 31 PG 989  
AREA = 25.84+/- ACRES  
N.C.PIN# 731609153648000  
ZONED: R-20

N/F THERON MCLAMB  
DB 1608 PG 144  
MB 33 PG 647  
N.C.PIN# 731605270779000  
ZONED: B-1 & R-20

ADJOINING PROPERTIES LIST			
#	OWNER/PIN#	DEED/MAP REFERENCE	ZONING
#1	N/F STATE EMPLOYEES CREDIT UNION N.C.PIN# 731609063522000	DB 1394 PG 4 MB 32 PG 486	ZONED: B-1
#2	N/F MELTON JR. & LINDA LAWRENCE N.C.PIN# 731609065043000	DB 392 PG 370	ZONED: R-20
#3	N/F MELTON JR. & LINDA LAWRENCE N.C.PIN# 731609055984000	DB 1414 PG 359 MB 17 PG 14	ZONED: R-20
#4	N/F JAMES LAWRENCE N.C.PIN# 731609056845000	DB 778 PG 225	ZONED: R-20
#5	N/F ARTHUR & DEBORA FULCHER N.C.PIN# 731609058444000	DB 392 PG 372	ZONED: R-20
#6	N/F FOREST CHAPMAN N.C.PIN# 731609058395000	DB 1679 PG 337	ZONED: R-20
#7	N/F PEARL WEST TRUSTEE N.C.PIN# 731609150384000	DB 1372 PG 240	ZONED: R-20
#8	N/F MARVIN & LINDA HINES N.C.PIN# 731609152370000	DB 1657 PG 213	ZONED: R-20
#9	N/F RENEE BOUDREAU N.C.PIN# 731609153261000	DB 1183 PG 251 MB 16 PG 41	ZONED: R-20
#10	N/F ALAN & JENNA SCIBAL N.C.PIN# 731609155026000	DB 1587 PG 359 MB 16 PG 41	ZONED: R-20
#11	N/F NORTH RIVER UNITED METHODIST N.C.PIN# 731609157003000	DB 530 PG 17	ZONED: R-20
#12	N/F JAMES & HAZEL GUTHRIE N.C.PIN# 731609158055000	DB 1402 PG 71	ZONED: R-20
#13	N/F LINWOOD & TRUDY PARKER N.C.PIN# 731609159181000	DB 550 PG 106	ZONED: R-20
#14	N/F AUDREY PARKER N.C.PIN# 731609251241000	DB 511 PG 274	ZONED: R-20
#15	N/F ERNEST III & TRUDY PARKER N.C.PIN# 731609253204000	DB 613 PG 233	ZONED: R-20
#16	N/F WILLIAM & APOLLONI KAESER N.C.PIN# 731609252438000	DB 1280 PG 115 MB 29 PG 681	ZONED: R-20
#17	N/F TERENCE SMITH N.C.PIN# 731609251730000	DB 1305 PG 284 MB 29 PG 681	ZONED: R-20
#18	N/F GERALD LANHAM N.C.PIN# 731609252749000	DB 1631 PG 461 MB 29 PG 681	ZONED: R-20
#19	N/F H. FRANK III & SHARON BARNES N.C.PIN# 731609254803000	DB 804 PG 381	ZONED: R-20
#20	N/F BARBARA PEARL N.C.PIN# 731610255950000	DB 602 PG 47	ZONED: R-20

**NORMAL HIGHWATER TABLE**

1	44.46	S 84°19'13" W	27	25.65	S 9°22'31" E
2	33.08	S 89°27'39" E	28	72.55	S 21°38'56" W
3	35.07	S 72°32'20" E	29	57.84	S 32°28'44" E
4	45.02	S 42°38'39" E	30	23.67	S 75°17'17" E
5	34.37	S 82°13'59" E	31	39.98	S 49°32'20" E
6	46.63	S 67°15'54" E	32	46.21	S 39°25'56" E
7	24.73	S 48°46'11" E	33	34.53	S 32°32'20" E
8	12.03	S 75°57'00" E	34	30.52	S 38°58'15" E
9	25.82	N 61°27'33" E	35	41.71	S 81°31'39" E
10	23.71	S 79°15'00" E	36	24.36	S 38°58'15" E
11	26.06	S 47°35'45" E	37	32.39	S 33°30'49" E
12	25.57	S 59°32'20" E	38	16.58	S 27°07" E
13	29.99	S 55°29'38" E	39	16.08	S 28°29'00" W
14	12.07	S 61°32'20" E	40	11.65	S 34°04'14" W
15	30.29	S 67°59'23" E	41	17.04	S 48°02'00" W
16	35.34	S 33°32'13" E	42	25.62	S 58°24" W
17	24.21	S 59°30'42" E	43	27.55	S 58°11" W
18	49.02	S 11°38'00" W	44	13.20	S 64°27'00" W
19	33.12	S 4°50'54" W	45	38.06	S 38°48'10" W
20	38.56	S 1°58'47" W	46	17.12	S 70°15'11" W
21	46.00	S 17°39'49" E	47	38.38	S 49°48'59" E
22	34.43	S 9°12'22" W	48	38.70	S 72°32'10" W
23	30.14	S 20°30'20" E	49	38.79	S 58°32'20" W
24	43.44	S 15°25'24" E	50	58.06	S 48°25'44" W
25	27.08	S 46°40'20" W	51	20.43	S 32°16'14" E
26	66.30	S 18°20'00" E			

**LEGEND:**

- BOUNDARY LINE \_\_\_\_\_
- ADJOINING PROPERTY LINE - - - - -
- EX. RIGHT-OF-WAY - - - - -

**NOTES:**

1. PARCELS ARE CURRENTLY ZONED R-20 PER THE TOWN OF BEAUFORT UNIFIED DEVELOPMENT ORDINANCE.
2. THE PURPOSE OF THIS MAP IS FOR TOWN OF BEAUFORT ANNEXATION.

**REVISIONS**

BY	NO.	DATE	DESCRIPTION



**ANNEXATION MAP**

**SALT WYND PRESERVE**

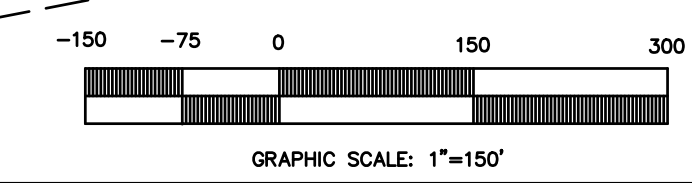
BEAUFORT, CARTERET COUNTY, NORTH CAROLINA

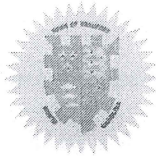
OWNER: BEAUFORT AGRIHOOD DEVELOPMENT, LLC  
ADDRESS: 176 MINE LAKE CT SUITE 100  
RALEIGH, NC 27615  
PHONE: 207-449-8801

DESIGNED: N/A DATE: 2/4/22  
DRAWN: JLJ SCALE: 1"=150'  
APPROVED: JLJ SHEET 1 OF 1

STROUD ENGINEERING, P.A.  
107-B COMMERCE STREET  
GREENVILLE, NC 27858  
(252) 756-9352 LICENSE NO.C-064

PROJECT NO.: PM3067~001  
DRAWING NO.: 001





This Annexation may be recorded only upon the approval of the Subdivision Preliminary Plat by the Town of Beaufort and the transfer of ownership of the property from the Property Owner to the Applicant.

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)

**APPLICATION FOR VOLUNTARY ANNEXATION REQUEST**

**Instructions:** Please complete the form below and include all required attachments, including the **\$100 application fee (to The Town of Beaufort)** and return to Town Manager, Town Hall, 701 Front St., PO Box 390, Beaufort, NC, 28516. Incomplete applications will not be processed and returned to the applicant. Please contact Town Hall at (252) 728-2141 with any questions.

**Complete applications must be received 15 days prior to the scheduled meeting.**

Applicant Name: Beaufort Agrihood Development, LLC  
Applicant Address: 176 Mine Lake Ct. Ste 100, Raleigh, NC 28516  
Phone Number: 207-449-8801 Email: beth@beltwayig.com

Property Owner Name: West, Pearl G. Trustee  
Address of Property: \_\_\_\_\_  
Phone Number: 252 728 7353 Email: abweskin@att.net

**PROPERTY INFORMATION**

Property Address: Live Oak St, Bertram Rd. Current Zoning: R20  
15 Digit Pin: 731609066438000 Size of Property (Square Feet or Acres): 7.92a

Is the property Contiguous to the City Limits:  Yes  No;

If Not Contiguous please indicate how many miles it is to the City Limits: \_\_\_\_\_

Current Use of Property:

- Residential  Vacant  
 Commercial  Other: \_\_\_\_\_

Date: 01/26/22

Applicant Signature

**OFFICE USE ONLY**

*Revised 03/16*

Received by: \_\_\_\_\_ Reviewed for Completeness By: \_\_\_\_\_  
Date: \_\_\_\_\_ Date Deemed Complete and Accepted: \_\_\_\_\_

DocuSigned by:

Roberta D West  
BA332A993EBD472...

3.

Date: 2/15/2022

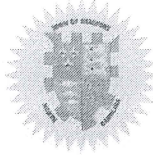
Property Owner Signature (if different than above)

**A fee of \$100 to the Town of Beaufort must accompany this application.**

**REQUIRED ATTACHMENTS FOR A VOLUNTARY ANNEXATION REQUEST**

**Please provide the following as attachments to the voluntary annexation request form:**

1. Copy of the Annexation Survey (suitable for recording)
2. Copy of all the deeds for the area to be annexed to verify ownership
3. A TYPED list of adjoining property owners
4. Carteret County Tax Parcel Card (Included should be parcel number and tax value)
5. Anticipated impact to city services including estimated gallons of water/sewer per day



This Annexation may be recorded only upon the approval of the Subdivision Preliminary Plat by the Town of Beaufort and the transfer of ownership of the property from the Property Owner to the Applicant.

Town of Beaufort NC
701 Front St. • P.O. Box 390 • Beaufort, N.C. 28516
252-728-2141 • 252-728-3982 fax
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Phone Number: 207-449-8801 Email: beth@beltwayig.com

Property Owner Name: West, Pearl G. Trustee
Address of Property:
Phone Number: 252 728 7353 Email: abweskin@att.net

PROPERTY INFORMATION

Property Address: Live Oak St, Bertram Rd. Current Zoning: R20
15 Digit Pin: 731609153648000 Size of Property (Square Feet or Acres): 25.84a

Is the property Contiguous to the City Limits: [X] Yes [ ] No;

If Not Contiguous please indicate how many miles it is to the City Limits:

Current Use of Property:

- Residential [X] Commercial [X] Vacant [ ] Other: [ ]

[Handwritten Signature]

Date: 01/26/22

Applicant Signature

OFFICE USE ONLY

Revised 03/16

Received by: Reviewed for Completeness By:
Date: Date Deemed Complete and Accepted:

DocuSigned by:  
*Roberta D West*  
BA332A993EBD472...

2/15/2022

Date: \_\_\_\_\_

Property Owner Signature (if different than above)

**A fee of \$100 to the Town of Beaufort must accompany this application.**

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- 5. Anticipated impact to city services including estimated gallons of water/sewer per day

Joy Lawrence 2P  
CARTERET COUNTY  
JL Date 11/30/2009 Time 12:31:00  
BR 1327241 Page 1 of 2

NORTH CAROLINA, CARTERET COUNTY  
This instrument and this certificate are duly filed at  
the date and time and in the Book and Page shown  
on the first page hereof.

Joy Lawrence, Register of Deeds  
Asst. Deputy, Register of Deeds

ExciseTax NTC

Recording Time, Book and Page

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. 7316.09.06.8198000  
Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_  
by \_\_\_\_\_  
Mail after recording to \_\_\_\_\_  
Grantee \_\_\_\_\_

This instrument was prepared by Patrick E. Neighbors, Esq., Attorney-at-Law, 2500 Regency Parkway, Suite 108, Cary, North Carolina 27518 \*\*No title opinion given, nor representation rendered.

Brief description for the Index

**NORTH CAROLINA GENERAL WARRANTY DEED**

THIS DEED made this \_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, by and between GRANTOR  
PEARL G. WEST

231 Pinners Point Road  
Beaufort, North Carolina 28516

GRANTEE

**PEARL G. WEST, trustee of the PEARL WEST  
REVOCABLE LIVING TRUST DATED**

11-19-09  
231 Pinners Point Road  
Beaufort, North Carolina 28516

Enter in the appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership  
The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.  
WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is here acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all of the certain lot or parcel of land situated in the City of \_\_\_\_\_, Beaufort Township, Carteret County, North Carolina and more particularly described as follows:

Tract 1: Being an 18.674 acre parcel (pin = 7316.09069076).

Tract 2-11: Being all of lots 1,2,3,4, and 5, Block A, and lots 1,2,3,5, and 6, Block B, Gibbs Place as recorded in amp book 17, page 14.

BOOK 1327 PAGE 241

②

Tracts 12 and 13: Any right or interest in those 60 ft. wide strips shown as Briar Wood Road and Overland Road shown on plat of Gibbs Place recorded in map book 17, page 14, Carteret Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in:  
Book 1166, Page 462

A map showing the above described property is recorded in Plat Book \_\_\_\_\_ page \_\_\_\_\_.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and the Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Of record. See prior granting instrument for any applicable exceptions.

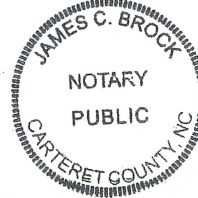
IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year for above written.

x Pearl G. West (seal)  
PEARL G. WEST

STATE OF NORTH CAROLINA  
COUNTY OF CARTERET

I, JAMES C BROCK, Notary Public Of CARTERET COUNTY, Do Hereby Certify That PEARL G. WEST Personally Appeared Before Me This Day And Acknowledged The Due Execution Of The Foregoing Instrument In Writing. Witness my hand and seal Or Stamp, This 30 Day Of NOVEMBER, 2009.

MY COMMISSION EXPIRES: 28 OCTOBER, 2012



James C Brock  
NOTARY PUBLIC  
(SEAL OR STAMP)

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By \_\_\_\_\_ REGISTER OF DEEDS FOR Carteret County  
Deputy/Assistant - Register of Deeds

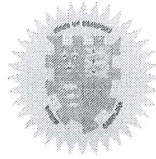
BOOK 1327 PAGE 241

PID R 7316.09.15.3648000 WEST, PEARL G TRUSTEE 2021 53,198 MKT 53,198 LAND 001  
 LISTER 10/05/2020 MEH 231 PINNERS POINT ROAD 53,198 PY Va1 25.840 ACRES DEF BLDG 000  
 TWP BEAUFORT CITY BEAUFORT NC 28516 PL BK/Pg 31 989 PLAT AICUZ ADDRESS 0000000 PRINTED 4/16/2021 BY ALLENM OTHER XFOB 000  
 LOT BLK USE 000800 VACANT DEED 1327 241 AICUZ RVDI PRMT REVISTDATE 7/12/2017 9/01/2017 10/05/2020  
 NBHD 1100200 USE 000800 VACANT RVDI PRMT REVISTDATE 7/12/2017 9/01/2017 10/05/2020  
 LEGAL: PT TR 2 PEARL G WEST LAND

Seq	Zone	Code	Use	Description	#Units	UT	UTPrice	Adj1	Adj2	Adj3	Adj4	Fadj	Dadj	Nbhd	Adj	Eff	Rate	Value
1	Front	110227	Back	TILLABLE GOOD	2.670	AC	4,000.000	1.00	1.00	1.00	1.00	1.00	1.00	1.000		4,000.000		10,680
2		110228		TILLABLE FAIR	4.620	AC	3,400.000	.90	1.00	1.00	1.00	1.00	1.00	1.000		3,059.956		14,137
3		110233		WOODLAND GOOD	18.550	AC	1,700.000	.90	1.00	1.00	1.00	1.00	1.00	1.000		1,529.973		28,381

PID R 7316.09.06.6438000  
 WEST, PEARL G TRUSTEE  
 2021  
 464,718 MKT  
 CARD 001  
 LISTER 2/27/2015 REF 231 PINNERS POINT ROAD  
 464,718 PY Val  
 LAND 002  
 TWP BEAUFORT CITY BEAUFORT NC 28516  
 7,920 ACRES  
 BLDG 000  
 LOT BLK PL BK/Pg 32 92 FIRE BEAUFORT FIRE PLAT  
 DEF  
 NBHD 1100200 USE 000800 VACANT DEED 1327 241 AICUZ RESCUE BEAUFORT RESCUE  
 OTHER  
 LEGAL: TR 2 PEARL G WEST - BEAUFORT PRINTED 4/16/2021 BY ALLENM

Seq	Zone	Code	Use	Description	UTPrice	Adj1	Adj2	Adj3	Adj4	Fadj	Dadj	Nbhd	Adj	Eff Rate	Value
1	Front	110221	Back FT	RURAL COMMERCIAL	125,000.000	1.00	1.00	1.00	1.00	1.00	1.00	1.000	1.000	125,000.000	250,000
2		110203		RESIDUAL ACREAGE	40,300.000	.90	1.00	1.00	1.00	1.00	1.00	1.000	1.000	36,269.932	214,718



This Annexation may be recorded only upon the approval of the Subdivision Preliminary Plat by the Town of Beaufort and the transfer of ownership of the property from the Property Owner to the Applicant.

**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)

**APPLICATION FOR VOLUNTARY ANNEXATION REQUEST**

**Instructions:** Please complete the form below and include all required attachments, including the **\$100 application fee (to The Town of Beaufort)** and return to Town Manager, Town Hall, 701 Front St., PO Box 390, Beaufort, NC, 28516. Incomplete applications will not be processed and returned to the applicant. Please contact Town Hall at (252) 728-2141 with any questions.

**Complete applications must be received 15 days prior to the scheduled meeting.**

Applicant Name: Beaufort Agrihood Development, LLC

Applicant Address: 176 Mine Lake Ct. Ste 100, Raleigh, NC 28516

Phone Number: 207-449-8801 Email: beth@beltwayig.com

Property Owner Name: Bertram Rental Properties LLC

Address of Property: Live Oak St, Bertram Rd.

Phone Number: 919 817 1837 Email: bertram.kelly@gmail.com

**PROPERTY INFORMATION**

Property Address: Live Oak St, Bertram Rd. Current Zoning: R20

15 Digit Pin: 731609161556000 Size of Property (Square Feet or Acres): 9.93a

Is the property Contiguous to the City Limits:  Yes  No;

If Not Contiguous please indicate how many miles it is to the City Limits: \_\_\_\_\_

Current Use of Property:

- Residential
- Commercial

- Vacant
- Other: \_\_\_\_\_

Date: 01/26/22

Applicant Signature

**OFFICE USE ONLY**

*Revised 03/16*

Received by: \_\_\_\_\_

Reviewed for Completeness By: \_\_\_\_\_

Date: \_\_\_\_\_

Date Deemed Complete and Accepted: \_\_\_\_\_

DocuSigned by: Kelly Bertram 2/14/2022  
DocuSigned by: Mickey Bertram Date: 2/14/2022  
Property Owner Signature (if different than above)

**A fee of \$100 to the Town of Beaufort must accompany this application.**

**REQUIRED ATTACHMENTS FOR A VOLUNTARY ANNEXATION REQUEST**

**Please provide the following as attachments to the voluntary annexation request form:**

1. Copy of the Annexation Survey (suitable for recording)
2. Copy of all the deeds for the area to be annexed to verify ownership
3. A TYPED list of adjoining property owners
4. Carteret County Tax Parcel Card (Included should be parcel number and tax value)
5. Anticipated impact to city services including estimated gallons of water/sewer per day



FILE # 1580014

NORTH CAROLINA, CARTERET COUNTY  
This instrument and this certificate are duly filed at  
the date and time and in the Book and Page shown  
on the first page hereof.

Karen S. Hardesty, Register of Deeds  
By: Mary Hayes  
Asst. Deputy, Register of Deeds

FOR REGISTRATION REGISTER OF DEEDS  
Karen S. Hardesty  
Carteret County, NC  
June 27, 2017 03:13:55 PM  
TRAVIS DEED 4 P  
FEE: \$26.00  
FILE # 1580014

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$0.00

Parcel Identifier No. 731609161556000 Verified by Carteret County on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
By: \_\_\_\_\_

✓ Mail/Box to: Wheatly, Whcatly, Weeks, Lupton & Massie, PA, P O Box 360, Beaufort, NC 28516

This instrument was prepared by: C. R. Wheatly, III

Brief description for the Index: Acrcage off Hwy 70, Beaufort

THIS DEED made this 9th day of June, 2017, by and between

GRANTOR	GRANTEE
Michael L. Bertram and William Kelly Bertram, Co-Executors of the Estate of Fred L. Bertram; Michael L. Bertram and wife, Tamara Bertram; and William Kelly Bertram and wife, Loretta Bertram 416 Victoria Hills Drive Fuquay Varina, NC 27526	Bertram Rental Properties, LLC, a North Carolina Limited Liability Company 416 Victoria Hills Drive Fuquay Varina, NC 27526

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Beaufort Township, Carteret County, North Carolina and more particularly described as follows:

Beginning at a point in the eastern right-of-way of U.S. Highway 70, which point of beginning is described as being the following course and distance from where the centerline of Pinner Point Road would intersect with the centerline of U.S. Highway 70 and running from said point of intersection N 38-49-14 E, 747.19 feet to a found iron pipe, Tiller School's northwest corner, the Point or Place of Beginning; running thence from said Point or Place of Beginning and running with the eastern right-of-way of U.S. Highway 70 N 35-52-55 E, 220.55 feet to a set iron pipe; running thence from said set iron pipe and leaving the eastern right-of-way of U.S. Highway 70 S 33-30-01 E, 216.4 feet to a point; thence from said point S 56-30-00 W, 32.2 feet to a point; thence S 33-30-00 E, 76.6 feet to a point; thence N 56-30-00 E, 35 feet to a point; thence from said point S 33-30-00 E, 1,703.6 feet to a set iron pipe; thence from said point S 68-00-00 W, 239 feet to a set

NC Bar Association Form No. 3 © 1976, Revised © 1/1/2010  
Printed by Agreement with the NC Bar Association

BOOK 1580 PAGE 14

(14)

iron pipe; thence from said point N 32-17-44 W, 1,144.59 feet to a point; thence N 28-01-57 W, 192.55 feet to a point; thence from said point S 60-02-29 W, 14.09 feet to a point; thence S 60-02-29 W, 45.91 feet to a point; thence from said point N 28-45-10 W, 546.85 feet to the Point or Place of Beginning, see map entitled "Existing Parcel Survey for Fred L. Bertram", dated July 23, 2014, revised July 29, 2014 and July 30, 2014, prepared by Powell Surveying Company, PA, which map is incorporated herein by reference.

All leases for property on the above described tract are hereby assigned to Grantee.

The property hereinabove described was acquired by the deceased, Fred L. Bertram, by instrument recorded in Book 338, Page 367, Carteret County Registry.

All or a portion of the property herein conveyed does not include the primary residence of the Grantor.

A map showing the above described property is recorded in Map Book \_\_\_\_\_, Page \_\_\_\_\_, Carteret County Registry.

**THIS DEED HAS BEEN PREPARED WITHOUT TITLE EXAMINATION.**

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee, in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Michael L. Bertram (SEAL)  
Michael L. Bertram, Co-Executor of the Estate of  
Fred L. Bertram

William Kelly Bertram (SEAL)  
William Kelly Bertram, Co-Executor of the Estate of  
Fred L. Bertram

Michael L. Bertram (SEAL)  
Michael L. Bertram

Tamara Bertram (SEAL)  
Tamara Bertram

William Kelly Bertram (SEAL)  
William Kelly Bertram

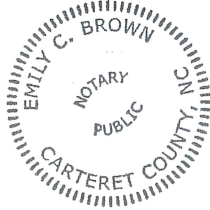
Loretta Bertram (SEAL)  
Loretta Bertram

**BOOK 1580 PAGE 14**

State of North Carolina  
County of Carteret

I, the undersigned Notary Public of the County and State aforesaid, certify that Michael L. Bertram, Co-Executor of the Estate of Fred L. Bertram, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 27 day of June, 2017.

My Commission Expires:  
2/22/22

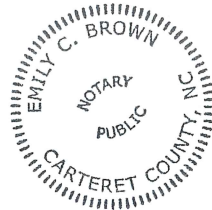


Emily C. Brown  
Notary Public

State of North Carolina  
County of Carteret

I, the undersigned Notary Public of the County and State aforesaid, certify that Michael L. Bertram and wife, Tamara Bertram, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 27 day of June, 2017.

My Commission Expires:  
2/22/22



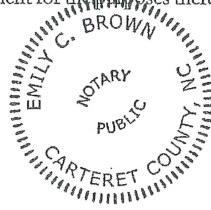
Emily C. Brown  
Notary Public

State of North Carolina  
County of Carteret

I, the undersigned Notary Public of the County and State aforesaid, certify that William Kelly Bertram, Co-Executor of the Estate of Fred L. Bertram, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 27 day of June, 2017.

My Commission Expires:  
2/22/22

NC Bar Association Form No. 3 © 1976, Revised © 1/1/2010  
Printed by Agreement with the NC Bar Association



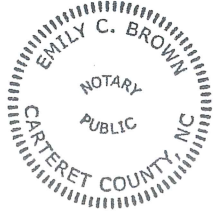
Emily C. Brown  
Notary Public

**BOOK 1580 PAGE 14**

State of North Carolina  
County of Carteret

I, the undersigned Notary Public of the County and State aforesaid, certify that William Kelly Bertram and wife, Loretta Bertram, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 27 day of June, 2017.

My Commission Expires:  
2/22/22



Emily C Brown  
Notary Public

BOOK 1580 PAGE 14

PID R 7316.09.16.1556000  
BERTRAM RENTAL PROPERTIES LLC  
C/O MICHAEL L BERTRAM  
416 VICTORIA HILLS DR  
FUQUAY VARINA NC 27526  
2021 227,786 MKT  
USE DEF  
182,248 BLDG 003  
CARD 004  
LAND 000  
45,538 XFOB 003

LISTER 11/20/2014 VMD  
CITY  
FIRE BEAUFORT FIRE  
RESCUE BEAUFORT RESCUE  
OTHER  
45,538 XFOB 003

TWP BEAUFORT BLK  
LOT 11000200 USE 000501 MOBILE HOME PAR PL BK/Pg 33 28  
DEED 1580 14 AICUZ  
ADDRESS 0000125 BERTRAM RD BEAUFORT 28570  
PRINTED 4/16/2021 BY ALLENW

NBHD 11000200 USE 000501 MOBILE HOME PAR  
LEGAL: ACREAGE OFF HWY 70 - BEAUFORT  
SALES  
BUILDING PERMITS

IN Q RC M V Sale Date Sale Price Number Type Description Issued Schd Compit Revisit Act Compit Amount  
WD V 0E I 6/27/2017

Seq Bldg Code	Description	Length	Width	Height	#Units	UT	Qty	Qual	UTPrice	Year	Adj1	Adj2	Adj3	Adj4	%Good	Value
001	00040C PAVING AVERAGE	2052	1	1	2052.000	SF	1	0C	6,790	0000	.41	1.00	1.00	1.00	100.00	5,713
002	00068D MH PRK SPACE-BL	14	1	1	14.000	UT	1	0D	6,794,000	0000	.41	1.00	1.00	1.00	100.00	38,998
003	000960 PREFAB CARPORT	20	16	16	320.000	SF	1	0D	2,870	2009	.90	1.00	1.00	1.00	100.00	827



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)

**APPLICATION FOR VOLUNTARY ANNEXATION REQUEST**

**Instructions:** Please complete the form below and include all required attachments, including the **\$100 application fee (to The Town of Beaufort)** and return to Town Manager, Town Hall, 701 Front St., PO Box 390, Beaufort, NC, 28516. Incomplete applications will not be processed and returned to the applicant. Please contact Town Hall at (252) 728-2141 with any questions.

**Complete applications must be received 15 days prior to the scheduled meeting.**

Applicant Name: Beaufort Agrihood Development, LLC

Applicant Address: 176 Mine Lake Ct Ste 100, Raleigh NC 27615

Phone Number: 207-449-8801 Email: beth@beltwayig.com

Property Owner Name: Neely, Bertie Eubanks

Address of Property: 846 Neely Rd ASHEBORO NC 27203

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**PROPERTY INFORMATION**

Property Address: Live Oak St, Bertram Rd. Current Zoning: R20

15 Digit Pin: 731609167703000 Size of Property (Square Feet or Acres): 42.39

Is the property Contiguous to the City Limits:  Yes  No;

If Not Contiguous please indicate how many miles it is to the City Limits: \_\_\_\_\_

Current Use of Property:

- Residential
- Commercial

- Vacant
- Other: \_\_\_\_\_

*[Handwritten Signature]*

Date: 01/26/22

Applicant Signature

**OFFICE USE ONLY**

*Revised 03/16*

Received by: \_\_\_\_\_

Reviewed for Completeness By: \_\_\_\_\_

Date: \_\_\_\_\_

Date Deemed Complete and Accepted: \_\_\_\_\_

Richard E. Neely Date: 2/17/22  
Property Owner Signature (if different than above)

**A fee of \$100 to the Town of Beaufort must accompany this application.**

**REQUIRED ATTACHMENTS FOR A VOLUNTARY ANNEXATION REQUEST**

**Please provide the following as attachments to the voluntary annexation request form:**

1. Copy of the Annexation Survey (suitable for recording)
2. Copy of all the deeds for the area to be annexed to verify ownership
3. A TYPED list of adjoining property owners
4. Carteret County Tax Parcel Card (Included should be parcel number and tax value)
5. Anticipated impact to city services including estimated gallons of water/sewer per day



*Revised 03/16*

Box 133  
Bk 28

NORTH CAROLINA, CARTERET County.

