



Town of Beaufort, NC

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

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

Call to Order/Pledge of Allegiance

Roll Call

Agenda Approval

Public Comment

Items of Consent

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

Items for Discussion and Consideration

- [1.](#) Amendment to the Code of Ordinances – Chapter 95. Oceanview Cemetery
- [2.](#) Request for Extension of Reserved Sewer Capacity - 803 Island Drive
- [3.](#) Conflict Waiver for Proposed Bond Counsel for the USDA-Funded Utilities Project

Public Hearing

- [1.](#) Walking Tour Permit- Beaufort's Southern Stroll

Manager Report

Mayor/Commissioner Comments

Closed Session

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

Adjourn



Town of Beaufort, NC

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

AGENDA CATEGORY: Items of Consent
SUBJECT: Meeting Minutes- March 13th & 27th

REQUESTED ACTION:
Approval of the following minutes:
March 13, 2023 Board of Commissioners Regular Meeting
March 27, 2023 Board of Commissioners Work Session

SUBMITTED BY:
Elizabeth Lewis, Town Clerk

BUDGET AMENDMENT REQUIRED:
No



Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
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**Town of Beaufort
6:00 PM Monday, March 13, 2023
Train Depot, 614 Broad Street
Beaufort, NC 28516
Minutes**

Call to Order/Pledge of Allegiance

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

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

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

Agenda Approval

Mayor Harker asked for a motion to amend the agenda to add *Financial Advisors*, listed as number six, under **Items for Discussion and Consideration**.

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

The motion carried unanimously.

Presentations

1. Recognition of Beaufort Harbor & Waterways Master Plan Advisory Committee Members
Mayor Harker, on behalf of the Board of Commissioners, presented each member with a certificate of appreciation and a special coin to honor them for their hard work and dedication to the Town of Beaufort.

Harbor and Waterways Master Plan Advisory Committee Members recognized are as follows: Steve Bishop, Tipper Davis, Doug Doubleday, Victor Fasolino, Becky Bowler, Susan Sanders, Miriam Sutton and Doug Townsend.

Public Comment

There was none.

Items of Consent

- 1. Minutes- February 13th & February 27th
- 2. Lion's Club Bridge Run

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

The motion carried unanimously.

Items for Discussion and Consideration

- 1. Request for Extension of Reserved Sewer Capacity, 504 Island Drive

Greg Meshaw, Town Engineer, shared that the owners of 504 Island Drive had requested an extension to the sewer capacity reservation deadline associated with the property. Mr. Meshaw explained the original reservation was granted by the Board of Commissioners during their Regular Meeting on March 8, 2021; the capacity was sufficient to serve a 3-bedroom residence to be constructed at the address. He explained the allocation remains unused because construction of the residence has not yet started, and because the water meter to serve the structure has not been installed. He reminded the Board that the Town's policy allows for an initial six-month extension. He asked that the Board consider approving a six-month extension to the deadline by which the reserved capacity allocated to 504 Island Drive on March 8, 2021 was to have been used.

Commissioner Hagle made a motion to approve the extension of reserved sewer capacity.

The motion carried unanimously.

- 2. Police Department- Surplus Items

Chief Burdette explained there were several items of the Beaufort Police Department that need to be placed in surplus, as the weapons are no longer being used since the department had transitioned to the Taser 7 Platform. He noted the equipment was less lethal weapons, and staff was requesting to transfer several items to the Martin County Sheriff's Office, as well as the Indian Beach Police Department. He requested the Board approve the resolutions provided in their meeting packet, which declare the specific items as surplus property and allows a transfer to requesting agencies with no monetary gain.

Commissioner Oliver made a motion to approve the proposed resolutions associated with Beaufort Police Department Surplus Items.

The motion carried unanimously.

- 3. Personnel Policy Update- Name Clearing Hearing

Barbara Cooper, Human Resources Manager, proposed an amendment to the Town of Beaufort Personnel Policy. She noted the specific update was associated with Article IX. Unsatisfactory Job Performance and Detrimental Personal Conduct- Section 8: Name Clearing Hearing; the proposed changes are referenced below:

Following the Town’s decision to dismiss or demote an employee for detriment personal conduct, including but not limited to serious character defects such as dishonesty or immorality, the employee shall be afforded an opportunity for a name clearing hearing if he or she contends the reasons for the disciplinary action are stigmatizing and false. Employees who are demoted or dismissed solely for failure to perform job duties, incompetence/poor performance or absenteeism are not eligible to request a name clearing hearing. This policy applies to all employees, including regular, probationary, and part-time employees.

The employee must request the hearing within ten (10) business days of the disciplinary action. If requested by the employee, a time and date for the hearing will be established such that the hearing takes place prior to the release of any negative or stigmatizing information about the employee that could inhibit future employment. The employee may invite anyone (including the media) to the hearing. The Town Manager or his or her designee shall serve as the hearing officer.

At this name clearing hearing, the employee may present any response to information that the employee believes to be false and/or stigmatizing to the employee’s reputation with respect to the reasons for the dismissal or demotion. There is no requirement for the Town or the hearing officer to respond in any way to the verbal or written comments of the employee at or subsequent to the hearing.

Any written comments submitted by the demoted or dismissed employee will be placed in the employee’s personnel file, and a copy will be provided to anyone who requests the termination letter on that employee. In lieu of attending the hearing, the employee may submit written comments which will be placed in his or her personnel file. If the employee speaks at the hearing but does not provide written comments, the hearing officer shall take notes and place a copy of the notes in the employee’s personnel file. A copy of the written comments and/or notes described will be provided to anyone who requests the termination letter on that employee.

The name clearing hearing is not a substitute or second opportunity for a pre-dismissal conference at which the employee may contest the proposed disciplinary action. Information presented at the name clearing hearing will not be used by the Town to reconsider the disciplinary action.

Commissioner Hagle made a motion to approve the proposed Personnel Policy amendment.

The motion carried unanimously.

4. Triathlon Update

Rachel Johnson, Parks and Events Coordinator, explained she had presented the event request at a prior meeting and it was the Board's direction to bring back an update and request final approval. She noted since the last meeting, event organizers have conducted two meetings with the Town and area public safety teams. She shared that a virtual meeting with the Beaufort Police Department was held on February 8, 2023, to discuss an alternative route from the initially proposed route along Front Street. She explained the race course, as provided in the meeting packet, and noted Ann Street had been added to the route. She also shared there would be an additional meeting scheduled for late April for public safety to address any last minute concerns.

Commissioner Hagle asked about volunteers for the event.

Ms. Johnson explained if the organizers have trouble providing an adequate number of volunteers to work the mandatory posts, they have been advised they may ask the Town to help provide staffing for those locations. She noted that advanced notification is needed to make proper arrangements, and they would need to pay Town staff for hire rate. 1.

Commissioner Hagle asked how the event organizers planned to address parking.

Ms. Johnson explained it was her understanding that the participants would be parking at Gallants Channel, along with the majority of spectators.

Commissioner Hagle made a motion to approve the proposed Triathlon Event, scheduled for May 13, 2023.

The motion carried unanimously.

5. Music in the Park Concert Series

Ms. Johnson explained the Beaufort Business Association (BBA) submitted an event request which proposes Music in the Park for 29 consecutive Thursday evenings starting on April 13, 2023 and ending on October 26, 2023. She explained each of the events would include amplified music and alcohol sales on Town property from 5:00-8:00 p.m. weekly. She shared the Police Chief reviewed the application request and feels comfortable waiving the event alcohol requirement to hire 2 off-duty officers to provide security at the \$50 an hour rate. She noted the events have been low impact, family friendly events in the past, but the Police Chief could reinstate the additional officers at any point if needed. Ms. Johnson shared the BBA has requested the Town consider waiving the event electricity fee; the rate being \$50 per event to equal \$1,450 over the 29 requested dates. She shared the BBA also requested the Town provide lighting in the park; she noted staff recommended the Town not agree to add any additional lighting at this time. She shared the event request had been reviewed by the Police and Fire Chiefs and they did not express any public safety concerns with the event series. Ms. Johnson explained after the Board of Commissioners approve an event, staff provides a letter to submit to the State regarding alcohol sales for one-time events and one-time ABC permits noting the Town has waived its ordinances for the specific request. She shared this request was somewhat different, as there were multiple dates consolidated into one request.

