**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, December 14, 2020 - Zoom Meeting - COVID-19 Pandemic Monthly Meeting

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**Call to Order**

**Roll Call**

**Agenda Approval**

**Calendar**

**Public Comment**

**Manager Report**

**Items of Consent**

1. Draft Minutes for the Oct. 26 Work Session (open and closed sessions), Nov. 4 Special Meeting, and Nov. 9, 2020 Regular Meeting
2. FY 21 Budget Amendment #4
3. Capital Project Street Rehabilitation and Pedestrian Improvement Budget Amendment #1
4. FY 21 Budget Amendment #5

**Public Hearing**

1. Case No. 20-11 – Request to Rezone 1205 Lennoxville Road

**Items for Discussion and Consideration**

1. Turner Street Traffic Calming
2. Ann Street United Methodist Church Christmas Eve Services Event Application

**Mayor/Commission Comments**

**Closed Session**

1. Attorney – Client Privilege/Personnel Matter

**Adjourn**

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**Town of Beaufort Board of Commissioners Regular Meeting**
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**AGENDA CATEGORY:** Consent

**SUBJECT:** Draft Minutes for the Oct. 26 Work Session (open and closed sessions), Nov. 4 Special Meeting, and Nov. 9, 2020 Regular Meeting

**BRIEF SUMMARY:**

Draft minutes for the Oct. 26 Work Session, Nov. 4 Special Meeting, and Nov. 9, 2020 Regular Meeting. Also needing adoption are the minutes of the closed session of 10/26. These are not included in the packet and have been circulated by email.

**REQUESTED ACTION:**

Approve minutes as presented or amended.

**EXPECTED LENGTH OF PRESENTATION:**

2 minutes

**SUBMITTED BY:**

Rachel Johnson, Deputy Clerk

Minutes prepared by Kate Allen, Town Planner

Closed session minutes prepared by the Town Attorney

**BUDGET AMENDMENT REQUIRED:**

No

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# Town of Beaufort Board of Commissioners Work Session Meeting
# 4:00 PM Monday, October 26, 2020 - Zoom Meeting Due to COVID-19 Pandemic
# Minutes



**Call to Order**

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

**Roll Call**

Mayor Newton conducted roll call and declared a quorum present for the meeting.

Present
Ann Carter
John Hagle
Sharon Harker
Marianna Hollinshed
Charles McDonald

**Agenda Approval**

Mayor Newton asked to amend the agenda to include closed session pursuant to NCGS 143-318.11 subparagraph C.

*Commissioner Hagle made a motion to approve the agenda as amended. The motion passed unanimously.*

*Voting Yea: Commissioner Carter, Commissioner Hagle, Commissioner Harker, Commissioner Holinshed, Commissioner McDonald*

**Public Comment**

None

**Project Updates**

Town Engineer, Greg Meshaw provided an update on current projects.

- Randolph Johnson Park. Randolph Johnson Park had a pre-final inspection with the contractor to ensure that everything was working and/or completed. Anything incomplete/incorrect was placed on a correction/completion item list. He noted some drainage issues along the edge of the site; potential remedies have been discussed but not yet completed. He referenced a conversation with the contractor earlier in the day and explained that the subcontractor is waiting on dry weather before beginning the drainage improvements. He explained that the drainage work will involve some grading along the edges of the site that would not impact anyone using the park.
- Cedar Street Park. Mr. Meshaw reminded the Board that the 25% design benchmark and preliminary cost estimates were completed. He then discussed the Design Review Meeting which took place October 8, 2020. As a result of the meeting, he explained that the Town needs to provide decisions on the bathroom footprint and elements to bid initially.
- Topsail Park. Mr. Meshaw told the Board that contracts have been executed with an estimated start date of November 9, 2020. Mr. Meshaw said the contract is for seven weeks, but that he hoped they would be able to complete it sooner. He noted that this is a good planting season
- Street Construction. Mr. Meshaw showed a list of street rehabilitation and construction projects. Stanton Road, Hedrick Street, Mashburn Avenue, Professional Park Drive, Jefferson Street, Eastern Avenue, Ricks Avenue and Sherwood Boulevard have been completed. Work has been started on Live Oak Street, Gordon Street, Laurel Street, Safrit Drive and Taylors Creek Road. He noted work will begin on Craven Avenue, Carteret Avenue and Pollock Street this week. He explained that the overall project had been behind schedule, but he feels that they are catching up and should be able to finish on schedule.
- Turner Street 100 Block Street Improvements. Mr. Meshaw referenced the last Regular Meeting where the Board approved the proposed projects. There is not a definitive start date at this time, but Mr. Meshaw anticipates the project will start in early November. He explained that it is a two-month contract but may take longer given the recent additions to the plans.
- Cedar Street Water & Sewer Rehabilitation & Replacements. Mr. Meshaw told the Board that bids should be received October 29, 2020 to replace water lines, replace and rehab sewer lines, and rehab and replace a few manholes along Cedar Street in advance of the NCDOT project to pave the street. The current estimate for the project is a little over $1.2 million.
- First Street Culvert Relocations. Mr. Meshaw noted work on the corner of First Street and Craven Avenue at the future location of Beaufort Dental. He explained that stormwater piping is being rerouted around that site as the drain currently runs directly through the site. The work should be completed in 30 days. The total project cost is $43,000 and is being split 50/50 between the Town and developer.
- Town Hall Reception Area Renovation. Mr. Meshaw said that work on the project slowed down as staff is trying to determine what the reception window area should look like. He then discussed the proposed layout for the reception area noting safety glass between the reception area and staff.

Mr. Meshaw then asked the Board for any questions.

Commissioner Hollinshed asked who will be making the decisions on the elements to be included in the park. Mr. Meshaw said that had not yet been discussed, but noted staff would likely provide recommendations and potentially take them to the Parks and Recreation Advisory Board and then on to the Board of Commissioners, or it could go solely before the Parks and Recreation Board. Commissioner Hollinshed said that she thought the Board would likely want to see it to make sure it doesn't become something that was not intended. Mr. Meshaw pointed out budgetary concerns and added that the total project cost estimate at this point is about $1.3 million.

Commissioner Harker asked if the $1.2 million for Cedar Street Rehabilitation would be the Town's responsibility. She then asked if there was any chance of getting any of that money back from NCDOT. John Day, Town Manager, explained that the Town would not get any money back for that project as it does not fall within NCDOT's purview. He added that NCDOT would be coming back to replace stormwater lines at their

expense and installing the stormwater system discussed about a year ago with the bumpouts and stormwater BMPs. NCDOT will pay for those improvements and the resurfacing.

Commissioner Harker then asked about Cedar Street Park. She asked if the design is the same one from a few years ago. Mr. Meshaw said the plan does closely follow that initial design. Mr. Day added that the initial plan was conceptual and that there were some minor differences between the current plans and the initial concept plan but overall are quite similar.

Commissioner Hagle explained that the intent of Cedar Street Park was to keep it simple and low maintenance. He said that it's a beautiful spot that does not need to have much added to it that would require significant maintenance. Commissioner Hagle also thanked staff for the hard work on the resurfacing projects. He then asked if there would be center striping on the streets. Mr. Meshaw said that the only one that will have center striping is Live Oak Street.

Commissioner Carter asked if NCDOT will be doing the stormwater work at the same time the town begins work on the water/sewer lines. Mr. Meshaw said that unfortunately it looks like it will have to come at another time.

Commissioner Carter noted that she agrees with Commissioner Hagle regarding Cedar Street Park and keeping it as simple and low maintenance as possible. She also emphasized the need to give the Parks and Recreation Advisory Board the opportunity to comment on the proposal.

Commissioner McDonald asked for clarification on the odor control project and referenced emails to the Board. He said that Mr. Meshaw indicated Mr. Blackley made a mistake in the amount of soil that would be taken out of the area. Mr. Meshaw confirmed. Commissioner McDonald asked how much soil would be taken from the area. Mr. Meshaw explained that the number he provided was based on leaving approximately one foot of soil in the bottom to be removed later with the grading process. Mr. Meshaw said it would be approximately 43,000 cubic yards, not much more than the 41,500. Discussion ensued. Commissioner McDonald asked Mr. Meshaw to confirm that it would not be more than a $20,000 difference between the cost of the soil and the cost of the odor control device. Mr. Meshaw confirmed. Mr. Meshaw explained that the contractors are spending $263,000 on the equipment in addition to a design fee that he estimates to be at least $15,000. Commissioner McDonald asked Mr. Meshaw to confirm that the equipment would become the Town's responsibility after installation. Mr. Meshaw confirmed. Commissioner McDonald asked when Mr. Blackley would no longer be able to take any more soil from the site. Mr. Meshaw said that there is not an expiration date, but he is entitled to the 41,500 cubic yards as agreed upon. Mr. Meshaw further explained ongoing geological testing that will determine whether the town will need to go deeper for the infiltration basin. Mr. Day added that the basin will be constructed to meet the requirements of the state permit. Upon completion, it will be certified by an engineer to confirm that it meets the design requirements. Mr. Meshaw confirmed that it will need to be certified. Commissioner McDonald asked if the Town would be responsible for additional cost for the infiltration basin if necessary. Mr. Meshaw confirmed, pointing out the cost savings provided by Blue Treasure doing the excavation work required.

Mayor Newton asked Mr. Meshaw about the 100 block of Orange Street pervious surface project. Mr. Meshaw spoke about an onsite meeting where they discussed traffic control. He is waiting on a traffic plan from the contractor at this time. The contractor is working to finish the utility work on Howard Junior Lane. Once that is finished, they will move to Orange Street with the utility crew. Once the traffic plan is received and approved, work will begin.

**Items for Discussion and Consideration**

1. Draft Minutes for the Sept. 28 Work Session & Oct. 12, 2020 Regular Meeting

   *This item was placed on the agenda under Items of Consent*

2. 2021 BOC Meeting Dates

Mayor Newton pointed out the need to consider the date for the December meeting. Commissioner Hagle suggested holding the meeting December 20, 2021. Discussion ensued. Mr. Day told the Board that in years prior that meeting was eliminated as it would be a Work Session noting that it is a challenging time of year.

*This item was placed on the agenda under Items of Consent*

3. Noise Ordinance Revisions

Mr. Day referenced the September 28, 2020 Work Session where the Board discussed the revisions. Following the meeting, the Board provided comments on the proposed revisions. Mr. Day asked if the Board would like to review the comments individually. Commissioner Hagle confirmed.

Sec. 91.04 (m). The first comment was in reference to the definition of Downtown. Mr. Day noted that it was done incorrectly the first time and asked what [zoning] districts the Board would like to include in the definition.

Mr. Day noted incorrect references to the general statutes regarding motorized vehicles which have since been corrected.