THIS DEED, Made this 28<sup>th</sup> day of July A. D. 1965  
by Ivey Eubanks and Marie D. Eubanks

of CARTERET County and State of NORTH CAROLINA  
of the first part, to Bertie L. Eubanks

of CARTERET COUNTY County and State of NORTH CAROLINA  
of the second part;

WITNESSETH, That said party of the first part  
in consideration of Ten and No/100 Dollars,  
to them paid by party of the second part

the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain, sell  
and convey to said party of the second part

his heirs and assigns, a certain tract or parcel of land in CARTERET  
County, State of NORTH CAROLINA, more particularly described as follows:

BEGINNING at a iron stake Harry Hardy's southwest corner in the east right of way line  
of U. S. Highway No. 70; running thence with said Hardy's south line S 49\*-40'E, 200.0';  
thence N 36\*-00'E, 140.0' to the Gooding line; thence with said line S 49\*-40'E, 362.0';  
thence S 50\*-00'E, 797.0' to a concrete monument in the center of a Branch; thence with  
the center of the Branch S 9\*-20'E, 450.0'; S 14\*-35'E, 725.0' to another Branch or Gut;  
thence up said Branch or Gut S 58\*-30'W, 542.0' to a iron stake; thence N 86\*-45'W, 113.0'  
to a iron stake; thence S 87\*-00'W, 215.0' to a iron axle; thence N 29\*-30'W, 354.0';  
thence N 65\*-30'E, 228.0' to a iron stake; thence N 33\*-00'W, 1386.5'; thence N 41\*-15'E,  
81.5'; thence S 32\*-15'E, 137.0'; thence N 36\*-30'E, 100.0'; thence N 53\*-30'W, 150.0' to  
the east right of way line of U. S. Highway No. 70; thence with said Highway line N 36\*-00'E,  
363.0' to the point of beginning. Containing 39.85 Acres.

Being a part of the Ivey Eubanks Farm in Beaufort Township Carteret County, North  
Carolina.



TO HAVE AND TO HOLD the aforesaid tract or parcel of land, and all privileges and appurtenances thereto belonging, to the  
said party of the second part his heirs and assigns, to his only use and  
behalf forever.

And the said party of the first part  
for their selves and their heirs, executors and administrators, covenant with said  
party of the second part his heirs and assigns, that he is seized of  
said premises in fee and has right to convey in fee simple; that the same are free and clear from all encumbrances and that  
he do hereby forever warrant and will forever defend the said title to the same against the claims  
of all persons whomsoever.

IN TESTIMONY WHEREOF, the said parties of the first part  
have hereunto set their hands and seals the  
day and year first above written.

(SEAL) Ivey Eubanks (SEAL)  
(SEAL) Marie D. Eubanks (SEAL)

STATE OF NORTH CAROLINA, CARTERET  
I, Charlene Taylor Notary Public, do hereby certify that  
Ivey Eubanks and his wife Marie D. Eubanks

personally appeared before me this day and acknowledged the due execution of the annexed deed of conveyance.  
Witness my hand and notarial seal, this 17th day of September  
My commission expires My Commission Expires August 8, 1976  
Charlene Taylor (SEAL)

STATE OF NORTH CAROLINA, CARTERET County.  
The foregoing certificate of Charlene Taylor  
a Notary Public of Carteret County, State of North Carolina, is certified to be correct. Let the  
instrument, with this certificate be registered.

Witness my hand and seal, this 17 day of Sept A. D. 19 65

Filed for registration on the 17 day of Sept 19 65 at 3:00 o'clock P. M.  
and duly recorded in the office of the Register of Deeds of Carteret County, N. C. Recorder in Bk 330  
James B. Williams, Jr. Register of Deeds Bk 258

BK. 330

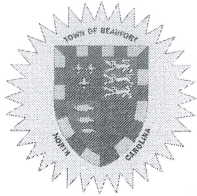
RT 110002.018.000  
 PID R 7316.09.16.7703000

NEELY, BERTIE EUBANKS  
 846 NEELY RD  
 ASHEBORO NC 27203

LISTER 1/27/2014 F1  
 TWP BEAUFORT BLK CITY  
 NBHD 1100200 USE 000100 RESIDENTIAL  
 LEGAL: ACREAGE HWY 70E HOWLAND ROCK

2021 335,560 MKT  
 355,668 PY Val  
 42,390 ACRES  
 DEF BLDG 001  
 XFOB 001  
 FIRE BEAUFORT FIRE  
 PL BK/PG DEED 0330 00258 AICUZ  
 RESCUE BEAUFORT RESCUE  
 ADDRESS 0001980 LIVE OAK ST BEAUFORT 28516  
 PRINTED 4/16/2021 BY ALLENM

Seq	Bldg Code	Code	Description	Length	Width	Height	UT	Qty	Qual	UTPrice	Year	Adj1	Adj2	Adj3	Adj4	Fadj	Dadj	Nbhd	Adj	Eff Rate	%Good	Value	
1	000050	BARN	BARNS	30	18		540.000	SF	1	0D	13,870	0000	.05	1.00	1.00	1.00	1.00			1.00	1.00	1.00	32,402
2	110236		ROAD FRT AGRIC	1,000	AC		108,000.000		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00			1.000		108,000.000	108,000
3	110234		WOODLAND FAIR	1,500	AC		105,000.000		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00			1.000		105,000.000	157,500
4	110239		MARSHLAND	26,130	AC		1,500.000		.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00			1.000		1,424,990	37,235
5	110228		TILLABLE FAIR	4,230	AC		100,000		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00			1.000		100,000	423
				9,530	AC		3,400.000		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00			1.000		3,400.000	32,402



**TOWN OF Beaufort**  
Public Services Department  
701 Front Street, Beaufort, NC 2816  
P.O. Box 390, Beaufort, NC 28516  
Phone: 252-728-2141

# WASTEWATER ALLOCATION REQUEST

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

**Wastewater Allocation Request Review Fee: \$50**

## SITE INFORMATION

Name of Project: Salt Wynd Preserve      Acreage of Property: 37.07  
County Tag Number: N/A      NC PIN: \_\_\_\_\_  
Address/Location: Live Oak St, Bertram Rd  
Beaufort NC 28516  
Zoning District: R20  
Location Status:     Town Limits       Existing Out-of-Town Service Area  
                          Out-of-Town Service Approval/Agreement

## APPLICANT INFORMATION

Applicant: Beaufort Agrihood Development, LLC  
Mailing Address: 176 Mine Lake Ct Suite 100, Raleigh NC 27615  
Phone Number: 207-449-8801      Fax: \_\_\_\_\_  
Contact Person: Beth Clifford  
Email Address: beth@beltwayig.com

## PROPERTY OWNER INFORMATION

Name: Multiple, see Annexation submission  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_      Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

## FOR OFFICE USE ONLY

Date Received: \_\_\_\_\_      File Number/Name: \_\_\_\_\_

# PROJECT INFORMATION

Use:  New  Expanded  Change Use Type:  Residential  Commercial

Proposed Use(s): R20 Existing Use(s): R20

Developer Name: Beaufort Agrihood Development, LLC

Mailing Address: 176 Mine Lake Ct Suite 100, Raleigh NC 27615

Phone Number: 207-449-8801 Fax Number: \_\_\_\_\_

Email Address: beth@beltwayig.com

# ALLOCATION REQUEST (See instructions on page 3 regarding use of Professional Engineer)

The following supplemental information is required:

- Complete development proposal for Priority Levels 1, 2 or 3 allocation request
- Preliminary plan or sketch plan for Priority Level 4 allocation request meeting requirements for site plans as established on the Town's Building Permit Application or as described for sketch plans by the Town's Subdivision Ordinance
- If a phasing schedule is proposed, include as an attachment

Residential:

Gross Acreage: 37.07

Single Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units	0		
3 Bedroom Units	40	360	14,400
>3 Bedroom Units	7	480	3,360
<b>Total</b>	47	-----	17,760

Multi-Family	# of Units	GPD per Unit	Total Requested GPD
1-2 Bedroom Units			
3 Bedroom Units			
>3 Bedroom Units			
<b>Total</b>	0	-----	

Non-Residential: (Design Flow Guideline provided as Appendix A)\*

*\*If design flow deviates from the flow rates presented in Appendix A, provide supporting documentation/justification as an attachment in the form of 12 months of water bills demonstrating gallons per day utilized.*

Gross Acreage: 0

Use	Measurement Unit	# of Units	GPD per Unit	Total Requested GPD
<b>Total</b>			-----	

TOTAL REQUESTED GALLONS PER DAY: 17,760

### APPLICANT AFFIDAVIT

*I/We, the undersigned, do hereby make application and petition to the Town of Beaufort to approve the subject Wastewater Allocation. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Beaufort, North Carolina, and will not be returned.*

**Beth Clifford**  
\_\_\_\_\_  
Print Name

  
\_\_\_\_\_  
Signature of Applicant

**01/26/22**  
\_\_\_\_\_  
Date

### ENGINEER'S CERTIFICATION

*The allocation request data provided on page 2 of this form shall be provided by a Professional Engineer for all requests except single lot residential infill requests and commercial requests equal to or less than 360 gallons per day. The certification statement below shall be completed by the Professional Engineer providing the data.*

I, Linwood Stroud hereby attest that the total requested allocation and the values used to derive the total are to the best of my knowledge, accurate and complete having been prepared in accordance with the instructions of this form while also adhering to applicable State laws, regulations, and rules, concerning the determination of design daily wastewater flows from facilities served by public wastewater collection and treatment systems.

\_\_\_\_\_  
Signed and Dated Professional Engineer Seal

Stroud Engineering P.A.  
Firm Name

107B Commerce St. Greenville NC 27858  
Address

(252) 756-9352  
Telephone No.

lstroud@stroudengineer.com  
Email Address



**TOWN OF BEAUFORT**  
 701 FRONT ST.  
 PO BOX 390  
 BEAUFORT, NC 28516-0390

3.

<b>INVOICE #</b>
22-00512

INVOICE DATE: 02/18/22

DUE DATE: 02/18/22

ACCOUNT ID: BELTW005 PIN: 50069:  
 Beltway Investment Group Inc  
 10 State Road  
 Bath, ME 04530

**TOWN OF BEAUFORT**  
 02/18/22 15:27 Invoice Payment

Customer: BELTW005  
 Name: Beltway Investment Group Inc

Invoice: 22-00512  
 Item 1 100.00  
 Other Application Fees  
 -----  
 100.00

Chk#: 1070  
 Batch Id: SL0218  
 Ref Num: 22133 Seq: 69 to 69

Cash Amount: 0.00  
 Check Amount: 100.00  
 Credit Amount: 0.00  
 -----  
 Total: 100.00

N	UNIT PRICE	AMOUNT
ation Fees VOLUNTARY ANNEXATION	100.000000	100.00
	TOTAL DUE:	<u>\$ 100.00</u>

EASE DETACH AND RETURN THIS PORTION ALONG WITH YOUR PAYMENT

701 FRONT ST.  
 PO BOX 390  
 BEAUFORT, NC 28516-0390

INVOICE #: 22-00512  
 DESCRIPTION:  
 ACCOUNT ID: BELTW005 PIN: 500698  
 DUE DATE: 02/18/22  
 TOTAL DUE: \$ 100.00

Beltway Investment Group Inc  
 10 State Road  
 Bath, ME 04530





**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION  
RECEIVED UNDER G.S. 160A-31**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on February 17, 2022 by the Town of Beaufort; and

**WHEREAS**, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

**WHEREAS**, the Board of Commissioners of the Town of Beaufort deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Town of Beaufort that:

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Board of Commissioners the result of his investigation.

Adopted this 14<sup>th</sup> day of March 2022.

---

Sharon Harker, Mayor

---

Elizabeth Lewis, Town Clerk



**Town of Beaufort, NC**

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

**Board of Commissioners  
Regular Meeting  
6:00 PM Monday, March 14, 2022  
Train Depot, 614 Broad Street**

**AGENDA CATEGORY:** Items for Discussion and Consideration  
**SUBJECT:** NCBIWA Member Appointment

**BRIEF SUMMARY:**

The North Carolina Beach, Inlet & Waterway Association (NCBIWA) is dedicated to preserving, protecting and enhancing the North Carolina Coast by merging science and public policy in order to create a sustainable and resilient coast. Former Town Manager, John Day was a member on the board. The NCBIWA Board is composed of local, state and federal elected officials as well as attorneys, engineers and government staff who work together for the common goal of protecting the North Carolina Coast.

**REQUESTED ACTION:**

Appoint a new member to the NCBIWA Board.

**EXPECTED LENGTH OF PRESENTATION:**

15 minutes

**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, March 14, 2022  
Train Depot, 614 Broad Street**

---

**AGENDA CATEGORY:** Public Hearing  
**SUBJECT:** Rezone 1113 Live Oak Street totaling 0.258 acres from R-8 to RS-5

**BRIEF SUMMARY:**

- In July 2019 the Board of Commissioners rezoned the adjacent property from R-8 to RS-5 which also included a CAMA Map Amendment from Medium Density to High Density Residential (See Updated Map). The owner now wishes to rezone their property to be consistent with the surrounding and a Land Use Map Amendment to be congruous with the adjacent property.
- At their January 18<sup>th</sup> meeting the Planning conducted a hearing and afterword recommended unanimously the rezoning from R-8 to RS-5 as well as changing the Future Land Use Map from Medium Density Residential to High Density Residential based on the surrounding land use pattern and zoning.

**REQUESTED ACTION:**

Conduct a Public Hearing and make decision on the Rezoning Request and CAMA Map Amendment to follow.

**EXPECTED LENGTH OF PRESENTATION:**

15 Minutes

**SUBMITTED BY:**

Kyle Garner, AICP  
Planning & Inspections Director

**BUDGET AMENDMENT REQUIRED:**

N/A



Attachment - A

# Staff Report

**To:** Board of Commissioners  
**From:** Kyle Garner, AICP

**Date:** 2/7/2022  
**Meeting Date:** 3/14/2022

## Case Number 22-02

**Summary of Request:** Rezone 1113 Live Oak Street totaling 0.258 acres from R-8 to RS-5

### Background

**Location(s) & PIN** 73061951688200  
**Owners** Terry Allen  
**Applicant** Terry Allen  
**Current Zoning** R-8  
**Lot(s) Size & Conformity Status** Conforming  
**Existing Land Use** Single Family Residential

**Adjoining Land Use & Zoning**  
**North** Single Family zoned – R-8 & RS-5  
**South** Across Live Oak by Single Family zoned – RS-5  
**East** Single Family zoned – R-8  
**West** Single Family zoned – RS-5

**Special Flood Hazard Area**  Yes  No

**Public Utilities**  
Water  Available  Not Available  
Sewer  Available  Not Available

**Additional Information** See Staff Comments

**Requested Action** Conduct Public Hearing for Discussion.  
Provide Consistency Statement for CAMA Map Amendment

- Approve the request;
- Deny the request; or
- Recommend more restrictive zoning district

## Staff Comments

In July 2019 the Board of Commissioners rezoned the adjacent property from R-8 to RS-5 which also included a CAMA Map Amendment from Medium Density to High Density Residential (See Updated Map). At their January 18<sup>th</sup> meeting the Planning conducted a hearing and afterword recommended unanimously the rezoning from R-8 to RS-5 as well as changing the Future Land Use Map from Medium Density Residential to High Density Residential based on the surrounding land use pattern and zoning.

### *CAMA Core Land Use Plan*

Generally, growth and land development is anticipated to occur in all future land use categories except for the Conservation/Open Space classification. The type and density/intensity of projected development varies within each Future Land Use Map classification. Future Land Use projections are delineated in Figure 8, Future Land Use Map. The Future Land Use Map classifications are considered part of the Land Use Plan’s policy.

## **Future Land Use Map Classifications**

### **Residential Classifications**

**Current: Medium Density Residential** The Medium Density Residential classification is intended to delineate lands where the predominant land use is higher density single-family residential developments and/or two-family developments. The residential density within this classification is generally 3 to 5 dwelling units per acre. Minimum lot sizes vary from 8,000 to 10,000 square feet unless a larger minimum lot area is required by the health department for land uses utilizing septic systems. Land uses within Medium Density Residential-designated areas are generally compatible with the R-8, Medium Density Residential, R-8A Single-family Medium Density Residential Waterfront; R8-MH Residential Manufactured Home Park/Recreational Vehicle Park; and H-BD, Historic Business Zoning Districts. Public water is widely available and sewer service is required to support the higher residential densities in this classification. Streets with the capacity to accommodate higher traffic volumes are also necessary to support Medium Density Residential development.

**Proposed: High Density Residential Classification.** The High Density Residential classification encompasses approximately 0.05 square miles (32.6 acres) or about 0.7 percent of the total planning jurisdiction. The properties classified as High Density Residential are located in the northeastern portion of the Town’s planning jurisdiction along the US Highway 70 North corridor.

The High Density Residential classification is intended to delineate lands where the predominant land use is higher density single-family residential developments and/or multifamily developments. The residential density within this classification is generally 6 to 16 dwelling units per acre. The minimum lot size is 2,750 square feet per unit unless a larger minimum lot area is required by the health department for land uses utilizing septic systems. Land uses within High Density Residential designated areas are generally compatible with the RMF, Multi-Family High Density Residential and the R-5, Residential Cluster zoning classifications. Public water and sewer service is required to support the residential densities in this classification. Streets with the capacity to accommodate higher traffic volumes are also necessary to support High Density Residential development.

The Town’s goals and policies support the use of land in High Density-classified areas for single-family and multifamily dwellings where adequate public utilities and streets are available or can be upgraded

to support the higher residential densities encouraged in this classification. The higher density residential developments anticipated to occur during the planning period are encouraged within the High Density-classified areas.

### **Use of the Future Land Use Plan Map to Guide Development**

In preparing the Future Land Use Map, consideration was given to land development objectives and policies, land suitability, and the ability to provide the infrastructure to support growth and development. The Future Land Use Map depicts the general location of projected patterns of future land uses. The Future Land Use Map is a plan or guideline for the future.

The ultimate use and development of a particular parcel of land will be determined by property owners’ desires, overall market conditions, implementation tools employed by the Town to regulate land use and development (such as the Town’s zoning ordinance, subdivision regulations, flood hazard regulations), the absence of specific natural constraints to development, and the availability of the necessary infrastructure (water, sewer, roads, etc.) to support development. Consequently, even though the Future Land Use Map may indicate a specific projected use in a particular location, many factors come into play to determine if the projected use is appropriate and the land can be developed as projected. Also, formal amendments to the zoning ordinance and subdivision ordinance will be required to specifically authorize the type of mixed use development envisioned in this Land Use Plan.

Achieving the projected patterns of land use indicated by the Future Land Use Map will be greatly impacted by timing. Much of the projected land use indicated on the Future Land Use Map will not come to fruition without market demand. Therefore, market and economic conditions must be conducive for growth and development. While the Land Use Plan attempts to provide a general expectation of growth based upon projected population change, it simply cannot predict the economic future. The demand for houses, businesses, industries, etc. will fluctuate widely with economic conditions.

The timing of the provision of infrastructure improvements, particularly water and sewer services and roads, will also have a tremendous impact on growth and development. Development will occur where infrastructure is available or can be made available to sustain that development. Consequently, achieving the Future Land Use Map land use projections will depend in large part upon if and when infrastructure is provided. The provision of public infrastructure depends upon the capability to provide the service and demand for the service. Economic climate will be a major factor in both the capability to make infrastructure available and the level of service demand (*Core Land Use Plan*, Section IV: Plan for the Future, pg. 100).

### **Guide for Land Use Decision Making**

The Land Use Plan, as adopted by the elected officials of the Town of Beaufort and as may be amended from time to time, will serve as the primary guide upon which to make land use policy decisions. Every land use policy decision, such as a rezoning request or approval of a conditional or special use permit, will be measured for consistency with the goals, policies, and recommendations of the Plan. The elected officials, Planning Board, Board of Adjustment, and Town staff should utilize the Land Use Plan as the basic policy guide in the administration of the zoning ordinance, subdivision regulations, and other land development regulatory tools. Persons involved in the land development business as well as the general public can also utilize the Land Use Plan to guide private decisions regarding land use and land development. The policy statements and recommendations of the Land Use Plan can also be of assistance to the elected officials in making long-range decisions regarding such matters as the provision of

municipal services, thoroughfare planning, stormwater planning and management, implementation of economic development strategies, recreational facility planning, and preparation of capital and operating budgets.

It should be noted, however, that the Land Use Plan is one of a variety of guides in making a public policy decision. The Plan should be viewed as a tool to aid in decision making and not as the final decision (*Core Land Use Plan*, Section V: Tools for Managing Development, pg. 102).

- Attachments:**
- Attachment B - Vicinity Map with 100' Notification Buffer
  - Attachment C – Current Zoning Map
  - Attachment D - CAMA Future Land Use Map
  - Attachment E – CAMA – Proposed FLU Map
  - Attachment F - Owners Within 100'
  - Attachment G - Owners Application & Information
  - Attachment H - CAMA Amendment Resolution

Vicinity Map - Case # 22-02 - 1113 Live Oak  
Rezoning From R-8 to RS-5



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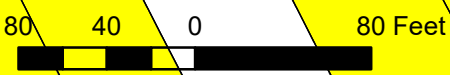


Zoning Map - Case # 22-02 - 1113 Live Oak  
Rezoning From R-8 to RS-5

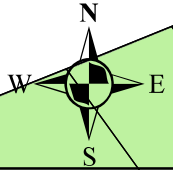
1.

**Legend**  
**Zoning**

	R-8
	RS-5



153





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

**APPLICATION FOR AN AMENDMENT TO THE  
BEAUFORT ZONING MAP**

**Instructions:**

Please complete the application below, include all the required attachments and the **\$300.00** for **Rezoning request with no Land Use Plan Change** or **\$400.00** for **Rezoning Request with Land Use Plan Change** and return to the Beaufort Town Hall, 701 Front Street or P.O. Box 390, Beaufort, N.C., 28516. Incomplete applications will not be processed and **will be** returned to the applicant. Please contact Planning and Inspections at 252-728-2142 if there are any questions.

**APPLICANT INFORMATION**

Applicant Name: Terry Allen  
Applicant Address: 1113 Live Oak St  
Phone Number: (910) 624-8840 Email: Terry@eliteairteam.com

Property Owner Name: Terry Allen  
Address of Property Owner: 1113 Live Oak St.  
Phone Number: (910) 624-8840 Email: terry@eliteairteam.com

**PROPERTY INFORMATION**

Property Address: 1113 Live Oak St.  
15-Digit PIN: 730619516882000 Lot/Block Number: 590014  
Size of Property (in square feet or acres): .258  
Current Zoning: R-8 Requested Zoning: RS-5  
Current Use of Property:  Residential  Vacant  Commercial  Other: \_\_\_\_\_

[Signature] 12-16-2021  
Applicant Signature Date of Applicant's Signature  
\_\_\_\_\_  
Property Owner Signature (if different than applicant) Date of Owner's Signature

An application fee of **\$300.00** for **Rezoning request with no Land Use Plan Change** or **\$400.00** for **Rezoning Request with Land Use Plan Change**, either in cash, money order, or check made payable to the "Town of Beaufort," should accompany this application. Payments can be made in person on the day of submittal and at such time, a credit card can be used to make the payment. Credit card payments are subject to a 3% extra fee.

Please refer to the *Land Development Ordinance, Section 3* and all other pertinent sections for the information required to accompany this application.

**REQUIRED ATTACHMENTS FOR AN AMENDMENT TO THE  
BEAUFORT ZONING MAP**

**Please provide the following as attachments to the zoning map amendment form:**

1. A statement as to whether or not the proposed zoning amendment is consistent with the Beaufort Land Use Plan.
2. A statement as to how the zoning amendment will promote the public health, safety or general welfare of the Town of Beaufort.
3. Proof of ownership (For example: a copy of the deed or city tax statement).

If a property is owned by more than one individual or if multiple properties under different ownership are applying under one request, attach a statement and signatures indicating that all owners have given consent to request the zoning change.

4. An area map of property to scale which includes:
  - North Arrow;
  - All Property lines and accurate property line dimensions;
  - Adjacent streets and names;
  - Location of all easements;
  - Location of all structures;
  - Zoning classifications of all abutting properties.
5. Please submit one digital/electronic copy of any drawings or plans associated with the amendment. At least one paper copy of the drawings or plans should also be submitted.
6. A TYPED list all property owners (with addresses) within 100 feet of the boundary lines of all properties requested to be rezoned (notification of adjacent property owners by the Town is required by North Carolina law).

**THE COMPLETE APPLICATION WITH SUPPORTING  
DOCUMENTATION IS DUE TO TOWN STAFF AT LEAST 15 WORKING  
DAYS PRIOR TO A SCHEDULED PLANNING BOARD MEETING.**

The Town's website is [www.beaufortnc.org](http://www.beaufortnc.org).

**OFFICE USE ONLY**

Revised 08/2020

Received by: \_\_\_\_\_

Reviewed for Completeness By: \_\_\_\_\_

Date: \_\_\_\_\_

Date Deemed Complete and Accepted: \_\_\_\_\_

Terry L. Allen  
1113 Live Oak Street  
Beaufort, NC. 28516  
(910) 624-8345

Dec 16, 2021

Planning and Inspections Department  
701 Front Street  
Beaufort, NC. 28516

Subject: Rezoning of Residential Property

The request is to rezone my property located at 1113 Live Oak Street. (Pin # 730619516882000) zoned R 8 to RS 5.

The reason for this request is to add a detached garage to properly store equipment. There are several property in the area that are zoned RS 5 ( 106 Craven Ave., 101 First St., 105 Third St., 1110, 1111,1107 Live Oak St., 101 Loftin Ln., 100 102 104 106 108 110 112 &114 Ricks Ave and eight (8) lots in Live Oak Commons which is adjacent to this property.

Thank you in advance for your consideration concerning this request.

Sincerely:



Terry L. Allen

Terry L. Allen  
1113 Live Oak St.  
Beaufort, NC.  
(910) 624-8840

December 16, 2021

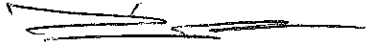
Planning and Inspections Department  
701 Front Street  
Beaufort, NC. 28516

Subject: Rezoning of Residential Property

The property located at 1113 Live Oak St.. (Pin # 730619516882000) is my primary residence and is not for sale.

Thank you for your consideration to zone the property RS 5.

Sincerely:



Terry L. Allen



FILE # 1582176

NORTH CAROLINA, CARTERET COUNTY  
This instrument and this certificate are duly filed at  
the date and time and in the Book and Page shown  
on the first page hereof.

FOR REGISTRATION REGISTER OF DEEDS  
Karen S. Hardesty  
Carteret County, NC  
July 21, 2017 02:47:15 PM  
IMM DEED 3 P  
FEE: \$26.00  
NC REVENUE STAMP: \$222.00  
FILE # 1582176

*Karen S. Hardesty*  
By: *Sandra Carter*  
Sandra Carter  
Asst. Deputy, Register of Deeds

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$222.00

Parcel Identifier No. 7306.1951.6882

✓ *Rt Whaley*  
Mail/Box to: Debra Whaley

This instrument was prepared by: **Kirkman, Whitford, Brady, Berryman & Farias, P.A.**

Brief description for the Index:

THIS DEED made this 11<sup>th</sup> day of July, 2017, by and between

GRANTOR	GRANTEE
<p><b>Dan A. Kolenick and wife, Ann M. Kolenick</b></p> <p><u>1318 Brittons Bridge Road</u> <u>Chadds Ford, PA 19317</u></p>	<p><b>Terry Lee Allen</b></p> <p><u>2719 Owen Dr.</u> <u>Fayetteville, NC 28306</u></p>

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Carteret County, North Carolina and more particularly described as follows:

**See Attached Exhibit A**

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1303, page 222.

A map showing the above described property is recorded in Map Book     , Page     .

Notice per N.C.G.S. §105-317-2: The property herein is not the primary residence of the Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

**BOOK 1582 PAGE 176**

③

# Carteret County

## Property Data

Parcel Number: 730619516882000

Inquiry Date: 3/22/2021

DISCLAIMER: For confirmation of the number of buildings on each parcel, please contact the Carteret County Tax Office.

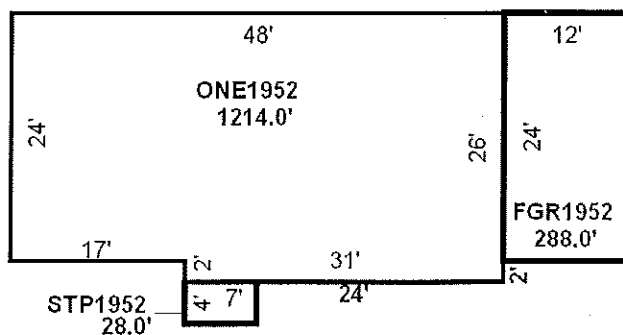
### Property Info

**PARCEL NUMBER:** 730619516882000  
**OWNER:** ALLEN, TERRY LEE  
**PHYSICAL ADDRESS** 1113 LIVE OAK ST  
 BEAUFORT  
**MAILING ADDRESS:** 2719 OWENS DRIVE  
 FAYETTEVILLE NC 28306  
**LEGAL DESCRIPTION:** LOT US 70 TOWN OF BEAUFORT  
**DEED REF:** 1582-176  
**PLAT REFERENCE:** 30-500  
**NEIGHBORHOOD:** 590014  
  
**SALE DATE:** 07/21/2017  
**SALE PRICE:** \$111,000  
**ACREAGE:** 0.258  
**LAND VALUE:** \$50,400  
**EXTRA FEATURE VALUE:** \$1,141

### Building Info

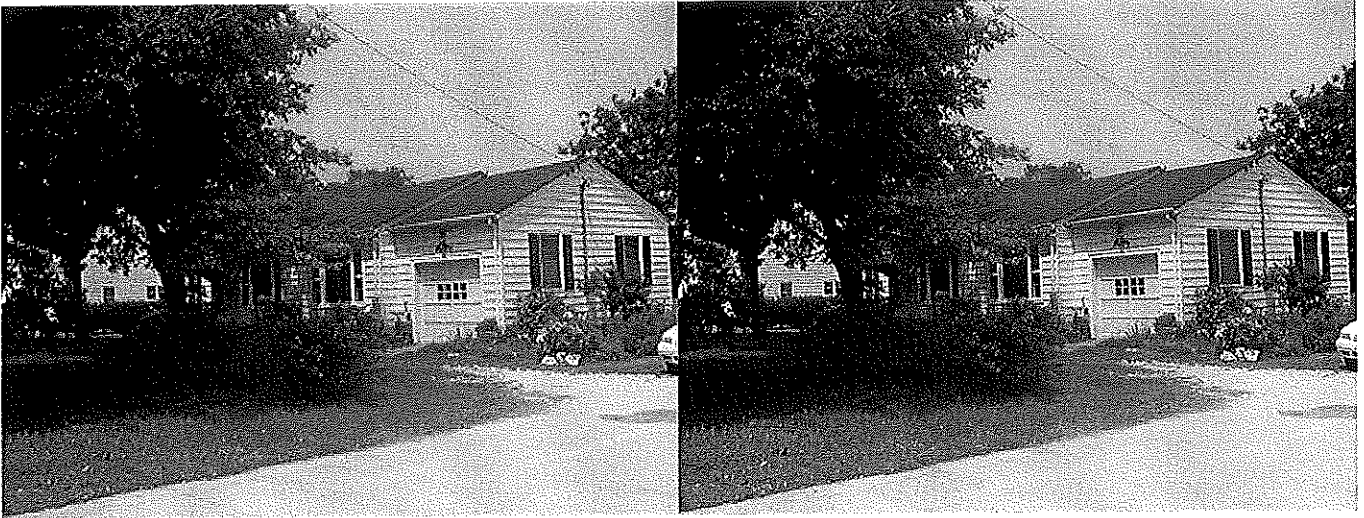
**BATHS:** 1  
**BEDROOMS:** 3  
**CONDITION:** N/A  
  
**EXTERIOR WALLS:** 31 ALUMINUM  
  
**FLOOR FINISH:** 12 HARDWOOD  
 08 VINYL  
**FOUNDATION:** 01 BRICK  
**HEAT:** 10 HEATPUMP  
**ROOF COVER:** 03 COMP SHNGL  
  
**ROOF STRUCTURE:** 03 GABLE  
**SQUARE FOOTAGE:** 1530  
**YEAR BUILT:** 1952  
**BUILDING VALUE:** \$63,069  
**PARCEL VALUE:** \$114,610

### Sketches



1.