Commissioner Cooper confirmed the specific request from the BBA's application, regarding the electricity fee, additional lighting and alcohol sales. He asked if these request had been approved in the past.

Ms. Johnson explained the event had been approved in the past, but never for this many consecutive dates. She shared the lighting issue becomes more of a problem during the Spring and Fall months, rather than Summer. She noted the Town has waived the event alcohol requirement to hire off duty officers, because it has been a small and controlled event. She also shared the Town had offered event grants in the past to offset fees such as electricity, but explained that program was no longer active.

Commissioner Cooper questioned utility cost associated with the event and its proposed dates.

Mr. Clark added some clarification on the ABC permit portion, explaining the applicant is responsible for obtaining their own permit and paying any associated fee. He shared the BBA may want to come back to the Board at a later time for consideration of a lease agreement for these events, which would allow them to obtain one ABC permit for all 29 proposed event dates.

Commissioner Oliver shared he was in favor of the extended Music in the Park Concert Series, as it beneficial to the Downtown area. He suggested if a lease were ensue, it should be nonexclusive. He noted the electricity associated with an electric guitar would not be a great cost to the Town, 7 supported the request to wave the electrical fees.

Commissioner Terwilliger shared he too was in favor of the event series and supported the request to waive the electrical fees. He also noted his support of a lease agreement, should it help the applicant in applying for the ABC permit. He suggested if needed, the Town Attorney and Town Staff could draft an appropriate lease with BBA. He also suggested Police Officers on duty walk Downtown during the event, to facilitate a friendly relationship with the community.

Commissioner Hollinshed expressed her full support of the proposed event and the extended dates. She suggested a lease could incorporate free zones, to potentially aid in future requests. She also suggested waving the electrical fees associated with each event, noting if there was additional cost for the Town, parking revenues could help cover those.

Mayor Harker asked what the pleasure of the Board was when considering approval or denial of the proposed event.

Commissioner Hollinshed made a motion to approve the Music in the Park Concert Series as presented, for 29 weeks, and to waive the electrical fees associated with each date.

The motion carried unanimously.

6. Financial Advisors

Mr. Clark explained that two financial advisors made presentations to the Board at their Annual Retreat the prior week. He shared following the Harbor and Waterways Master Plan results, and after consideration of the multitude of other Town projects happening, staff realized the need to procure a financial advisor. He shared proposals from each firm the Board previously met with, Davenport and First Tryon. He noted he believed both firms would do a good job for the Town, but suggested he and staff needed more time to investigate each company, such as speaking with past and present clients. He shared it was the pleasure of the Board as to which firm, if any, they might select.

Commissioner Cooper expressed his satisfaction with both firm's presentation to the Board. He suggested Mr. Clark have an opportunity to speak with clients associated with each firm before leaning towards one or the other.

Commissioner Oliver also expressed satisfaction with both firms and thanked the management team for their work in setting up the presentations. He shared that he was in favor of hiring a financial advisor, as well as procuring a grant writer in effort to help with future projects and construction.

Commissioner Hagle commented on the potential capabilities of both firms, noting their experience in surround towns. He suggested moving forward with a financial advisor as quickly as possible.

Commissioner Terwilliger shared his favorable impression of Davenport and First Tryon, noting the Town had already benefited from their presentations. He suggested leaving the decision up to Town Staff, based on a reference check of each firm.

Commissioner Hollinshed noted one of the firms is slightly cheaper than the other, but they are asking for a three-year term. She too suggested staff quickly research each firm in terms of past and present client's satisfaction.

Mayor Harker deemed a consensus to direct the Town Manager and staff to do references checks on both proposed firms and bring a recommendation back to the Board at a future meeting, which will also encompass a budget amendment to authorize payment for the services.

Commissioner Oliver requested the Town Manager also bring back information on obtaining a Grant Writer, or a recommended recruitment process; he explained this position would be crucial to serve the Town and in conjunction with the Capital Improvement Projects and their funding.

Manager Report

Mr. Clark provided an update on recent and upcoming events taking place in the Town of Beaufort. He shared the Board of Commissioners held a successful Annual Retreat on March 9-10, noting specific topics discussed and future goals for the Town. He shared the status of a sidewalk installation project along Live Oak Street, as well as the continued work on Cedar Street. He also shared dredging of Range 1 of Bulkhead Channel should begin in the next few weeks. He noted it was staff's anticipation to provide a full report on Oceanview Cemetery at the March Work Session, which will give the Board an opportunity to consider reopening burial plot sales. A full detailed Manager's Report can be accessed on the Town's website: <https://www.beaufortnc.org/boardofcommissioners/page/managers-report>

Mayor/Commissioner Comments

Commissioner Cooper had no comments.

Commissioner Oliver thanked the volunteers who participated on the Beaufort Harbor and Waterways Master Plan Advisory Committee.

Commissioner Hagle also noted the great work of the Beaufort Harbor and Waterways Master Plan Advisory Committee and thanked each member for their service. He commended Town staff for their work in preparing and facilitating the 2023 Board Retreat.

Commissioner Terwilliger echoed Commissioner Hagle's comments, adding there were some large numbers facing the Town per the Retreat discussions. He expressed the importance of sound budgeting in the upcoming year.

Commissioner Hollinshed thanked her fellow Commissioners for their support of the BBA's Music in the Park application request, noting the concert series brings many people into Town, as it is a family fun event. She expressed her thanks to Town Staff for a successful Board Retreat.

Mayor Harker commended the Town Manager on his hard work in preparing the 2023 Board Retreat Agenda. She shared the importance of good financial planning now and in the future, noting the Town faces many upcoming projects. She again thanked the Beaufort Harbor and Waterways Master Plan Advisory Committee.

Adjourn

Commissioner Hollinshed made a motion to adjourn the meeting at 7:05 p.m.

The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk



Town of Beaufort, NC

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**Board of Commissioners
Work Session
4:00 PM Monday, March 27, 2023
Train Depot, 614 Broad Street
Beaufort, NC 28516
Minutes**

Call To Order

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

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

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

Agenda Approval

Commissioner Hollinshed made a motion to approve the agenda.

The motion carried unanimously.

Items for Discussion and Consideration

1. FY 2023 Audit Contract

Christi Wood, Finance Director, requested approval to execute the FY 2023 Audit Contract. She shared the auditor was the same company as the prior year, Martin Starnes & Associates, and noted \$29,035.00 was the total amount associated with the contract.

Commissioner Hagle made a motion to approve the contract as presented.

The motion carried unanimously

2. Oceanview Cemetery Update

Ms. Wood provided background information on Oceanview Cemetery. She explained a surveyed map had been completed to determine the remaining burial plots available for sale, which depicted 174 burial plots. She explained staff was seeking the Board's approval to resume selling cemetery plots based on the survey map, as well as several recommended policy/ordinance updates, as referenced in the meeting packet.

There was discussion regarding burial plot purchases on installment plans. The Board consensus was for that section of the ordinances to remain the same, allowing the Town Manager to approve purchases made through installment plans.

Commissioner Terwilliger questioned the terminology regarding the resale of a lot.

Town Attorney, Arey Grady, explained the process of amending the cemetery ordinance, should the Board wish to do so.