Sec. 91.05 Specific Prohibitions

(a) – there was a suggestion to add boats to the prohibition. The Board agreed.

(d) – Construction activity – the proposed draft prohibits construction activity between the hours of 7:00 p.m. and 8:00 a.m.

One of the comments noted that construction activity of all types often begins at 7:00 a.m. Discussion ensued. Commissioner Harker pointed out that the times should probably be consistent for everything as it makes it easier for citizens to remember and for the Town to enforce. Commissioner Carter noted that a lot of contractors prefer to start earlier in the day, especially in the summer. Further discussion ensued. Commissioner Hagle referenced the current ordinance with a start time of 7:30 a.m. Mr. Day asked for confirmation of the start time. Mayor Newton said that 7:30 a.m. seems to be the consensus.

(h) – The operation of lawn mowers and other domestic power tools outside between the hours of 8:00 p.m. and 8:00 a.m.

Commissioner Carter asked if there should be additional restrictions on Sundays. Commissioner Harker said she felt the end time should be earlier than 8:00 p.m. Commissioner Carter said that some people start mowing their lawns at 7:30 and noted that she has received many complaints about that. Commissioner Hagle said that it could be consistent with the restrictions for construction activity. Mr. Day asked to confirm that the Board would like to change the start time to 7:30 a.m. and add weekend restrictions. Commissioner Carter said that on Sundays it should not start before 8:00 or 8:30 a.m. Commissioner Hagle asked if the board should make it consistent with construction activity as it is prohibited on Sundays. Discussion ensued. Mr. Day pointed out that the Board could have a later start date on Sundays. Commissioner Carter suggested 9:00 a.m. on Sundays. Commissioner Hagle pointed out that it has not been in the ordinance to date and has not been an issue.

Mr. Day read a comment pertaining to Section 91.05 B6 which has information about large trucks including refrigerated trucks. The question was whether it was covered in the definition for “Necessary Business Equipment.” Mr. Day explained that it is not, and that the Board may want to consider adding the following prohibitions from the current noise ordinance:

1) Loading or unloading of a vehicle with more than six wheels;
2) The parking of a motor vehicle with more than six wheels with its engine running;
3) The parking of a vehicle with more than six wheels with a refrigerated cargo compartment while the refrigeration unit is operating;

4) The loading or unloading of cargo from a motor vehicle with the use of mechanical or hydraulic lifts; or
5) The outdoor dumping of bottles or cans from one container into another

He explained that the aforementioned were prohibited from 10 or 11 p.m. to 7 a.m. Commissioner Carter said that she has received complaints about dumping of bottles and things into a dumpster or truck noting that they do make a racket. Commissioner Hagle reminded the board that the topic came up in previous discussions about the previous ordinance. Mr. Day said that the Town rarely receives complaints about any of these items.

Mayor Newton asked the Board how it would like to proceed. Commissioner Hagle said that it has been in the current ordinance and that it should be left in this one too. Mr. Day asked for confirmation that the Board would like the prohibitions added. The Board confirmed.

Mr. Day then asked about the hours and if they should remain 10:00 p.m. to 7 a.m. Commissioner Hagle explained that those hours were set in response to events downtown. Commissioner Hollinshed said that it seems to have changed with the new recycling service, noting that they come typically around 7 if not earlier. Mr. Day said they are not supposed to be here before 7. Mayor Newton said that it should remain 10 p.m. to 7 a.m. Commissioner Harker verified that the hours [lawn mowers and domestic power tools] would be 7:30 a.m. to 8:00 p.m.

Mr. Day explained that this ordinance is based on the City of Wilmington's. He said that there is a considerable amount of filming there and that Beaufort has the potential for such. Commissioner Harker asked if one would need a permit for filming. Mr. Day said that there is nothing in place at this time, but that it is something the Town should probably consider. Commissioner Carter said to leave it in. The board concurred.

Sec. 95.06 (i). Mr. Day then discussed (i) lawnmowers. Commissioner Carter said that they had just discussed this. Mr. Day explained that was part of prohibitions and this section discusses things that are permitted. Commissioner Hollinshed said it should be standardized. Mr. Day asked to confirm that the recommendation is to change this to be the same as the other one [7:30 a.m. to 8:00 p.m.]. The board agreed.

Sec. 91.08. Mr. Day mentioned a suggestion to change the Waterfront Business District early time from 7:00 a.m. to 8:00 a.m. because of complaints from citizens that live nearby. Commissioner Hagle pointed out that the only difference is the morning hour, midnight is the same in both. Commissioner Hollinshed mentioned the recent rezoning of the Beaufort Historical Association and explained that they usually end events at 10:00 p.m. She explained that when it is on the waterfront, it is buffered whereas the other side of the street has less of a buffer. Mr. Day said that he believed that is where the Transitional District is.

Commissioner Hollinshed said that she is okay with the 10:00 p.m. in that area. She mentioned the brewery, noting that it typically calms down before 10. Mayor Newton said that he could not think of any activity outside of the BHA that would occur beyond 10:00 p.m. Discussion ensued.

Commissioner Hagle pointed out that when the ordinance was written, the area behind Backstreet Pub was busier than it seems to be now. Commissioner Hollinshed pointed out that we are in the middle of the COVID-19 pandemic so things are a little less exciting at the moment and it's easy to forget how these elements transmit throughout neighborhoods. Commissioner Hagle pointed out that the business districts are not consistent. Commissioner Carter said the waterfront business districts seem to be pretty clear. Commissioner Hagle said that 8:00 a.m. to 8:00 p.m. is reasonable in the residential areas.

Commissioner Hagle said it should be consistent with definitions for districts – commercial/industrial covers several districts. Commissioner Carter asked what district the area is down where the hotel is

going. Mr. Day said that it's not the same as the downtown area, but it is a waterfront district. Commissioner Carter said that waterfront commercial is one thing, but that area is a bit different. Mr. Day said that area is zoned Waterfront Business District and explained that if the Board wanted to call it out specifically in the ordinance, it can.

Commissioner Carter said that commercial/industrial could be a problem. She said the Waterfront Business District should stop at 10:00.

Mr. Day asked the Board to confirm that the Waterfront Business District should also be 8:00 to 10:00. Commissioner Hagle said that he thought the Board decided to leave that one alone. Mr. Day said that he would add another for the Waterfront Business District. Commissioner Carter said that there is a business waterfront from 8:00 to midnight. Mr. Day said that Business Waterfront is what is on Cedar Street. Commissioner Carter said that one should stop at 10:00 p.m. because there is a lot of residential very close to that. Mr. Day verified that Business Waterfront is going to be 8:00 a.m. to 10:00 p.m. and asked if there were any other changes to this part of the ordinance.

Commissioner Hagle said that he would like to consider using the official definitions rather than general areas. Mr. Day confirmed that the Board would like specific zoning districts named in the ordinance.

Sec. 91.09 (d). Mr. Day explained that there is a section in the ordinance that allows for some discretion if something is running over the approved time. There were some concerns about having extensions unless there was an in-town designee, perhaps the mayor or something. Commissioner Carter agreed that it would need to be an in-town person. Commissioner Hollinshed said the mayor would be appropriate. Mr. Day said that he felt the mayor would be the best option if you wanted to keep the extension option available. Commissioner Hollinshed said that another option would be to remove the option all together. Commissioner Hagle said he did not think that has ever been an issue. Commissioner Hollinshed said that she could understand that if there was a band or something that had to delay an hour or two due to weather. The board agreed to remove the clause all together.

Sec. 91.09 (g) (10). Mr. Day discussed the criteria for consideration of a noise permit application. He noted one comment which said that there is not a necessity except for emergency purposes. Commissioner Hagle said that he felt it refers to asking the question about amplified sound. He said that he was not sure why we need to ask that question and recommended removing it from the list of criteria.

Sec. 91.11 Mr. Day read the comments on this section – Owner/Occupant Responsibility needs to be tightened, 12 months is too long before fines are considered, and questions on the practicality of having an absentee owner responsible for excessive sound. Mr. Day said that it would be helpful to have the town attorney weigh in on this portion as it deals with enforcement.

Arey Grady, Town Attorney, said that the board could go against either the property owner or tenant/guest. The theory is that the property owner would generally be liable for whatever the guest is doing. Commissioner Carter asked if a property owner would be responsible for a renter in a rental property. She said that it would make sense if it was excessive and a recurring problem. Mr. Grady said that he felt the wording is a bit confusing. Mr. Day said that his recommendation would be for Mr. Grady to review and edit this section and have it for the Board at the Regular Meeting. Mr. Grady and the Board agreed.

Commissioner McDonald asked if the ordinance has any bearings on moving vehicular traffic noise. Mr. Day confirmed that it does. Commissioner McDonald asked if that would apply for the same time frames as other areas. Mr. Day said that sort of noise would be a violation at any time of day.

Mr. Day went over additional comments/questions submitted by the Board, one of which was about vehicle noise – loud music, illegal equipment, heavy trucks. He provided a summary of the earlier talking points and additions earlier in the meeting regarding vehicle noise. Mr. Day then spoke about

enforcement. Mayor Newton asked if he felt the Police Department is equipped to enforce this ordinance. Mr. Day confirmed and explained that Paul Burdette, Chief of Police, reviewed the ordinance and prefers this draft to the current noise ordinance.

Mayor Newton asked for any additional comments or questions. Commissioner Hollinshed said that she agrees with Commissioner Harker on keeping the schedule consistent. She also said that people should inform their contractors of the times – accountability is key.

Commissioner Harker said that once the ordinance is completed, if any of the businesses need to know what to let their vendors do so they can stay consistent with it and put out as much educational material on it. She pointed out that it is a little bit different. We want to make sure everybody knows what we're doing so that when the enforcement comes it's not a total surprise.

Commissioner Hagle agreed that the Town should try to advertise this one because it does impact a lot of people, both residential and businesses. He suggested that once the document is finalized there should be some PR on the topic.

Commissioner Carter mentioned reduced noise commercial grade mowing equipment. She said that if there's any way that we can encourage these commercial companies to invest in those, it would make life easier day or night for everybody in town – that could be a good thing. She added that there is no way to address everyone that is too loud in town, but that this is a good baseline.

Mayor Newton asked Mr. Day if he had all of the information needed. Mr. Day confirmed and said that he would incorporate the changes in the document and have it on the agenda at the next Regular Meeting.

*This item was placed on the agenda under Items for Discussion and Consideration*

4. Short Term Rental Regulations

Mr. Day referenced the September 28, 2020 Work Session where the Board discussed potential regulations for homestay and whole house short term lodging. He explained that the commissioners submitted questions and comments on the potential regulations for discussion at this meeting.