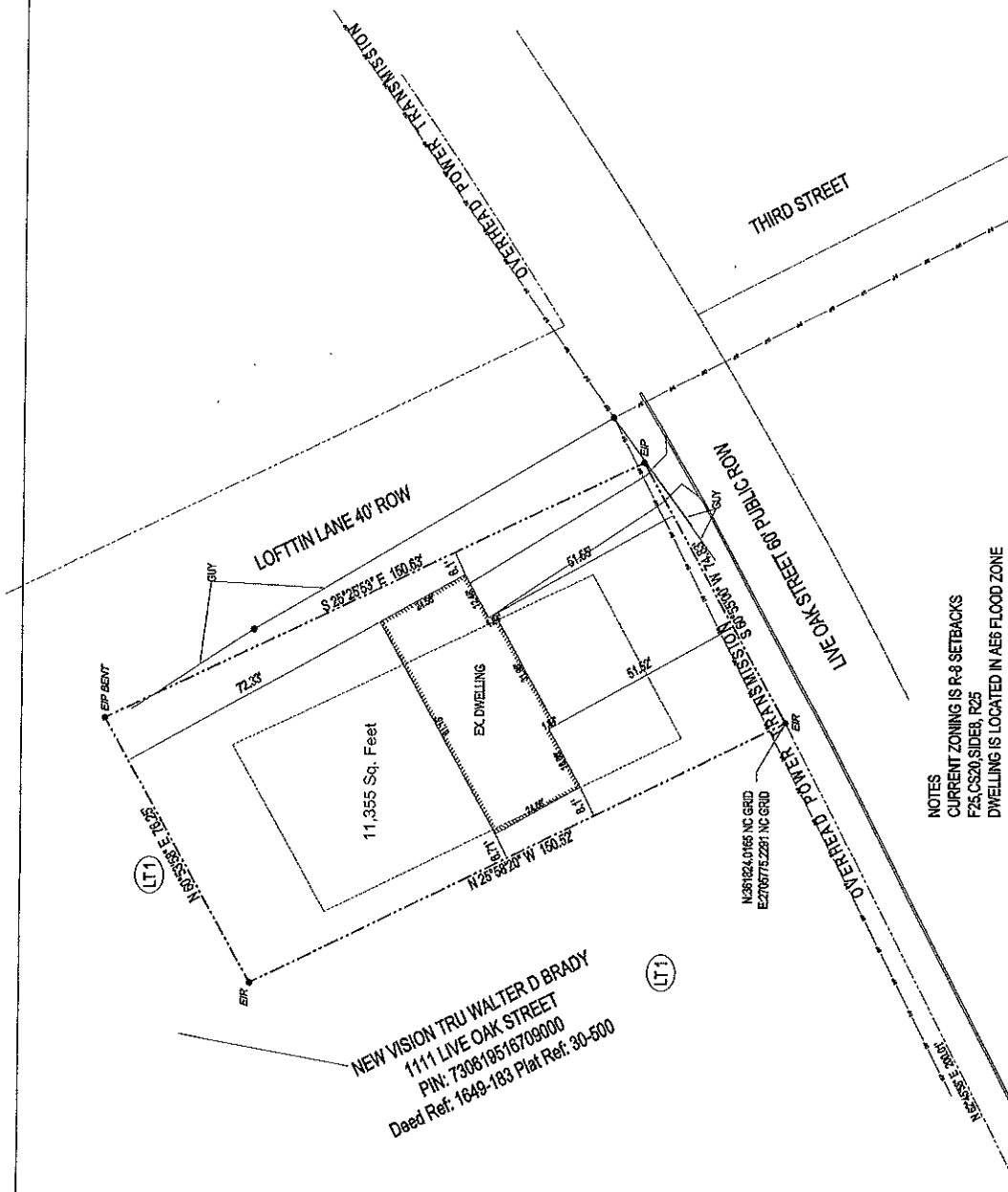
**Photos**





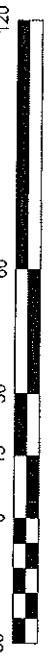
AS SHOWN SURVEY

- LEGEND**
- EP-EXISTING IRON PIPE
  - ER-EXISTING IRON ROD
  - EC-EXISTING CONCRETE MONUMENT
  - EA-EXISTING AXLE
  - EN-EXISTING NAIL
  - EPK-EXISTING PK NAIL
  - POINT-NOTHING EXISTING OR SET
  - NGSS-NORTH CAROLINA GEODETIC SURVEY
  - NGS-NATIONAL GEODETIC SURVEY
  - R/W-MONUMENT
  - SIP-SET IRON PIPE
  - SIR-SET IRON ROD
  - SCA-SET CONCRETE MONUMENT
  - EA-SET AXLE
  - SN-SET NAIL
  - SPK-SET PK NAIL
  - OP-OVERHEAD POWER
  - NOT HELD-NOT CONSIDERED PART OF SURVEY
  - HP-NORMAL HIGH WATER LINE
  - AEC-AREA OF ENVIRONMENTAL CONCERN
  - NA-NORTH AMERICAN VERTICAL DATUM
  - NA-NORTH AMERICAN HORIZONTAL DATUM
  - PP-POWER POLE
  - UT-UNDERGROUND TELEPHONE
  - UW-UNDERGROUND WATER
  - DL-DRILL HOLE



RETRACEMENT AND PHYSICAL SURVEY FOR  
**TERRY LEE ALLEN**  
 1113 LIVE OAK ST  
 TOWN OF BEAUFORT, BEAUFORT TOWNSHIP  
 CARTERET COUNTY, N.C.  
 SCALE 1"=30'

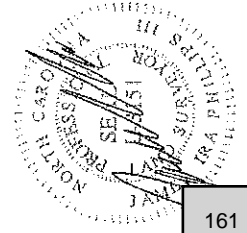
PRESENT OWNER'S NAME  
 DEED REF. BOOK PAGE 1802/18  
 MAP REF. BOOK PAGE NONE  
 PARCEL NUMBER: 200165160200  
 SHEET: 04-1  
 JOB NUMBER  
 DATE OF FIELD SURVEY: 09-28-2021  
 SURVEY BY: JP  
 DRAWN BY: JP  
 CHECKED BY: JP  
 DATE OF APPROVAL: 09-28-2021



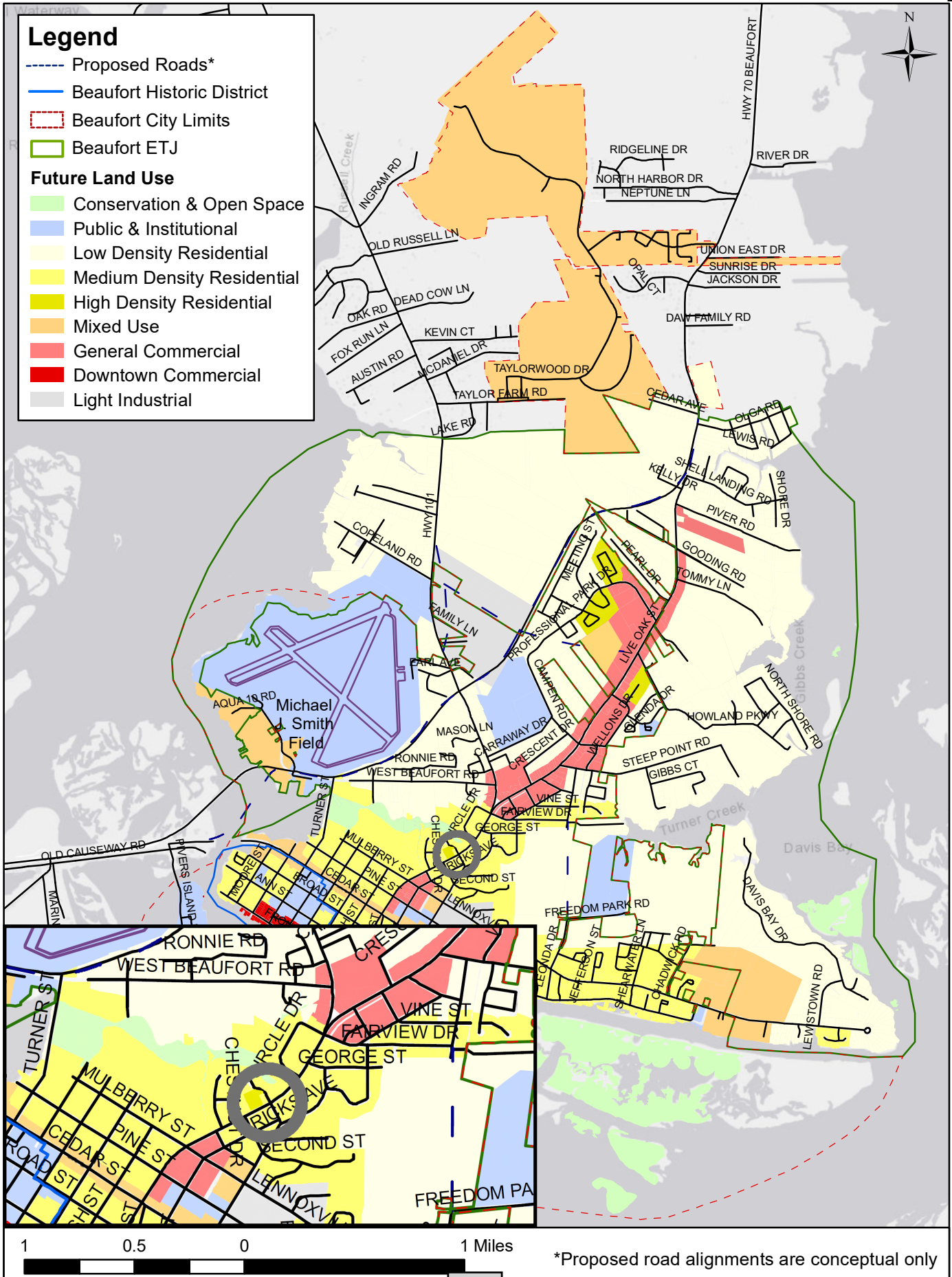
**NOTES**  
 CURRENT ZONING IS R-8 SETBACKS  
 F25, CS2A, S16B, R25  
 DWELLING IS LOCATED IN A65 FLOOD ZONE

**SURVEYORS CERTIFICATION**  
 I, JAMES I. PHILLIPS III, CERTIFY THAT THIS PLAT WAS DRAWN BY ME (X), DRAWN UNDER MY SUPERVISION ( ), FROM AN ACTUAL SURVEY MADE BY ME (X), MADE UNDER MY SUPERVISION ( ), THAT THE RATIO OF PRECISION AS CALCULATED BY COORDINATE METHOD IS 1:10,000+. REGISTRATION NUMBER AND SEAL THIS 28TH DAY OF APRIL A.D. 2021.

JAMES I. PHILLIPS III RLS NO. L-3161  
 \*THIS IS AN EXISTING PARCEL OF LAND\*



JAMES I. PHILLIPS III  
 SURVEYOR  
 RLS NO. L-3161  
 STATE OF NORTH CAROLINA

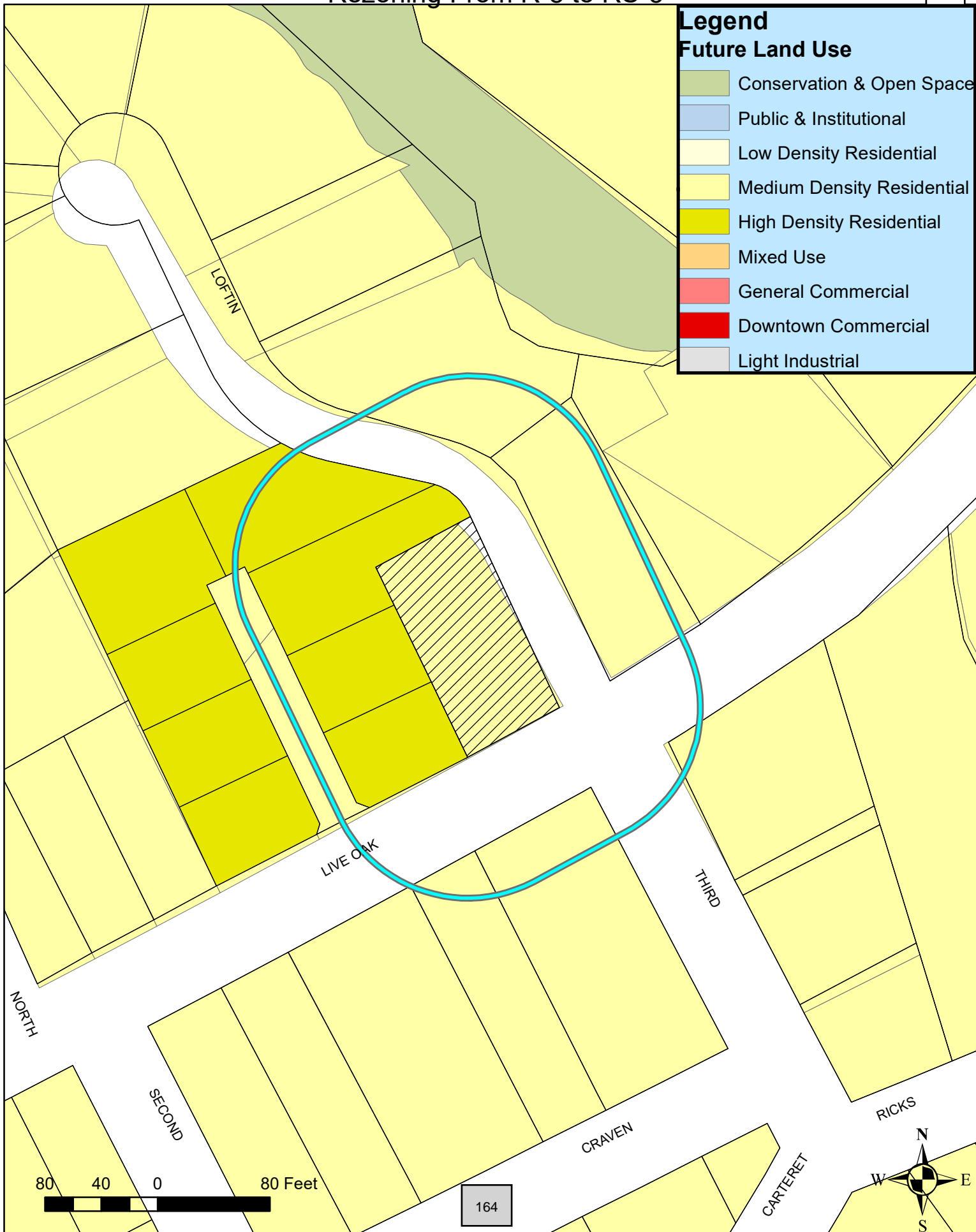


1 0.5 0 1 Miles

\*Proposed road alignments are conceptual only

<u>OWNER</u>	<u>MAIL_HQ1</u>	<u>MAIL_ST</u>	<u>MAIL_CITY</u>	<u>MAIL_ST/MAIL_ZI</u>	<u>MAIL_ADD2</u>
ALLEN,TERRY LEE	2719	OWENS DRIVE	FAYETTEVILLE	NC 28306	
LOFTIN,GILES GLEN TRUSTEE	102	LOFTIN LANE	BEAUFORT	NC 28516	C/O LINDA SUE LOFTIN
MULLINS,CHARLES L ETUX SANDRA	2719	CLARENDON-CHADBOURN	CHADBOURN	NC 28431	
NEW VISION TRU WALTER D BRADY	805	FRONT STREET	BEAUFORT	NC 28516	

# CAMA Map - Case # 22-02 - 1113 Live Oak Rezoning From R-8 to RS-5





**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF BEAUFORT,  
NORTH CAROLINA, AUTHORIZING AN AMENDMENT TO THE CAMA LAND USE PLAN**

**WHEREAS**, the Town of Beaufort desires to amend its CAMA Land Use Plan, specifically the map related to Future Land Use, and

**WHEREAS**, the CAMA Land Use Plan currently shows Medium Density Residential at 1113 Live Oak (PIN 73061951688200); and,

**WHEREAS**, the Town of Beaufort desires to amend the CAMA Land Use Plan to High Density Residential Use for the aforementioned area; and

**WHEREAS**, on January 18, 2022 the Planning Board recommended approval of the draft amendment to the CAMA Land Use Plan; and

**WHEREAS**, the Town of Beaufort conducted a duly advertised public hearing on the draft amendment to the CAMA Land Use Plan at the Regular Meeting of the Board of Commissioners on March 14, 2022; and

**WHEREAS**, at the Board of Commissioners Regular Meeting on March 14, 2022 the Board of Commissioners of The Town of Beaufort, North Carolina found the draft amendment to be consistent with the Town of Beaufort’s desired vision for the future and approved to adopt the draft amendment; and

**WHEREAS**, the adopted Plan will be submitted as required by state law to the District Planner for the Division of Coastal Management under the North Carolina Department of Environmental Quality and forwarded to the Division Director; and

**WHEREAS**, a review of the adopted draft amendment by the Director of the NC Division of Coastal Management will be undertaken; and the Director will then certify the Town’s land use plan amendment;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Beaufort, North Carolina, that the Future Land Use Map in the CAMA Land Use Plan be amended as follows:

1113 Live Oak identified as High Density Residential on the CAMA Core  
Land Use Plan Future Land Use Map

**BE IT FURTHER RESOLVED** that the Board of Commissioners of Beaufort, North Carolina, has adopted the draft amendment; and

**BE IT FURTHER RESOLVED** that the Town Planner of the Town of Beaufort is hereby authorized to submit the adopted CAMA Land Use Plan draft amendment to the State for certification as described above.

Adopted this 14<sup>th</sup> day of March, 2022.

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

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



**Town of Beaufort, NC**

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

**Board of Commissioners  
Regular Meeting  
6:00 PM Monday, March 14, 2022  
Train Depot, 614 Broad Street**

---

**AGENDA CATEGORY:** Public Hearing  
**SUBJECT:** Modify/Revise the Existing Planned Unit Development (PUD) for Beau Coast Subdivision

**BRIEF SUMMARY:**

The applicant wishes to modify the following standards in the PUD Booklet dated December 20, 2021 for Beaufort East Subdivision as follows:

- Revise the layout for the Beaufort East Village section of the PUD (now known as Beau Coast West) generally as follows:
- Relocate the planned amenity site eastward from near the Ricks Ave. entrance to the intersection of Leonda Drive and Freedom Park Road;
- Expand and revise the initial vision of the amenity center in the new location;
- Add alley loaded lots where before all lots were front loaded;
- Add on-street parking as needed (per approved street cross sections available via the PUD);
- Revised lot types as follows (see new tabulations on page 18 "Key Plan for Lot Types":
- Reduce project wide townhome lots by 82;
- Increase single family lots by 88.

**After conducting a Public Hearing, the Planning Board recommended the following conditions to the request;**

- That a Type 'B' buffer be installed along the dividing line of the lots in Beau Coast West that abut R-8 & RS-5 lots on Ricks Avenue, Sherwood Boulevard, Fairview, & Willow Street;
- That the minimum rear setback would be 15 feet (instead of 5 feet) and the side setback be 8 feet (instead of 5 feet) along the dividing line of the lots in Beau Coast West that abut R-8 & RS-5 lots on Ricks Avenue, Sherwood Boulevard, Fairview, & Willow Street.

**REQUESTED ACTION:**

Conduct a Public Hearing and render a decision on the modification request.

**EXPECTED LENGTH OF PRESENTATION:**

30 Minutes

**SUBMITTED BY:**

Kyle Garner, AICP

Planning & Inspections Director

**BUDGET AMENDMENT REQUIRED:**

N/A



# Staff Report

**To:** Board of Commissioners  
**From:** Kyle Garner, AICP

**Date:** 2/22/2022  
**Meeting Date:** 3/14/2022

## Case Number 22-05

**Summary of Request:**

Revised the layout for the Beaufort East Village section of the PUD (now known as Beau Coast West) generally as follows:

- Relocate the planned amenity site eastward from near the Ricks Ave. entrance to the intersection of Leonda Drive and Freedom Park Road;
- Expand and revise the initial vision of the amenity center in the new location;
- Add alley loaded lots where before all lots where front loaded;
- Add on-street parking as needed (per approved street cross sections available via the PUD);

Revised lot types as follows (see new tabulations on page 18 “Key Plan for Lot Types”):

- Reduce project wide townhome lots by 82;
- Increase single family lots by 88.

## Background

<b>Location(s) &amp; PIN</b>	Lennoxville Road (Multiple)	
<b>Owner</b>	Blue Treasure, LLC	
<b>Applicant</b>	Withers & Ravenel, Engineers	
<b>Current Zoning</b>	PUD	
<b>Lot(s) Size &amp; Conformity Status</b>	Conforming	
<b>Existing Land Use</b>	Water Well Site & Undeveloped	
<b>CAMA Future Land Use Map</b>	Low Density Residential	
Amendment Required	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Adjoining Land Use &amp; Zoning</b>	<b>North</b>	Undeveloped Future Tracts, zoned PUD & Single Family Residential (Jones Village) Zoned R-8
	<b>South</b>	Multi & Single Family Residential, zoned PUD
	<b>East</b>	Undeveloped, zoned PUD & Freedom Park
	<b>West</b>	Single Family Residential, Zoned R-8 & RS-5

**Special Flood Hazard Area**       Yes                       No

**Public Utilities**

Water                       Available                       Not Available

Sewer                       Available                       Not Available

**Additional Information**      After conducting a Public Hearing the Planning Board recommended the following conditions to the request;

- That a Type ‘B’ buffer be installed along the dividing line of the lots in Beau Coast West that abut R-8 & RS-5 lots on Ricks Avenue, Sherwood Boulevard, Fairview, & Willow Street;
- That the minimum rear setback would be 15 feet (instead of 5 feet) and the side setback be 8 feet (instead of 5 feet) along the dividing line of the lots in Beau Coast West that abut R-8 & RS-5 lots on Ricks Avenue, Sherwood Boulevard, Fairview, & Willow Street.

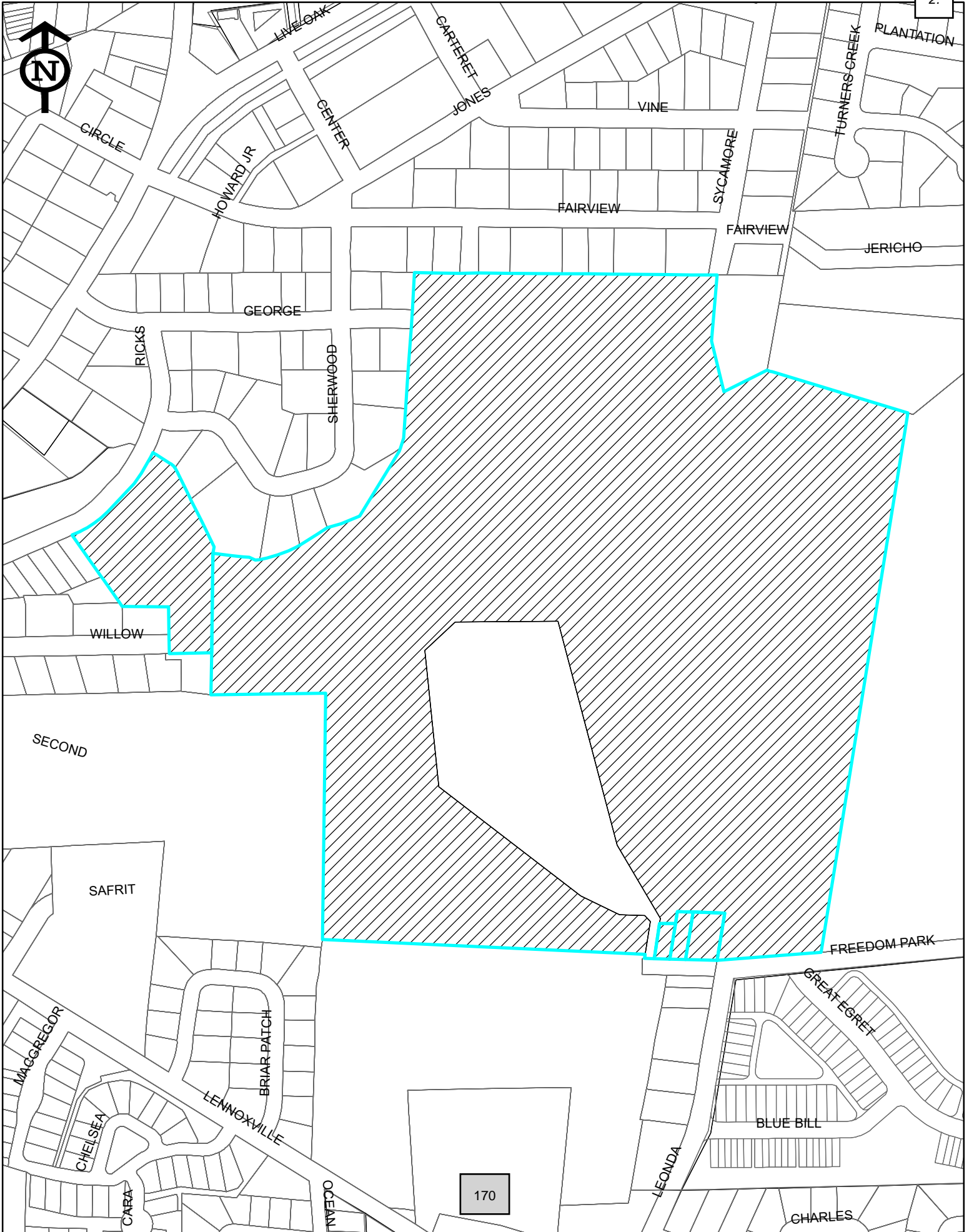
**Requested Action**

1. Conduct Public Hearing
2. Discussion on request to amend the Master Plan for Beau Coast
3. Decision regarding the amendments to the Master Plan for Beau Coast from the applicant and the Planning Board.

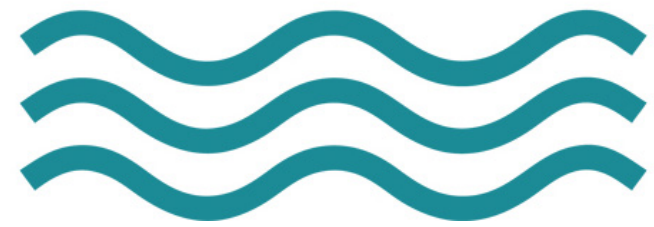
**Attachments:**

- Attachment – A - Vicinity Map
- Attachment – B - PUD Amendment Cover Letter
- Attachment – C - Revised PUD Zoning Master Plan Booklet

# Vicinity Map - Revised Master Plan for Beau Coast of Beaufort East Villa



# BEAUFORT EAST VILLAGE



PLANNED UNIT DEVELOPMENT AMENDMENT #6  
DECEMBER 20, 2021

PREPARED FOR: BLUE TREASURE, LLC



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  - iii. BC 39 C (2306 sq ft)
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  - i. BEV 26 A (1927 sq ft)
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  - iii. BEV 26 C (1896 sq ft)
  - iv. BEV 26 D (1832 sq ft)
- 3. Single Family: 40' Wide 2 Car Garage Collection.....31
  - i. BEV 40 A (2228 sq ft)
  - ii. BEV 40 B (2335 sq ft)
  - iii. BEV 40 C (2529 sq ft)
  - iv. BEV 40 D (2791 sq ft)
  - v. BEV 40 E (2925 sq ft)

# Chapter 1. Planned Unit Development Elements

## Introduction

### The Existing Planned Unit Development

The Beaufort East Village Planned Unit Development (PUD) consists of approximately 283 acres of land situated between Taylor Creek and Turner's Creek in Beaufort, North Carolina. The existing PUD document was approved on September 8, 2008 by the Town of Beaufort Board of Commissioners and allowed for up to 671 total dwelling units with a mix of residential, commercial, and amenity uses. The vision for the PUD was centered upon creating "... a natural continuation of Beaufort, with new and exciting homes and amenities."

The PUD contains several design elements that emulate local land planning principals which serve to support the vision of a natural continuation of the town. Such elements include narrow pedestrian-oriented street designs with on-street parking, street trees, and sidewalks that encourage slow speed vehicular traffic. The position and orientation of the planned dwelling units relative to the public streetscape also supports the vision for the PUD.

A majority of the home sites are situated adjacent to natural areas or other open space features. The PUD is well connected internally with a system of pedestrian paths and sidewalks that allow for convenient access to various neighborhoods and amenities within Beaufort East Village.

Since the approval of Beaufort East Village in 2008, the following development activities have occurred:

- 16.05 acres of land was dedicated to the Town of Beaufort for waste water utility sites and a well site and water tank sites;
- Construction of permitted wetland impacts was completed;
- Installation of landscaping and hardscapes for the future Shearwater Lane South corridor was completed; and
- Construction plans were approved by the Town of Beaufort for Phase 1A, 1B, and 1C of Beaufort East Village .

### The Proposed Planned Unit Development Amendment

Blue Treasure, LLC, the owners and developers of Beaufort East Village, propose to amend the existing PUD document to allow a greater variety of housing options for a wider range of potential residents. The introduction of specific types of attached single family (townhomes) lots into the PUD supports this effort.