Commissioner Hagle suggested staff review the current ordinances and bring back a recommendation of amendments at a future meeting.

Commissioner Cooper made a motion for the Town to resume cemetery plot sales immediately, under the current ordinances, and to approve the corresponding survey map which references current availability. He amended the motion to include direction for Town Staff to follow an administrative lead on concerns regarding the addition of trees, shrubs and benches, until the Cemetery Ordinance can be updated to address these issues.

The motion carried unanimously.

3. FY 24 Budget Schedule

Ms. Lewis proposed the below FY 24 Budget schedule:

- Introduce proposed FY 24 Budget at May 8th BOC Regular Meeting- 6:00 p.m.
- May 9th Special Meeting (Budget Workshop #1)- 4:00 p.m.
- May 17th Special Meeting (Budget Workshop #2)- 6:00 p.m.
- June 12th Regular Meeting (Public Hearing/Adoption)- 6:00 p.m.

Commissioner Hagle made a motion to approve the proposed schedule.

The motion carried unanimously.

4. Beaufort Fire Rural District – Proposed District Change for Stanton Landing

Tony Ray, Fire Chief, shared Carteret County desired to move the Stanton Landing Development from the North River Laurel Road Volunteer Fire District and is requesting the Town of Beaufort consider a formal request for approval. He noted that since Beaufort Fire Department is now staffing Fire Station 2, residents of Stanton Landing have made numerous requests to the County to be part of the Beaufort Fire District. He explained that Beaufort Fire Station 2 is staffed with First responder EMT level care 24-hours a day, is located closer to Stanton Landing by road miles, and has a ISO Class 4. He went on to explain North River Fire Station is located five miles from the entrance of Stanton Landing, while Beaufort Fire Station 2 is just one mile away. He said that Stanton Landing is currently ISO Class 9s by North River's most recent ISO rating 5/9s. He explained with Beaufort Fire's ISO Class 4 rating, Stanton Landing would receive approximately a 30% hazard insurance premium reduction. He noted the nearest fire hydrant is greater than 1,000 ft from the entrance to the neighborhood. He noted North River's Fire District had a tax rate of seven cents, while Beaufort's Fire District Tax Rate was ten cents; if the proposed change was approved, it could be an approximate \$22,000 increase to Beaufort

Fire Department's County Revenue. Chief Ray shared that County Officials have met with the North River Fire Chief and presented the proposed change. He also noted the proposed change of service level would not require additional staffing at this time.

Commissioner Cooper expressed his concern with future growth if Beaufort picks up the proposed area. He noted the importance of North River trying to improve their ISO rating. He asked questions regarding the potential revenue loss for North River Fire Department. He suggested the County could offer a better deal than what they are proposing.

Commissioner Oliver confirmed the request being made by the County, and the insurance savings that would be available for Stanton Landing homeowners. He also expressed concern regarding a potential reduction in North River's revenue from the County.

Chief Ray explained the County Commissioners set the Fire Districts, and reminded the group the Stanton Landing residents requested this proposed change.

Commissioner Hagle noted the change would be advantageous to the Stanton Landing homeowners. He suggested reduced revenue for North River Fire Department would be a County issue, and they will have to decide how to fund that volunteer department.

Commissioner Cooper suggested the Town Manager and Fire Chief have another conversation with the County regarding the proposed district change.

Commissioner Hollinshed asked if North River was staffed with EMTs.

Chief Ray confirmed they were not.

Commissioner Hollinshed suggested that response times and life safety were the most important factors, not money.

Commissioner Terwilliger suggested homeowners of Stanton Landing moved to the area knowing the situation and limitations. He shared his concerns with the County continuing to add fire coverage responsibilities to the Town of Beaufort's umbrella. He commended the North River Fire Department for their efforts during Hurricane Florence. He also expressed concerns with the County reducing their revenue contributions. He suggested the Town contact the County to express the Board's concerns, noting there should be a way to help both Stanton Landing and North River.

Mayor Harker shared her thoughts on the importance of improving response time for all, asking questions about Beaufort's current response to calls at Stanton Landing.

Chief Ray shared that Beaufort Fire Department automatically responds to calls in the Stanton Landing area, as well as North River and Harlow.

Mayor Harker deemed a consensus from the Board to direct Town Staff to reach out to the County for a solution to help both Stanton Landing and North River Volunteer Fire Department.

5. Walking Tour Permit Application

Ms. Lewis shared Frank and Lynn Jarman, owners of Beaufort's Southern Stroll have submitted a Walking Tour Application with the Town of Beaufort. Attached is the application, which includes details regarding the tour, a map of the routes, schedule of rates, and a copy of liability insurance. The applicants have also provided a suitable background check and paid an application fee of \$50 to the Town. According to the Town of Beaufort Code of Ordinances, Section 90.30, the Board of Commissioners must conduct a public hearing on the application. Staff is requesting the Board of Commissioner's review the application and set a public hearing date.

Commissioner Hollinshed commented on the general requirements for walking tours, referenced in Section 90.31 of the Town's Ordinances. She noted the importance of enforcing the requirement of maximum group sizes; which currently reads no more than 15 people per tour group, excluding our guide.

Mayor Harker deemed a consensus to set a public hearing date for April 10, 2023, the Board's Regular Meeting.

6. Report on Recommendation for a Financial Advisor

Ms. Wood provided background on the Town's search for a financial advisor. She shared it was staff's recommendation to select First Tryon. She explained staff was seeking the Board's approval to draft a budget amendment for consideration at the April 10th Regular Meeting and subsequently authorize the Town Manager to enter into a contract for services with financial advisor, First Tryon.

Mayor Harker deemed a consensus to place the budget amendment on the April 10th Regular Meeting agenda, under items of consent.

7. February Financial Report

Ms. Wood provided a financial report for the month of February. She noted that Carteret County is currently submitting estimates for property tax collections. The estimate for January collections was \$794,949. This payment was received in February. Staff has received a few preliminary reports from the county for billing and collections and estimated values. She shared motor vehicle taxes for January was received in February, and totaled \$24,702. She made note the sales and use tax distribution for March was \$235,472; a 9% increase from the distribution in March of the prior year. She shared balances of the general fund, utility fund, and capital reserves, as of February 28, 2023.

Closed Session

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

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

The motion carried unanimously.

Adjourn

Commissioner Hagle made a motion to adjourn the meeting at 5:40 p.m.

The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk



Town of Beaufort, NC

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

AGENDA CATEGORY: Items of Consent
SUBJECT: FY 2023 BA #7 Financial Advisors
BRIEF SUMMARY:

First Tryon has been selected as the Town of Beaufort’s Financial Advisors. This budget amendment requests the appropriation of \$6,250 for the period April- June 2023. This is an annual prorated amount.

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 2023 BUDGET AMENDMENT #7**

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

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

BE IT THEREFORE ORDAINED that the Board of Commissioners amends the Fiscal Year 2023 Budget as follows:

SECTION I: GENERAL FUND

This amendment requests the appropriation of Sales Tax Revenue of \$6,250, for contracting with First Tryon Advisors to serve as the Town’s Financial Advisor. This appropriation is for April-June 2023.