Homestay Lodging 1(b). The first question was about permitting in a homestay – can multi bedroom units or multifamily structure owned by a company be a homestay facility if the owner of the LLC or company applies for permission? Mr. Day asked Mr. Grady to answer. Mr. Grady explained that there is no clear authority that can draw that distinction between an actual person or any type of business entity. He explained that he understands the theory behind it, as the Town would like to preserve the residential character and keep bigger companies from taking over. He said he believes the Town has the discretion to draw this distinction. He further explained that a LLC, corporation, or other business entity is what he would call a typical protected class, so you have to be careful with when you single them out. He said that he is comfortable moving forward with the proposal and believes that it is at the Town's discretion. He further explained that he would like to caution the Board as there is no specific support for it. Mr. Day added that there are instances where individuals purchase a house through an LLC typically for legal reasons. He asked the Board if it would like to leave this section in or remove it. Commissioner Hagle said that he would like to leave it in.

Homestay Lodging 1 (c ). Commissioner Carter pointed out that the state will not allow you to permit short term rentals and said that "permit number" needs to be changed. Mr. Day explained that the wording was referencing the zoning permit, but that he would make that change. Commissioner Harker asked what kind of issues this would carry legally; for example, if we are permitting the person to have this as a short-term rental and they falsely advertise or somehow become non-compliant with VRBO or Airbnb, how does the Town stand legally? Mr. Day explained that it would be a zoning permit and a matter of zoning that would fall under the nonconforming uses portion of the ordinance. He said that if it was just a violation it would be treated like any other violation that would receive a fine until it is

corrected. He then asked the attorney to weigh in on the matter. Mr. Grady explained that the Town would not be liable based on the zoning permit. He pointed out that there could be a case where a neighbor or some other party with standing could lodge a complaint that would start a process to take action on the permit. However, that would not be a situation where the Town would become liable.

Commissioner Harker asked if there should be updates to these permits if changes are made. Mr. Day said that it would be part of the zoning ordinance, so any requirement currently in there would apply. Commissioner Carter asked who would be responsible for enforcement. Mr. Day explained that it would fall under the Planning Department and the Code Enforcement Officer would be responsible for ensuring compliance. Commissioner Carter voiced concerns about the amount of work that would place on the department. Mr. Day discussed the zoning permit process. He noted that violations are generally identified through complaints or obvious violations.

Commissioner Carter voiced additional concerns about the legality of the proposed regulations. She noted that the term “Zoning Permit” seems like a work around and could result in a lawsuit. Mr. Day explained that the prohibition is against registration of rental properties. Mr. Grady spoke about the ongoing Wilmington case and Court of Appeals as there will likely be more case law regarding this in the next few years. He said that he is comfortable with the proposal and feels that by including this in the zoning ordinance, the Town would be avoiding the issue. Discussion ensued. Mr. Day informed the Board that Wilmington requires the zoning permits to be renewed every 12 months. Commissioner Carter pointed out that a rezoning would require a public hearing. Mr. Day agreed, and added that a text amendment would also require a public hearing. Zoning permits, however, do not require a public hearing.

Commissioner Hollinshed voiced additional concerns about the workload on the Planning and Inspections Department. Mr. Day pointed out that the proposal was provided at the Board’s request. He explained that there would not be an inspection beforehand. The applicant would complete an application and provide information necessary to determine whether the use is permitted in that district. He further added that there are no requirements with regard to structure with the exception of parking. Discussion ensued.

Homestay Lodging 3 (a-c). Commissioner Carter said that parking would be the biggest issue. She explained that there will absolutely be complaints and that the police would end up looking into them. Mr. Day agreed that the police would be involved in enforcement here – not the type that results in a notice of violation but asking people to comply. Discussion ensued.

Mayor Newton said that it seems that there is still work to do on this. He said the three biggest concerns he has heard are for parking, noise and trash.

Mr. Day asked if there was any consensus regarding the requirement that parking be restricted to behind the plane and the front facade and removing that section. Commissioner Harker asked if it needs to be specific as to where they park as long as it is off of the street. Commissioner Carter pointed out that there are a lot of lots in town that don’t have parking in the rear at all. Commissioner Harker asked if there is a way to limit the number of vehicles allowed. Mr. Day said he would remove that portion.

Commissioner Carter suggested the Board table the request and have more discussion before moving forward. Commissioner Hagle suggested the Board review the remaining comments.

Homestay Lodging 5. Mr. Day discussed the need to define “large gatherings.” Commissioner Hollinshed pointed out that the state defines it as 50 people. The board agreed that it would be necessary to define, but would require more consideration.

Whole House Lodging Regulations 1. Mr. Day then discussed the proposed separation distances of 400 feet between STRs. He explained the intent is to reduce the potential impacts on the fabric of the

neighborhood to cap how many there can be in a zoning district or in a geographic area. Discussion ensued. Commissioner Harker mentioned a website AirDNA that provides information – geographical and other data. She said that the site suggests 83% of rentals in Beaufort are whole house. She further explained that the website will show you on a map where the rentals are clustered, noting that a lot of them are pretty close together. She noted that it will be interesting to see who applies first, who will be left out of the deal, etc. pointing out that a lot of the rentals have reservations up until 2021.

Commissioner Carter said that it also depends on the individuals. She explained that a lot of these are older homes, particularly old family homes, and people no longer live here, but they want to keep the home because they want to retire. Therefore, they put it out as an Airbnb or an STR. Then they have enough money to maintain the house until they can retire and come here, but they can also still come in part time to have a chance to get away from wherever they live permanently.

Mr. Day said that one thing the Board could consider would be designating zones or areas and considering it that way. He emphasized that part of the reason for doing it is to have some separation between them. Commissioner Hagle agreed but said that it would make more sense to consider areas rather than zoning districts. Mr. Day said that there is an option to create neighborhood districts.

Mayor Newton asked Mr. Day if this would be a good preliminary discussion to incorporate into the UDO discussion. Mr. Day indicated that he had asked the Board if it would like to wait and have this included as part of the new plans that are being developed and the consensus was to proceed. He added that if the Board would like to go over it bit by bit at future work sessions, that would be an option too. Commissioner Carter said that was a good idea, noting the need to involve the public and provide an opportunity for the public to comment.

Commissioner Hollinshed said that it would be good do it sections at a time and to chip away at it. She said that if it gets dumped on the UDO people without any input as to what works or doesn't work, we would end up back at square one.

Commissioner Harker agreed. She said that she would like to see some data that shows that this is actually worthwhile noting the increased workload for town staff. She wants to be sure that this is in the best interest of the Town, noting additional questions that have not yet been addressed such as occupancy taxes, etc. She agrees that it would be wise to come up with some ideas prior to handing it over to the UDO people.

Commissioner Hagle agreed that there is a lot of work to be done. He said that it is something the Board needs to continue to look at as the Town continues to grow this will continue to be an issue. He said there are a lot of STRs now and while most of them do not cause any problems, it is something that the Town needs to continue to work on.

Commissioner Carter agreed with Commissioner Harker's comments. She said that if all this work is going to be worth it, we get no revenues because we don't get room tax money and the permit fees would be minimal. We need to consider whether we want to go through the amount of time and effort for what we may get out of it, which may be nothing but trouble and more discomfort. She said that if the Board wants to do it, it should take it in small bits.

Commissioner McDonald said that he agrees with the last two commissioners. He said that it appears that we do not really know what we want. He asked who is going to benefit from the regulations and whether existing rentals will be grandfathered. Commissioner McDonald suggested to table it until it becomes an issue.

Mayor Newton thanked the Board for considering and addressing these complex issues. He said it is good to keep this on the table and continue chipping away at it.

5. Homer Smith Marina Covenant Amendment

At the September 28 work session, the board discussed a request from Homer Smith Marina for the Town to support the North Carolina Department of Transportation abandoning some 19,000 square feet of right away, which would be used for parking needed to support expansion of the Marina. In exchange, the owner offered to contribute $125,000 toward the construction of the restroom kiosk facility at the new Cedar Street Park. Mr. Day noted that he also agreed to a number of other conditions that will be addressed tonight. Mr. Day reminded the Board that it asked the Town Attorney and staff to draft an amendment to the 2011 covenant between the Town and Homer Smith Marina that amends the maximum numbers of slips permitted to be constructed there so that there can be an increase up to a total of 178. Mr. Day then read the proposed amendment to the covenant.

Mr. Day told the Board that staff had been working with the Frost family to come to an agreement. He noted that the Frosts are hesitant to make any monetary contribution to the park without some assurances that they would be able to proceed with the expansion. The Town further does not want to endorse the abandonment of the ROW for the same reasons. He explained that the effectiveness would be upon the issuance of a special use permit at which point the Town would endorse NCDOT ROW abandonment and Mr. Frost would make his payment to the Town. He asked the Board to direct any questions about the agreement to the Town Attorney.

Commissioner Hollinshed asked if the Town agreed to the amendment, is there some sort of impediment that would allow the Town to stop his progress if there were issues with water quality or something of the sort. Mr. Day said that he does not believe that is the case. He explained that they would have to obtain several permits from other agencies to include CAMA. Commissioner Hollinshed asked if the Town would have to sign off on them. Mr. Day explained that once the zoning permit is issued, the Town cannot go back on its decision. Mr. Grady agreed. Mr. Grady said that it would be difficult for the town to change its mind once the agreement is signed. Mr. Grady explained that the Town does not have much to do with external permitting. He said that they would have to get some additional approval from the Town with the site plan and special use permit.

Mr. Day explained that his understanding that the special use permit would include the total number of slips [178] and that the timing is the only thing that would be governed by the other agreement. Commissioner Hollinshed asked if the marina decides not to go up to the total number of slips, it could make that determination. Mr. Day agreed.

Commissioner Harker said that Commissioner Hollinshed already asked the majority of her questions. She said she wondered if the final certificate is contingent upon anything but noted that it does not sound like it.

Commissioner Hagle asked Mr. Day why a special use permit is required. Mr. Day explained that it is a requirement of the Land Development Ordinance for marinas.

Commissioner Carter asked why the Board is phasing the project noting that the board would already have given approval for the entire project. She also pointed out that Mr. Frost is the only one giving anything to the Town in exchange for the right of way. Based on that, she asked why the Town is delaying the project. She asked if this implies that the Board agrees to the covenant change as well. Mr. Day said that the Board voiced concerns about the impact of the project. He explained that the Town asked Mr. Frost if a phased approach would be a problem and he said that it would not. Commissioner Carter questioned the reasoning behind it noting that the waters cannot be any dirtier as its already SC waters. She asked if the marina has to wait the two years or if they could do it faster noting the hotel construction. Mr. Day said that the timing is entirely up to the Board.

Commissioner McDonald asked Mr. Day if he came up with anything that would allow them to move forward after meeting with the marina representative, Mr. Cullipher. Mr. Day confirmed, noting that the agreement included in the packet was a result of the discussions with Mr. Cullipher. Commissioner McDonald said that if both parties agree to it, it should move forward.