The following general modifications to the existing PUD Master Plan are proposed:

- Reconfiguration of the internal street and lot layout to improve the overall project design;
- Increase in overall proposed density from 2.458 dwelling units per acre to 2.9 dwelling units per acre;
- Increase in open space area from 36% to 38%;
- Removal of the central commercial Town Center concept;
- Revision to the planned street cross-sections to provide wider sidewalks and additional on-street parking options; and
- Revisions to the Master Plan to reflect compliance with State stormwater/watershed standards. Incorporation of lower density development options within the Turner Creek watershed portion of the property and provisions for stormwater management devices (BMPs) to address pockets of higher density development within the project boundary.

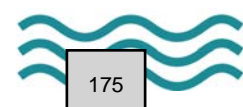
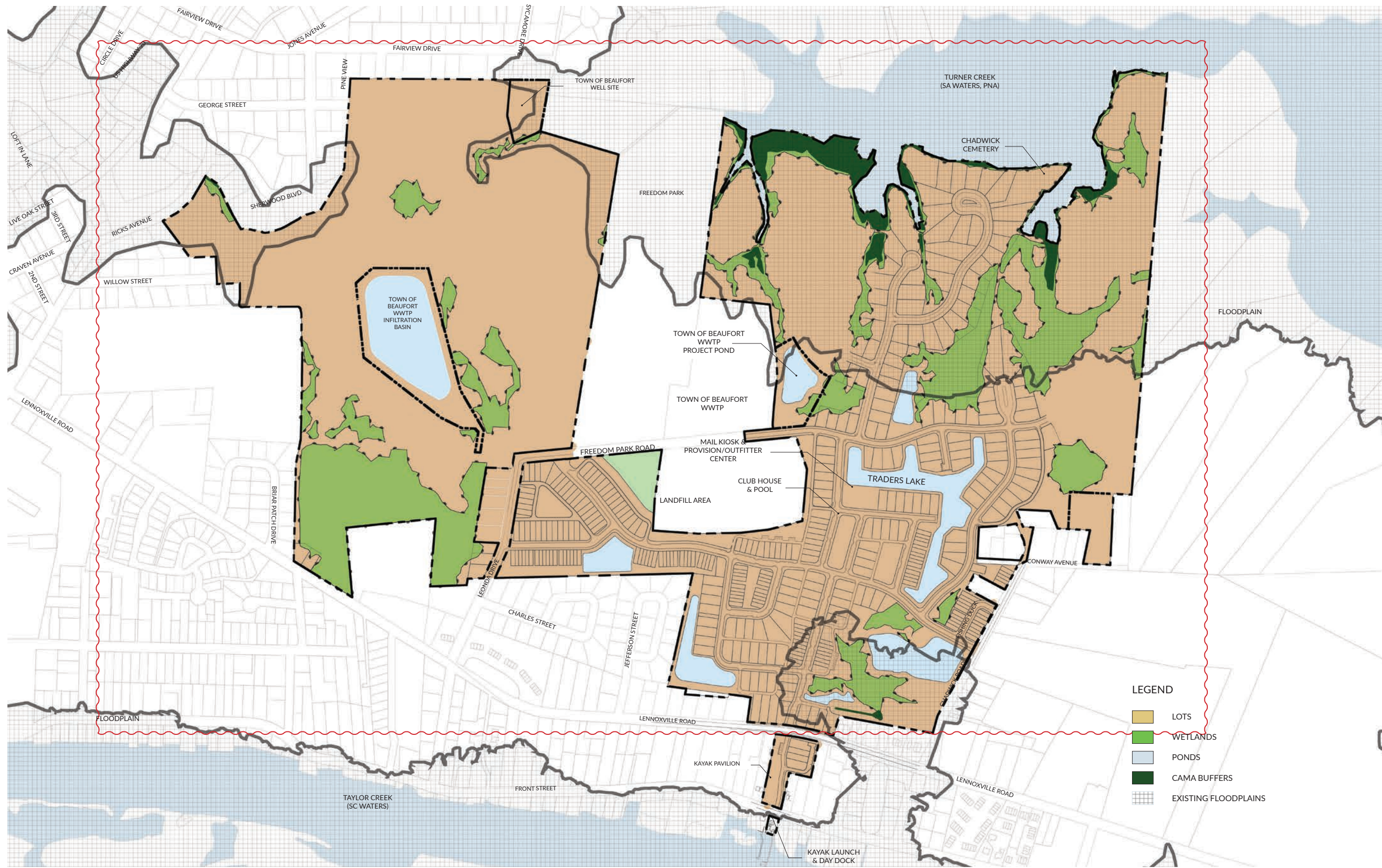
Planned Unit Development master plans often evolve over the lifetime of the project to better meet the needs of the community and the ever-changing real estate market. This amendment seeks to update the 2008 Beaufort East Village PUD document so that it continues to meet the goals originally envisioned in 2008 while addressing the needs of today and beyond.



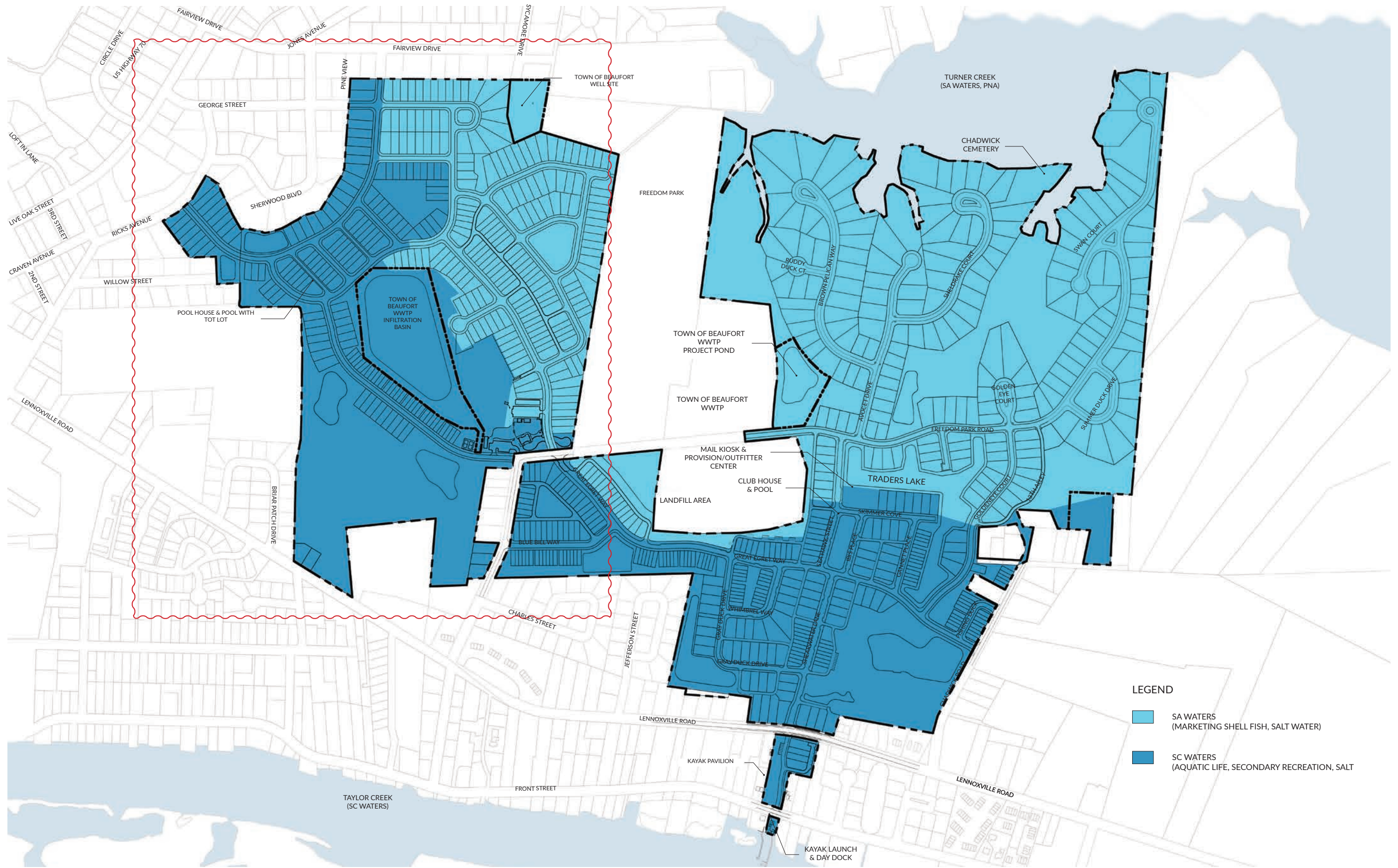
# Aerial of the Site



# Existing Conditions Plan



# Site Watershed Map



**LEGEND**

- SA WATERS  
(MARKETING SHELL FISH, SALT WATER)
- SC WATERS  
(AQUATIC LIFE, SECONDARY RECREATION, SALT)



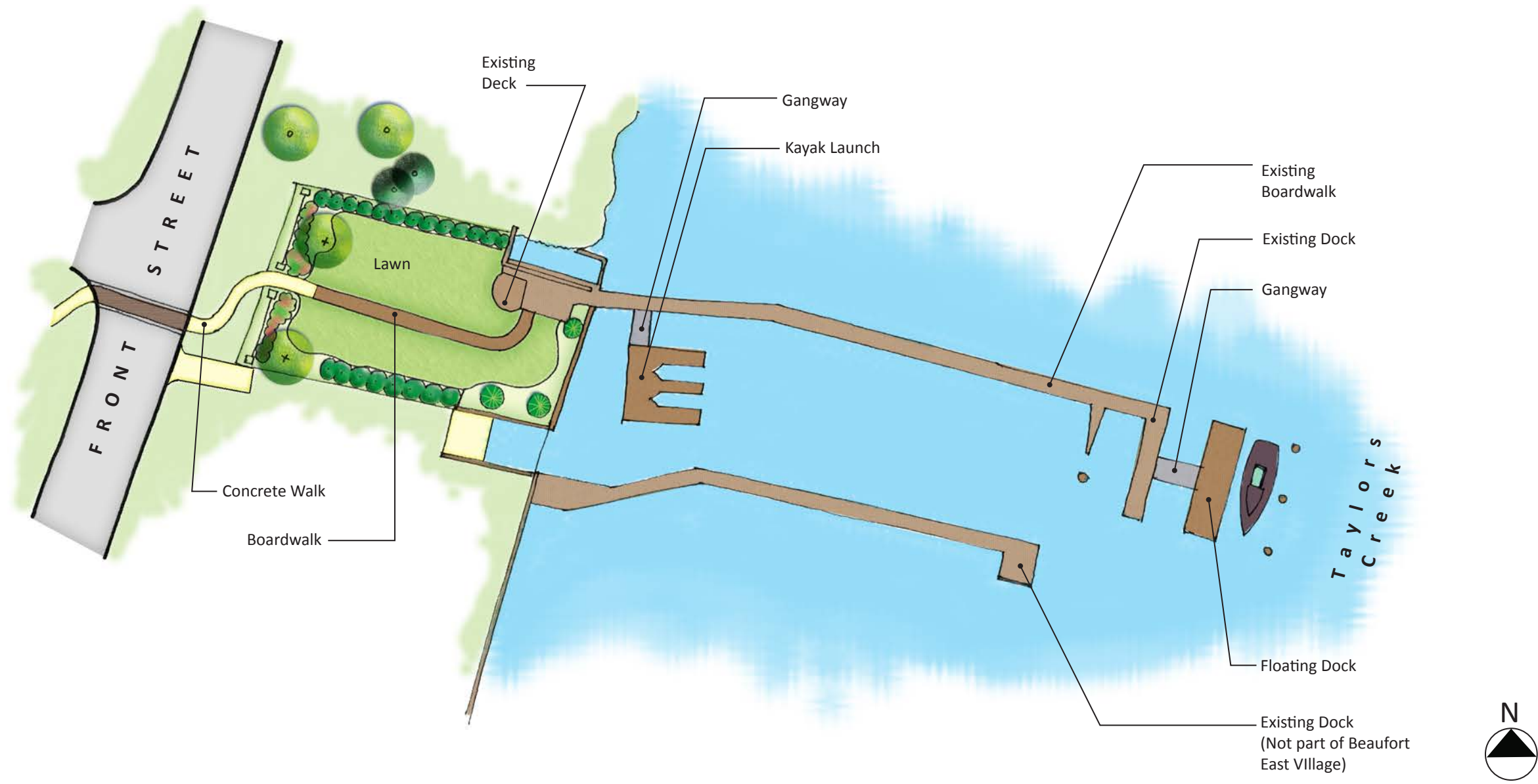
# Conceptual Land Use Plan



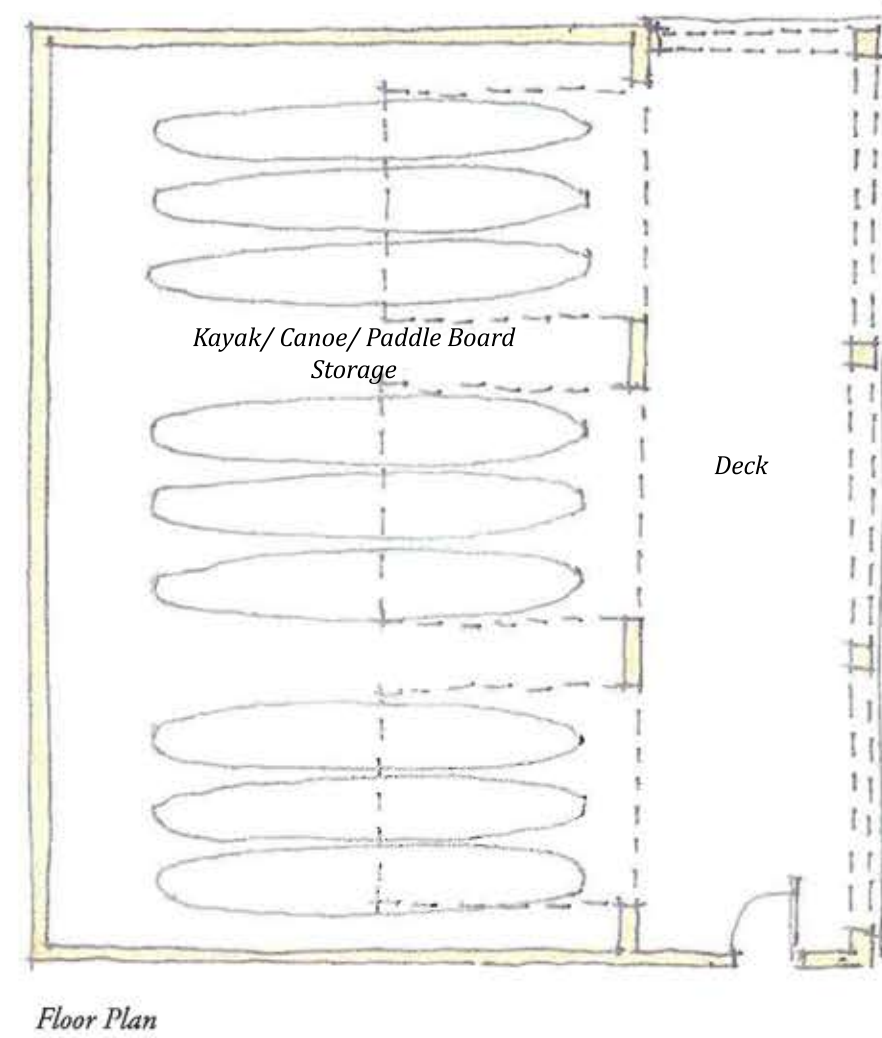
**LEGEND**

<span style="display: inline-block; width: 15px; height: 10px; background-color: #f4a460; border: 1px solid black;"></span>	LOTS
<span style="display: inline-block; width: 15px; height: 10px; background-color: #4caf50; border: 1px solid black;"></span>	WETLANDS
<span style="display: inline-block; width: 15px; height: 10px; background-color: #c8e6c9; border: 1px solid black;"></span>	MAINTAINED GREEN/OPEN SPACE
<span style="display: inline-block; width: 15px; height: 10px; background-color: #e91e63; border: 1px solid black;"></span>	AMENITY CENTERS

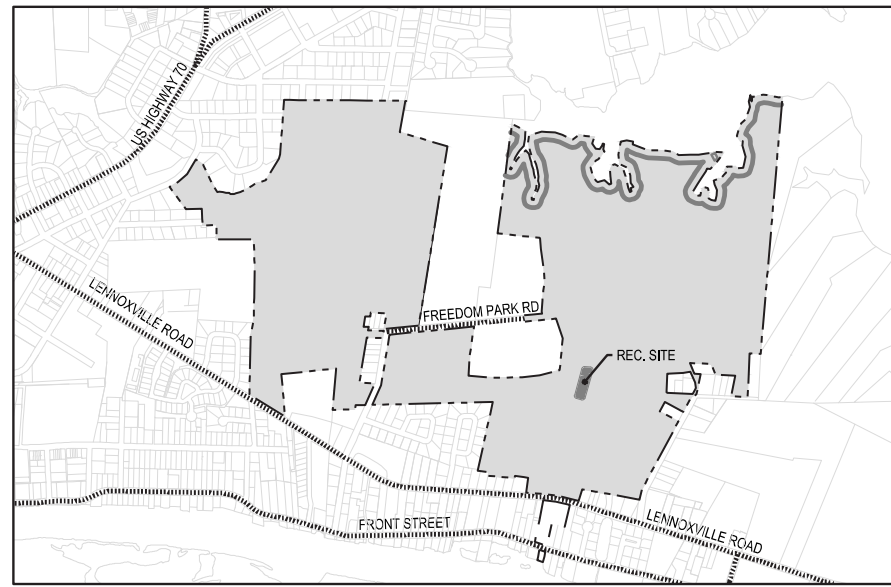
# Conceptual Plan Detail – Kayak Launch & Day Dock



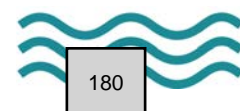
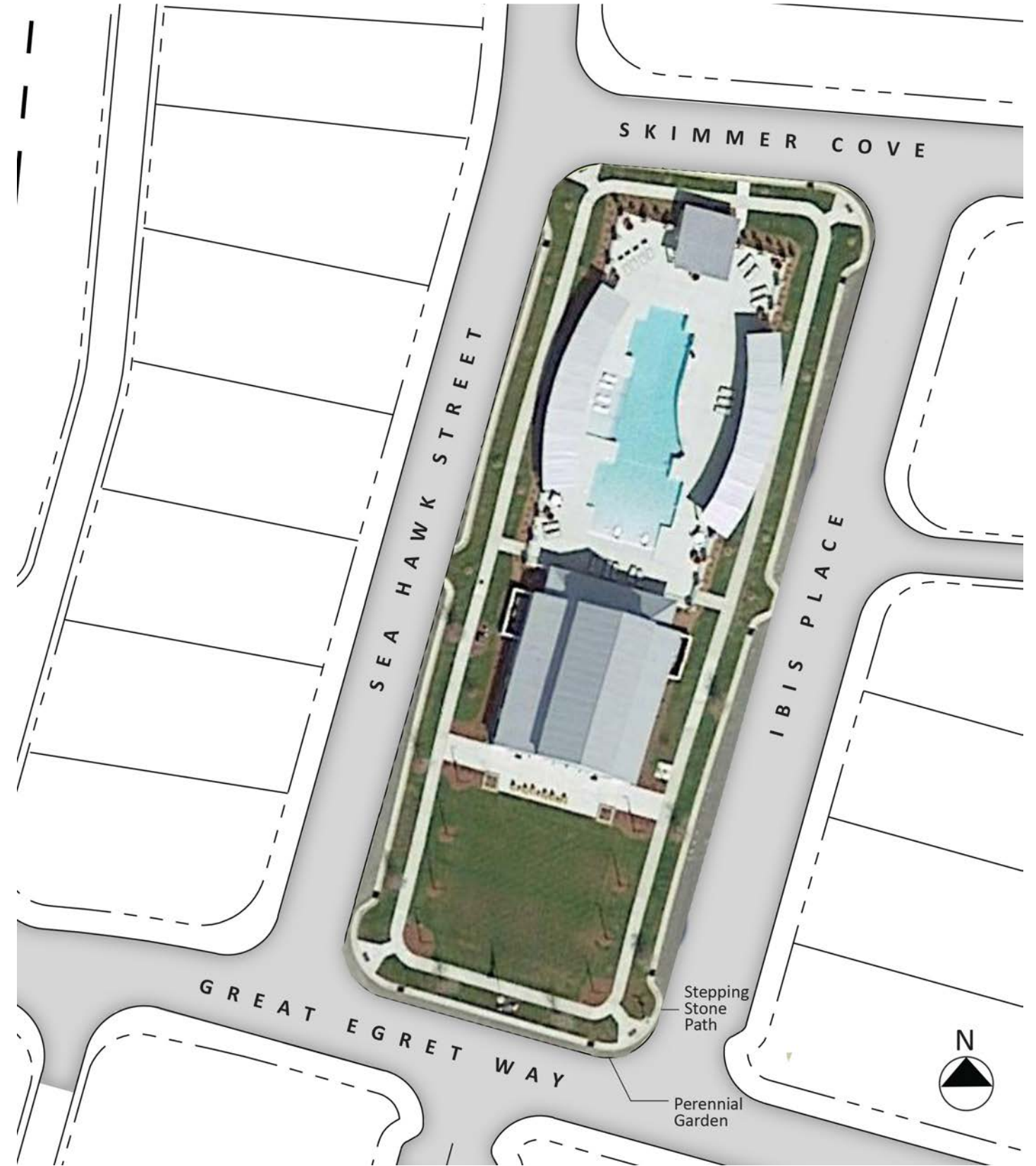
# Kayak Pavilion



# Pool and Clubhouse Detail (Beau Coast Neighborhood)



VICINITY MAP  
SCALE: 1" = 1000'



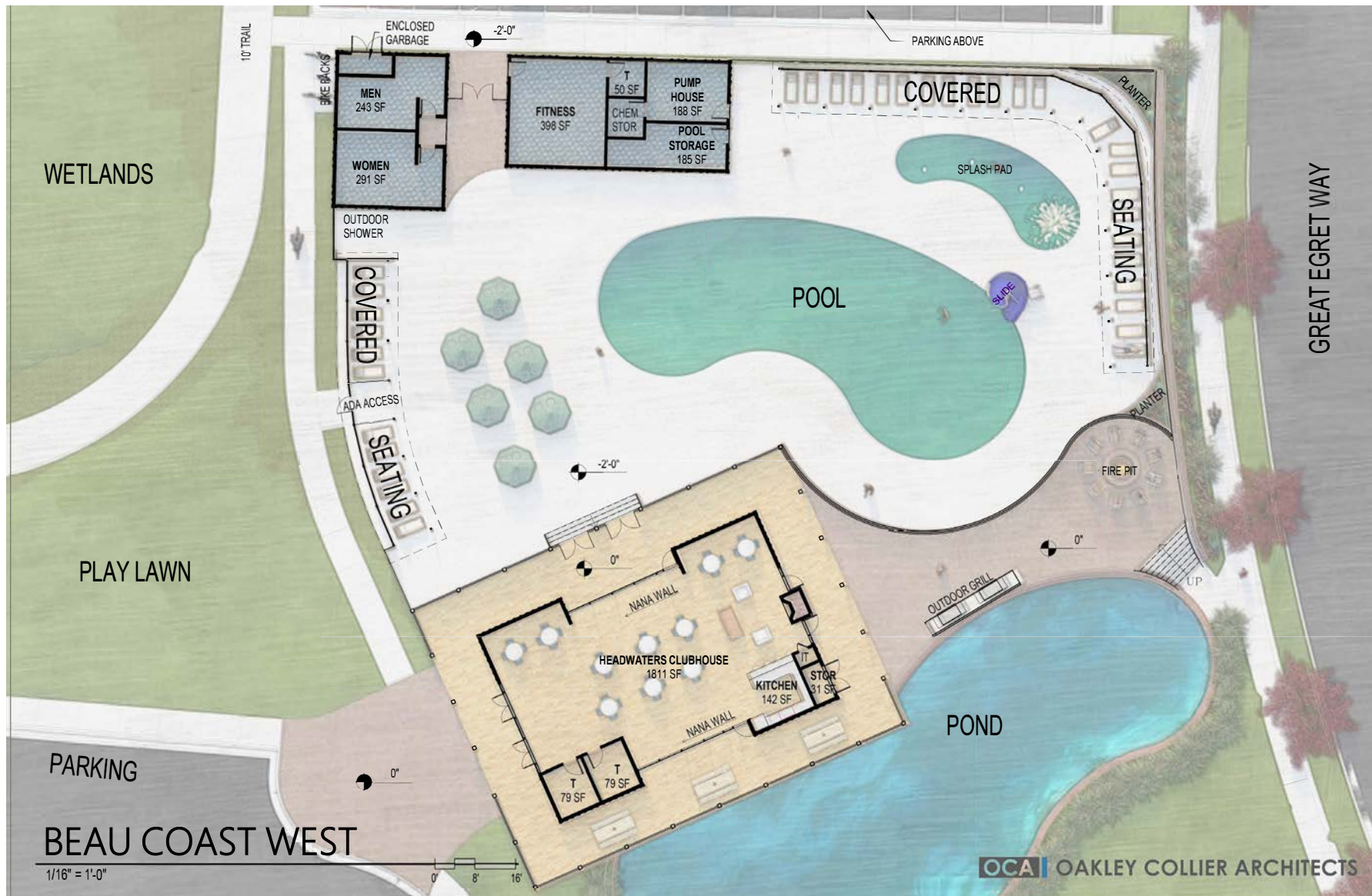
# Conceptual Amenity Site Plan (Beau Coast West Neighborhood)



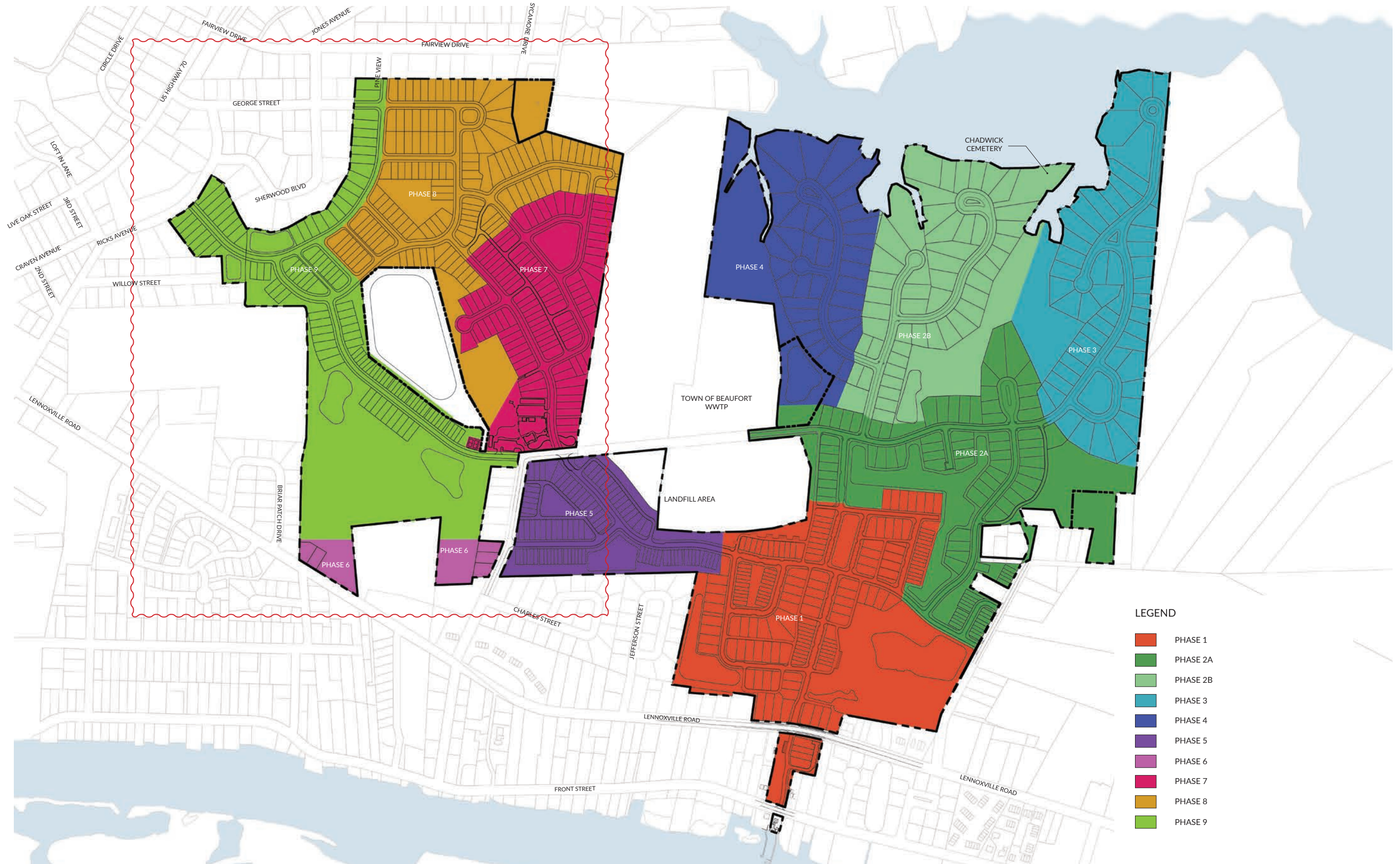
VICINITY MAP  
SCALE: 1" = 1000'