A. REVENUE

<u>INCREASE</u>	
INTERGOVERNMENTAL	\$ 6,250
TOTAL INCREASE	\$ 6,250

B. EXPENDITURES AUTHORIZED BY DEPARTMENT

<u>INCREASE</u>	
NON-DEPARTMENTAL	\$ 6,250
TOTAL INCREASE	\$ 6,250

SECTION V: 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 11th day of April, 2023

ATTEST:

Elizabeth Lewis
Town Clerk

Sharon Harker
Mayor



Town of Beaufort, NC

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**Board of Commissioners
Regular Meeting
6:00 PM Monday, April 10, 2023**

AGENDA CATEGORY: Items of Consent

SUBJECT: FY 2023 Budget Amendment #8 Utility Fund

BRIEF SUMMARY:

Town staff is requesting consideration of a utility fund budget amendment in the amount of \$120,500 to cover the following costs:

- Increases in the costs of chemicals needed for water and wastewater treatment range from 8 percent to 74 percent over last year’s costs depending upon the chemical.
- The higher than usual expense of repairing/replacing asphalt pavement and concrete curbs and sidewalks due to the increased number of water and sewer line repairs over previous years along with the increased cost of asphalt and concrete.
- The need to meet the demand for residential and irrigation water meters while also creating a small inventory of them. Staff proposes to order an additional 250 meters over the those already ordered using the budgeted FY 2023 funds. Currently, there is one meter in inventory with another 144 meters scheduled to be delivered this month. The meters to be delivered were ordered eight months ago. Additionally, staff has been advised by the manufacturer of the Town’s standard meter as well as manufacturers of other similar meters that the time between order and delivery continues to range between 6 and 9 months. This is much longer than that which has been experienced in past years. Accordingly, requests for irrigation meters have gone unfulfilled for several months to reserve the meters on hand for residential units. Given this backlog plus the expected demand for more residential and irrigation meters over the coming year, staff believes that approximately 250 meters need to be ordered now to supplement the meters that will be ordered at the beginning of FY 2024. Ordering now will start the 6-to-9-month process rather than at the July start of FY2024. These additional 250 meters should also allow the Town to keep up with the pace of the expected demand and to establish a small inventory of meters that will be available for installation should demand exceed staff’s forecast.

REQUESTED ACTION:

Consider approving Budget Amendment #8 in the amount of \$120,500.

EXPECTED LENGTH OF PRESENTATION:

5 minutes

SUBMITTED BY:

Christi Wood – Finance Director

BUDGET AMENDMENT REQUIRED:

Yes



**TOWN OF BEAUFORT
FY 2023 BUDGET AMENDMENT #8**

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

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

BE IT THEREFORE ORDAINED that the Board of Commissioners amends the Fiscal Year 2023 Budget as follows:

SECTION III: UTILITY FUND

This amendment requests the appropriation of fund balance for services and supplies in the Utility Fund. These include:

- Concrete/Asphalt Repairs - \$43,000
- Chemicals - \$20,000
- Water Meters - \$57,500

A. REVENUE

<u>INCREASE</u>	
APPROPRIATED UNRESTRICTED FUND BALANCE.....	\$ 120,500
TOTAL INCREASE	\$ 120,500

B. EXPENDITURES AUTHORIZED BY DEPARTMENT

<u>INCREASE</u>	
SEWER DIVISION.....	\$ 32,000
WATER DIVISION.....	\$ 88,500
TOTAL INCREASE	\$ 120,500

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 10th day of April, 2023

ATTEST:

Elizabeth Lewis
Town Clerk

Sharon Harker
Mayor



Town of Beaufort, NC

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

AGENDA CATEGORY: Items of Consent
SUBJECT: Beaufort Fire Rural District – Proposed District Change for Stanton Landing area

BRIEF SUMMARY:

The Carteret County Board of Commissioners has requested that the Town of Beaufort consider the addition of the Stanton Landing Community to the Town’s rural fire district. This community is currently being served by the North River Fire District.

The County Board of Commissioners feels this change would be in the best interest of the citizens considering the location of Beaufort Station 2, which is approximately one (1) mile from the Stanton Landing community. This location, combined with full-time staffing at Station 2, offers greater protection for the Stanton Landing Community.

The County Board of Commissioners anticipates adding this item to their April 17, 2023, agenda pending approval by the Town of Beaufort Board of Commissioners.

If approved by both governing bodies, the change would be effective July 1, 2023.

EXPECTED LENGTH OF PRESENTATION:

5 minutes

SUBMITTED BY:

Chief Tony Ray

BUDGET AMENDMENT REQUIRED:

None



Town of Beaufort, NC

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**Board of Commissioners
Regular Session Meeting
6:00 PM Monday, April 10, 2023**

AGENDA CATEGORY: Items of Consent

SUBJECT: American Rescue Plan Grant Funding Acceptance Resolution
Wastewater Pump Stations Improvements Planning

BRIEF SUMMARY:

The Board of Commissioners adopted a resolution during the April 25, 2023 regular session authorizing Town staff to execute and file an grant funding application for the purpose of funding the planning and preliminary engineering associated with the replacements of sewer pump station numbers 1, 2, 3, 4, 5, and 7. The Town was notified via an August 30, 2022 letter from the Division of Water Infrastructure after filing the application of the Division’s intent to fund the work in the amount of \$225,000. The funding earmarked for the Town is from the American Rescue Plan (ARP) Act that is administered by the State Fiscal Recovery Fund.

The Town received another letter from the Division of Water Infrastructure dated March 1, 2023 requesting that the Board of Commissioners adopt a resolution that accepts the funding and commits the Town to adhering to the conditions of the “Funding Offer and Acceptance,” an copy of which is attached. Additionally, the letter requested the execution and return of the “Funding Offer and Acceptance” once the resolution is adopted. As such, staff is requesting that the Board of Commissioners consider adopting such a resolution.

REQUESTED ACTION:

Consider adopting the attached resolution accepting the \$225,000 the funding and committing the Town to adhering to the conditions of the “Funding Offer and Acceptance.”

EXPECTED LENGTH OF PRESENTATION:

10 minutes

SUBMITTED BY:

Greg Meshaw, PE, Town Engineer

BUDGET AMENDMENT REQUIRED:

No

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE

Funding Offer and Acceptance – Pre-Construction Planning Grant

Legal Name and Address of Award Recipient (i.e., Applicant): Project Number: SRP-W-ARP-0253

Town of Beaufort
Post Office Box 390
Beaufort NC 28516

Assistance Listing Number: 21.027

Funding Program:

	<input type="checkbox"/>	Additional Amount for Funding Increases	Previous Total	Total Offered
Drinking Water	<input type="checkbox"/>			
Stormwater	<input type="checkbox"/>			
Wastewater	<input checked="" type="checkbox"/>			
American Rescue Plan Act (ARPA) Grant	<input checked="" type="checkbox"/>	--	--	\$225,000

Project Description:

Proposed improvements to the Town's wastewater Pump Station Nos. 1, 2, 3, 5, and 7 (preliminary engineering).

Total Financial Assistance Offer:	\$225,000
Total Project Cost:	\$225,000
Estimated Closing Fee:	\$ - 0 -

Pursuant to North Carolina General Statute 159G:

- The Applicant is eligible under Federal and State law;
- The Project is eligible under Federal and State law; and
- The Project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance.

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina: **Shadi Eskaf, Director, Division of Water Infrastructure**
North Carolina Department of Environmental Quality

 Signature	3/1/2023 Date
--	------------------

On Behalf of: **Town of Beaufort**
Name of Representative in Resolution: **Mr. Todd Clark**
Title (Type or Print): **Town Manager**

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the Assurances and the Standard Conditions.