Mayor Newton shared his thoughts on the proposal. He said that there are three major parts – positive economic effect, environmental impact and quality of life. He explained that the increase from 85 to 178 slips is significant, noting the increase in traffic that could impact the park and surrounding residential areas. He said that he agrees with Commissioner Carter and that if the board is going to approve the increase, there is no reason to delay two years. Mayor Newton explained that at this point the only certainty is that there will be a positive economic impact. He then read the original covenant which says, "*Beaufort has determined at this time additional slips and these marinas are not in the public interest. While not making any specific findings of fact regarding either Marina project, Beaufort has concerns over possible impacts associated with the permitting of additional wet slips in this area including the potential for adverse negative secondary effects in terms of congestion of boats, boat traffic on public trust waters, additional vehicle traffic to and from the marinas, additional security needs and other secondary effects not set forth herein."* He reminded the Board that nothing has changed. If the board approves the increase, two years from now if the area becomes flooded with traffic, the Board knows about it now and has an opportunity do something about it. Mayor Newton explained that the position for 150 [slips] is something that can be negotiated. He emphasized the significance of the decision now and the potential impacts in the area. He then asked the Board for any additional comments.

Commissioner Hollinshed said that she does understand the impacts. She referenced the future development down the street that has already been approved.

Commissioner Harker said that if he builds the number of slips before the two years is up and there is an increase in congestion, etc., per this agreement, there is nothing the Town can do about it. She said ultimately there is no benefit to doing it in phases versus all at once as there is no recourse to change anything in the agreement. Mayor Newton pointed out that the Town is responsible for drafting the amendment and agreement, so there is still recourse at this point. Mr. Grady agreed. Mr. Grady explained that the way the agreement is drafted right now, he would get the maximum number of slips. He said that the board could make the language such that he could do 25 so the Board could see what happens, then approve the next 25, etc. He said that if that is the Board's desire, he would need to further amend the covenant to reflect that additional language.

Commissioner Harker said that if the Board takes that route, there will need to be some form of metrics in place. At this point, there is not a matrix in place to determine what would allow him to go from one phase to another. Mr. Day said that the idea was that if there are some adjustments that need to be made to parking regulations or something of the sort, then there would be an opportunity to do that. Mr. Grady agreed and pointed out that the board does not have to amend the covenant at all. Mayor Newton asked if the request could be approved incrementally. Mr. Grady confirmed.

Commissioner Hagle pointed out that if the Town were to request additional phasing, the topic of funding for the restrooms will likely come up. He further agreed with Commissioner Harker and the need for metrics to figure out what works or does not work.

Mayor Newton asked Mr. Day for the property value of the ROW. Mr. Day said he believed it was somewhere around $300,000 based on the tax assessed value. Commissioner Carter pointed out the power lines that severely limit the possible use of the land for anything other than parking.

Commissioner Carter said by allowing it and phasing it, there is no benefit. She said that she was not sure that the marina is the cause of the parking issues currently. She asked if this is going to become the normal process for all marinas in the future. She said that if the town does not approve the request, the Town will lose that $125,000 for the bathroom facilities at the park.

Commissioner McDonald said that the area will be used for parking regardless of who owns it. He then said that if both parties agree, then it should move forward.

*This item was placed on the agenda under Items for Discussion and Consideration.*

6. Case #20-12 Special Use Permit for a Kennel, Indoor/Outdoor Operation for 102 Professional Park Drive & 1975 Live Oak Street

Kyle Garner, Planning & Inspections Director, asked the Board to schedule the public hearing [quasi-judicial] for a special use permit for an indoor and outdoor kennel at 102 Professional Park Drive and 1975 Live Oak Street. He told the Board that the Planning Board reviewed the request at the October 19, 2020 meeting and recommended approval with two conditions as included in the Board's packet materials.

*This item was placed on the agenda under Public Hearing.*

7. Cedar Street Utility Rehabilitation and Replacement

Budget Amendment and Bid Award

Greg Meshaw, Town Engineer, told the Board that the Town is accepting bids for the Cedar Street Utility Project this week. He explained that the item on the agenda is a place holder for the Regular Meeting should the Town receive three responsible bids. Provided three or more bids are received, staff will provide a recommendation of award for Board approval.

Mayor Newton asked the Board if there were any questions or concerns.

*This item was placed on the agenda for Items for Discussion & Consideration.*

8. Sewer Allocation Policy

Greg Meshaw, Town Engineer, referenced the Board's 2020 retreat where he discussed a need for a sewer allocation policy. He explained that the need for such policy has come to the forefront recently following the acceptance of Deerfield Shores Subdivision sewer system.

Mr. Meshaw explained the policy has three tiers of prioritization. Tier 1 would be the highest priority and include infill developments, developments approved prior to the establishment of the policy, and town-funded projects. Tier 2 would be projects ready for permit issuance. Tier 3 would be the lowest priority and would include speculative projects, i.e. sketch plans, master planning, etc. He further explained that allocations would be broken down into categories: residential, commercial and discretionary. The maximum amount for residential development per 12-month period would be 36,000 gallons per day for single family development and 48,000 gallons per day for multifamily development. Commercial development would have a maximum allowance of 15,000 gallons per day over a 12-month period. The discretionary category would give the Board the ability to negotiate projects like Beau Coast. The policy would further allow staff approval for Tier 1 projects up to 10,000 gallons per day. Tier 2 projects that require Board approval would also require Board allocation. He explained that Tier 2 projects that are eligible for staff approval can be granted allocation at the staff level. All Tier 3 projects would go before the Board but come with a recommendation from staff. He explained that the person requesting that allocation would have to submit a preliminary plan showing the proposal. The applicant would have to pay an amount equivalent to 20% of the source system development fee which is nonrefundable unless they actually use their allocation in which case that 20% would go towards the full sources, system development fee payment.

Mr. Meshaw explained that developers have 24 months to use the allocation granted or it reverts back to the Town. In some cases, staff would be able to grant a first 6-month extension provided the developer can submit documentation proving that it was due to circumstances outside of the developer's control. If that is not the case, the developer would have to request an extension from the Board. Allocations would stay with the development rather than the developer.

Mayor Newton asked for any questions or comments.

Commissioner Hollinshed reminded the Board that several years ago, it saw how important it is to keep track of sewer allocation. She agreed that the policy is necessary and said that it looks like a good plan.

Commissioner Harker thanked Mr. Meshaw for all of his hard work. She if the Board would receive reports on projects approved at the staff level in order to keep track of what is available. Mr. Meshaw said he would provide updates at the Board's direction. He added that currently the Town has about 470,000 gallons worth of uncommitted capacity at this time. Commissioner Harker then asked Mr. Meshaw if he had any recommendations on the discretionary allocations, noting it appears the intent is to provide the Board with flexibility. Mr. Meshaw confirmed. Mr. Day told Commissioner Harker that he feels it would be beneficial to put the sewer allocation table on the Town's website, so it is easily available.

Commissioner Hagle said putting the table on the website would be great. He asked Mr. Meshaw about subdivisions the Town currently serves (Eastman's Creek, Deerfield Shores, East Carteret Highschool) and if they would be considered infill development. Mr. Meshaw said that he would consider the subdivisions infill developments as the system already exists. Commissioner Hagle then asked about Beaufort Club. Mr. Meshaw explained that Phase I and Phase II are both factored into where the Town stands on the current allocation.

Commissioner Carter pointed out that the Tiers have no limit on how far outside of the city limits one could go. She recommended putting in a requirement that subdivisions outside of the city limits would be required to annex. She also mentioned an old policy for in town, ETJ and reasonable development areas outside of that noting she was unsure of whether or not that is still in effect. Mr. Meshaw agreed.

Commissioner Hagle asked if the limit for Deerfield will be reached once they hit the limit on the transfer pump. Mr. Meshaw said that he believes there may be a little more capacity than what has been permitted but noted that he has not delved into it at this point. He said that he would hope the Town could upgrade the system to accommodate that if it so desired. He added that he would anticipate the need to set up something like a special assessment area since they are outside of the Town in which they would pay system development fees in addition to a special assessment fee to help the Town recoup the cost of having upgraded the station for an area outside of the town limits.

Commissioner Carter explained that the Deerfield subdivision had to pay the $4,000 impact fee for each lot, noting another 17 that were unable to get septic tanks because it is filled land. She said that is why they were on the package plant to begin with. She added that there are numerous lots in the subdivision with failing septic tanks and that they are already looking at other options. She pointed out that this could be a major remote location and urged the Town to consider future development. Mr. Meshaw said that he will reference the town policy that requires an applicant to petition for annexation prior to joining the system. He also mentioned the need to add language noting that any agreement already in place is grandfathered and not affected by this policy.

*This item was placed on the agenda under Items for Discussion and Consideration.*

9. Voluntary Annexation Request for 186 Chadwick Road (Alan Scibal) and 190 Chadwick Road (Sharon Eck)

Rachel Johnson, Deputy Town Clerk, informed the Board of receipt of a request for voluntary annexation for 186 Chadwick Road and 190 Chadwick Road. She explained that both properties are zoned residential, contiguous and approximately 60 feet from the town limits. She pointed out that the applicants mistakenly stated on the application that the properties are not contiguous and that she has been in contact with them to have the application updated accordingly. She informed the Board the impacts to town services are being investigated but noted that police and fire currently serve this area and will not be impacted. Ms. Johnson thanked Kyle Garner for his assistance with the maps included

in the packets. Ms. Johnson then informed the Board that it needs to direct the deputy clerk to investigate the sufficiency of the request.

*This item was placed on the agenda under Items of Consent.*

10. Beaufort Pirate Invasion Event on November 20-21

Mr. Day noted some changes in the current circumstances and concerns raised by commissioners regarding the COVID-19 pandemic and the previously approved Pirate Invasion scheduled for November 20-21. Mr. Day cited an increase in active cases in the community and asked the Board if it would like to rescind the approval. He added that Rachel Johnson had been in contact with the representative from the Beaufort Pirate Invasion. Ms. Johnson said she had been in contact with Carl Cannon regarding the event. She said he indicated that he and the pirate invasion wants to do what is in the best interest of the town.

Mayor Newton said that he would like to have the issue resolved this evening rather than waiting for the Regular Meeting. He mentioned the increase in cases.

*Commissioner Carter made a motion to rescind the approval.* Mayor Newton asked for additional comments before acting on the motion.

Commissioner Hollinshed said that she feels the Town should not allow events on Town property at this time. Commissioner Harker voiced concerns over the recent increase in COVID-19 cases and the start of flu season. Commissioner Hagle said that out of an abundance of caution, the Board should rescind the approval. Commissioner McDonald agreed that the approval should be rescinded. He voiced concerns over potential negative press and explained that the Town needs a positive way to present it to the public.