# Conceptual architecture - Amenity Site (Beau Coast West Neighborhood)



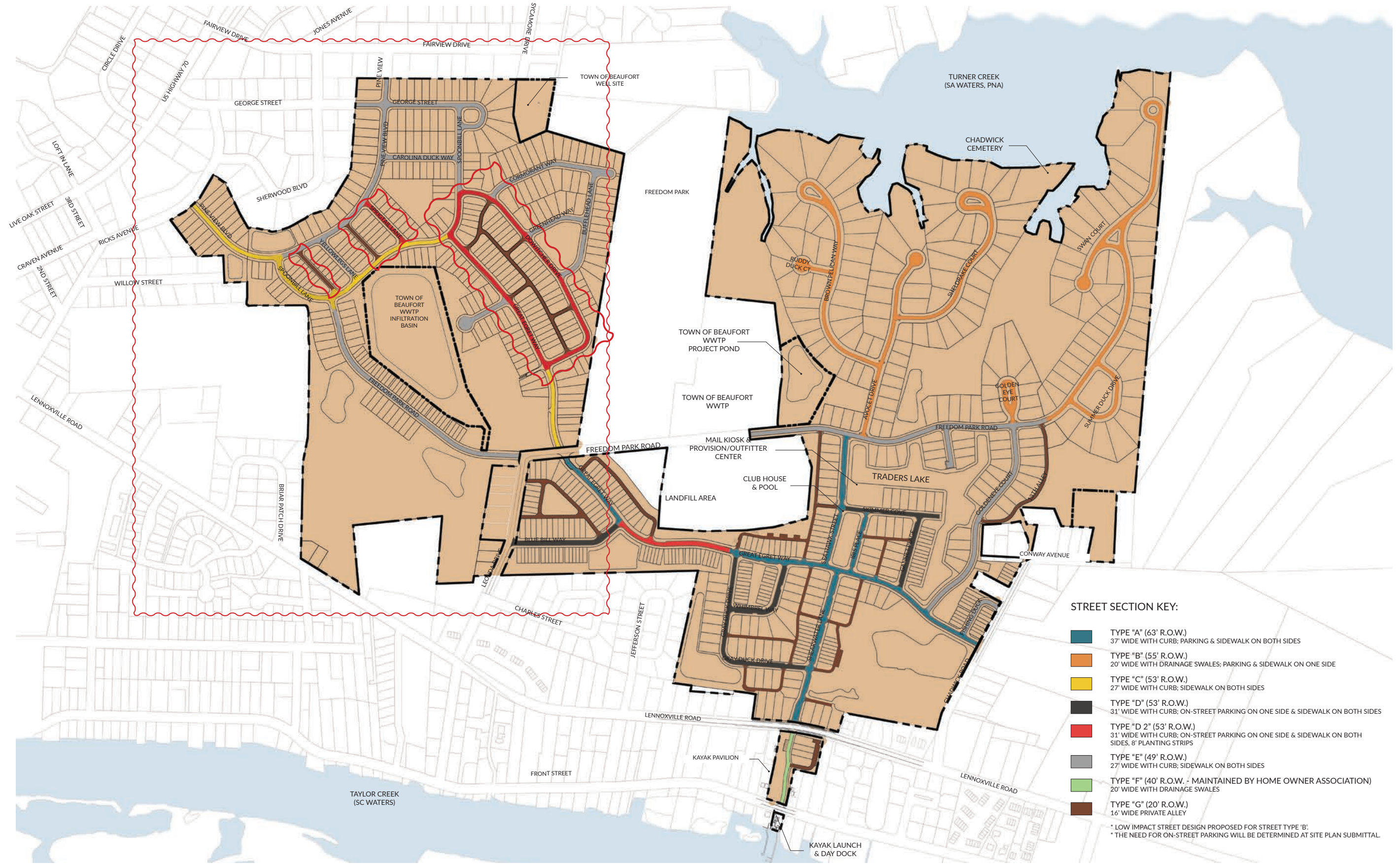
# PUD Phasing Plan



**LEGEND**

<span style="color: red;">■</span>	PHASE 1
<span style="color: darkgreen;">■</span>	PHASE 2A
<span style="color: lightgreen;">■</span>	PHASE 2B
<span style="color: teal;">■</span>	PHASE 3
<span style="color: darkblue;">■</span>	PHASE 4
<span style="color: purple;">■</span>	PHASE 5
<span style="color: pink;">■</span>	PHASE 6
<span style="color: magenta;">■</span>	PHASE 7
<span style="color: orange;">■</span>	PHASE 8
<span style="color: limegreen;">■</span>	PHASE 9

# Key Plan for Street Cross Sections



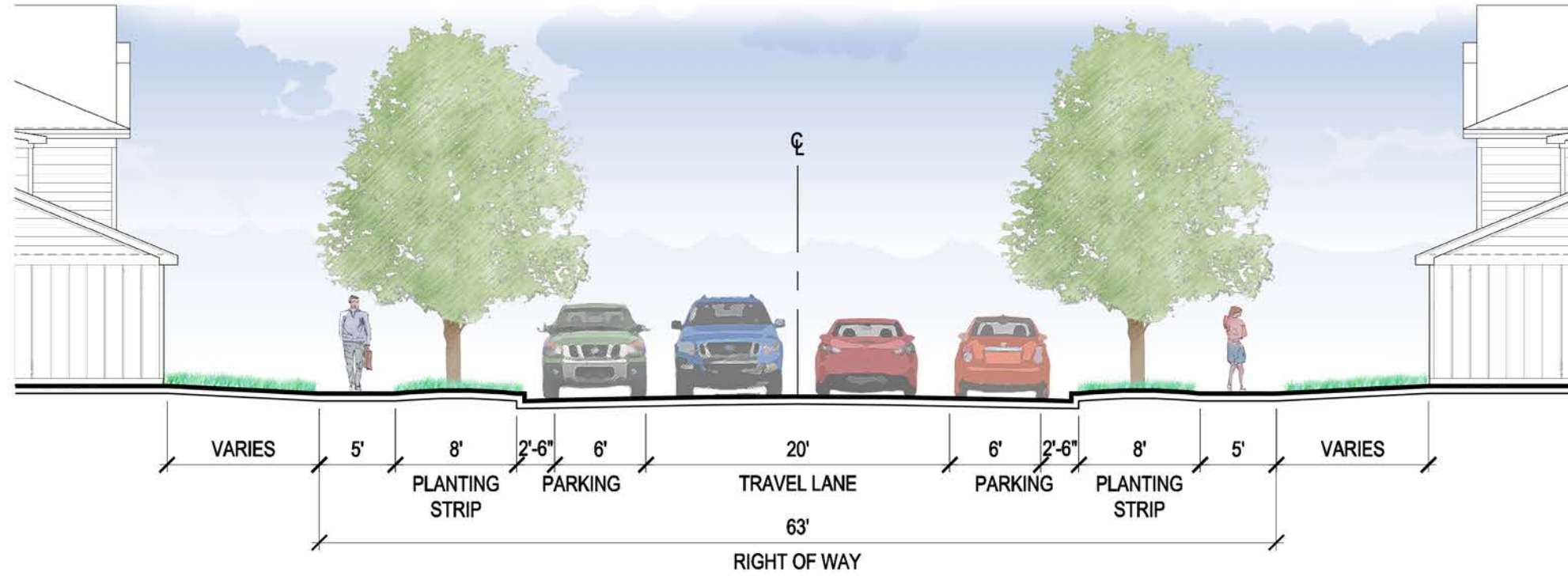
**STREET SECTION KEY:**

<span style="color: #008080;">█</span>	TYPE "A" (63' R.O.W.) 37' WIDE WITH CURB; PARKING & SIDEWALK ON BOTH SIDES
<span style="color: #FF8C00;">█</span>	TYPE "B" (55' R.O.W.) 20' WIDE WITH DRAINAGE SWALES; PARKING & SIDEWALK ON ONE SIDE
<span style="color: #FFD700;">█</span>	TYPE "C" (53' R.O.W.) 27' WIDE WITH CURB; SIDEWALK ON BOTH SIDES
<span style="color: #333333;">█</span>	TYPE "D" (53' R.O.W.) 31' WIDE WITH CURB; ON-STREET PARKING ON ONE SIDE & SIDEWALK ON BOTH SIDES
<span style="color: #FF0000;">█</span>	TYPE "D 2" (53' R.O.W.) 31' WIDE WITH CURB; ON-STREET PARKING ON ONE SIDE & SIDEWALK ON BOTH SIDES, 8' PLANTING STRIPS
<span style="color: #808080;">█</span>	TYPE "E" (49' R.O.W.) 27' WIDE WITH CURB; SIDEWALK ON BOTH SIDES
<span style="color: #90EE90;">█</span>	TYPE "F" (40' R.O.W. - MAINTAINED BY HOME OWNER ASSOCIATION) 20' WIDE WITH DRAINAGE SWALES
<span style="color: #8B4513;">█</span>	TYPE "G" (20' R.O.W.) 16' WIDE PRIVATE ALLEY

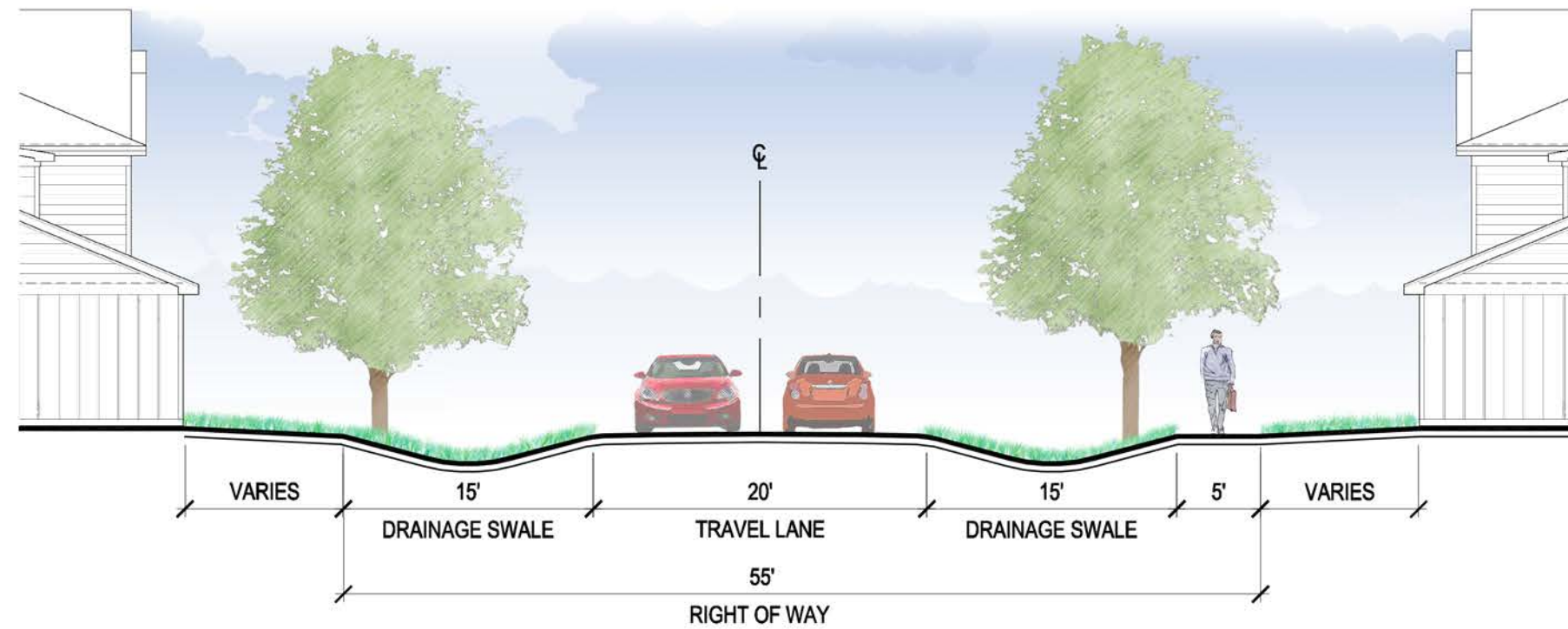
\* LOW IMPACT STREET DESIGN PROPOSED FOR STREET TYPE 'B'.  
\* THE NEED FOR ON-STREET PARKING WILL BE DETERMINED AT SITE PLAN SUBMITTAL.

# Street Cross Sections

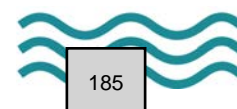
\*NOTE: The need for on-street parking will be determined at site plan submittal.