..... Signature Date
--------------------	---------------

STANDARD CONDITIONS

1. Acceptance of this funding offer does not exempt the Applicant from complying with requirements stated in the U.S. Treasury's Final Rule for the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) and the SLFRF Compliance and Reporting Guidance (not explicitly referred to in this document) and any future requirements implemented by the U.S. Treasury.
2. Applicants shall comply fully with Subpart C of 2 CFR Part 180 entitled, "Responsibilities of Participants Regarding Transactions Doing Business with Other Persons," as implemented and supplemented by 2 CFR Part 1532. The Applicant is responsible for ensuring that any lower-tier-covered transaction, as described in Subpart B of 2 CFR Part 180, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. The Applicant is responsible for further requiring the inclusion of a similar term or condition in any subsequent, lower-tier-covered transactions. Applicants may access suspension and debarment information at: <http://www.sam.gov>. This system allows applicants the means to perform searches determining whether an entity or individual is excluded from receiving federal assistance.
3. The Uniform Guidance 2 CFR 200.317 through 2 CFR 200.327 gives minimum requirements for procurement, with 2 CFR 200.319(b) addressing engineering services procurement guidelines. ARPA-funded projects also must adhere to North Carolina (NC) State law, specifically NC General Statute (NCGS) §143-64.31, Article 3D, Procurement of Architectural, Engineering, and Surveying (A/E) Services. NCGS §143-64.32 cannot be used to exempt funding recipients (i.e., applicants) from a qualification-based selection for A/E. The State provides applicable certification forms that must be completed prior to receiving funds for any engineering services covered under this funding offer.
4. Local government units designated as "distressed" must complete the associated requirements of NCGS §159G-45(b).
5. Funds made available by the ARPA to the entity accepting the funds in this document (i.e., the Applicant) must only cover eligible costs incurred on or after March 3, 2021. Funds that are not disbursed by December 31st, 2026, will no longer be available for the project. Unused federal funds will revert from the State of North Carolina to the U.S. Treasury.

ASSURANCES

1. The Applicant intends to complete the project in accordance with the Application approved for financial assistance by the Division of Water Infrastructure.
2. The Applicant is responsible for paying for those costs ineligible for ARPA funding including, but not limited to, any amount in excess of the amount of this funding offer. The Applicant agrees to establish and to maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records shall be maintained during the completion of the project, and these records shall be retained and made available for a period of at least three (3) years following completion of the project.
3. All ARPA funds shall be expended solely for carrying out the approved project, and an audit shall be performed in accordance with NCGS §159-34. Partial disbursements on this Award will be made promptly, upon request, subject to adequate documentation of incurred eligible costs, and subject to the Applicant's compliance with the Standard Conditions of this Award. The Applicant agrees to make prompt payment to its professional services' provider(s), and to retain only such amount(s) as allowed by NCGS.
4. The Applicant shall expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State.
5. Funds must be spent fully (i.e., fully reimbursed to the Applicant) by December 31st, 2026.

Acknowledgement of Standard Conditions and Assurances

The Applicant hereby gives assurance to the Department of Environmental Quality that the declarations, assurances, representations, and statements made by the Applicant in the Application, and all documents, amendments, and communications filed with the Department of Environmental Quality by the Applicant in support of its request for financial assistance, shall be fulfilled.

<p>..... Signature</p>	<p>..... Date</p>
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**RESOLUTION REQUESTING ACCEPTING AMERICAN RESCUE PLAN FUNDING
FOR THE
WASTEWATER PUMP STATIONS IMPROVEMENTS PLANNING PROJECT
RESOLUTION NO. 23-_____**

WHEREAS, the **Town of Beaufort** has received an earmark for the American Rescue Plan (ARP) that is funded from the State Fiscal Recovery Fund established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the **North Carolina Department of Environmental Quality** has offered ARP funding in the amount of \$225,000 to perform work detailed in the submitted funding application; and

WHEREAS, the **Town of Beaufort** intends to perform preliminary engineering work in accordance with the agreed scope of work;

NOW, THEREFORE, BE IT RESOLVED THAT:

That the **Town of Beaufort** does hereby accept the ARP grant offer of \$225,000; and

That the **Town of Beaufort** does hereby give assurance to the **North Carolina Department of Environmental Quality** that any Conditions and Assurances contained in the Award Offer will be adhered to; and

That E. Todd Clark, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as described above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted by the Town of Beaufort Board of Commissioners this 10th day of April 2023.

Elizabeth Lewis
Clerk to the Board

Sharon Harker
Mayor/Chairperson of Council/Board

Clerk to the Board (Signature)

Mayor of Board (Signature)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and Town Clerk of the Town of Beaufort does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Board of Commissioners duly held on the 10th day of April, 2023; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of April 2023.

Elizabeth Lewis, Clerk to the Board (Signature)

(Seal)



Town of Beaufort, NC

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

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

AGENDA CATEGORY: Items for Discussion and Consideration
SUBJECT: Amendment to the Code of Ordinances – Chapter 95.
Oceanview Cemetery

SUMMARY:

The Town Staff has proposed making several amendments to Chapter 95, Oceanview Cemetery, of the Code of Ordinances. A copy of this section of the Code of Ordinances with the proposed changes marked in red text is attached to this memorandum. The changes substantively include clarification of the assignment of various duties and responsibilities to the Town Manager or his/her designee, establishment of bi-annual cemetery clean-up days, a restriction that prohibits the planting of trees and shrubs that otherwise will damage gravestones and other cemetery markers, and a restriction that prohibits the erection of certain structures around grave sites unless approved by the town.

RECOMMENDATION:

The staff seeks the Board’s approval of these recommended amendments to the Code of Ordinances.

EXPECTED LENGTH OF PRESENTATION:

15 Minutes

SUBMITTED BY:

Todd Clark, Town Manager

CHAPTER 95. OCEANVIEW CEMETERY

Sec. 95.01. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Human remains or *remains* means the bodies, or remains thereof included ashes of cremated bodies, of deceased persons.

Lot refers to one individual grave space within a plot for the burial or interment of the remains of one deceased person.

Marker means a plaque installed at ground level at the site of a grave to indicate the name, date of birth and date of death of the person buried there.

Mausoleum means a structure or building substantially exposed above ground intended to be used for the entombment of remains of a deceased person.

Monument means any above-ground stone, structure, or container, or material (except cut flowers) placed on a lot or plot.

Oceanview Cemetery refers to that cemetery located at 1200 Ann Street in the town which is operated by the town.

Plot means a tract of cemetery property consisting of more than one lot.

(Ord. 06-14, passed 10-9-2006)

Sec. 95.02. Existing plots and lots.

- (A) All plots and lots within Oceanview Cemetery previously registered in ownership to families or individuals on the town's records prior to the effective date of this chapter are hereby recognized by the town as owned by the families or individuals to which the plot or lot is registered provided (1) there are no human remains or other evidence of burial whatsoever contained within said plot or lot except for the remains of the family members of the registered owner, or (2) that said plot or lot does not encroach upon any other previously registered plot or lot.
- (B) In the event plots or lots previously registered on the town's records encroach on others, the town will equitably adjust the boundaries of the plots or lots.

(Ord. 06-14, passed 10-9-2006)

Sec. 95.03. Lot sales.

- (A) All sales of lots in Oceanview Cemetery shall be made only by the town at prices approved and set by the Board of Commissioners from time to time. All persons desiring to purchase a lot in Oceanview Cemetery shall apply to the Town ~~Clerk~~ **Manager or his/her designee** who shall be authorized to issue a deed for said lot upon receipt of the purchase price in full.
- (B) Lots may be purchased on installment plans approved by the Town Manager. No deed for a lot shall be issued until the town has received the purchase price in full. In the event any installment due under an

installment plan remains unpaid for 90 days after the due date, the purchaser, without notice, shall forfeit all rights to said lot, and all previous installment payments made for said lot shall be forfeited to the town as liquidated damages for breach of the installment purchase contract, and said lot shall be made available for sale to another party.

- (C) No interment or burial of human remains, or other disposition thereof, in Oceanview Cemetery, shall be made until the purchase price for the lot has been paid in full and a deed issued to the purchaser of said lot.
- (D) Resale of a lot in Oceanview Cemetery is hereby prohibited except as specifically provided herein. In the event that a person owning a lot where no human remains are buried or interred desires to relinquish ownership of the same, the person shall notify the Town **Clerk Manager or his/her designee** and the town shall repurchase the lot at the current price as set by the Board of Commissioners.