*Mayor Newton conducted a roll call vote on the motion to rescind the approval. The motion passed unanimously.*

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

11. September Financial Report/Notes

Christi Wood, Finance Director, provided the September Financial Report. Ms. Wood explained the tax balances are included from August and September. She also included the sales tax distribution number that the Town received for October. She reminded the Board that number is for July sales. She also included a comparison table for FY 19, 20, and 21 Sales and Use Tax Distributions.

Commissioner Hollinshed asked where she would find reimbursement for the expense of the town for the hotel that is now closed [400 Pollock Street]. She said the property is no longer under the same ownership as it was when the expense [$9,000] was incurred. Ms. Wood explained that the Town has not received any funds for that at this point. Commissioner Hollinshed asked why. Mr. Day explained that the Town Attorney is following up with PNC about the issue and exploring other options as well. Commissioner Carter said she thought they agreed to reimburse the Town for the preliminary demolition costs. Mr. Grady confirmed and said that he posed the question today but has yet to receive a response. He said he also needs to get with the acting Town Clerk to review the original resolution to make sure there are time horizons in place. Discussion ensued.

Commissioner Hagle asked Mrs. Wood about insurance that showed 121% and workman's comp under police, fire and public works. Mrs. Wood confirmed that the 121%is just a one-time payment for insurance. She explained that while it was higher than originally budgeted in that department, it was less in others so she will be able to make some internal adjustments to balance it out. Mrs. Wood then

explained that the workman's comp line items are a premium the Town pays at the beginning of the year.

Commissioner McDonald asked Mrs. Wood to get each commissioner an itemized copy of the expenses for the demolition of the hotel. Mrs. Wood agreed.

**Mayor/Commission Comments**

Commissioner Hollinshed had none.

Commissioner Harker wished everyone a safe Halloween and encouraged everyone to practice the three W's. She also thanked Chief Ray and Captain Cowley for taking the long drive to Louisiana to help with relief efforts there. She also thanked the Beaufort Fire Department for the effort in recognizing the importance of increasing breast cancer awareness. She encouraged everyone to go to the fire department to get a pink shirt.

Commissioner Hagle also thanked the fire department for the help with the folks in Louisiana. He asked that everyone pay attention and focus on driving. He said he frequently sees speeders and people not focused on driving. He said that focusing on driving could save your own life as well as someone else's.

Commissioner Carter also thanked the fire department for the relief efforts.

Commissioner McDonald had none.

Mayor Newton voiced appreciation for the Board taking on extraordinarily complex topics. He noted that it is not easy, but it establishes a solid foundation for the community.

**Closed Session**

Mayor Newton asked for a motion to go into closed session pursuant to NCGS 143-318.11 (3).

*Commissioner Hagle made a motion to go into closed session. The motion passed unanimously.*

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

**Adjourn**

*Commissioner Hagle made a motion to adjourn. The motion passed unanimously.*

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

*Minutes prepared by Kate Allen, Town Planner.*

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Mayor Everette S. (Rett) Newton

_____

Rachel Johnson, Deputy Clerk

**Town of Beaufort, NC**
701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
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**Town of Beaufort Board of Commissioners Special Meeting: COVID-19**
**4:00 PM Wednesday, November 04, 2020 - Zoom**
**Minutes**



**Call to Order**

Mayor Newton called the meeting to order at 4:00.

**Roll Call**

Mayor Newton conducted Roll Call and declared a quorum present for the meeting.

Members Present: Commissioner Hagle, Commissioner Hollinshed, Commissioner McDonald, Commissioner Harker, Commissioner Carter

**Agenda Approval**

Mayor Newton asked to add a public comment period at the end of the meeting on the agenda.

*Commissioner Hagle made a motion to approve the agenda as amended. The motion passed unanimously.*

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

**Items for Discussion and Consideration**

1. COVID-19 Update

   Mayor Newton introduced Sam Gibbs, Deputy Secretary, North Carolina Department of Health and Human Services.

   Mr. Gibbs thanked Mayor Newton for the invitation to speak. Mr. Gibbs spoke about known hotspots throughout the state. He said that in the spring, COVID was focused around congregate living facilities like nursing homes. At that time, there was an overall shortage across the state of PPE and testing capabilities. He explained that at this time, there is no shortage of PPE or testing capabilities. He noted the next outbreak was in the agriculture field. The state worked closely with the Department of Agriculture. He pointed out that the virus spreads easily and early intervention is key.

   Mr. Gibbs explained that the virus has moved to rural North Carolina which, up to this point, has been mostly shielded from the outbreak. He said that if you look at Carteret County and Beaufort's numbers,

you will see that they are steadily going up. Another area a lot of spread is coming from is small gatherings. He blames this in part to COVID fatigue. He said another area of spread is religious gatherings.

Mr. Gibbs said the best way to slow the spread is to follow the three Ws – wear a mask, wait six feet apart, and wash hands frequently. Until we get a vaccine to help with herd immunity, noting 60-70% of the population would need to be immune, those preventative measures are key. The state's focus has been educating people, noting that wearing a mask isn't necessarily for the individual as much as it is the community. He noted a lot of advertising regarding the three Ws. Mr. Gibbs said that 95% compliance with mask wearing would help tremendously with stopping the spread of the virus. He pointed out the younger generation likes to congregate and highlighted a need to target those groups.

Mr. Gibbs then discussed a new smartphone application, SlowCOVIDNC. The application is compatible with both Android and Iphones and works through Bluetooth. The app uses Bluetooth similar to a radio frequency that allows the phones to exchange random codes. If one particular phone has been exposed to COVID, the application will push notifications to other phones that have been in close proximity to a confirmed positive COVID case. The application was initially launched at the higher education level when universities were resuming classes. He said that over 300,000 people have downloaded the app at this time.

Mr. Gibbs then discussed a special unit that was formed in the Unified Command Center called the Op-9 Team. It consists of 9 counties that were hotspots initially. They used some CDC guidelines, such as cases per 100,000 population. He explained that while Beaufort has nowhere near 100,000 residents, if you scale the number, Beaufort is at about 236/100000; the state is at 135. He noted that Beaufort is considerably higher than the rest of the state. The CDC recommends keeping that number below 100/100,000.

Mr. Gibbs then referenced a letter recently sent to counties and municipalities with high case rates. He applauded Beaufort's efforts early on in the pandemic. He explained that municipalities have the authority to take additional measures. He said that enforcement is a significant issue and added that the state has an anonymous tip line for people to file complaints for noncompliance with mask mandates. Another option would be implementing more restrictive curfews. He added that bars are open at limited capacity and people frequently congregate at these spaces. Third, he suggested reaching out to community leaders. He then told the Board about a faith-based toolkit that is available online to help educate and inform religious leaders. He then told a story of a conversation with a church pastor with a young (29 years old) member of his congregation who contracted COVID-19 and passed away before the birth of his child. He emphasized that the most effective way to get people's attention is through personal stories. He noted that most people who get COVID will be fine, however, we do not know who will be affected and who will not. Mr. Gibbs then shared his own experience with COVID-19 when his daughter contracted the virus and had to be hospitalized for five days with a double pneumonia. He said that the more stories we share of personal experiences, the more people will take the virus seriously.

Mr. Gibbs said that he would be happy to help the Town in any way possible. He said that the things we do now as we approach the winter months will largely impact the state's ability to fully reopen.

Mayor Newton thanked Mr. Gibbs for his time and asked the commissioners for any questions.

Commissioner Hagle did not have any questions, but said that this should be a county effort, not just the Town of Beaufort.

Commissioner Hollinshed did not have any questions and thanked Mr. Gibbs for the update.

Commissioner McDonald had no questions.

Commissioner Harker did not have any questions. She then thanked Mr. Gibbs for taking the time to communicate with the mayor and keep him informed.

Commissioner Carter had no questions and thanked Mr. Gibbs for participating in the meeting.

Mayor Newton thanked him again for his time.

Mr. Gibbs wished the Board a safe holiday season. He added that the state is working on pushing out guidance on safe holiday gatherings that should be coming out soon.

Mayor Newton introduced Stephanie Cannon, Health Director, Carteret County Health Department.

Ms. Cannon thanked the Board for the opportunity to speak. She noted that the health department is experiencing COVID fatigue but explained that COVID is not going away any time soon. She shared that she hoped to reiterate simple, powerful actions that the community can take to slow/prevent the spread of COVID-19

Ms. Cannon said that as of today, Carteret County has 1,417 confirmed cases with 5 COVID hospitalizations at Carteret Health Care. The majority of confirmed cases are in the 25-49 year and 50-64-year age groups. Together the two represent roughly 60% of confirmed cases in the county. In the month of October, those age groups represent 60% of confirmed cases. In October, she noted an increase in cases in the 65 and older category. Overall that age group represents about 18% of confirmed cases. In October that age group represented 23% of confirmed cases. One age group less impacted is the 0-17 age group – 11% overall and in the month of October. She noted school system efforts to screen staff and students for potential exposure, requiring masks, implementing social distancing when possible, and promoting frequent handwashing, cleaning and disinfecting. The Health Department is currently investigating clusters in churches and working with them to put things in place to hold services in a safer manner. Ms. Cannon also noted an increase in cases in long term care and congregate living facilities. The Health Department is working with those entities to provide testing support and infection prevention measures.

The Health Department continues to see household spread of the virus. They encourage infected persons to isolate themselves from other household members if possible. Along with HHS, the Department is using the same metrics to track trends in Carteret County.

COVID like illness in Emergency Departments (EDs) in the region (region 2) is published in a weekly report that is released on Thursdays. In the week ending 10/24, the number of COVID like syndromic cases coming into EDs in region 2 decreased. However, she noted that most people recover at home and do not seek care, therefore this does not provide a full picture

The County uses the state report regarding the positivity rate. In the week ending October 31st, the positivity rate was 8.6%, which is the highest rate since the start of the pandemic. The four weeks prior positivity rate hovered around 7%. The state goal is to have the rate below 5%.

Regarding hospitalizations at Carteret HealthCare, October 14th had a high of 12. As of today, 5 persons were hospitalized at Carteret HealthCare.

Regarding total tests completed, all major labs (LabCorp, Quest, Mako, etc.) electronically feed into the state system which provides a good snapshot of the number of tests competed in Carteret County per week. In the month of October, Carteret County averaged roughly 1,200 tests per week. That number does not include rapid tests which are handled differently, so the total number of tests completed weekly should be higher than 1200. The state's goal is 5% of the population per month which would be about 3500; the county is testing closer to 4800 per month.