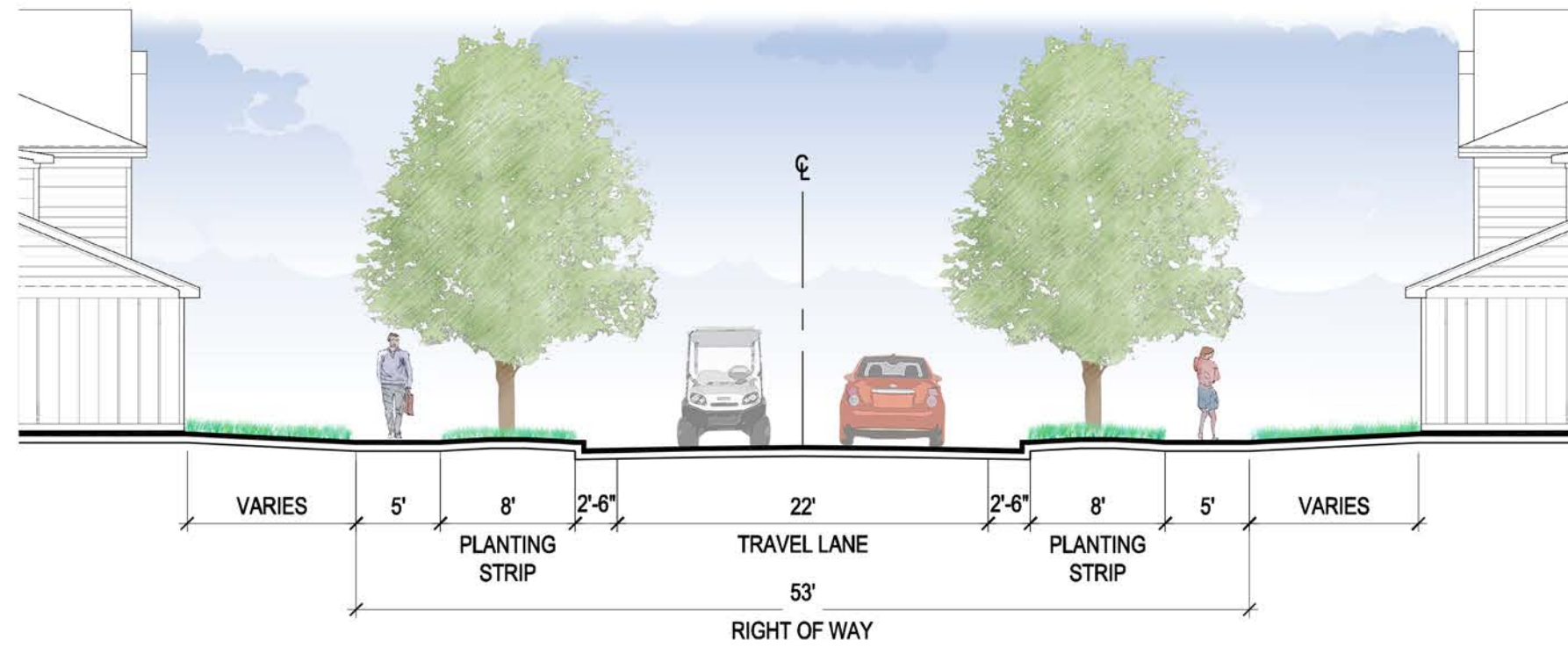
Street Cross Section Type A



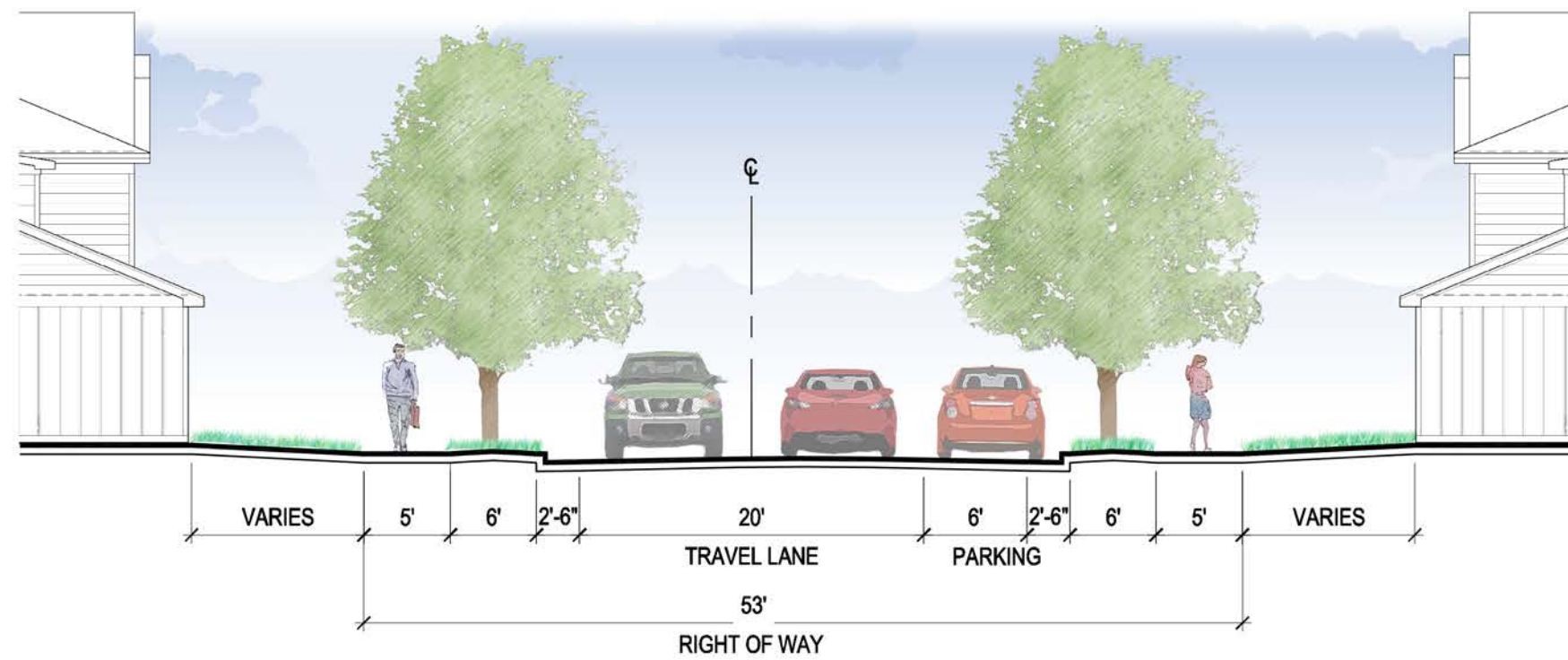
Street Cross Section Type B



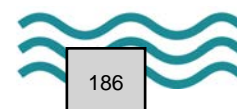
# Street Cross Sections

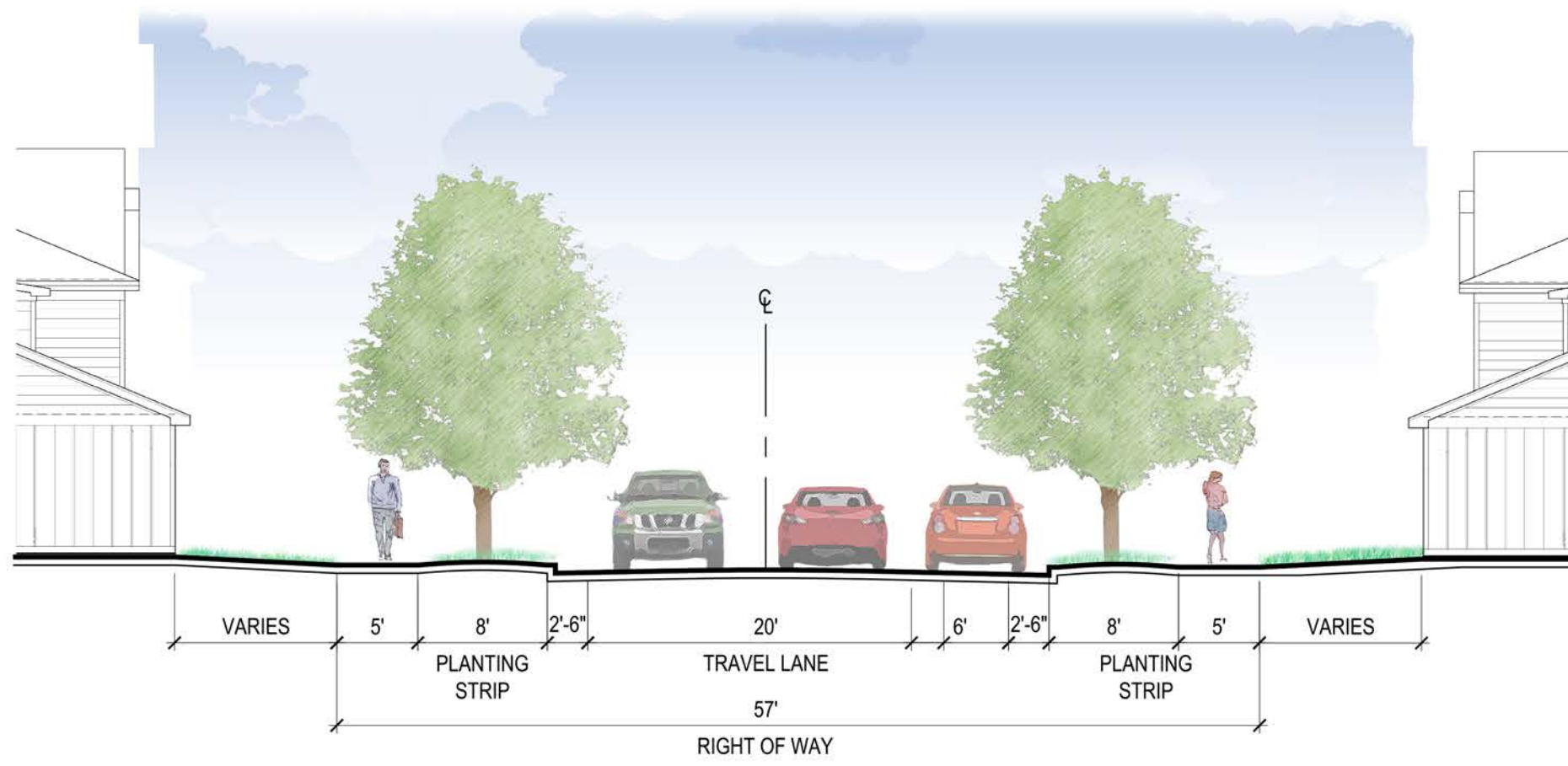


*Street Cross Section Type C*



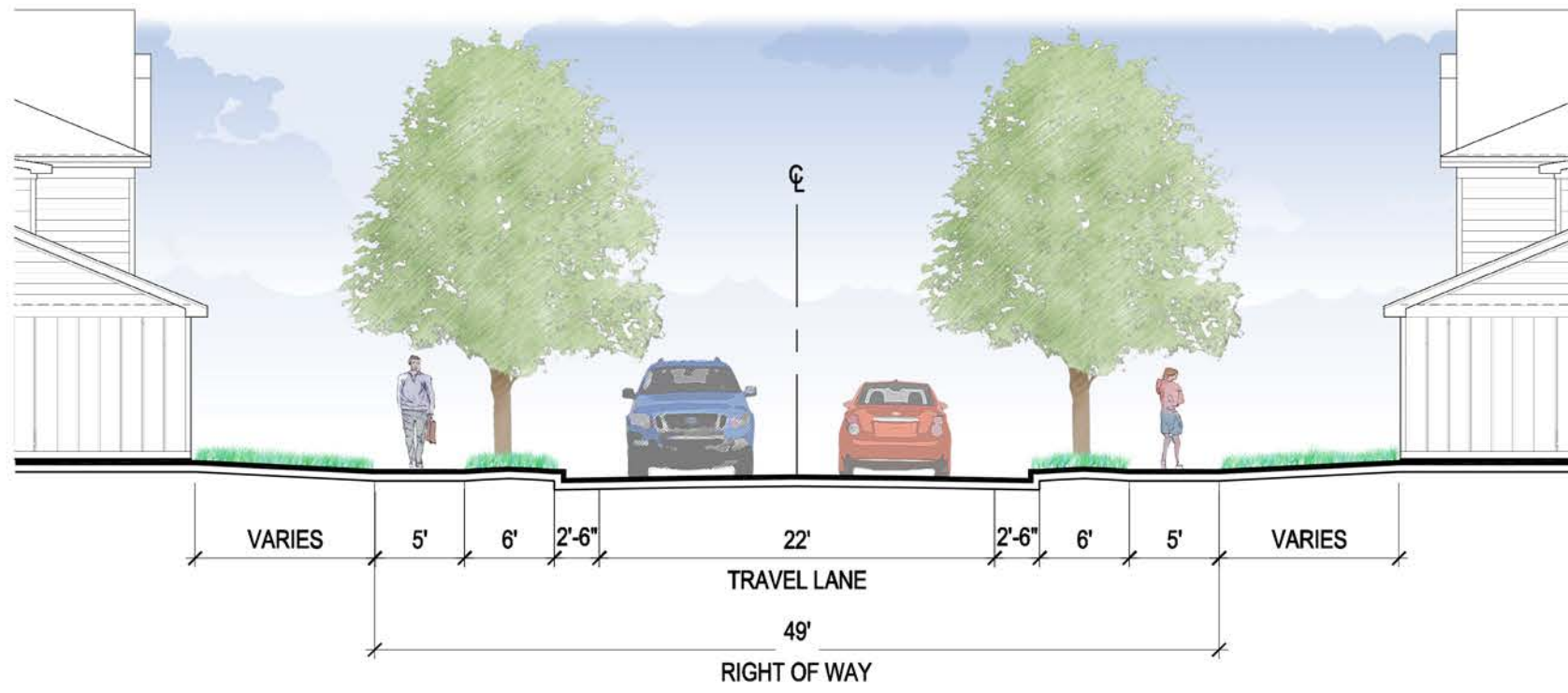
*Street Cross Section Type D*



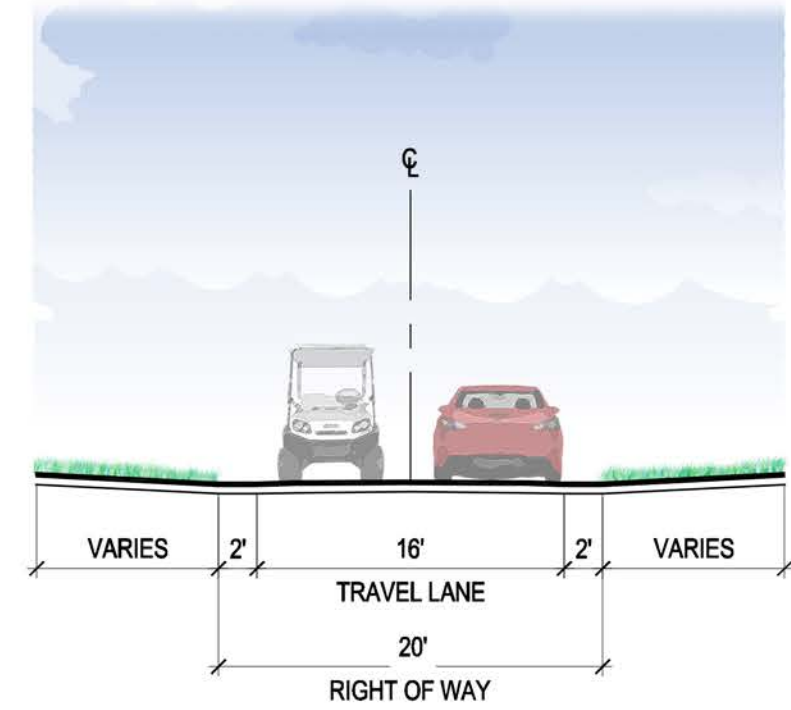


*Street Cross Section Type D2*

# Street Cross Sections

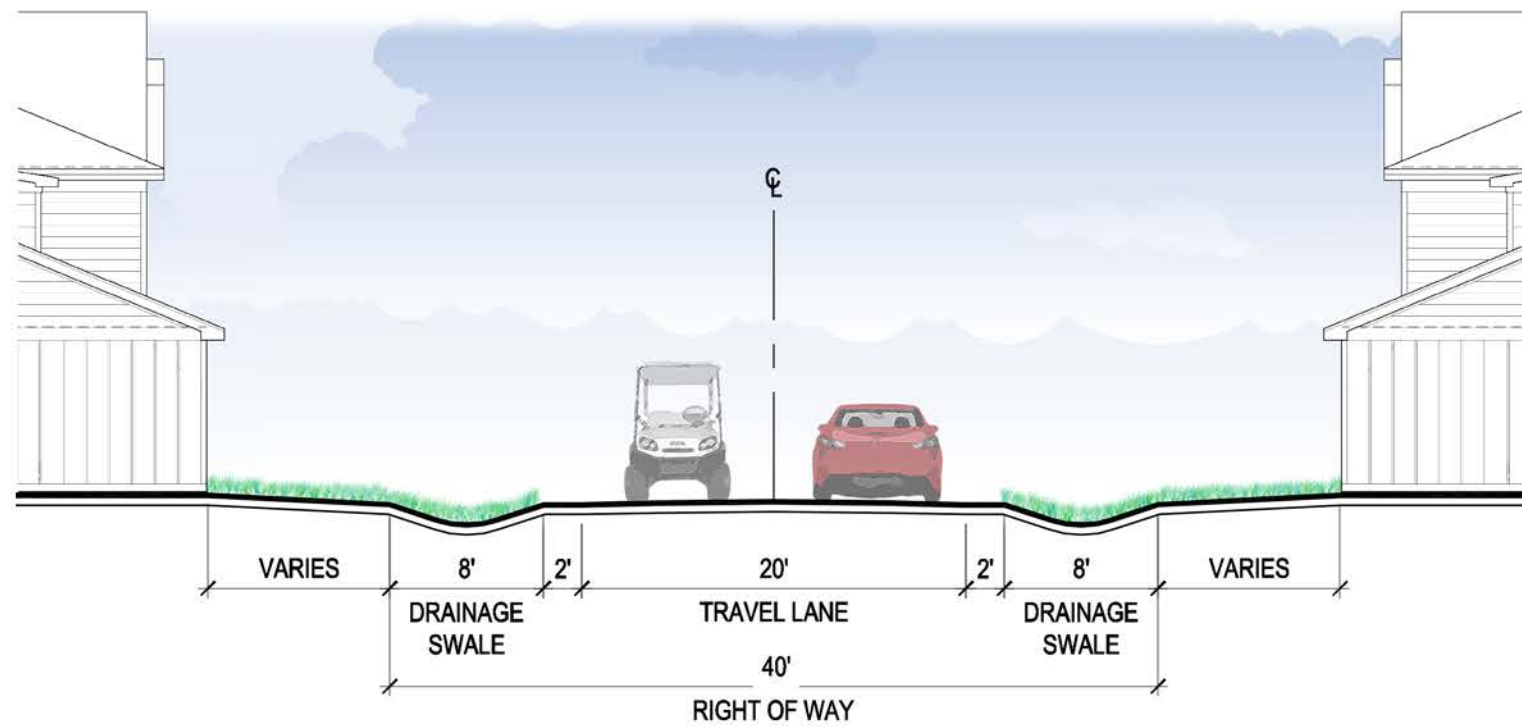


*Street Cross Section Type E*

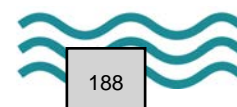


*Street Cross Section Type G*

\*NOTE: To be maintained by HOA

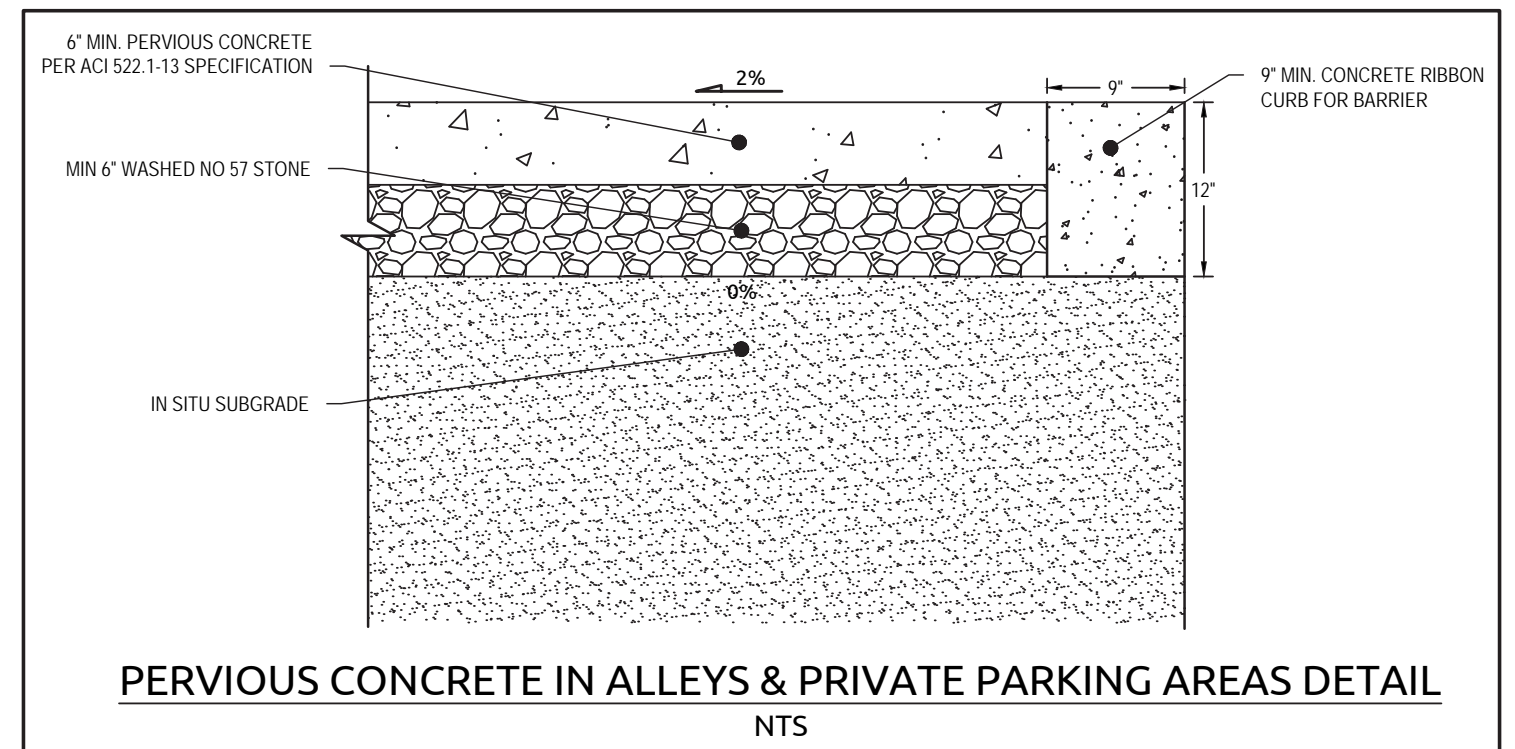
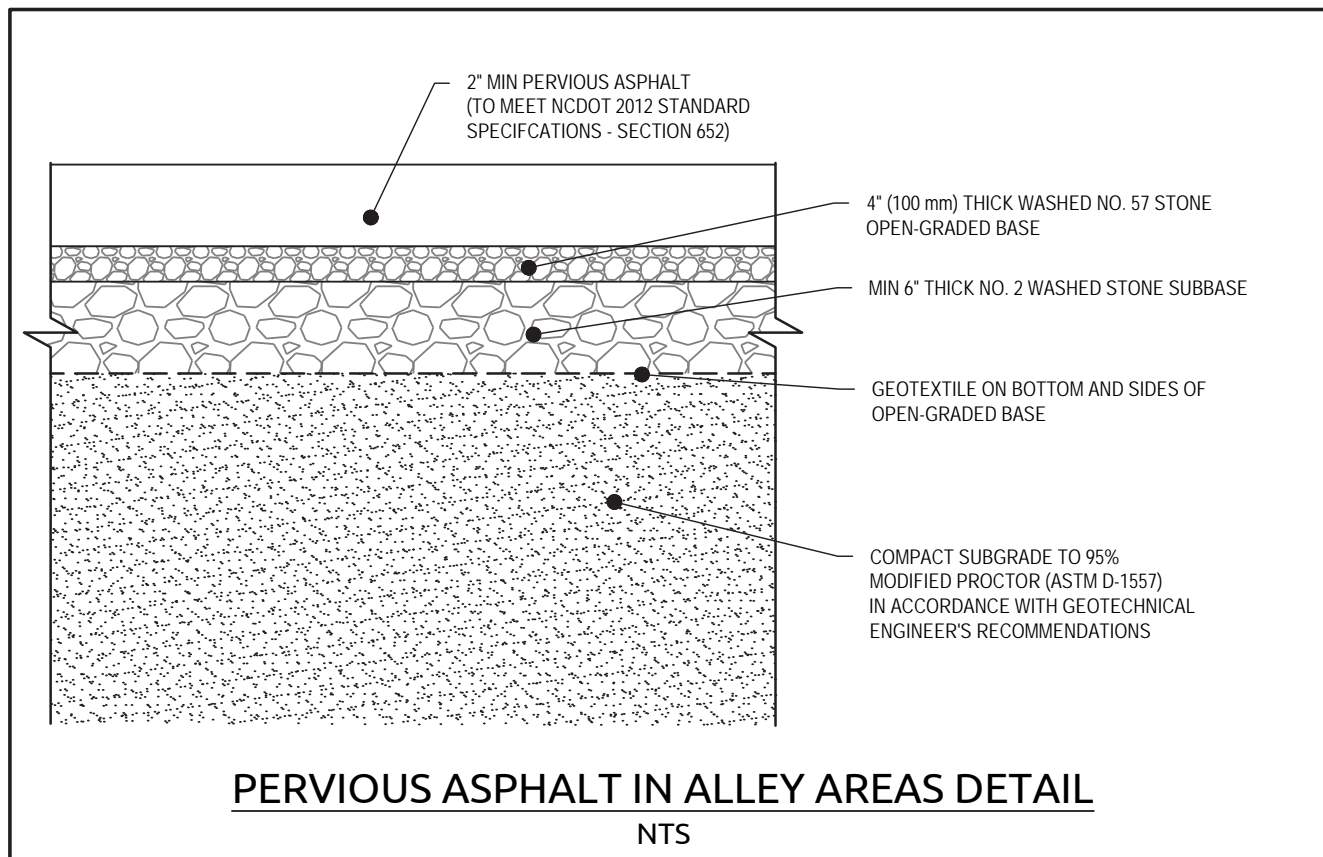
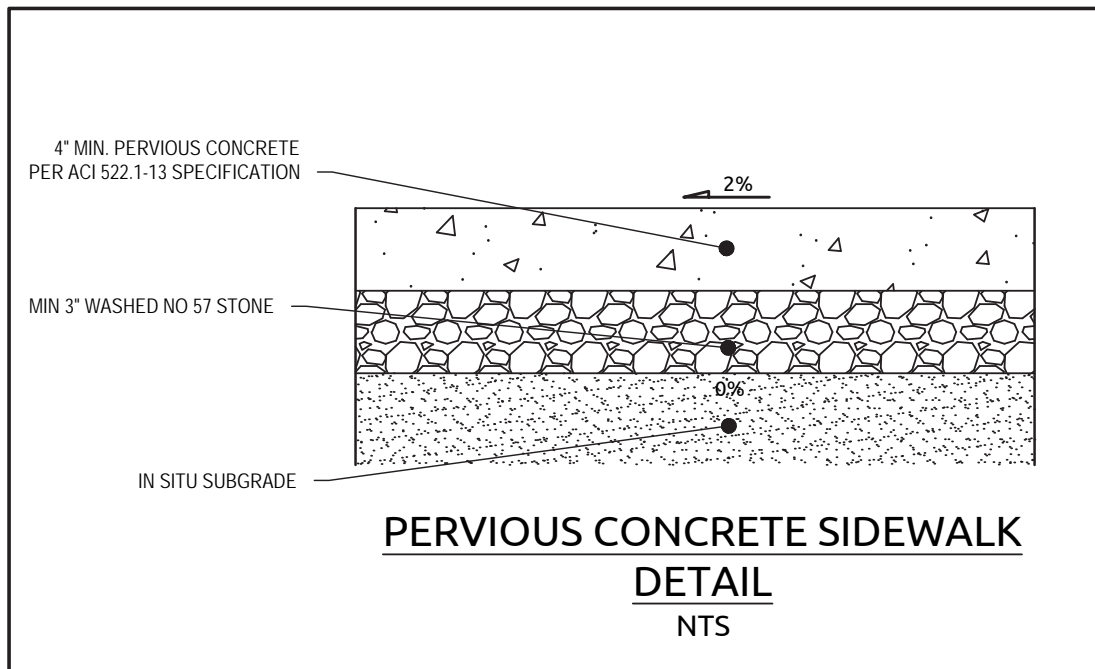


*Street Cross Section Type F*

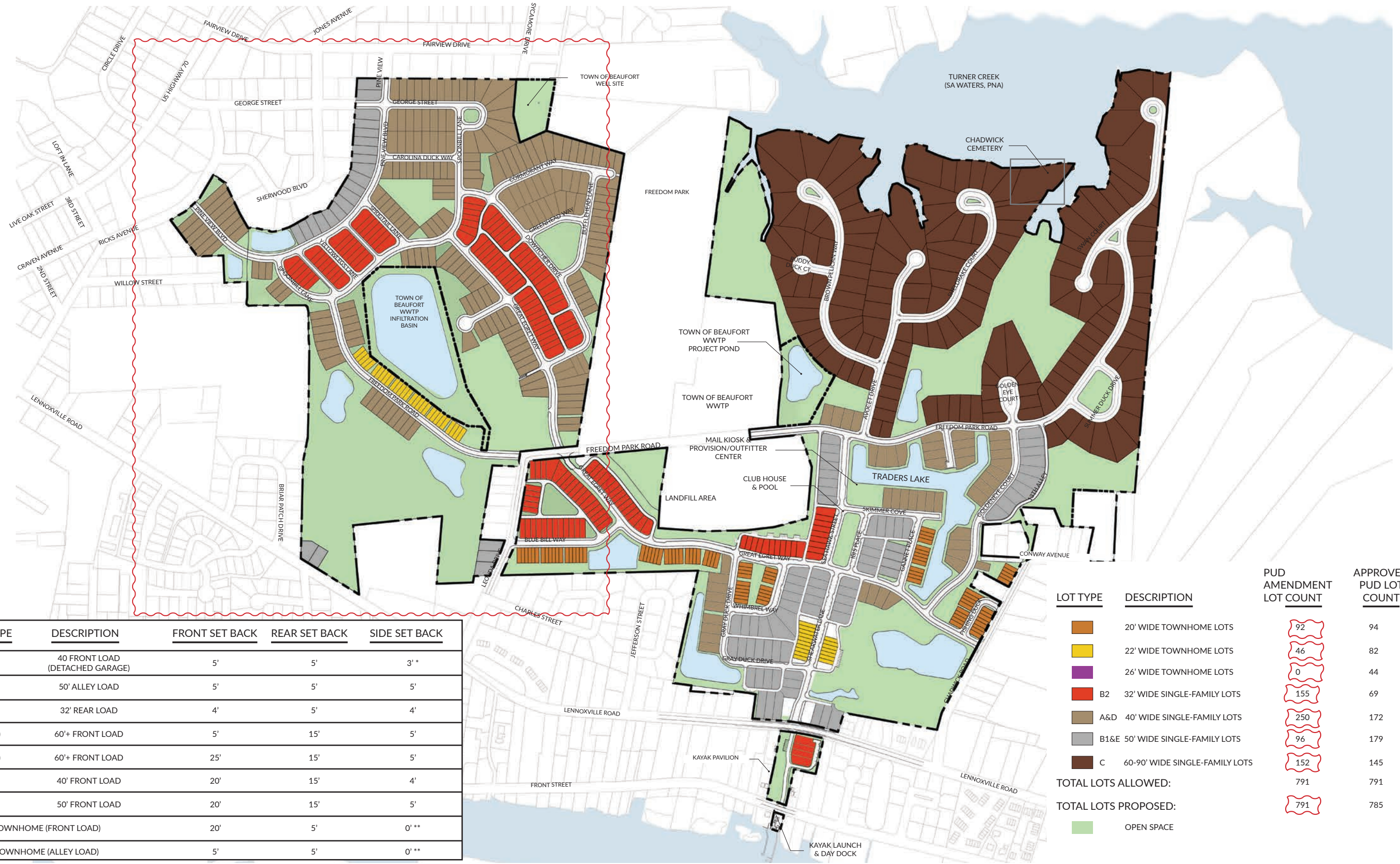


# Permeable Paving Options

The developer of Beaufort East Village PUD may elect to utilize these permeable paving options for the areas cited below. These permeable pavement options are not required to be used. Minor variations to these design specifications can be approved by Town engineering staff without a PUD amendment.



# Key Plan for Lot Types



LOT TYPE	DESCRIPTION	FRONT SET BACK	REAR SET BACK	SIDE SET BACK
A	40' FRONT LOAD (DETACHED GARAGE)	5'	5'	3' *
B	50' ALLEY LOAD	5'	5'	5'
B2	32' REAR LOAD	4'	5'	4'
C(1)	60'+ FRONT LOAD	5'	15'	5'
C(2)	60'+ FRONT LOAD	25'	15'	5'
D	40' FRONT LOAD	20'	15'	4'
E	50' FRONT LOAD	20'	15'	5'
TOWNHOME (FRONT LOAD)		20'	5'	0' **
TOWNHOME (ALLEY LOAD)		5'	5'	0' **

\* ONE-STORY DETACHED GARAGES W/O HABITABLE SPACE MAY HAVE 0' SIDE SETBACK  
 \*\* TOWNHOME BUILDING TO BUILDING SEPARATION IS A MINIMUM OF 10'.

LOT TYPE	DESCRIPTION	PUD AMENDMENT LOT COUNT	APPROVED PUD LOT COUNT
	20' WIDE TOWNHOME LOTS	92	94
	22' WIDE TOWNHOME LOTS	46	82
	26' WIDE TOWNHOME LOTS	0	44
	B2 32' WIDE SINGLE-FAMILY LOTS	155	69
	A&D 40' WIDE SINGLE-FAMILY LOTS	250	172
	B1&E 50' WIDE SINGLE-FAMILY LOTS	96	179
	C 60-90' WIDE SINGLE-FAMILY LOTS	152	145
<b>TOTAL LOTS ALLOWED:</b>		791	791
<b>TOTAL LOTS PROPOSED:</b>		791	785
	OPEN SPACE		

# Beau Coast Conceptual Lot Types



**LOT TYPE A**  
**BEAU COAST - 40' FRONT LOAD w/ DETACHED GARAGE**

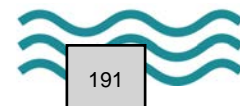
\* OPTIONAL TWO-STORY GARAGE w/ HABITABLE SPACE SHALL HAVE THE SAME SETBACKS AS THE PRIMARY STRUCTURE

**LOT TYPE B1**  
**BEAU COAST - 50' ALLEY LOAD**

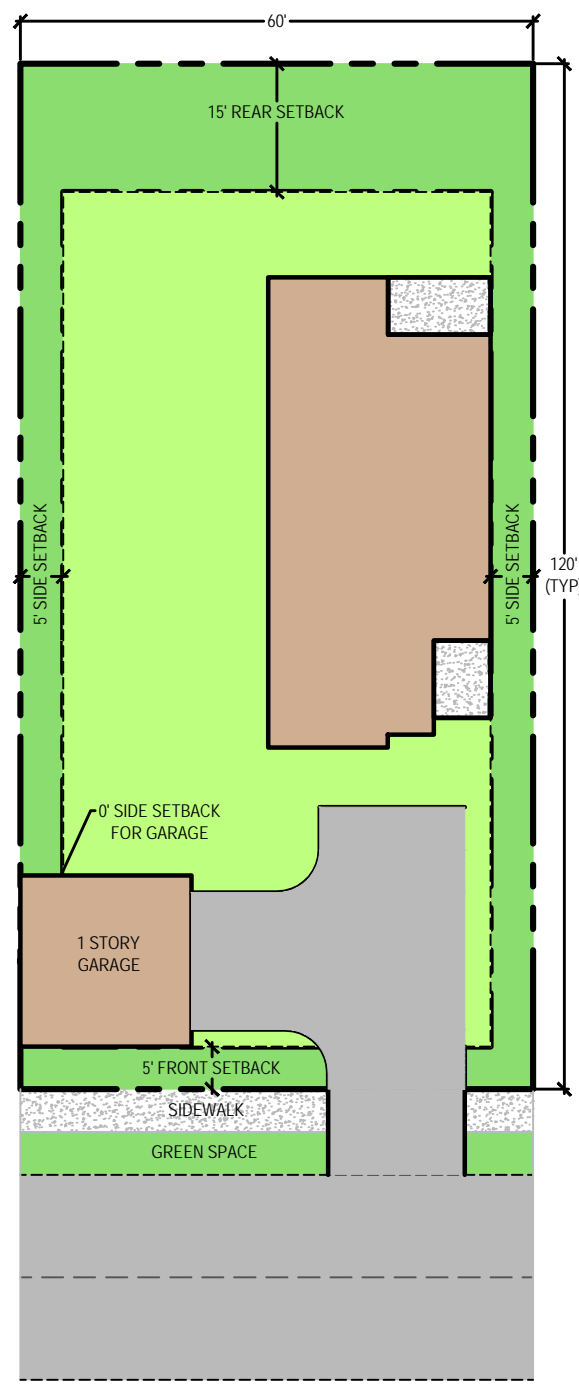
**LOT TYPE B2**  
**BEAU COAST - 4' SETBACK**  
**32' REAR ALLEY LOAD**

\* The conceptual single family lot types above may be placed anywhere within the PUD boundary so long as the home and lot configurations meet the setbacks and minimum lot dimensions and as set forth in the PUD document (Key Plan for lot types table of setbacks)

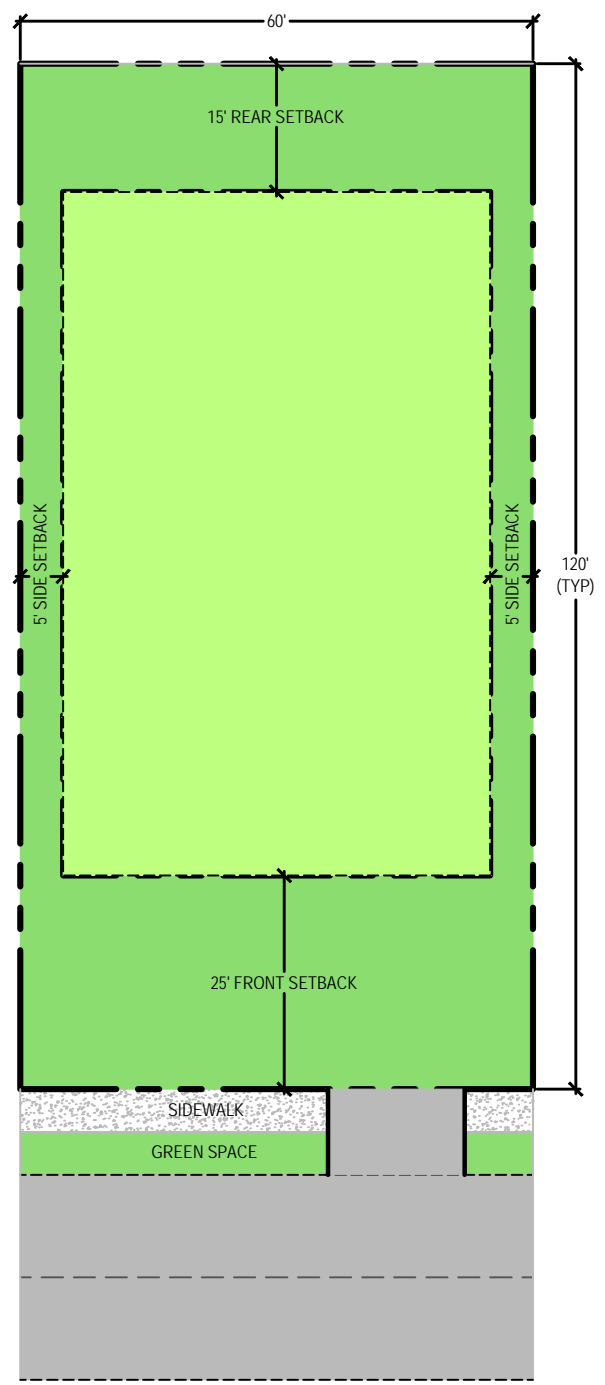
\*\* The minimum widths and depths for the lot types contained in this PUD document, may exceed the minimum standards (ie. 40' lots may actually be platted at 45')



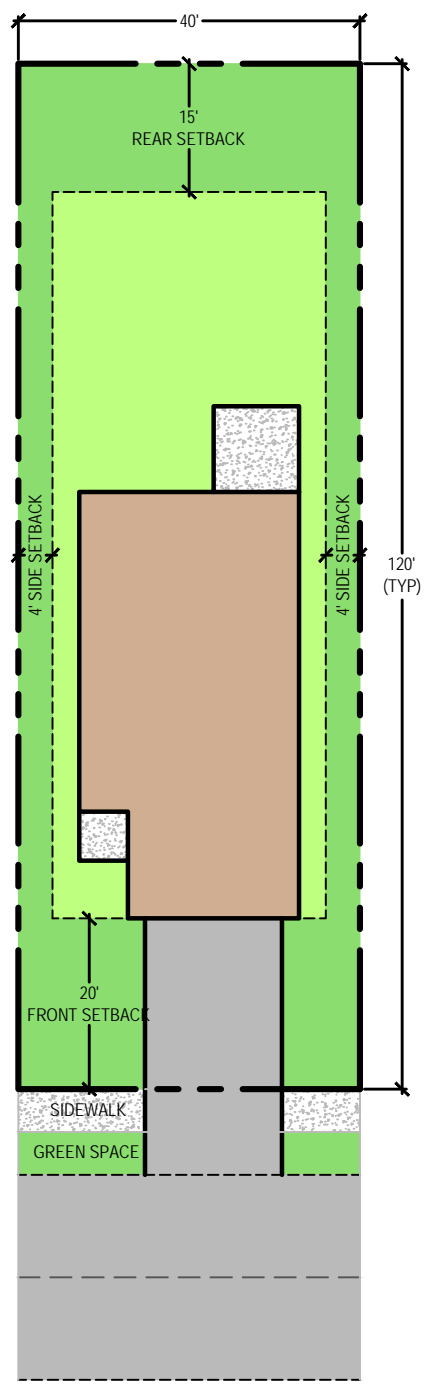
# Beaufort East Village Conceptual Lot Types



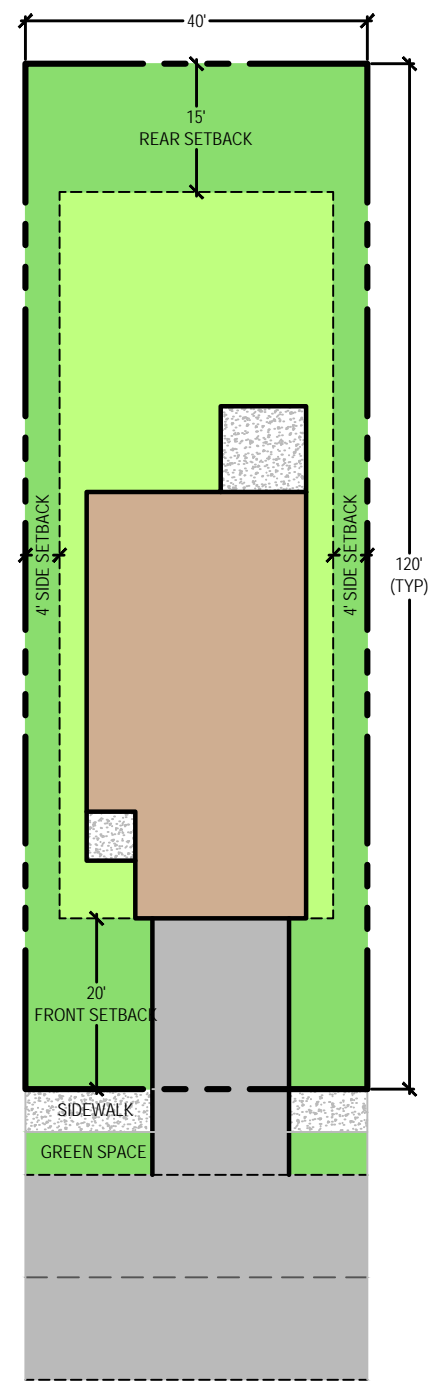
LOT TYPE C (OPTION 1)  
 BEAU COAST - 60' TO 90' FRONT LOAD  
 WITH DETACHED GARAGE



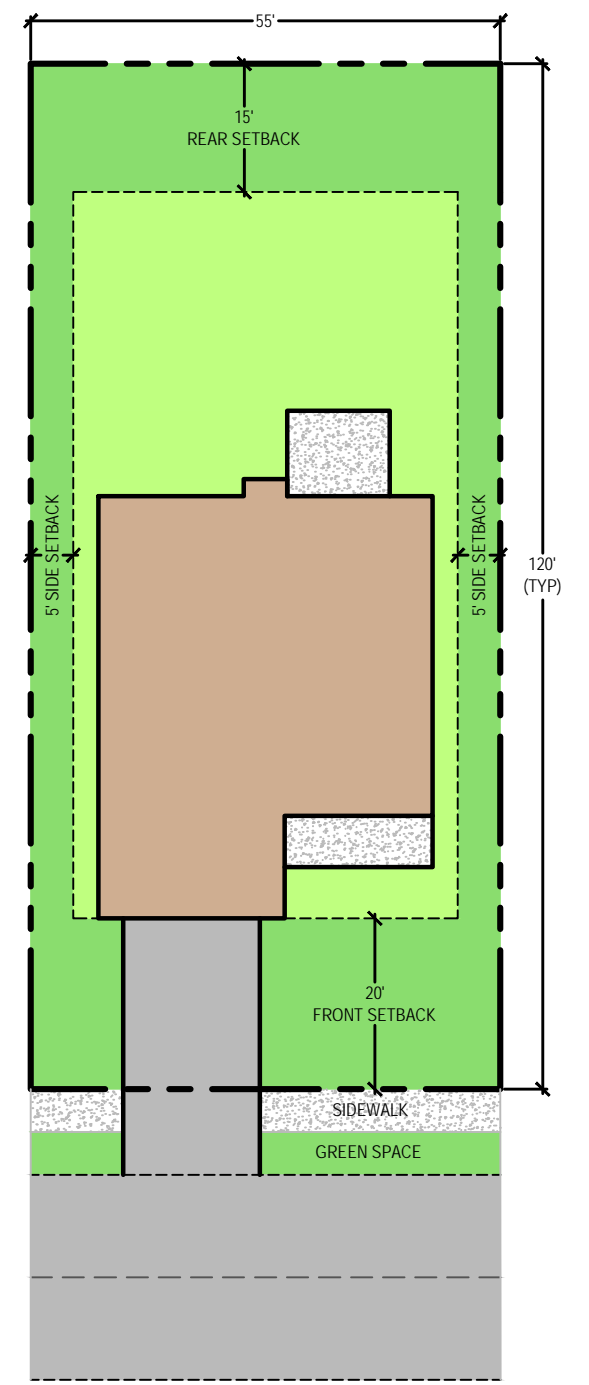
LOT TYPE C (OPTION 2)  
 BEAU COAST - 60' TO 90'  
 FRONT LOAD