(Ord. 06-14, passed 10-9-2006)

Cross reference(s)—Penalty, see § 95.99.

Sec. 95.04. Permits and time of burial.

- (A) No interment or burial of a body, or other disposition thereof, shall be made in Oceanview Cemetery until a permit is issued by the town. In applying for a permit hereunder, the applicant shall furnish the town with the following information concerning the deceased: name, date of death, home address, **place of birth** ~~birth place~~, and date of birth, next of kin and address of next of kin.
- (B) Only human remains may be buried in Oceanview Cemetery.
- (C) All funeral directors, local and non-local, or other persons in charge of any funeral shall obtain a permit before a burial or interment at Oceanview Cemetery. Interment permits must be obtained during regular business hours, unless extenuating circumstances exist. In any circumstances requiring a permit for a burial or interment to take place on Saturdays, Sundays or a legal holiday, the funeral director must notify the Town of Beaufort at least 24 hours or one working day, prior to the time of burial. The town reserves the right to impose a fee to reimburse the town for overtime salaries and other costs incurred by the town in connection with weekend or holiday burials or interments. The amount of such a fee will be set forth in the official fee schedule for the Town of Beaufort.

(Ord. 06-14, passed 10-9-2006)

Cross reference(s)—Penalty, see § 95.99.

Sec. 95.05. Opening of graves.

No grave within Oceanview Cemetery shall be opened or otherwise disturbed nor shall any human remains be removed from any grave without a permit from the County Health Director and the consent of the lot owner and an immediate family member of the deceased, if family members of the deceased are known or can be reasonably ascertained. If immediate family members of the deceased are not known and cannot be reasonably ascertained, the Town Manager can give consent for the removal of remains from a grave.

(Ord. 06-14, passed 10-9-2006)

Cross reference(s)—Penalty, see § 95.99.

Sec. 95.06. Vaults or liners.

Due to the sandy soil conditions within the area and the fact that monuments or markers sometimes sink or become covered by sand, vaults or liners shall be required for all burials and interments in Oceanview Cemetery except for the burial of cremated remains in small urns. Vaults must have 18 inches of suitable ground covering.

(Ord. 06-14, passed 10-9-2006)

Sec. 95.07. Mausoleums.

Mausoleums may not exceed five feet in height and must be positioned so as not to infringe upon adjacent lots. No monument in addition to the mausoleum is permitted on a lot. The Town ~~Clerk~~ **Manager or his/her designee** will determine the appropriateness of mausoleums placed in Oceanview Cemetery.

(Ord. 06-14, passed 10-9-2006)

Cross reference(s)—Penalty, see § 95.99.

Sec. 95.08. Removal of debris.

All materials and other debris shall be removed by the funeral director from a grave space as soon as possible upon completion of burial or interment, but in no event more than 24 hours after the burial or interment.

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

(Ord. 06-14, passed 10-9-2006)

Cross reference(s)—Penalty, see § 95.99.

Sec. 95.09. Burial of cremated remains.

- (A) Each lot in Oceanview Cemetery which is used for the burial of cremated remains shall not exceed ~~three feet by eight feet~~ **three feet six inches by eight feet** in surface dimensions.
- (B) Each plot may contain up to three lots per gravesite for the burial of cremated remains.
- (C) Cremated remains must have at least 18 inches of suitable ground cover.

(Ord. 06-14, passed 10-9-2006)

Sec. 95.10. Markers, monuments and other memorials.

- (A) It shall be unlawful for any person to erect any marker, monument, or other memorial without first obtaining approval from the Town ~~Clerk~~ **Manager or his/her designee** for compliance with this chapter before being placed or erected in Oceanview Cemetery. All markers, monuments and other memorials must be made of stone or concrete except that receptacles for flowers can be made of steel or some other durable material.
- (B) Only one central or family monument shall be allowed on a family plot. When a monument is not desired by the family, one head or foot marker per grave may be authorized.

- (C) When a head or foot marker is used in place of a monument, it shall not exceed two feet in length and one foot in width.
- (D) Foundations for memorials and monuments shall be constructed in accordance with uniform standards and specifications as established by the Town ~~Clerk~~ **Manager or his/her designee**.
- (E) All markers, monuments and other memorials shall be set even with the plot or lot lines and shall not extend over the plot or lot lines in any direction; except for the following:
 - (1) Headstones for two adjacent lots wherein the remains of family members are, or are to be, buried the headstones for each separate lot may be combined producing a headstone with a width of 60 inches as long as such headstone does not extend beyond the boundaries of the two lots; and
 - (2) Family monuments on a plot may extend over the boundary of the lots within a plot as long as the family monument is confined to the boundaries of the plot.
- (F) All foundations of family monuments, headstones and footstones, shall not exceed eight inches in depth and shall not rest on the liner cover. Foundations for family monuments, headstones and footstones shall be composed of a hard course aggregate, sand and cement in proportions not less than 1:3:5, and well compacted in place. The Town ~~Clerk~~ **Manager or his/her designee** shall have the authority to approve an equivalent foundation. Foundations shall be at least as wide and as long as, as the base stone of the monument or footstone resting upon it and must not project above the lot surface.
- (G) Footstones shall conform as to material with the material comprising the headstone on the lot.
- (H) Should a monument or marker at any time become unsafe, unsightly or in need of repair or resetting, the Town ~~Clerk~~ **Manager or his/her designee** shall so notify the owner of the lot upon which such condition exists. Any persons having an interest in such lot shall be requested to make the needed repairs. The Town ~~Clerk~~ **Manager or his/her designee** shall direct that the necessary improvements be made to eliminate unsafe conditions until the lot owner shall be contacted. In the event that the Town ~~Clerk~~ **Manager or his/her designee** is unsuccessful in contacting the lot owner, the town will make the necessary temporary repairs at its discretion to alleviate the unsafe condition.
- (I) It shall be unlawful for any person to remove any monument or marker which may have been erected at any grave or to deface, injure, or destroy any such monument or marker in any manner.
- (J) The town shall not be held liable for default of a contract agreement between the lot owner and the memorial contractor.
- (K) The town shall not be responsible for replacing or restoring any monuments or markers.
- (L) Exceptions for veterans administration monuments. In honor of veterans of the United States Armed Forces buried or interred at Oceanview Cemetery, and in grateful appreciation of their service to the people of the United States, notwithstanding the size limits and other restrictions provided in this chapter, grave monuments provided by the Veterans' Services Administration to the family of a deceased veteran are permitted to be erected on the lot of the deceased veteran notwithstanding its nonconformity to the regulations contained herein. The town will either install or supervise the installation of any such monument.

(Ord. 06-14, passed 10-9-2006)

Cross reference(s)—Penalty, see § 95.99.

Sec. 95.11. Care and improvements.

- (A) No person shall place, or cause to be placed, on any lot in Oceanview Cemetery, any stone or other object, other than an approved monument. Boundaries of all lots shall be marked by corners which shall be set by the town at no additional cost to the lot owner. General maintenance provided by the town shall consist of

grass cutting (when necessary), filling in graves when sunken, resodding, and other beautifying and keeping said lots neat, safe, clean and in good order.

- (B) All care and improvements of the cemetery, including all grading and landscaping shall be done by town employees or contractors employed by the town.
- ~~(C) The planting of flowers or shrubs, except at the plot or lot corners, is hereby prohibited.~~
- ~~(D) The placing of a coping or other enclosure around lots or plots is hereby prohibited, except when the coping or enclosure is ground level and will not interfere with maintenance of the cemetery.~~
- (C) Trees and shrubs shall not be planted in the cemetery due to the damage that can be caused to grave markings by root mats and falling trees.
- (D) Structures such as benches, ropes, chains, fencing, bricks, or concrete ground borders are prohibited in the cemetery without prior town approval.
- (E) The placing of glass vases on cemetery plots or lots is hereby prohibited.
- (F) Metal receptacles for cut flowers placed within 12 inches of the centerline of the marker and buried to allow mowing are allowed and encouraged.