Since July, HD has partnered with state sponsored Carolina Community Tracing Collaborative (CCTC). CCTC is doing contact tracing for the county. Based on the last report, contact tracers assigned to Carteret County continue to exceed the statewide goals for contacting close contacts within 24 hours. CCTC is doing well making contact, however, there are a lot of individuals in the community who refuse to share information with the contact tracers. She emphasized that it is very important to notify those close contacts and explained that the information collected is protected. When notifying potential contacts, the source of exposure is not given to the individual.

Ms. Cannon spoke about prevention measures the community could put in place: 1) follow the three Ws; 2) stay at home when you're sick; 3) avoid large gatherings; 4) quarantine if you have been exposed; and 5) following the governor's executive orders. Getting community buy in can slow the spread of the virus. As a community we can do better. She pointed out that as the weather gets cooler, people tend to gather inside.

The Mayor asked for any questions.

Commissioner Hagle had no questions and thanked Ms. Cannon for the information. He agreed that the community needs to work harder at following the guidelines.

Commissioner Hollinshed had no questions.

Commissioner McDonald said that he is aware of the stats that the Health Department puts out. He asked what steps the county is requiring or encouraging for facilities such as grocery stores or other businesses within the city limits and other communities.

Ms. Cannon said that more people are wearing masks now than they were in July. She believes that there could be a more robust education campaign to work with businesses and assist in implementation. She emphasized following the 3 Ws and noted that a holistic approach would make a big difference. She added that the foundation is there, but there is room for improvement.

Commissioner Harker thanked Ms. Cannon for the update. She asked if the county has created a campaign to notify business owners that they are willing and available to help. Ms. Cannon said that there has not been a large full court press. She explained that the Health Department fields a lot of complaints – especially regarding permitted facilities such as restaurants. In those cases, the Health Department goes to the location and informs owners of the complaints and educates them on the three Ws. She said that they remind them of governor's orders and noted that some have been receptive. A lot of complaints are about noncompliance with mask wearing and lack of social distancing. She added that a good portion of complaints are coming from tourists. She then mentioned an upcoming media campaign which will consist of radio ads, newspaper ads, etc. to target the community overall. She said she would like to partner with the Chamber of Commerce to help get the word out to businesses.

Commissioner Hagle informed Ms. Cannon that he is on the Board with the Chamber of Commerce. He said the Chamber office has been very diligent in the office and he feels that the Chamber would be happy to assist. He indicated that he would reach out to the appropriate person to facilitate the conversation.

Commissioner Carter had no questions but did note an increase in people wearing masks.

Commissioner Hagle asked Ms. Cannon how many complaints the health department has received. Ms. Cannon said that since the beginning of the pandemic, there weren't many complaints as most businesses were closed. She said that complaints started coming in more frequently in May and noted that the governor's orders are not enforceable by the health department. The majority of the complaints the health department has received have been in regard to restaurants and hotels. She further indicated that several tourists indicated that they will not return to Carteret County for this reason. Commissioner Hagle asked how many complaints the department has received. Ms. Cannon said that she estimates collectively over several months, approximately 100.

Mayor Newton thanked Ms. Cannon for participating in the meeting and for all of the department's hard work. He mentioned the key metrics that we watch – the hospital, and introduced Mr. Harvey Case, President of Carteret Health Care.

Mr. Case shared his background. He's been in the position since January of 2020. He reminded the Board that the initial reports in January/February time frame projected based on the population of 70,000, were 21,000 infected, 4200 hospitalized, 200 or more people with ICU/ventilation needs, concerns of a national shortage of PPE, ventilators, medications, labor. He reminded the Board of the unknowns, lack of vaccines, etc. He admitted that there was a lot of fear among medical professionals initially.

Mr. Case shared the hospital's approach and noted that they prepared for a worst-case scenario. Immediately, Carteret Healthcare began seeking PPE, ventilators, testing capabilities, etc. The hospital developed conservation strategies for PPE, implemented best practice guidelines, and even had to make the decision to stop elective care and visitation. Nonessential employees were sent home and screening tents were set up in order to pre-screen people coming into the facility. They further created isolation teams and locations in the event there was a large number of COVID patients. Mr. Case added that he worked closely with NC Department of Health and Human Services as well as Ms. Cannon.

Mr. Case said that although the last 30 days have been an overall high, the area is still well below the early predictions. He said that there were currently 5 patients hospitalized at Carteret Healthcare, and noted that throughout the duration of the pandemic there have been a total of 77 hospitalizations, or roughly 6% of total confirmed cases. Mr. Case explained that the hospital conducted approximately 28,000 Pre-operative tests 2,800 with 10 positive cases. He said that could be indicative of a certain group of the population, perhaps those who follow guidelines a bit more closely than others. There have been 40 positive staff members out of 1,150 employees. He explained that employees are tested quite frequently, and the positive staff cases have been traced back to community exposure.

The ability to test people in a timely fashion is huge for a hospital. Over time, the hospital has used 4 testing methods. Currently, the hospital is using Abbott's ID NOW. Although the system is relatively new to Carteret Health Care, there are approximately 1,000 rapid tests available on site. He also mentioned a new test, Cepheid 4plex, that has the ability to detect both the flu and COVID-19. He said the hospital is in good shape as far as PPE is concerned and noted the ability to access PCR or LabCorp testing. In the event the tests need to be sent off, they receive the results within 24 hours.

Mr. Case explained the challenge relates to potential problems in the winter, noting a combination of flu and COVID outbreaks, the dynamics could change considerably. If the hospital needs to transfer patients out when it reaches capacity, there is a high likelihood other hospitals would be equally strained. He is hopeful that the flu vaccine is effective this year and noted the additional measures (mask wearing, social distancing, frequent hand washing) should also help.

Mr. Case then discussed concerns related to staffing, particularly with nursing as there is a national shortage of nurses. He explained that a large focus is to avoid overwhelming hospital staff. He said they are actively recruiting nurses, as well as adding contract nurses.

Mayor Newton asked if there were any questions from the Board.

Commissioner Hagle had no questions and thanked Mr. Case for the update and for all he and the staff are doing.

Commissioner Hollinshed asked where statistics are placed on the chart when someone is transferred out. She expanded, if they have been in the hospital at Carteret, but then go to Vidant, where are they statistically? They are still technically hospitalized.

Mr. Case said that most patients do not get transferred out. If they do, they could go to Vidant or Raleigh. If they have an unfavorable outcome and the primary residence is here, they are included in the local statistics.

Commissioner Hollinshed asked where they are tracked if they do not die. For example, say you transfer ten patients out, where do they get tracked? She said that is just something to consider.

Commissioner McDonald asked what other tests are given if you test a person that has a low-grade fever and determine they have COVID.

Mr. Case said that it depends on what environment they are in. In the Emergency Department, if they are not admitted, they most likely go home and quarantine and recover there. If they are admitted, they go through an array of testing in order to determine the best path for clinical care.

Commissioner Harker thanked Mr. Case for all of his hard work throughout the institution.

Commissioner Carter asked Mr. Case about the hospital's ICU capacity. Mr. Case said that there are 10 licensed ICU beds. The hospital can put a COVID patient in ICU, though not all COVID patients require ICU level of care. He explained that the hospital has also set up a 24-bed COVID unit. If the hospital has 6 or more COVID patients, that unit is opened in order to isolate from the remainder of the facility.

Commissioner Carter then asked if the hospital has access to the medications necessary to treat COVID. Mr. Case confirmed.

Mayor Newton thanked Mr. Case for participating in the meeting and introduced Dr. Rachel Noble with UNC.

Dr. Rachel Noble, UNC Institute of Marine Science, gave a presentation on the progress of COVID-19 Wastewater Research. Her team is the lead on a 2-million-dollar project that was funded through the NC Collaboratory through CARES Act funds.

Dr. Noble explained that there are several clinical testing methods: individual, pooling and wastewater surveillance. Individual testing is the standard nasal swab. The “pooling” system could be used in a large office or warehouse setting. She used an Amazon Distribution Center as an example. Each day, workers come into work and nasal swabs are collected. Rather than testing each swab individually, they are mixed together and tested as one group. Through that mechanism, there is a considerable cost savings. If there is a positive result in that group, then the group members are tested individually. Wastewater surveillance is focused on sewage coming into the wastewater treatment plant. In the case of Beaufort, it serves about 4,000 individuals. They are able to look at the wastewater and identify signals of SARS Coronavirus-2. This reduces the amount of resources required to conduct aggregate testing. She emphasized that wastewater testing is not a replacement for any of the testing methods mentioned earlier in the meeting.

Dr. Noble explained that she would not be going over the molecular science behind the testing but would be happy to answer any questions via email at another time.

Dr. Noble then explained that when people go to the restroom, if infected, even if they are asymptomatic, they are still shedding SARS coronavirus viral RNA. She explained that there are 10,000,000 copies of the virus in just a gram of fecal matter from an infected person. She explained that infected persons are likely to continue shedding the virus in fecal matter longer than that of respiratory samples.

Dr. Noble added that through their collaboration with the NC Department of Health and Human Services, North Carolina has been selected as one of eight states to participate in the CDC’s National Wastewater Surveillance System.

Whenever considering the numbers of the virus in wastewater, there are a lot of other factors that feed into it. She explained that wastewater can indicate a peak or wave of infections in the community, prevalence in the community, and help identify hotspots which will be useful when distributing vaccinations (once available). Dr. Noble further added that this technology is being used at dormitories with a few universities across the state. It helps hone in on which students they should be testing. In dormitories, they work on the lateral that feeds into the main stem wastewater system as it leaves the building, so they are able to identify positive cases in the building rather than the wastewater system as a whole.

Dr. Noble then discussed the trends in SARS-CoV-2 in Beaufort Wastewater Influent Precede Spikes in Cases. She explained that spikes in cases were preceded by wastewater concentration values. She noted a lag time in wastewater detection to clinical case data of roughly five to eight days. She pointed out another spike in wastewater concentration and hypothesized that Beaufort could see a spike in cases in the beginning of November. She then showed a graph of similar data for another area currently being studied and pointed out a spike that coincides with university reopening.

Dr. Noble further explained the key knowledge gaps and areas of investigation. She noted that they are interested in the dynamics that a rural area has to offer. If used properly, social and mitigation strategies, how could they have a benefit? As a society, we are not taking advantage of the fact that these areas have great things going for us – we can go for a walk or bike ride and interact with people. There is plenty of outdoor space, a marine and coastal area that features sunlight and salt – two things that are known to kill the coronavirus almost instantly. She pointed out that we hear more frequently about metropolitan areas than rural communities as the majority of studies are being conducted there.

Carteret county has something unique to bring to the table. They are trying to build new approaches for septic systems and package treatment plants. She noted that estimates are approximately 60% of homes are on septic systems or onsite wastewater systems. She said that they are also hoping to reduce the overall cost of analyses and include other pathogen threats.