LOT TYPE D  
 BEAUFORT  
 EAST VILLAGE - 40' FRONT LOAD



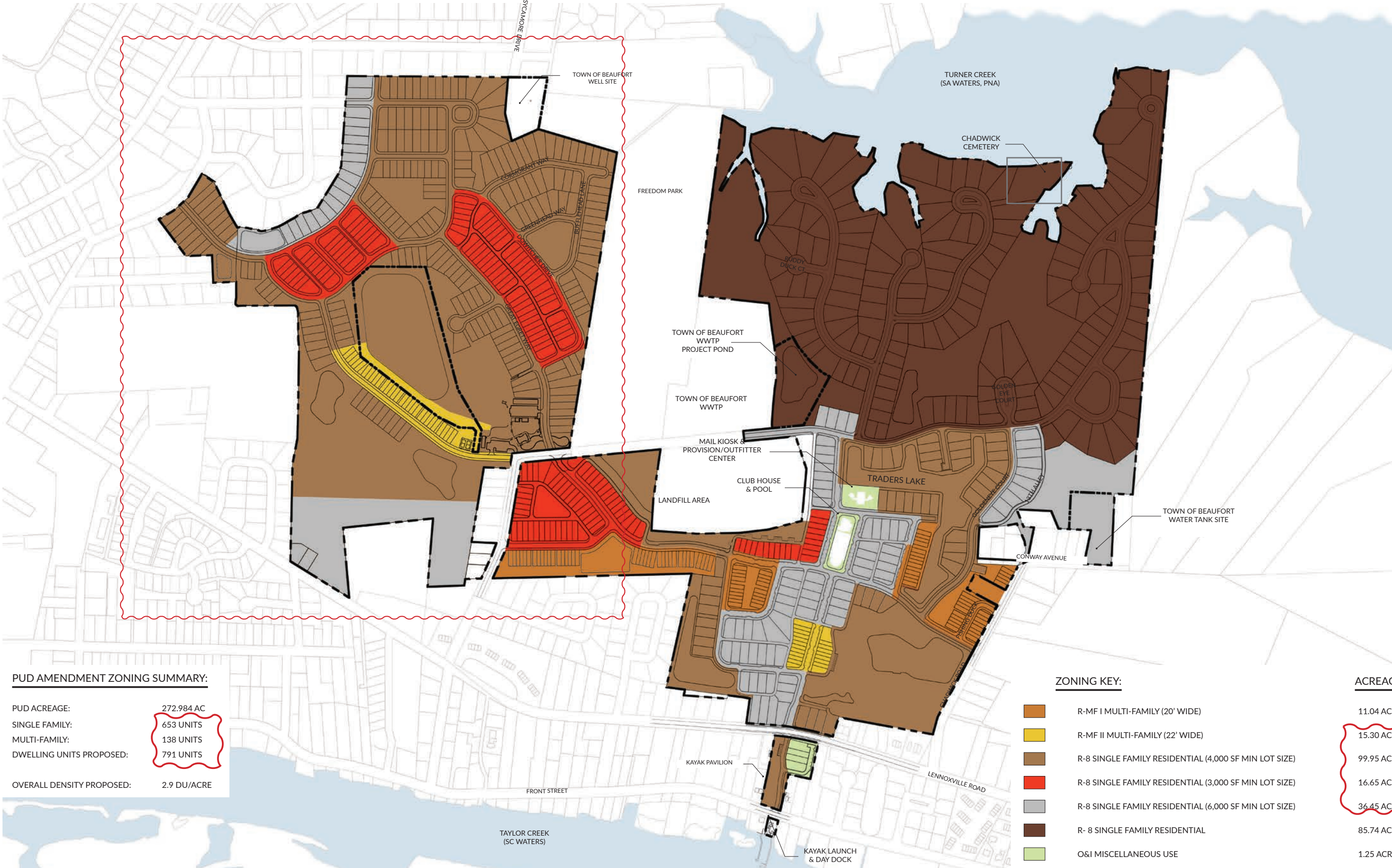
LOT TYPE D  
 BEAU COAST - 40' FRONT LOAD



LOT TYPE E  
 BEAUFORT  
 EAST VILLAGE - 50' FRONT LOAD

\* The conceptual single family lot types above may be placed anywhere within the PUD boundary so long as the home and lot configurations meet the setbacks and minimum lot dimensions and as set forth in the PUD document (Key Plan for lot types table of setbacks)

# PUD Master Zoning Plan



**PUD AMENDMENT ZONING SUMMARY:**

PUD ACREAGE:	272.984 AC
SINGLE FAMILY:	653 UNITS
MULTI-FAMILY:	138 UNITS
DWELLING UNITS PROPOSED:	791 UNITS
OVERALL DENSITY PROPOSED:	2.9 DU/ACRE

**ZONING KEY:**

	R-MF I MULTI-FAMILY (20' WIDE)
	R-MF II MULTI-FAMILY (22' WIDE)
	R-8 SINGLE FAMILY RESIDENTIAL (4,000 SF MIN LOT SIZE)
	R-8 SINGLE FAMILY RESIDENTIAL (3,000 SF MIN LOT SIZE)
	R-8 SINGLE FAMILY RESIDENTIAL (6,000 SF MIN LOT SIZE)
	R-8 SINGLE FAMILY RESIDENTIAL
	O&I MISCELLANEOUS USE

**ACREAGE:**

	11.04 ACRES
	15.30 ACRES
	99.95 ACRES
	16.65 ACRES
	36.45 ACRES
	85.74 ACRES
	1.25 ACRES

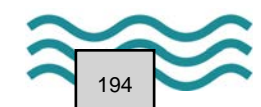
# PUD Open Space Plan



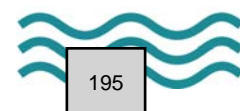
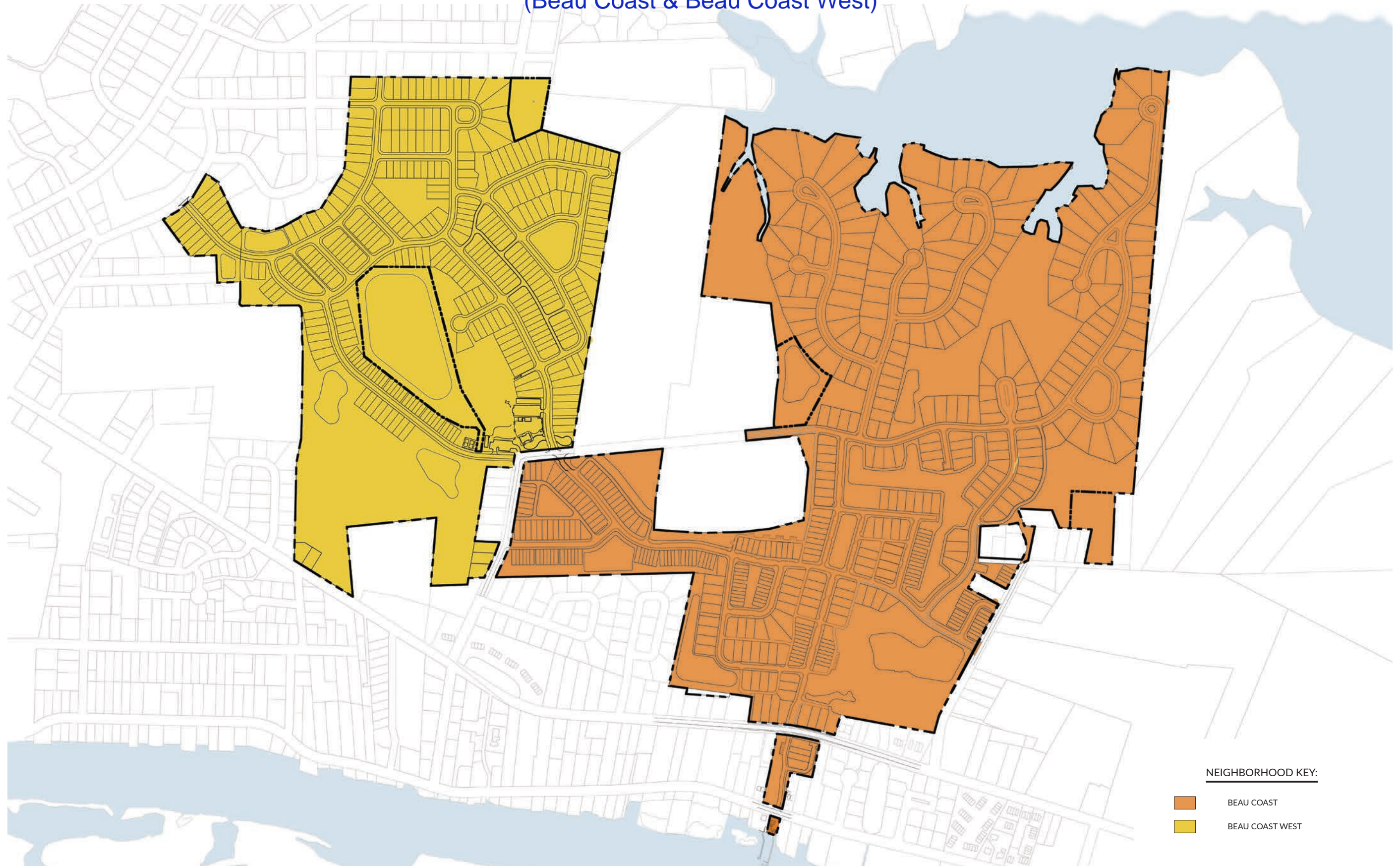
OPEN SPACE CALCULATIONS:	
TOTAL SITE AREA:	272.98 AC
TOTAL OPEN SPACE REQUIRED:	(41 AC) 15%
TOTAL OPEN SPACE PROVIDED:	(99.35 AC) 36.4%

OPEN SPACE KEY:	
<span style="color: #90EE90;">■</span> LAND DEDICATED TO TOWN BY DEVELOPER	16.05 ACRES
<span style="color: #90EE90;">■</span> PARKS, PLAZAS, NATURAL AREAS & RECREATION SPACE	(83.30 AC) - 30.5%
<span style="color: #8B4513;">■</span> OTHER COMMON AREAS NOT INCLUDED WITH OPEN SPACE CALCULATIONS	(VARIES AT FINAL PLAT)



# Planned Unit Development Neighborhood Map (Beau Coast & Beau Coast West)



# Chapter 2. Beau Coast Conceptual Product Types

Townhomes: 20' Wide Front Load 1 Car Garage Townhome Collection





# Single Family: 24' Wide Detached Garage Cottage Collection

## Beau Coast Lot Type A



i. BC 24 A (1734 sq ft)



iv. BC 24 D (2052 sq ft)



ii. BC 24 B (1763 sq ft)



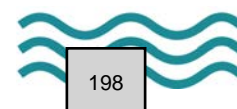
v. BC 24 E (2301 sq ft)



iii. BC 24 CTTT (1830 sq ft)



vi. BC 24 F (2416 sq ft)



# Single Family: 39' Wide Rear Load Garage Collection

## Beau Coast Lot Type B



i. BC 39 A (2066 sq ft)



ii. BC 39 B (2274 sq ft)



iii. BC 39 C (2306 sq ft)



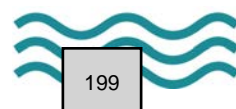
iv. BC 39 D (2630 sq ft)



v. BC 39 E (2964 sq ft)



vi. BC 39 F (3180 sq ft)



Single Family: 24' Wide Rear Load Garage Collection  
Beau Coast Lot Type B2

Planter's Way



The Seaview

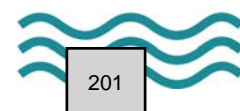


The Pollock



# Chapter 3. Beaufort East Village Conceptual Types

Townhome: 22' Wide One Car Garage Townhome Collection



# Single Family: 26' 2 Car Garage Collection

## Beaufort East Village Lot Type D



i. BEV 26 A (1927 sq ft)



iii. BEV 26 C (1896 sq ft)



ii. BEV 26 BT (1932 sq ft)



iv. BEV 26 D (1832 sq ft)

# Single Family: 40' Wide 2 Car Garage Collection

## Beaufort East Village Lot Type E



i. BEV 40 A (2228 sq ft)



iv. BEV 40 D (2791 sq ft)



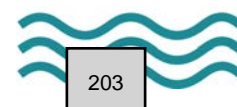
ii. BEV 40 B (2335 sq ft)



v. BEV 40 E (2925 sq ft)



iii. BEV 40 C (2529 sq ft)





Town of Beaufort  
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)

**APPLICATION FOR AN AMENDMENT TO THE  
BEAUFORT ZONING MAP**

**Instructions:**

Please complete the application below, include all the required attachments and the **\$300.00 for Rezoning request with no Land Use Plan Change** or **\$400.00 for Rezoning Request with Land Use Plan Change** and return to the Beaufort Town Hall, 701 Front Street or P.O. Box 390, Beaufort, N.C., 28516. Incomplete applications will not be processed and **will be** returned to the applicant. Please contact Planning and Inspections at 252-728-2142 if there are any questions.

**APPLICANT INFORMATION**

Applicant Name: WithersRavenel

Applicant Address: 219 Station Road Suite 101 Wilmington NC 28405

Phone Number: (910) 256-9277 Email: dmizelle@withersravenel.com

Property Owner Name: Blue Treasure, LLC

Address of Property Owner: PO Box 3557 Cary, NC 27519

Phone Number: (919) 481-3000 Email: Karl@prestondev.com

**PROPERTY INFORMATION**

Property Address: Lennoxville Road

15-Digit PIN: 731605005458000 Lot/Block Number: n/a

Size of Property (in square feet or acres): 282 +/- acres

Current Zoning: PUD Requested Zoning: PUD - Amendment

Current Use of Property:  Residential  Vacant  Commercial  Other: \_\_\_\_\_

Applicant Signature \_\_\_\_\_

Property Owner Signature (if different than applicant) \_\_\_\_\_

Date of Applicant's Signature \_\_\_\_\_

12-15-2021

Date of Owner's Signature \_\_\_\_\_

An application fee of **\$300.00 for Rezoning request with no Land Use Plan Change** or **\$400.00 for Rezoning Request with Land Use Plan Change**, either in cash, money order, or check made payable to the "Town of Beaufort," should accompany this application. Payments can be made in person on the day of submittal and at such time, a credit card can be used to make the payment. Credit card payments are subject to a 3% extra fee.

Please refer to the *Land Development Ordinance, Section 3* and all other pertinent sections for the information required to accompany this application.

**REQUIRED ATTACHMENTS FOR AN AMENDMENT TO THE  
BEAUFORT ZONING MAP**

**Please provide the following as attachments to the zoning map amendment form:**

1. A statement as to whether or not the proposed zoning amendment is consistent with the Beaufort Land Use Plan.
2. A statement as to how the zoning amendment will promote the public health, safety or general welfare of the Town of Beaufort.
3. Proof of ownership (For example: a copy of the deed or city tax statement).

If a property is owned by more than one individual or if multiple properties under different ownership are applying under one request, attach a statement and signatures indicating that all owners have given consent to request the zoning change.

4. An area map of property to scale which includes:
  - North Arrow;
  - All Property lines and accurate property line dimensions;
  - Adjacent streets and names;
  - Location of all easements;
  - Location of all structures;
  - Zoning classifications of all abutting properties.
5. Please submit one digital/electronic copy of any drawings or plans associated with the amendment. At least one paper copy of the drawings or plans should also be submitted.
6. A TYPED list all property owners (with addresses) within 100 feet of the boundary lines of all properties requested to be rezoned (notification of adjacent property owners by the Town is required by North Carolina law).

**THE COMPLETE APPLICATION WITH SUPPORTING  
DOCUMENTATION IS DUE TO TOWN STAFF AT LEAST 15 WORKING  
DAYS PRIOR TO A SCHEDULED PLANNING BOARD MEETING.**

The Town’s website is [www.beaufortnc.org](http://www.beaufortnc.org).

**OFFICE USE ONLY**

Revised 08/2020

Received by: \_\_\_\_\_

Reviewed for Completeness By: \_\_\_\_\_

Date: \_\_\_\_\_

Date Deemed Complete and Accepted: \_\_\_\_\_

January 27, 2022

Mr. Kyle Garner  
Town of Beaufort  
Planning & Inspections Director  
701 Front Street  
Beaufort, NC 28516

**RE: Beau Coast PUD Amendment #6 – Dated December 20, 2021**

Dear Mr. Garner,

Please find attached a Planned Unit Development Amendment (#6) dated December 20, 2021 for the Beaufort East Village Planned Unit Development. Digital and hard copies of the revised PUD Booklet and application are included with this submittal. The purpose of this amendment is as follows:

- Revised the layout for the Beaufort East Village section of the PUD (now known as Beau Coast West) generally as follows
  - Relocated the planned amenity site eastward from near the Ricks Ave. entrance to the intersection of Leonda Drive and Freedom Park Road;
  - Expanded and revised the initial vision of the amenity center in the new location;
  - Added alley loaded lots where before all lots were front loaded;
  - Added on-street parking as needed (per approved street cross sections available via the PUD);
- Revised lot types as follows (see new tabulations on page 18 “Key Plan for Lot Types”):
  - Reduced project wide townhome lots by 82;
  - Increased single family lots by 88;
  - No net increase in total allowed density or total allowed lot count from existing PUD limits (791 units).
- Edited the Master Zoning Plan to show adjustments in the location of lot types;
- Edited Open Space plan to reflect the relocation of the Beau Coast West open space areas per new land use plan;
- Changed labeling from Beaufort East Village to Beau Coast West.

Please review these proposed amendment items and contact us with any questions.

Sincerely,  
WithersRavenel



Don Mizelle  
Director of Project Delivery

<u>OWNER</u>	<u>MAIL_HOUSE</u>	<u>MAIL_ST</u>	<u>MAIL_CITY</u>	<u>MAIL_STATE</u>	<u>MAIL_ZIP</u>	<u>MAIL_ADD2</u>
BABCOCK,RICHARD JOHN JR	132	PLANTATION STREET	BEAUFORT	NC	6530 28516	
BAGDY,MALIA BARLOW	113	SHERWOOD BOULEVARD	BEAUFORT	NC	28516	
BARNES,CLINTON	310	FAIRVIEW DR	BEAUFORT	NC	28516	
BLUE TREASURE LLC			CARY	NC	27519	PO BOX 3557
BULLOCK,THOMAS M ETUX JANE	209	GEORGE ST	BEAUFORT	NC	28516	
CAVETT,WALLACE EUGENE	115	SHERWOOD BLVD	BEAUFORT	NC	1619 28516	
CHADWICK,MERITA CAROL	306	FAIRVIEW DRIVE	BEAUFORT	NC	28516	
COTTERMAN,RAYMOND E ETUX L/T	208	FAIRVIEW DR	BEAUFORT	NC	28516	
COX,EVELYN JOAN ETVIR CHARLES	302	GEORGE ST	BEAUFORT	NC	28516	
DEIULIIS,CHRISTOPHER ETUX	120	RICK AVE	BEAUFORT	NC	1641 28516	
DELVAUX,ANNE MARIE	500	FAIRVEIW DRIVE	BEAUFORT	NC	28516	
ELLISON,GEORGE C ETUX LAVERA	1106	LENNOXVILLE RD	BEAUFORT	NC	28516	
FERRUZZI,LIVIO ETUX MARIAGIULI	304	FAIRVIEW DR	BEAUFORT	NC	28516	
FITZPATRICK,CINDY	111	SHERWOOD BOULEVARD	BEAUFORT	NC	28516	
GRIMLEY,EDWARD ETAL TRUSTEE			BEAUFORT	NC	28516	PO BOX 32
HITCHCOCK,PATRICIA PEACH	118	WILLOW ST	BEAUFORT	NC	28516	
HOMAN,JAMES E ETUX ORIEL	200	FAIRVIEW DR	BEAUFORT	NC	28516	
IPOCK,JAMISON FODRIE	308	FAIRVIEW DR	BEAUFORT	NC	28516	
LENNON,JOSEPH ETUX DEVRA	123	MEL OAK DRIVE	CHAPEL HILL	NC	27516	
MANGUM,M BRANDON ETUX NANCY	1514	GLEN EDEN DRIVE	RALEIGH	NC	27612	
MANN,DAVID E ETUX CYNTHIA Q	3409	MISTY LYNN COURT	FUQUAY VARINA	NC	27526	
MILLAR,VIRGINIA ETAL ELIZABETH	6	HARBOR ROAD	MARMORA	NJ	1824 08223	
MITCHELL,ROBIN			HAVELOCK	NC	28532	PO BOX 1883
OWENS,THOMAS STEPHEN	109	SHERWOOD BOULEVARD	BEAUFORT	NC	1619 28516	
PARKER,DAVID J	6292	ESTATE MAZARETJ	ST THOMAS	VI	00802	
PRANDONI,JOSE I ETUX MARISA E	112	RICKS AVENUE	BEAUFORT	NC	1641 28516	
PRUDEN,MICHAEL LEE	301	GEORGE ST	BEAUFORT	NC	28516	
RICKS,CHRISTOPHER ALLEN	112	WILLOW ST	BEAUFORT	NC	28516	
RICKS,MICHAEL K ETUX LINDA	112	WILLOW ST	BEAUFORT	NC	28516	
SCHURDEVIN,KATHLEEN K	119	SHERWOOD BLVD	BEAUFORT	NC	28516	
SEABOARD MANAGEMENT LLC	35	TAMARAC AVE	PONTE VEDRA BEACH	FL	32081	
SHORT,DEBRA T	218	TAYLORWOOD DRIVE	BEAUFORT	NC	28516	
STOEHR,SALLY J	113A	SHERWOOD BLVD	BEAUFORT	NC	28516	



**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, March 14, 2022  
Train Depot, 614 Broad Street**

---

**AGENDA CATEGORY:** Quasi-Judicial Proceeding  
**SUBJECT:** Case #22-06 Special Use Permit for a Mini-Storage facility at 2150 & 2176 Live Oak Street

**BRIEF SUMMARY:**

This property has been rezoned to B-1 with a CAMA Map Amendment to General Commercial. A full Site Plan, to include a stormwater management plan will be submitted after the decision of the Special Use Permit. The Planning Board at their February 21<sup>st</sup> meeting recommended unanimously the request for a Mini-Storage Facility at 2150 & 2176 Live Oak Street.

**REQUESTED ACTION:**

Conduct an evidentiary hearing.

**EXPECTED LENGTH OF PRESENTATION:**

15 Minutes

**SUBMITTED BY:**

Kyle Garner, AICP  
Planning & Inspections Director

**BUDGET AMENDMENT REQUIRED:**

N/A

# BOARD STAFF REPORT

**To:** Mayor & Board of Commission Members  
**From:** Kyle Garner, AICP, Planning Director  
**Date:** February 22, 2022  
**Case No.:** 22-06

**THE REQUEST:** Special Use Permit for Mini-Storage

**BACKGROUND:**

Location: 2150 & 2176 Live Oak  
Owner: Rosemyr Corporation  
Applicant: The Cullipher Group  
Requested Action: Provide Recommendation to Board of Commissioners  
CAMA Land Use: General Commercial (Compliant)  
PIN: 731605191929000, 731703102015000, 731605192705000  
Size: 12.18 Acres  
Existing Land Use: Vacant Lot – Former Convenient Store  
Adjoining Land Use & Zoning: North – Single-Family with Manufactured Homes; Zoned R-20  
South – Boat Storage Units – Zoned BW  
West – Across Live Oak - Single Family Residences - Zoned R-20  
East – Undeveloped Property; Zoned R-20

**SPECIAL INFORMATION:** This property has been rezoned to B-1 with a CAMA Map Amendment to General Commercial. A full Site Plan, to include a stormwater management plan will be submitted after the decision of the Special Use Permit.

The Planning Board at their February 21<sup>st</sup> meeting recommended unanimously the request for a Mini-Storage Facility at 2150 & 2176 Live Oak Street.

**Public Utilities:** Water Existing Service  
Sanitary Sewer Existing Service

**ACTION:**

1. Conduct Quasi-Judicial Hearing
2. Finding of Fact on Special Use Request
3. Decision on Special Use Request



**STAFF COMMENTS:**

- This application is for a Special Use Permit for Mini Storage in a B-1 Zoning District.
- There are other Storage Facilities in the vicinity of the site.
- The request is consistent with the current Land Use Plan – (*See CAMA Land Use Map*)

**SECTION 20 Special Use Permit (*Town of Beaufort Land Development Ordinance*)**

**E) Required Findings**

1) In addition to any other findings or requirements as specified by any other section of this Ordinance, before any application for a special use may be granted or denied, the BOC shall make each of the following findings:

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

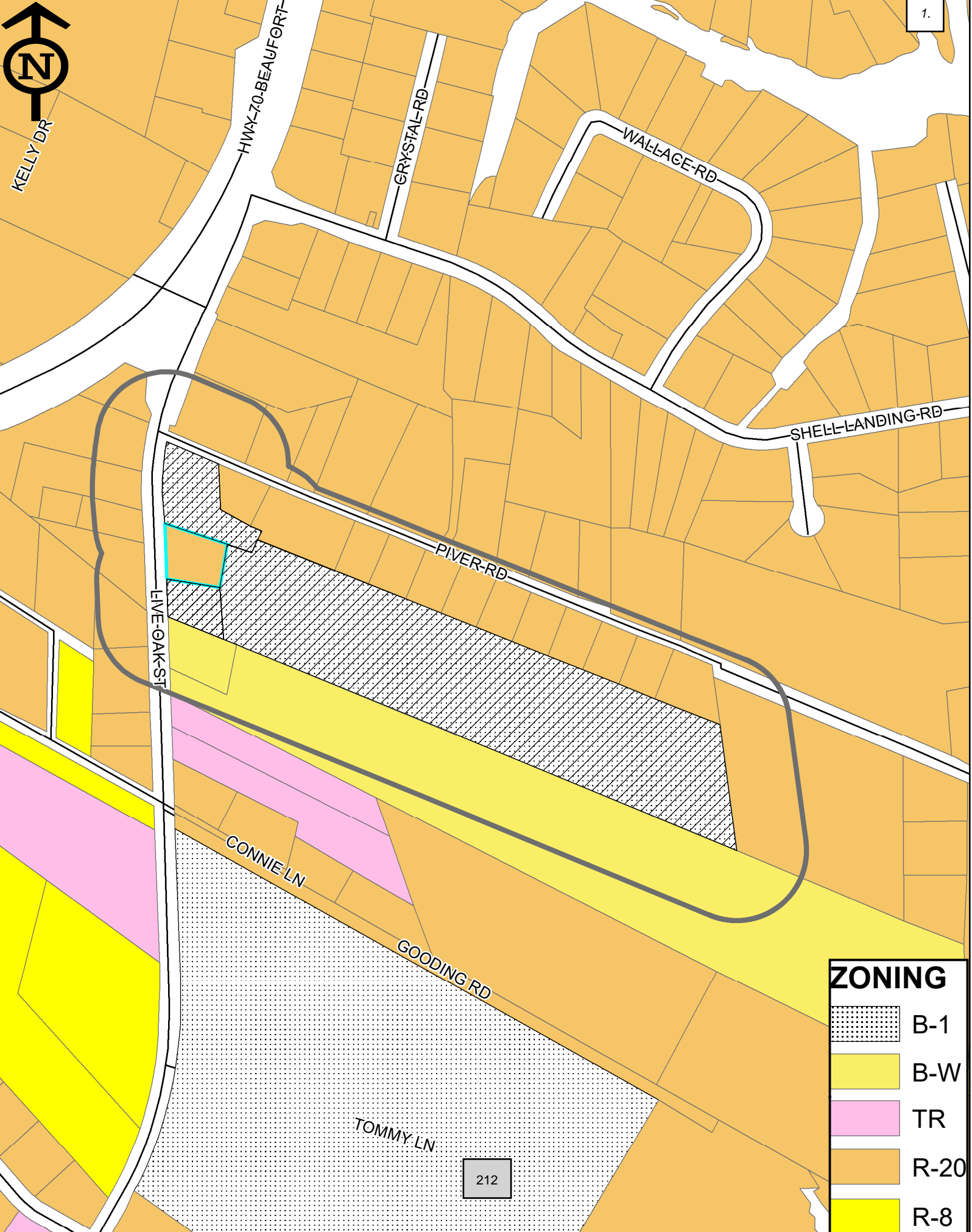
**Exhibits:**

- B- Vicinity Map & Zoning Map
- C - CAMA Land Use Map
- D - List of Property Owners within 200 feet
- E - Site Plan
- F - Section 20 Special Use Permit Information



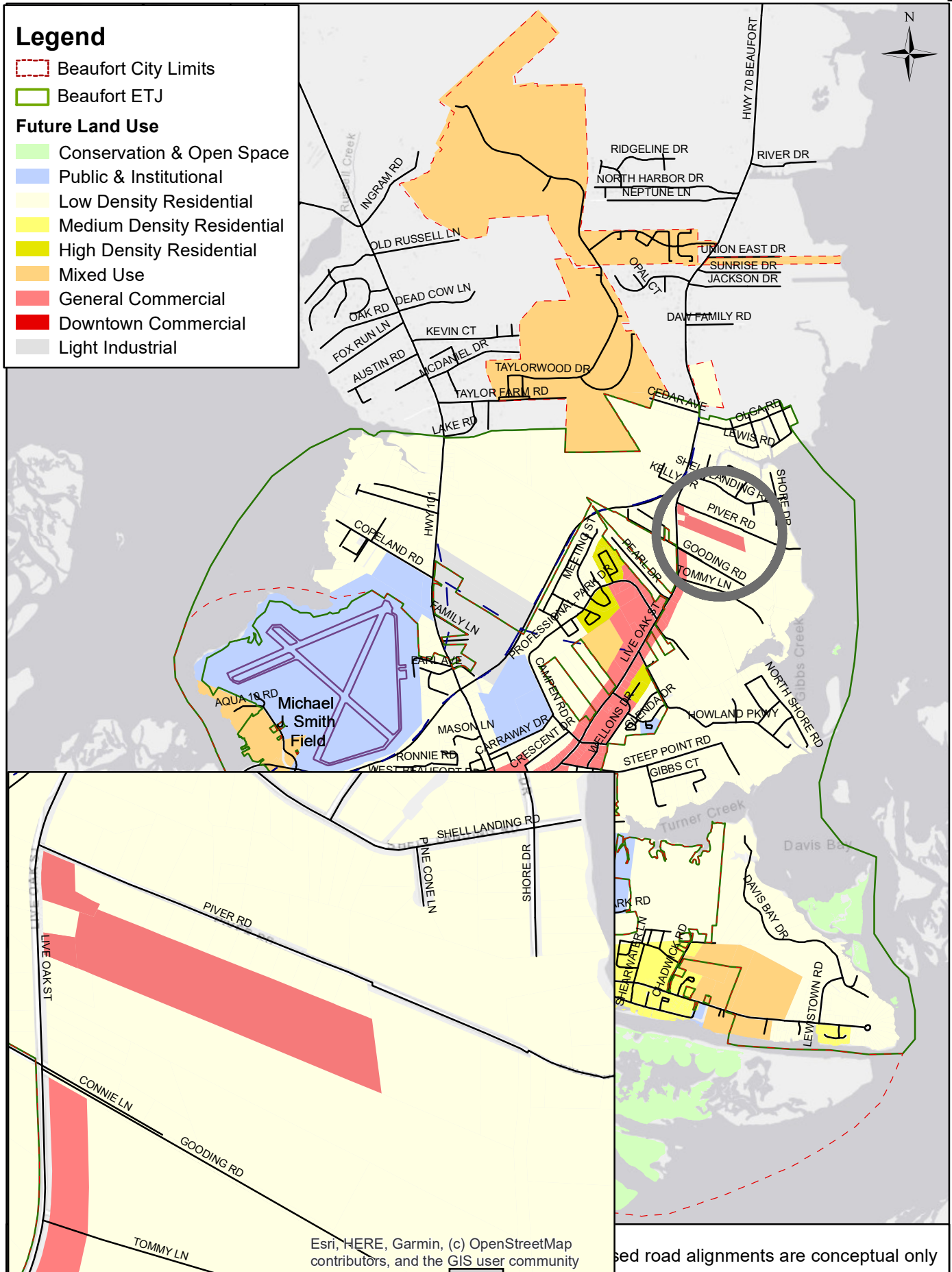
# Case # 22-06 - Special Use Permit - Zoning & Vicinity Map

1.