(Ord. 06-14, passed 10-9-2006)

Cross reference(s)—Penalty, see § 95.99.

Sec. 95.99. Violations; penalties.

In addition to being a misdemeanor pursuant to G.S. 14-4, the violation of this chapter shall subject the offender to a civil penalty pursuant to § 10.99 of this Code of Ordinances.

(Ord. 06-14, passed 10-9-2006)



Town of Beaufort, NC

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

**Board of Commissioners
Regular Session Meeting
6:00 PM Monday, April 10, 2023**

AGENDA CATEGORY: Items for Discussion and Consideration
SUBJECT: Request for Extension of Reserved Sewer Capacity
803 Island Drive
Deerfield Residential Subdivision

BRIEF SUMMARY:

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

The Ridgeway’s have submitted a letter dated March 24, 2023 to the Board of Commissioners requesting extension of the capacity reservation, a copy of which is attached. This letter states their expectation of entering to a contract to have a residence constructed.

The Board of Commissioners is reminded that the Town’s policy allows for an initial 6-month extension. Additional extensions beyond the initial 6-month extension may also be considered by the Board of Commissioners in 12-month increments provided that valid building plans exist.

REQUESTED ACTION:

Consider approving a 6-month extension to the deadline by which the reserved capacity allocated to 803 Island Drive on March 8, 2021 was to have been used.

EXPECTED LENGTH OF PRESENTATION:

5 minutes

SUBMITTED BY:

Greg Meshaw, PE, Town Engineer

BUDGET AMENDMENT REQUIRED:

No

Herb & Debra Ridgeway
727 Swan Neck Lane
Raleigh, NC 27615

March 24, 2020

Council / Board members,

We would like to request an extension for the approved Sewer Allocation Reservation for our lot at 803 Deerfield Dr.

In the 1st year of the reservation we were in contact with 3 builders. Unfortunately, due to supply chain and labor issues, the cost of construction was too unpredictable for us to proceed. We stayed in contact with one of the builders to monitor price changes but as prices came down the interest rates began to rise. We were extremely disappointed and were reconsidering our options.

Two weeks ago we checked back with the builder and prices have come down enough that we feel confident that we can move forward with the building process. We are working on finalizing the plan and have scheduled to meet and sign the purchase contract next week. Please take this into consideration making your decision to extend our reservation.

Thank you again for consider our request.

Herb & Debra Ridgeway
Cell 919-274-9775



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, April 10, 2023**

AGENDA CATEGORY: Items for Discussion and Consideration
SUBJECT: Conflict Waiver for Proposed Bond Counsel
USDA-Funded Utilities Project

BRIEF SUMMARY:

Town staff desires for the legal firm of Parker Poe to represent Town of Beaufort as its Bond Counsel for USDA Revenue Bond financing based upon its extensive experience in representing many other North Carolina local governments in a myriad of bond financing matters. Parker Poe however, represents Blue Treasure, LLC and its parent company Preston Development Group in unrelated matters that might be considered by some to be legally adverse to Beaufort. These “unrelated matters” largely pertain to the development of the Beau Coast-Beau Coast West residential subdivision. As such, Parker Poe has requested the Town of Beaufort’s consent to their continued representation of Blue Treasure in light of their proposed representation of Beaufort. The request by Parker Poe is being made pursuant to Rules of Professional Conduct which govern their conduct as lawyers in situations where two current clients are on opposite sides of a matter. These rules require them to determine, among other things, whether the firm will be able to provide competent and diligent representation to each affected client in spite of the conflict. If so, the firm must obtain consent to proceed from each affected client after full disclosure of the conflict of interest. The Rules also require Parker Poe to protect any information obtained during their representation of each client and keep it confidential.

Given the foregoing, Parker Poe has stated that their representation of Blue Treasure is not related to the proposed representation of the Town in the USDA Revenue Bond financing matter. They have further stated a belief that they can continue to protect all confidential information, exercise independent judgment and provide competent and diligent representation to both clients in their respective matters. In the unlikely event that a dispute arises out of the Beaufort financing work that could materially impact their representation of either party, they have expressed their intent to reassess their ability to meet their obligations and thereafter, proceed accordingly.

REQUESTED ACTION:

Consider consenting to a conflict-of-interest waiver that allows Parker Poe to continue their representation of Blue Treasure LLC while also acting as bond counsel for the Town of Beaufort in regard to the USDA Revenue Bond financing.

EXPECTED LENGTH OF PRESENTATION:

5 minutes

SUBMITTED BY:

Greg Meshaw, PE, Town Engineer

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, April 10, 2023
Train Depot, 614 Broad Street**

AGENDA CATEGORY: Public Hearing
SUBJECT: Walking Tour Permit- Beaufort's Southern Stroll

REQUESTED ACTION:

Conduct a Public Hearing and render a decision on the attached Walking Tour Permit Application, submitted by Frank and Lynn Jarman, owners of Beaufort's Southern Stroll.

EXPECTED LENGTH OF PRESENTATION:

10 Minutes

SUBMITTED BY:

Elizabeth Lewis, Town Clerk



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

Please include the following documentation: (Applications are considered incomplete without these documents):

- 1 ✓ • Detailed description of the information to be given to participants of the tour relating to those sights to be viewed within the town, including copy of any published literature proposed to be provided by the tour guide to participants of the tour.
- 2 ✓ • Schedule of rates & charges
- 3 ✓ • Certificate of general liability insurance in the minimum of \$100,000 which specifically provides that the same may not be canceled without notice to the town.
- 4 ✓ • \$50 application fee
- 5 ✓ • Criminal background check covering the previous 3 years on the owner or owners & managing officials of the business entity.

Staff Use Only Below this line

Date Application Received: 3/16/23

Date Payment Received: 3/16/23

Date of Public Hearing: 4/10/23

Date of Board of Commissioner's Decision: (Circle) Approved Denied

Date Permit Issued: _____

Date Permit Expires: _____



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

Walking Tour Application for a Permit

In compliance with the Town of Beaufort's Code of Ordinances:

Minimum Requirements for permit – Sec. 90.28

The minimum requirements for a walking tour permit are the following:

- A) An office of other place of business within a fixed structure in the town that is zoned for commercial use and in compliance with all land use ordinances, including sign ordinances;
- B) General liability insurance in a minimum amount of \$100,000 which specifically provides that the same may not be cancelled without notice to the town; and
- C) Proposed tour routes that follow handicapped accessible public rights-of-way.

Name: Frank and Lynn Jarman

Address: 1305 Cedarwood Village
Morehead City NC 28557

Phone Number: 304-695-3665

Emergency Phone Number: 304-534-2187

Email: franklinjarman@yplnc.com

Address of the office/fixed structure from which the applicant will operate: _____

411 Front St. Beaufort NC 28516

Description of the tour route: Starting at the Maritime Museum,
we go down front street up Moore to Ann. From
Ann to the the corner of Craun + Ann.
We go back down Ann to Turner. We go
down Turner to the Historic Site.

Description of the time of operation for each proposed tour: _____

We operate Monday, Wednesday, Friday & Saturday.
We do a 30-40 minute tour starting at the
top of ~~the~~ hour beginning at 9am stopping at 5p.