Dr. Noble then acknowledged several contributors to the study, noting that it was not a complete list. She said that concludes her presentation. Mayor Newton asked if she had time to entertain questions. She confirmed.

Commissioner Hagle said that he had a lot but would save them for another time.

Commissioner Hollinshed asked if they could go right to the source to get the samples. Dr. Noble said that you can but noted that it involves privacy issues. She said that there are groups that have gotten special permission to do work in certain householes, to target nursing homes, and to target jails. She said that once you get to a population of less than 500, you begin to get into these privacy issues. Dr. Noble said that they hope in the future to have special technology to do it “in line” without having to knock on doors to ask permission to take samples.

Commissioner McDonald asked for clarification regarding Dr. Nobles earlier comments regarding salt and sunlight killing the virus. Dr. Noble confirmed that UV lights, specifically UVC, kills the virus. She said that sunlight is a great way to do that, but you would need to be in a lot of sunlight for it to be effective. She then explained that salt, at the concentration in the ocean, about 29 parts per thousand, iradicates the virus in minutes. In order for that to be effective, she noted that one would need to go for a swim in the ocean. She said that you couldn’t spray salt air in a home and expect that to remove the virus.

Commissioner Harker said that the presentation has been fascinating. She asked if samples were collected prior to treatment. Dr. Noble confirmed and explained that there is a device that separates any solids from the influx of the wastewater, and from there a fluid stream is then tested. Commissioner Harker said that the samples are coming in from everywhere, so there is no way to track the exact source of the infection, but that it could indicate a spike in cases in the area. She then asked if there is any way to trace it back to the source. Dr. Noble said that there are a few ways to do that. She explained that you could hone into pump stations which service specific neighborhoods. She said you could use areas coming out of neighborhoods provided they serve more than 500.

Commissioner Harker asked if the chemicals that we are using are effective in killing the virus. Dr. Noble said that they are, noting work being done on treated effluent that comes out of the treatment plant. She said that they can actually detect the virus in that, but that there is an indication across all of the research that none of the virus that comes through that process is intact, instead they are just fragments of the RNA floating around. No one to date has been able to show that there is any infectious particle. She noted that if you had a sewage spill along a roadway along a mainstem pipe with a problem, that is untreated raw sewage and would not fall into that category.

Commissioner Carter asked about the viral concentration, noting that the viral concentration did not seem comparable to the spikes. She asked if the higher concentration indicates a higher spike, or if it is just telling of a spike coming. Dr. Noble said that when you talk about a wastewater treatment plant, you need to remember that there is a lot of water that comes into it when it rains, as well as shower water, etc. So, what comes out of a home and goes into the treatment plant is not all waste from a toilet. She explained that as a result, you get a signal that is diluted by a lot of excess water. She said that is something that they are actively working to attend to.

Mayor Newton thanked Dr. Noble for joining the meeting. Mayor Newton then asked Mr. Day to go over the rules for public comment. Mr. Day then asked anyone wishing to make a public comment to type “public comment” into the chat function. There were no comments.

Mayor Newton then asked the Board for any comments or guidance.

Commissioner Hagle said that he would like to increase education efforts. He said that the town could make contact with every business and encourage them to put up signage and to ask customers to comply with wearing masks. He said that a concerted effort could go a long way without a more stringent, enforced shutdown or something. He said that he was recently in a restaurant and noted that most people had masks on, even without signage in front. He said that there are some businesses that do have signs saying mask required and said that he felt similar efforts would help overall. He added that these efforts should expand beyond Beaufort.

Commissioner Hollinshed said that this was a good forum. She said that she would like to see a business forum where the businesses tell us what their challenges are. She noted that a lot of these businesses have been running at 50% capacity and are getting ready to go into cold weather where outdoor dining facilities may not be available to them. She said that we should find out how we can help them, rather than the town telling them what to do. Commissioner Hagle agreed. Mayor Newton said that this might be a good thing in which to include the Chamber of Commerce. Commissioner Hagle said that he would be in touch with the Chamber. Commissioner Hollinshed said that we should see what the businesses' vision is going forward. Mayor Newton agreed and pointed out that many of the businesses have gone above and beyond.

Commissioner McDonald agreed with Commissioner Hagle and Commissioner Hollinshed. He said that when making a decision, the Board should consider that sunlight and saltwater is what brings people to Carteret County. He said that the town needs to be very careful in how this information is presented to the public.

Commissioner Harker said that she has been around town and has seen a lot of people following the social distancing guidelines but noted that there is still room for growth. She agreed with Commissioner Hollinshed regarding the business community. She said that she has heard a lot about the COVID Creep. She said that she has been told that people have been coming here because of the additional measures the town has put in place. She then mentioned churches and the toolkit mentioned earlier in the meeting. She asked if the town could include the toolkit on the town website. She encouraged everyone to continue following the 3 Ws and encouraged everyone to get the flu shot.

Commissioner Carter said that the issue she sees is that some people want to defy the law and refuse to wear a mask. She said that it does create issues for businesses and noted that if business owners say something to patrons, they either get angry or refuse to wear a mask.

Mayor Newton said that the town is in contact with the people that presented tonight on a daily basis. He said that the town has a lot of talent to draw upon to get good information. He noted that he may not always have the answers, but he will find the answers.

**Adjourn**

Mayor Newton asked for a motion to adjourn. *Commissioner Hagle made a motion to adjourn. The motion passed unanimously.*

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

Minutes were created by Kate Allen, Town Planner

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Mayor Everette S. (Rett) Newton

_____

Rachel Johnson, Deputy Clerk

# Town of Beaufort, NC

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## Town of Beaufort Board of Commissioners Regular Meeting
## 6:00 PM Monday, November 09, 2020 - Zoom Meeting - Covid-19 Pandemic
## Minutes



**Call to Order**

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

**Roll Call**

Mayor Newton conducted roll call and declared a quorum present for the meeting.

Present: Commissioner Carter, Commissioner Hagle, Commissioner Harker, Commissioner Holinshed, Commissioner McDonald

**Agenda Approval**

Mayor Newton asked to amend the agenda and move “Minutes Approval” to “Items of Consent.”

*Commissioner Hagle made a motion to approve the agenda as amended. The motion passed unanimously.*

*Voting Yea: Commissioner Carter, Commissioner Hagle, Commissioner Harker, Commissioner Holinshed, Commissioner McDonald*

**Calendar**

Deputy Town Clerk, Rachel Johnson, presented the calendar. Mayor Newton asked the Board for any comments or questions. There were none. Mayor Newton added that last year Toys for Tots had 185 bicycles and noted that this year the goal is 300.

**Public Comment**

Mayor Newton asked if anyone was signed up for Public Comment. John Day, Town Manager, confirmed. Mayor Newton explained that public comments were limited to three minutes.

Dr. Matthew Godfrey thanked the Mayor and Commissioners for the opportunity to speak. He said that he does not recommend approving deeding the NCDOT Cedar Street right-of-way to the marina. He said that he

believes it sets a bad precedent giving up public land, especially park land, that should be used for all citizens and visitors to Beaufort.

Dr. Liz DeMattia thanked the Board for the opportunity to speak. She said that she would like to echo Dr. Godfrey's point about not deeding over the land to the marina. She said that is land that could be used by everyone, noting that it is waterfront land. She said that it is land that has the possibility of adding to a public space. She explained that the green parks are places that people of all socioeconomic levels can enjoy and added that the area has a lot of fishing and that the land would be better served as part of the park than as part of the marina. She said that if you want to give the area directly in front, similar to the property that was deeded over to the hotel, that's one thing. The area adjacent to the park would set a horrible precedent of giving over land that could be used by everyone to a private entity.

The following written comment was submitted within the allotted 24-hour period following the meeting:

"Dear Commissioners,

Since July of 2020, a committee, in which I am Chair, have asked to present, in person, a proposal to name the new bridge on Turner Street after Violet J. Bailey. I have NOT been successful in sitting down with either the Town Manager or the Town Mayor to discuss how to go forward with this proposal. Therefore, I have gathered support letters from various non-profit organizations who have been recipients of her many efforts to help the under-served in this county.

I have submitted letters of endorsement on naming the bridge crossing Town Creek to all Commissioners, including the Mayor and Town Manager over several months without a definitive response. ONLY when I pressed the point prior to this town meeting of 11/9/20 did I get a response from Mayor R. Newton that "currently no consensus to rename the bridge at this time" several days before the meeting of 11/9/20. Since the small access bridge into Beaufort is not named after anyone, I don't understand that statement, but let me continue.

I wish to have the support letters from Family Promise, Loaves and Fishes, Amy V. Johnson-Ferdinand—Daughter of L.R. Johnson, Queen Street Missionary Baptist Church, Mt. Zion MIssionary Baptist Church, plus other notable people in the community such as Mr. Dan Krautheim, Former Dean of Carteret Community College saying "to thank a native born woman of the town of Beaufort that her life "matters" entered into the record archives for future consideration.

THE END.

Being aware of how things happen in Beaufort, I am also asking a non-profit to archive these letters for future perusal for the history of Beaufort's exceptional volunteers and workers for the betterment of ALL of Beaufort's citizens.

THANK YOU. JANET WOODWARD"

**Manager Report**

John Day, Town Manager, provided the following updates from NCDOT.

Mr. Day explained that the resurfacing of Cedar Street can occur after the Town's stormwater line improvements have been done. He explained that NCDOT will be using the same contract to pave Live Oak, Front Street, and West Beaufort Extension. He said the project should begin in March 2021 with a completion date of December 2021. He explained that if the Town would rather, NCDOT could hold off on the Cedar Street paving until the stormwater detention work is complete. He added that there are several projects along Cedar Street and noted that the first will be discussed later tonight – approval of the utility improvements. He said that will be followed early next year by NCDOT replacing the main stormwater line that runs down Cedar Street, up Orange Street and out to Town Creek. He reminded the Board that later on, NCDOT's hydrology

division will come in and put a number of bump-outs in the street that have a number of stormwater detention features in them such as plantings where the water filters through the soil into small detention tanks before it goes into the stormwater system. He said if the Town wants to wait until that happens, then the bid will go out in the Spring of 2021 and the ability to start work would begin July 2021 with a completion date of December 2022. He said it is not a decision that needs to be made tonight, that it can go on the agenda for the next Work Session, but the Town does need to let DOT know if the Town wants them to wait on the paving until all of the work is complete so there are no cuts and patches in the new pavement, or if the Town wants them to do it earlier.

Another update from DOT is that they can resurface the section of Cedar Street from Orange or Moore Street west to the drawbridge site, which is also the cedar park site, to include building a turnaround at our request. He said that funding is available, and we can move forward with that without delaying the park project.