ZONING	
	B-1
	B-W
	TR
	R-20
	R-8

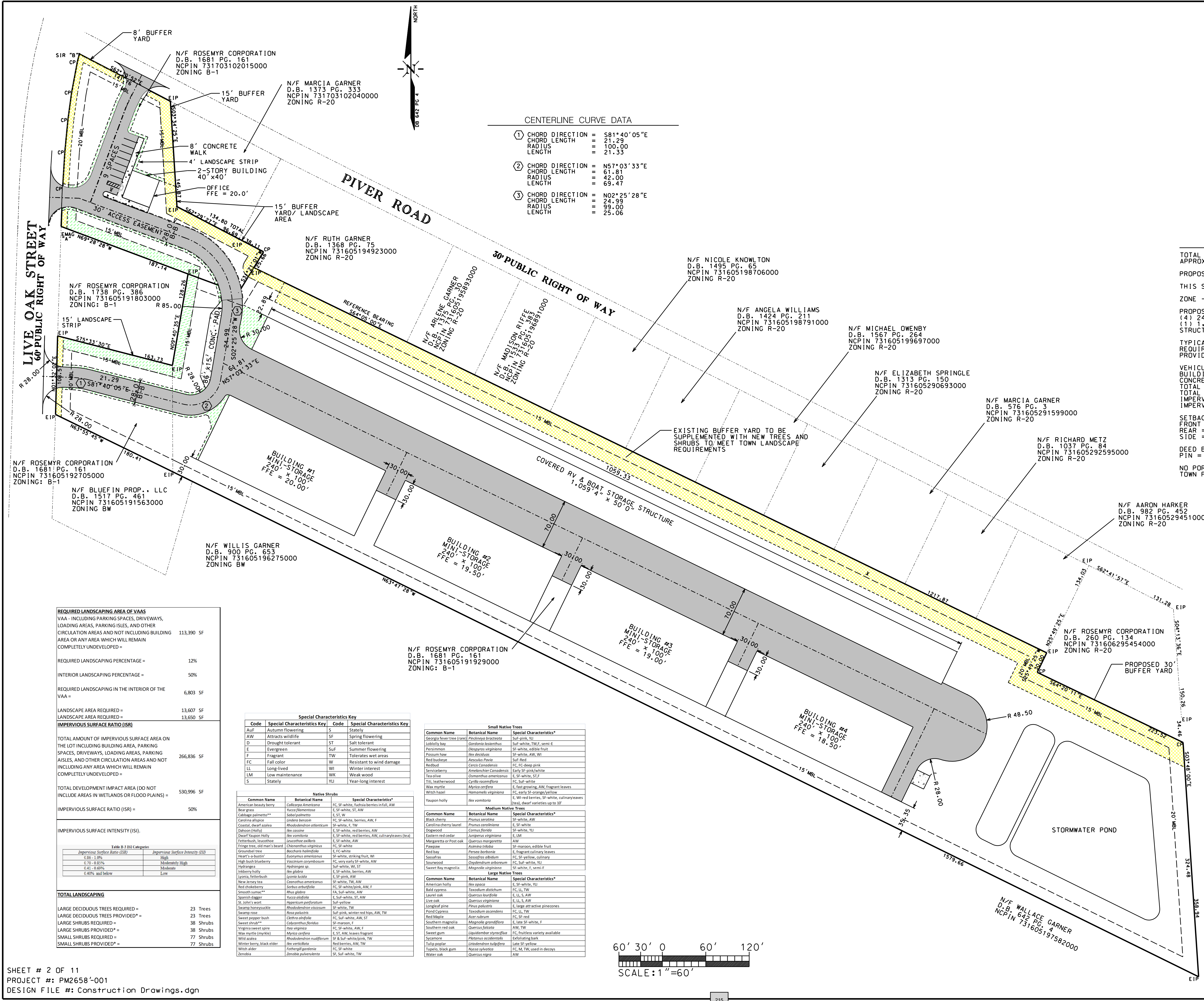
212



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Proposed road alignments are conceptual only

<u>OWNER</u>	<u>MAIL HOUSE</u>	<u>MAIL ST</u>	<u>MAIL CITY</u>	<u>IL ST</u>	<u>MAIL ZIP</u>	<u>MAIL ZIP</u>	<u>MAIL ADD2</u>
BEACHEM,CEDRIC D	3600	SPRUELL DR	SILVER SPRINGS	MD		20902	
BEACHEM,CYNTHIA CAROL	121	PIVER ROAD	BEAUFORT	NC		28516	
BEAUFORT RENAISSANCE LLC			BEAUFORT	NC		28516	PO BOX 799
BLUEFIN PROPERTIES LLC			BEAUFORT	NC		28516	PO BOX 677
DAVIS,DALE W ETUX KATHLEEN	133	PIVER ROAD	BEAUFORT	NC		28516	
DEAN,MELINDA PADEN	199	SHORE DR	BEAUFORT	NC		28516	
DIXON,CHRISTIAN	167	PIVER ROAD	BEAUFORT	NC		28516	
GARNER,ARLENE	148	PIVER ROAD	BEAUFORT	NC		28516	
GARNER,MARCIA LYNETTE	118	PIVERS RD	BEAUFORT	NC		28516	
GARNER,RUTH ANITA	134	PIVERS RD	BEAUFORT	NC		28516	
GARNER,WILLIS DE	2134	LIVE OAK STREET	BEAUFORT	NC		28516	
HARDING,WILLIAM A ETUX TRACY	685	SEA GATE DR	NEWPORT	NC	6275	28570	
HARKER,AARON B	218	PIVERS ROAD	BEAUFORT	NC		28516	
HENRY,DEVIN JAMAR ETUX JULIE	154	PIVER ROAD	BEAUFORT	NC		28516	
KISPERT,JAMIN ETAL PATRI GRANT	127	HOLLY LANE	BEAUFORT	NC		28516	
KNOWLTON,NICOLE A	166	PIVER ROAD	BEAUFORT	NC		28516	
MASON REVOCABLE LIVING TRUST	157	PIVER RD	BEAUFORT	NC		28516	
MASSINO,CATHY LOUISE	125	BAY DRIVE	SMYRNA	NC	9579	28579	
MAY,KATHERINE W ETVIR RICKY V	1897	NC 39 HWY S	LOUISBURG	NC	7104	27549	
MAY,RICKY V ETUX KATHERINE W	1897	NC 39 HWYS	LOUISBURG	NC	7104	27549	
METZ,RICHARD S ETUX SHARON	109	CEDAR AVENUE	BEAUFORT	NC		28516	
PENCO LAND COMPANY LLC			RALEIGH	NC		27619	PO BOX 19691
PINER,DORAN GRAY JR	124	NORTH HARBOR DRIVE	BEAUFORT	NC		28516	
ROSEMYR CORPORATION			HENDERSON	NC		27536	PO BOX 108
ROWAN,WILLIAM III ETUX JULIANN	3098	JEFFERSON WOODS LANE	AMISSVILLE	VA		20106	
SPRINGLE,ELIZABETH BEVERIDGE	192	PIVER ROAD	BEAUFORT	NC		28516	
STORY,PAUL JACKSON JR	137	PIVER ROAD	BEAUFORT	NC		28516	
WILLIAMS,ANGELA BAKER ETAL	174	PIVERS ROAD	BEAUFORT	NC		28516	
WILLIAMS,SEAN T	111	PIVER ROAD	BEAUFORT	NC		28516	
WILLIAMS,SHARON	175	PIVER RD	BEAUFORT	NC		28516	
WILLIAMSON,TAMMY HARDISON	2158	US HIGHWAY 70 E	BEAUFORT	NC	7842	28516	



**CENTERLINE CURVE DATA**

1	CHORD DIRECTION	=	S81°40'05"E
	CHORD LENGTH	=	21.29
	RADIUS	=	100.00
	LENGTH	=	21.33
2	CHORD DIRECTION	=	N57°03'33"E
	CHORD LENGTH	=	61.81
	RADIUS	=	42.00
	LENGTH	=	69.47
3	CHORD DIRECTION	=	N02°25'28"E
	CHORD LENGTH	=	24.99
	RADIUS	=	99.00
	LENGTH	=	25.06

**SITE DATA**

TOTAL AREA = 12.18 AC  
 APPROXIMATE LAND DISTURBANCE AREA = 12.18 AC  
 PROPOSED SPECIAL USE: BOAT/RV STORAGE  
 THIS SITE PLAN IS CONCEPTUAL AND SHALL NOT BE USED FOR CONSTRUCTION.  
 ZONE - B-1 GENERAL BUSINESS DISTRICT  
 PROPOSED BUILDINGS  
 (4) 240x100' CLIMATE CONTROLLED MINI-STORAGE BUILDINGS  
 (1) 1,059'4"x50'0" COVERED, OPEN AIR RV AND BOAT PARKING STRUCTURE  
 TYPICAL PARKING SPACE = 9'X18'  
 REQUIRED PARKING = 9 (1 SPACE PER 250 SF OF OFFICE SPACE)  
 PROVIDED PARKING = 9 TOTAL (8 REGULAR, 1 HANDICAP)  
 VEHICULAR SURFACE AREA (VSA) = 113,390 SF  
 BUILDING IMPERVIOUS AREAS = 150,567 SF  
 CONCRETE IMPERVIOUS AREAS = 2,879 SF  
 TOTAL IMPERVIOUS AREA = 266,836 SF  
 TOTAL TRACT AREA = 530,561 SF  
 IMPERVIOUS SURFACE AREA RATIO = 0.503  
 IMPERVIOUS SURFACE INTENSITY CLASSIFICATION = MODERATE  
 SETBACKS:  
 FRONT = 20'  
 REAR = 20'  
 SIDE = 15'  
 DEED BOOK/PAGE = 1681-161  
 PIN = 731703102015, 731605192705, 731605191929  
 NO PORTION OF THE PROPERTY IS INCLUDED IN ANY ADOPTED TOWN PLAN.

- LEGEND**
- = PROPOSED LANDSCAPE BUFFER
  - = PROPOSED INTERNAL LANDSCAPE AREA
  - = PROPOSED ASPHALT
  - = FENCE
  - = LARGE SHRUB
  - = SMALL SHRUB
  - = LARGE DECIDUOUS TREE
  - EIR = EXISTING IRON ROD
  - EIP = EXISTING IRON PIPE
  - R/W = RIGHT OF WAY
  - TEL = TELEPHONE
  - OE = OVERHEAD ELECTRIC
  - MB = MAP BOOK
  - DB = DEED BOOK
  - PC = PAGE
  - CO = CLEAN OUT
  - WM = WATER METER
  - FH = FIRE HYDRANT
  - CP = COMPUTED POINT
  - LP = LIGHT POLE
  - ELEC = ELECTRIC
  - ST = SITE TRIANGLE

**REQUIRED LANDSCAPING AREA OF VAAS**  
 VAA - INCLUDING PARKING SPACES, DRIVEWAYS, LOADING AREAS, PARKING ISLES, AND OTHER CIRCULATION AREAS AND NOT INCLUDING BUILDING AREA OR ANY AREA WHICH WILL REMAIN COMPLETELY UNDEVELOPED = 113,390 SF

REQUIRED LANDSCAPING PERCENTAGE = 12%

INTERIOR LANDSCAPING PERCENTAGE = 50%

REQUIRED LANDSCAPING IN THE INTERIOR OF THE VAA = 6,803 SF

LANDSCAPE AREA REQUIRED = 13,607 SF  
 LANDSCAPE AREA REQUIRED = 13,650 SF

**IMPERVIOUS SURFACE RATIO (ISR)**

TOTAL AMOUNT OF IMPERVIOUS SURFACE AREA ON THE LOT INCLUDING BUILDING AREA, PARKING SPACES, DRIVEWAYS, LOADING AREAS, PARKING AISLES, AND OTHER CIRCULATION AREAS AND NOT INCLUDING ANY AREA WHICH WILL REMAIN COMPLETELY UNDEVELOPED = 266,836 SF

TOTAL DEVELOPMENT IMPACT AREA (DO NOT INCLUDE AREAS IN WETLANDS OR FLOOD PLAINS) = 530,996 SF

IMPERVIOUS SURFACE RATIO (ISR) = 50%

**Special Characteristics Key**

Code	Special Characteristics Key	Code	Special Characteristics Key
Auf	Autumn flowering	S	Stately
AW	Attracts wildlife	SF	Spring flowering
D	Drought tolerant	ST	Salt tolerant
E	Evergreen	Suf	Summer flowering
F	Fragrant	TW	Tolerates wet areas
FC	Fall color	W	Resistant to wind damage
LL	Long-lived	WI	Winter interest
LM	Low maintenance	WK	Weak wood
S	Stately	YLI	Year-long interest

**Small Native Trees**

Common Name	Botanical Name	Special Characteristics*
Georgia fever tree (rare)	<i>Prokryna fraxinea</i>	Suf-pink, YLI
Locust	<i>Geopelia laevis</i>	Suf-white, TW, semi-E
Periwinkle	<i>Diospyros virginiana</i>	Sf-white, edible fruit
Possumhaw	<i>Illex decidua</i>	Sf-white, AW, WI
Red bud	<i>Amorpha fruticosa</i>	Suf-red
Redbud	<i>Cercis canadensis</i>	FC, FC-deep pink
Serviceberry	<i>Amelanchier canadensis</i>	Early Sf-pink/white
Tea olive	<i>Chamaelirium luteum</i>	E, Sf-white, ST
Tit-leatherwood	<i>Cyrilla racemiflora</i>	FC, Suf-white
Wax myrtle	<i>Mycopyxylon</i>	E, fast growing, AW, fragrant leaves
Witch hazel	<i>Hamamelis virginiana</i>	FC, early S-orange/yellow
Yaupon holly	<i>Ilex vomitoria</i>	E, WI, red berries, Sf-white, culinary leaves

**Medium Native Trees**

Common Name	Botanical Name	Special Characteristics*
Black cherry	<i>Prunus serotina</i>	Sf-white, AW
Carolina cherry laurel	<i>Prunus caroliniana</i>	E, Sf-white
Dogwood	<i>Cornus florida</i>	Sf-white, YLI
Eastern red cedar	<i>Juniperus virginiana</i>	E, LM
Magnolia	<i>Chorisia merrillii</i>	AW
Swamp white oak	<i>Quercus bicolor</i>	Sf-maroon, edible fruit
Red bay	<i>Persea borbonica</i>	E, fragrant culinary leaves
Sourwood	<i>Ostrya virginiana</i>	FC, Suf-yellow, culinary
Sourwood	<i>Chydendrum arboreum</i>	FC, Suf-white, YLI
Sweet Ray magnolia	<i>Magnolia virginiana</i>	Sf-white, V, semi-F

**Large Native Trees**

Common Name	Botanical Name	Special Characteristics*
American holly	<i>Ilex opaca</i>	E, Sf-white, HI
Bald cypress	<i>Taxodium distichum</i>	FC, LI, TW
Cherry laurel	<i>Chorisia laurifolia</i>	E, LI, S, AW
Live oak	<i>Quercus virginiana</i>	E, LI, S, AW
Live oak	<i>Quercus laevis</i>	E, LI, S, AW
Live oak	<i>Quercus agrifolia</i>	E, LI, S, AW
Live oak	<i>Quercus macrocarpa</i>	E, LI, S, AW
Live oak	<i>Quercus prinus</i>	E, LI, S, AW
Live oak	<i>Quercus muhlenbergii</i>	E, LI, S, AW
Live oak	<i>Quercus falcata</i>	AW, TW
Live oak	<i>Quercus laevis</i>	AW, TW
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## SECTION 20 Special Use Permits

### A) *General.*

Special uses are practices which are not permitted by right in any zoning district in the Town of Beaufort, but may only be granted after due consideration by the Board of Commissioners (BOC). The consideration of a special use application is a quasi-judicial function requiring evidentiary hearings and specific findings of fact. Special use permits may only be granted by the BOC following a recommendation by the planning board and the quasi-judicial review process as stipulated in this section.

### B) *Special Use Permit Application Procedures.*

- 1) A written application for a special use permit in all zones shall be submitted to the Town's Planning and Inspections Department in accordance with the requirements of section 1-M of this Ordinance and all applicable administrative regulations. The application shall include:
  - a) A proposed use site plan which contains information documented in section 18-C of this Ordinance and the specific information features below:
    - i) A vicinity map and survey of the parcel which shall include the zoning and use of all adjacent properties;
    - ii) A legend identifying all symbols on the map;
    - iii) A North arrow and a scale;
    - iv) A preliminary design of the proposed use which shows all existing and proposed structures, parking layouts, driveways, buffering, landscaping, points of ingress and egress, easements, minimum building lines, and street rights-of-way;
    - v) A site data block of features which includes the proposed use(s), square footage of the proposed and existing structure(s), site zoning, total acreage, number of lots, minimum lot size, and average lot size;
    - vi) The map book, page number, and deed book information;
    - vii) A note stating whether any portion of the property is included in any adopted Town plan; and,
    - viii) Any other related information requested by Town staff, the planning board, or the BOC.
    - ix) All required environmental permit improvements needed for the property.
  - b) The special use permit sought; and,
  - c) Information supporting the existence of the required findings, and providing such plans or other relevant data as may be required by the Town.
- 2) Whenever an application is submitted for a special use permit in a residential zone, the applicant shall also include:
  - a) A narrative which illustrates the appropriateness of the proposed use in a residential zone. This narrative shall also describe all the architectural design features which make the proposed use and associated building compatible with the urban character of the residential neighborhood;
  - b) The submitted site plan shall also include all street front architectural elevation drawings to insure the building(s) compatibility with the surrounding residential structures; and,

*Land Development Ordinance for the Town of Beaufort*

- c) Additionally, the BOC and town staff may require a professional rendering or any other graphic illustration of the proposed structure.
- 3) The application shall be reviewed by town staff and submitted with comments and recommendation to the planning board for review. After the planning board makes its recommendation, the application shall be forwarded to the BOC for consideration.

**C) *Quasi-Judicial Proceeding Notification Requirements.***

The Town shall schedule a quasi-judicial proceeding for the application and BOC consideration after reasonable opportunity for staff and planning board review by providing public notice no more than thirty days after receipt of the completed application. The notice of a quasi-judicial proceeding shall be given using the standards set forth in section 3-E of this Ordinance with the exception of the following:

- 1) The notice shall be given once a week for two successive calendar weeks and published in a newspaper having general circulation within Town. The first publishing shall not be less than ten days or not more than twenty-five days before the date affixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included as documented.
- 2) All property owners within two hundred feet (200') of the lot boundaries on all sides of the subject lot as listed in the county tax records shall be mailed by the Town a notice of the quasi-judicial proceeding on the proposed special use application by first class mail at the address listed for such owners on the county tax abstracts. The notice shall identify the location and briefly describe the proposed special use. Section 3-E (2) of this Ordinance gives direction on when the notices shall be mailed.
- 3) The Town shall prominently post a sign giving notice of the quasi-judicial proceeding on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed special use public hearing not more than ten days prior to the hearing date. The wording of such sign should be similar to what is in section 3-E (4) of this Ordinance.

**D) *Procedures on Special Use Applications.***

In considering whether to approve an application for a special use permit, the BOC shall proceed as follows:

- 1) The BOC shall hold the quasi-judicial proceeding and consider relevant information regarding whether the required findings under subsection E of this section exist and whether the special use is appropriate in the proposed location. The BOC shall hear relevant information from the applicant, adjoining property owners, the Town Manager, the planning board, planning officials, and any interested or affected members of the public. Parties may appear in person, by designee, or by attorney to present information relevant to the requirements of the Ordinance.
- 2) The BOC shall consider whether the application complies with each individual required finding specified in subsection E of this section. The BOC need not make the required findings at the time of the hearing and may call for additional information if needed. If the special use permit application is approved, the BOC motion shall contain language showing all the required findings under subsection E of this section have been met, and in the absence of specific findings, it shall be conclusively presumed the application complies with all the findings in subsection E of this section.
- 3) The BOC shall render a decision within a reasonable period of time not to exceed ninety days after holding the quasi-judicial proceeding for the proposed special use application.

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The BOC need not issue a decision at the time of the hearing if additional information is needed and may continue said hearing until a later date.

- 4) If the application is found not to be in compliance with one or more of the required findings of subsection E of this section or any other applicable section of this Ordinance, the application shall be denied. Such motion shall specify the particular findings the application fails to meet. It shall be conclusively presumed the application complies with all requirements not noted by the BOC in their motion to deny the application.
- 5) Notwithstanding the specific requirements of this Ordinance, the BOC may impose additional conditions and reasonable requirements upon the requested special use permit in order to ensure the use is consistent with the required findings as specified under subsection E of this section. The BOC may place an expiration date on the special use permit if a building permit is not secured within a certain period of time. If the special use permit is not renewed periodically by the recipient of the permit, it will expire on the date given to the permit by the BOC.
- 6) After the BOC renders its decision on the special use permit application, the reasons for granting or denying the application shall be made in writing. A written copy of the conclusion(s) of the BOC about the facts of the case and the board's corresponding decision shall be forwarded to the applicant within ten days.

**E) Required Findings.**

- 1) In addition to any other findings or requirements as specified by any other section of this Ordinance, before any application for a special use may be granted or denied, the BOC shall make each of the following findings:
  - a) The proposed use is an allowable special use in the zoning district it is being located within;
  - b) The application is complete;
  - c) The location and character of the use will be in conformity with the Town's land use plan and other comprehensive planning elements;
  - d) Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with current traffic engineering standards and Town regulations and found to be adequate for the proposed special use;
  - e) The proposed special use will not substantially injure the value of adjoining or abutting properties;
  - f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and,
  - g) The proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.
- 2) The BOC shall make its findings based on "competent evidence" as described in N.C.G.S. 160A-393 (k) and will be cognizant the statute provides in part "competent evidence" shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:
  - a) The use of property in a particular way would affect the value of other property.
  - b) The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.

- c) Matters about which only expert testimony would generally be admissible under the rules of evidence.
- 3) Compatibility Standards for Special Uses in Residential Zones:  
In deciding whether the architectural elements of the proposed special use in a residential zone will be compatible with the adjoining buildings, the BOC shall review said proposal in reference to the following architectural elements:
  - a) Size (footprint);
  - b) Height;
  - c) Proportion and scale;
  - d) Roof shape(s);
  - e) Setbacks;
  - f) Location, size, and number of openings (doors and windows);
  - g) Materials;
  - h) Color; and,
  - i) Texture.

F) **Special Use Guidelines.**

1) Adult Establishments.

- a) No building, structure, or any portion thereof nor any portion of a lot or parcel or property shall be used for an adult establishment at a location closer than one thousand feet (1000') from any other adult establishment; or closer than one thousand feet (1000') from any residentially zoned property, pre-school, child care, nursery school, day care, K-12 school, public playground, or church situated within the Town limits or the ETJ.
- b) Plans are required and must show:
  - i) Locations of buildings and signs and the size of the plan;
  - ii) Proposed points of access and egress and patterns of circulation;
  - iii) Layout of parking spaces;
  - iv) Lighting plan inclusive of wattage and illumination; and,
  - v) Landscape plan.

2) Day Care Centers (Including Kindergarten).

- a) One parking space shall be provided for each adult attendant and one parking space provided for every six children or fraction thereof.
- b) Section 19 of this Ordinance gives the screening/buffering and fencing guidelines required for this application.
- c) Plans are required and must show:
  - i) Location and approximate size of all existing and proposed structures and buildings within the site and on the lots adjacent thereto;
  - ii) Proposed points of access and egress and pattern of circulation;
  - iii) Layout of parking spaces;
  - iv) Location and extent of open play area(s);
  - v) Day care center shall provide one hundred square feet (100 ft<sup>2</sup>) of play area space per pupil.

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- vi) Outdoor play area shall be enclosed by a solid or open fence or wall at least four feet (4') in height. Where the outdoor play area is directly adjacent to a residentially used or zoned lot, a solid fence or wall at least six feet (6') high or the maximum applicable fence or wall height limitation for the district or an open fence at least four feet high (4') and a screen planting designed to grow three feet (3') thick and six feet (6') high shall be created. The BOC may at its discretion, require additional screening/buffering and/or fencing elements to be located adjacent to abutting nonresidential land uses.
- vii) In residential districts, a day care center shall not be operated between the hours of 7:00 p.m. and 7:00 a.m. unless with written approval by the BOC.
- viii) Landscape plan.

3) Radio or Television Transmitter.

- a) Minimum lot area – at least three acres in area.
- b) One parking space is required at the site.
- c) Plans are required and must show:
  - i) Location and approximate size of all existing and proposed structures within the site and within one thousand linear feet in all directions;
  - ii) Proposed points of access and egress;
  - iii) Proposed off-street parking spaces; and,
  - iv) Protective fencing at least six feet (6') high with three stands of barbed wire turned out and ten feet (10') from the perimeter of the antenna base shall be established.

4) Telecommunication Tower.

- a) Guy-wire towers shall not be permitted.
- b) Co-location towers shall be permitted.
- c) Height of communication towers shall be regulated by the Federal Aviation Administration (FAA).
- d) Communication towers are prohibited in front yards and shall be in compliance with the Telecommunication Act of 1996.
- e) Local governments have no ability to prohibit towers on the basis of environmental or health issues according to the Federal Radio Frequency Emission Standards.
- f) The BOC may deny a permit based upon a tower's influence on property value or aesthetics.
- g) A minimum lot size of one-half acre per tower shall be met; however, the Telecommunication Tower shall be placed on a lot of sufficient size, and in a position on the lot, if the tower falls, no part of it will fall onto adjacent property. Variances shall not be allowed.
- h) Landscaping and screening/buffering are required as approved by the planning board and according to section 15 and section 19 of this Ordinance.
- i) A six-foot (6') high protective barrier shall be required around the base of the tower. The barrier shall be a masonry wall, chain link fence, solid wood fence, or opaque barrier as described in section 19 of this Ordinance.
- j) Setback requirements shall be according to the district in which the tower is located.
- k) Towers shall be lighted to satisfy the FAA requirements.

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- l) Towers shall be removed within ninety days following abandonment of such towers.
- m) Towers shall be removed by the property owner within one hundred eighty days following damage or termination of operation resulting in inoperable towers or towers where the owner of the tower shows no intent to repair said tower. Blown over towers shall also be removed by the owner of such tower under this guideline.
- n) Any advertising signage is strictly prohibited on towers.
- o) Towers shall be painted blue or gray if not otherwise required by the FAA.
- p) The owner must provide adequate insurance coverage for any potential damage caused by or caused to the tower.
- q) For permitting purposes, site plans are required as defined in section 18 of this Ordinance and shall show all of the following additional features:
  - i) Identification of intended user of tower.
  - ii) Documentation by registered engineer shows tower has sufficient structural integrity to accommodate more than one user.
  - iii) Statement from owner indicating his intent to allow shared use of the tower and how others will be accommodated.
  - iv) Evidence the property owners of residentially zoned/used property within three hundred feet of the base of the proposed tower, would be notified prior to the special use application being heard by the BOC.
  - v) Documentation which shows towers over a certain height are absolutely necessary for the provision of service (i.e., a tower up to one hundred ninety-six feet (196') cannot provide a reasonable level of service).
- r) The BOC shall determine if a tower is in harmony with the area and compatible with adjacent properties and may consider the aesthetic effects of the tower as well as mitigating factors concerning aesthetics. The BOC may disapprove a tower based on the grounds the aesthetic effects are unacceptable and a new site should be proposed. The following factors shall be considered:
  - i) Protection of the view in scenic areas, unique natural features, scenic roadways, historic sites, etc.
  - ii) Prevention of a concentration of towers in one certain area; and,
  - iii) Height, design, placement, and other characteristics could be modified to have a less intrusive visual impact.

5) Marinas.

The requirements below are for marinas and for proper disposal of sewage from boats:

- a) All slips over thirty feet (30') shall provide a permanent pump-out connection so a hose of not more than thirty feet (30') can reach the mid-point of the slip.
- b) Any vessel with a permanently installed marine sanitation devise shall be located so the holding tank can be pumped-out using a hose not to exceed thirty feet (30').
- c) Mobile pump-out equipment may not be used to meet the requirements of subsections 5a) and 5b) of this section.
- d) A marina may not charge marina tenants an additional fee to pump-out their holding tanks.
- e) When a T-head of a dock is unoccupied during regular business hours, the marina shall provide public access to the pump-out facility for a nominal fee.

6) Office: Small Business.

Property owners may be granted a special use permit for an Office: Small Business in a Residential Zoning District if identified as a *Small Business* as defined in section 4 of this Ordinance.

- a) In addition to application requirements outlined in subsection B of this section, special use permit applications must include the following:
  - i) Detailed narrative describing the activities associated with the requested use;
  - ii) Number of employees requested to work on site;
  - iii) Requested business hours of operation;
  - iv) Estimated number of clients served on site per day; and,
  - v) Detailed drawing or photographs, including measurements, of signage if requested.
- b) Signage will be reviewed by the BOC at the time of the special use permit and will meet the following standards:
  - i) Not more than one sign is permitted;
  - ii) Sign will not exceed an area of two square feet (2 ft<sup>2</sup>);
  - iii) Colors will be compatible with those of the structure and will not detract from the residential characteristics of the structure;
  - iv) Sign will be affixed flatly against the building; and,
  - v) Directly lighted and/or neon signage is not permitted.
- c) Conditions: The BOC may impose reasonable conditions as it deems necessary for the protection of the public health, general welfare, and public interest regarding:
  - i) Compatibility. The compatibility of the proposal, regarding both use and appearance, with the surrounding neighborhood;
  - ii) Hours of Operation. The frequency and duration of indoor/outdoor activities and the impact of the surrounding area;
  - iii) Noise. The added noise level created by activities associated with the request;
  - iv) Parking. The request will not generate a need for additional parking; and,
  - v) Appearance. The general appearance will not be adversely affected by the location of the proposed use on the property.



## 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, March 14, 2022 Train Depot, 614 Broad Street

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**AGENDA CATEGORY:** Closed Session  
**SUBJECT:** Pursuant to NCGS 143-318.11 (a) (3); and  
NCGS 143-318.11 (a) (5)

**REQUESTED ACTION:**

Motion to enter closed session pursuant to NCGS 143-318.11 (a) (3), the Board of Commissioners will consult with Town Attorney; and pursuant to NCGS 143-318.11 (a)(5), discussion on real property acquisition opportunities for the Town will take place.

**EXPECTED LENGTH OF PRESENTATION:**

15 minutes

**SUBMITTED BY:**

Todd Clark, Town Manager

**BUDGET AMENDMENT REQUIRED:**

No