① Description

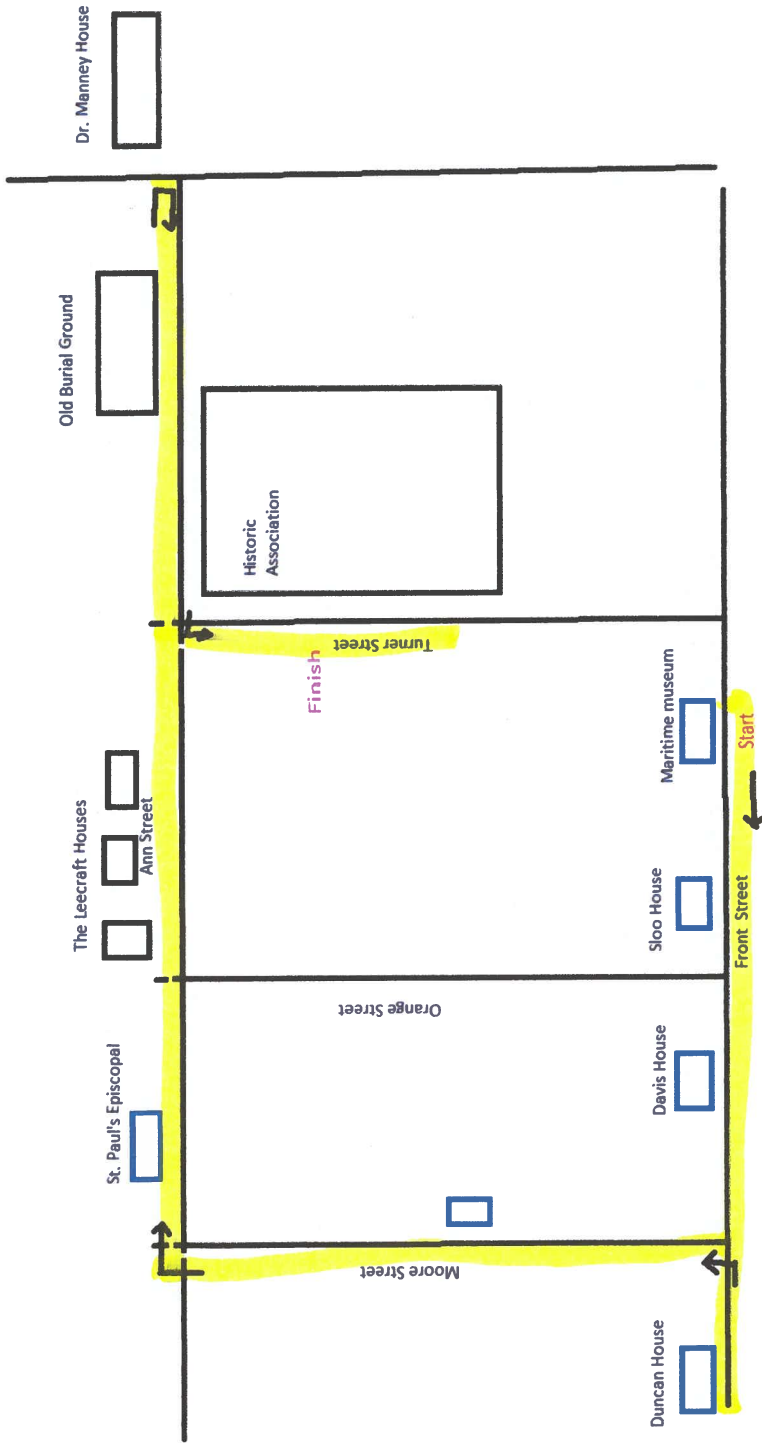
We provide a 34-40 minute tour of key historic and interesting sights. We have designed the tour for seniors and families with children.

In the tour we cover the items listed below and any points of interest the customer might find interesting.

1. Maritime Museum
2. Sloo House (3 families that lived there)
3. Warner House
4. Duncan House
5. Duke University Campus & N.O.A. on Pivers Island
6. Blackbeard Discussion as we head to Moore Street
7. W. F. Bell House
8. Leecraft Houses
9. St. Paul's Episcopal Church
10. Old Burial Grounds
11. Dr. Manney House
12. Ending at Historic Association where we ask visitors to visit the site and gift shop

The information given about the homes on the list comes from Mary Warshaw's book "Historic Beaufort North Carolina".

Information on Black Beard is information we have gleaned from historical records, books and the Maritime Museum.





Price List

Child under 3 -free

Adult
\$18

Discounts

U.S. Veterans/ Active Military & Seniors 65 & Up
\$15

\$0

If you are argumentative, disrespectful, or otherwise disruptive during the Stroll you will be asked to leave and receive a \$0 refund.

Call:

(304) 695-3665

Let us guide your feet down our historic streets!

beaufortssouthernstroll.com



INVOICE

411 Front St.
Beaufort NC
28516

1337933

Closed
Paid

On Receipt

Frank Jarman
franklinjarman@yahoo.com

\$138.39
Due: \$0.00

No.	Date and Time	Description	Price
01	March 10, 2023 at 10:46 AM	[REDACTED] (Prorated 22 days)	\$138.39
02		Subtotal	\$138.39
03		Total Charges	\$138.39
04	March 10, 2023 at 10:46 AM	Mastercard ending in 5867	(\$138.39)
05		Total Payments	(\$138.39)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)
03/15/2023

1.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Next First Insurance Agency, Inc. PO Box 60787 Palo Alto, CA 94306	CONTACT NAME: PHONE (A/C, No, Ext): (855) 222-5919 FAX (A/C, No): E-MAIL ADDRESS: support@nextinsurance.com	
	INSURER(S) AFFORDING COVERAGE NAIC #	
INSURED George Jarman Beaufort's Southern Stroll 1305 Cedarwood Vlg Morehead City, NC 28557	INSURER A: Next Insurance US Company 16285	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
INSURER F:		

COVERAGES CERTIFICATE NUMBER: 071502838 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		NXTRV7RYPD-00-GL	03/15/2023	03/15/2024	EACH OCCURRENCE \$1,000,000.00
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000.00						
	MED EXP (Any one person) \$15,000.00						
	PERSONAL & ADV INJURY \$1,000,000.00						
	GENERAL AGGREGATE \$2,000,000.00						
	PRODUCTS - COMP/OP AGG \$2,000,000.00						
	\$						
AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY							COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$							EACH OCCURRENCE \$ AGGREGATE \$ \$
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NJ) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	M/A					PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATION S/ LOCATIONS/ VEHICLES (ACORD 101, Additional Remarks/Schedule, may be attached if more space is required)
 The Certificate Holder is George Jarman & Susan Jarman. This Certificate Holder is an Additional Insured on the General Liability policy per the Additional Insured Automatic Status Endorsement. General Liability coverage applies for Travel Guides operations. All Certificate Holder privileges apply only if required by written agreement between the Certificate Holder and the insured, and are subject to policy terms and conditions.

CERTIFICATE HOLDER George Jarman & Susan Jarman Beaufort's Southern Stroll, LLC 411 Front St Beaufort, NC 28516	LIVE CERTIFICATE  Click or scan to view	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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TOWN OF BEAUFORT

03/16/23 11:30 Invoice Payment

Customer: BEAUF270

Name: BEAUFORTS SOUTHERN STROLL

Invoice: 23-00809

Item 1	50.00
Other Application Fees	

50.00

Chk#: 1001

Batch Id: SHAWN316

Ref Num: 25888 Seq: 15 to 15

Cash Amount:	0.00
Check Amount:	50.00
Credit Amount:	0.00

Total: 50.00



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, April 10, 2023
Train Depot, 614 Broad Street
Beaufort, NC 28516**

AGENDA CATEGORY: Closed Session
SUBJECT: Pursuant to NCGS 143-318.11 (a) (3)

REQUESTED ACTION:
Motion to enter closed session pursuant to NCGS 143-318.11 (a) (3) to allow the Board of Commissioners to consult with Town Attorney.

SUBMITTED BY:
Todd Clark, Town Manager

BUDGET AMENDMENT REQUIRED:
No