Lastly, as a part of the US-70 work that DOT did a couple years ago, DOT acquired several properties along West Beaufort Road. He said that Town approached DOT about potentially taking over some of those properties to put in a small pocket park. DOT believes that would be an option, and he plans to send the information to the Parks and Recreation Advisory Board to review and make a recommendation to the Board of Commissioners.

Mayor Newton asked for any questions or comments from the Board.

Commissioner Carter had no questions but had a correction for the gentleman who spoke about the land. She clarified that the land in question is not park land that is being suggested, it is right-of-way. Mr. Day confirmed and added that it is really outside of the area where the park is designed. He added that when the item comes up on the agenda, he has a map that shows it all for everyone to see.

Mr. Day added that Lennoxville Road and the north end of Leonda will be paved as well.

Mayor Newton asked Mr. Day if NCDOT is taking care of the stormwater system that goes under the Compass Hotel. Mr. Day said the section of stormwater line that runs up Orange Street into Town Creek will begin in either December or January. He said that they are completing that early in order to get out of the way of the hotel construction. Mayor Newton said that is a good idea as a section of that system is completely collapsed. He said it will be interesting to see if that has a positive impact on water quality in Town Creek.

**Items of Consent**

Mayor Newton briefly discussed the Items of Consent, adding that Ms. Janet Woodward's comments have been included in the minutes of the October 12th Regular Meeting.

*Commissioner Hagle made a motion to approve the Items of Consent. The motion passed unanimously.*

*Voting Yea: Commissioner Carter, Commissioner Hagle, Commissioner Harker, Commissioner Holinshed, Commissioner McDonald*

1. 2021 BOC Meeting Dates
2. Draft Minutes for the Sept. 28 Work Session & Oct. 12, 2020 Regular Meeting
3. Voluntary Annexation Request for 186 Chadwick Road (Alan Scibal) and 190 Chadwick Road (Sharon Eck)

**Public Hearing**

Mayor Newton asked Kyle Garner, Planning & Inspections Director to speak. Mr. Garner said that since this is a request for a special use permit, he believes he needs to be sworn in, but said he would defer to the attorney

on that. Mr. Arey Grady, Town Attorney, said he would not need to be sworn in for the public hearing portion. He said that Mr. Garner would need to be sworn in at the next meeting when the case is heard. Mr. Garner said that he thought the case was going to be heard tonight. Mr. Grady said that the agenda only mentions the public hearing. Mayor Newton added that there would still need to be a 24-hour public comment period. Mr. Garner said that is not the case with a quasi-judicial proceeding and added that the item has been advertised in the newspaper as a special use permit.

Mr. Grady said that he read the agenda as just having the public hearing tonight, not the actual case. Commissioner Carter asked what the difference is between the two. Mr. Grady explained that the public hearing is the opportunity for anyone to speak on the matter. The actual case is the presentation of evidence and is limited to presentations by the town and other parties with standing. He said that usually it is all conducted as one, as there is not that fine of a distinction, but noted that technically it is two different things. Mr. Grady asked Mr. Garner if the legal advertisement was for the public hearing, the case, or for both. Mr. Garner said that the advertisement was for a special use permit, which does include an evidentiary hearing.

Commissioner Carter said that she thought the public comment was part of the evidence. Mr. Grady said that technically, it is not. Commissioner Hagle said that the Board could hold the public hearing now and consider the case at the work session. Mr. Grady said that is how he thought it was going to happen. He said that the board could hold the public hearing tonight and consider the evidence at the next meeting to rule on the case.

Commissioner Hagle asked if there needs to be a motion to amend the agenda. Mr. Grady said that the agenda only says public hearing. Commissioner Hagle said that is the agenda category, noting that historically they have been conducted together. Mr. Grady said that the Board can hold the public hearing tonight and schedule the hearing of the case at the next meeting, so the Board would not need to amend the agenda. Mayor Newton asked the Board for a consensus to do so. The Board confirmed.

Mr. Garner provided an overview of the request. He explained that this is a public hearing for Case No. 20-12, a request for a special use permit at 102 Professional Park Drive for a Kennel with Indoor and Outdoor Operation. The subject property is 1.9 acres. He then showed maps of the subject property with a 200-foot buffer which showed adjacent properties which received notice of the request and the current zoning map. He said that the property is zoned TR Transitional. He also discussed the Future Land Use Map which identifies the property as General Commercial. The applicant submitted a site plan showing the existing building and where they plan to construct a 30’ x 50’ privacy fence. He said they also included an interior layout showing the interior workings of the proposed kennels. He mentioned additional information that will be presented at the quasi-judicial hearing. He said that the applicant has provided information:

Mr. Garner said that the Planning Board recommended that the interior kennel have soundproofing material to dampen the sound of the animals and recommended that a vegetative buffer be installed to provide sound dampening between the outside areas and the residents of Pearl Drive. He said that he would be happy to entertain questions at this time.

Commissioner Carter asked how effective the vegetative buffer would be at protecting the residents behind the kennel from the noise. Mr. Garner said that a Type B buffer is what is in the ordinance, which would be up to 15 feet. He said that the Board of Commissioners can place stronger conditions at the next meeting if it so desires. He said that regarding plant species, he is not sure, but added that an arborist could come in at that time and provide recommendations. Commissioner Carter said that the problem she sees could be ongoing maintenance to make sure it stays fairly thick and intact and asked if that would be part of the condition. Mr. Garner said that could be a condition if the Board adds that at the next meeting.

Commissioner Harker asked Mr. Garner if the residents on Pearl Drive have had an opportunity to voice their concerns about having a kennel in their back yard. Mr. Garner said that he had not received any comments from residents on Pearl Drive but added that he has received comments from one person across Live Oak Street. Commissioner Harker asked how many dogs they could keep in the outdoor kennel, noting that one or two may not be too noisy, but 20-30 would be a bigger concern. Mr. Garner said that there is no outdoor

kennel, only inside. Commissioner Harker asked Mr. Garner to confirm that the outdoor area is for them to walk the dog and allow them to relieve themselves. Mr. Garner confirmed that the outdoor area is an exercise area.

Commissioner McDonald had no comments.

Commissioner Hollinshed said that she had a question that she may need to ask the applicant but said that she would ask Mr. Garner first. Mr. Day said that Dr. Austin and Sam Schmidt are online and available to speak and would like to clarify a few things. Commissioner Hollinshed asked if the outdoor area would be for dogs recovering from surgical procedures where they may not be quite as active as other dogs not in recovery. She also asked how many would be outside at a time.

Commissioner Hagle said that it is a good use for a vacant building. He said that there was a lot of discussion at the Planning Board about noise and sound proofing inside which will help greatly. He added that comments during the Planning Board were that the outdoor area would be strictly an exercise area that would not be used that much, noting that he believes the applicant is sensitive to that issue.

Mayor Newton asked Mr. Day to bring in Dr. Austin and Mr. Schmidt.

Sam Barnes introduced himself and said that he is representing the buyers of the building. He added that he has Dr. Austin and Dr. Schmidt with him and thanked the Board for the opportunity to speak. He added that he was prepared to go through the case and the findings tonight. He said that if the agenda or protocol does not allow that, it is no problem, but he wanted to clarify a few things. He said that to the general public, a kennel can mean a lot of things. He said they want to dampen any fears that neighboring properties, members of the community, or anyone else may have. He said that this is not a shelter operation or outdoor kennel. He said that this is a first-class veterinary hospital where the doctors are looking to expand their ability to serve more of the community. He said that they are taking into consideration and making efforts on the internal rebuild of the building to include sound dampening features – not only insulation, not only a vegetative buffer, but also will have someone on call and on staff 24 hours a day, seven days a week with 24-hour monitoring of any animals that may be causing disruption inside the facility. He said that the outside area is only for daytime use. He pointed out an indoor play area shown on the internal site plan. He said that on nice days, the dogs would be allowed outside to stretch their legs. He said that there is zero intention to cause any disruption to neighboring residents and added that this is a small element of a larger facility that is in compliance with the zoning. He said that he would be happy to entertain any questions at this time.

Mayor Newton asked Mr. Grady to confirm that the commissioners can ask questions at this time. Mr. Gardy confirmed.

Commissioner Carter had no questions.

Commissioner Harker asked if they anticipate any extraordinary noise with the facility after 11 p.m. considering the 24-7 operation and after-hours emergencies. Dr. Schmidt said that they will not have an emergency facility with people coming in after hours. He said that animals that are hospitalized or boarded will be monitored overnight.

Commissioner McDonald had none.

Commissioner Hollinshed said that she would like to go back to her original question regarding the number of animals outside at one time. Dr. Schmidt said that they do not have a specific number in mind, but noted that any more than four or so, they worry about dog fights. He said that they do not want any issues there, that the outdoor area is just for them to play. He added that the indoor play area is good for them to exercise as well and noted that the indoor area will be the primary exercise area.

Commissioner Hagle said that he believes they have a great plan and that it will be a great addition to the community.

Mayor Newton asked for a motion to open the public hearing.

*Commissioner Carter made a motion to open the public hearing. The motion passed unanimously.*

*Voting Yea: Commissioner Carter, Commissioner Hagle, Commissioner Harker, Commissioner Holinshed, Commissioner McDonald*

Mayor Newton asked Mr. Day to cover the procedure for the public hearing. Mr. Day said that anyone wishing to speak on the matter should type "public hearing" in the chat box at which point they will be called to speak. Mr. Day asked Dr. Austin if she would like to speak during the public hearing. Dr. Austin said that she felt her comments had already been addressed. No one signed up for the public hearing.

*Commissioner Hagle made a motion to close the public hearing. The motion passed unanimously.*

*Voting Yea: Commissioner Carter, Commissioner Hagle, Commissioner Harker, Commissioner Holinshed, Commissioner McDonald*

Mayor Newton said that they will consider the case at the next meeting.

**Items for Discussion and Consideration**

1. Cedar Street Utility Rehabilitation and Replacement

   Budget Amendment and Bid Award

   Town Engineer Greg Meshaw discussed the Cedar Street Utility Rehabilitation and Replacement Project Summary. He said that the project has been designed and permitted where the Town is replacing about 1200 feet of gravity sewer, 3900 feet of water main, and replacing/rehabilitating features that go along with those things such as manholes and service lines. He said that the work is to occur between Moore Street and Live Oak Street, adding that it is to be done in advance of NCDOT's repaving of Cedar Street.

   Mr. Meshaw said that on October 29th three bids were received.

   Mr. Meshaw said that the low bidder was Ralph Hodge Construction Company, noting that they were found to be the lowest, responsive, and responsible bidder based upon their history and research after the fact. He added that he has had dealings with Ralph Hodge in the past when Mr. Meshaw was City Engineer in Jacksonville and found it to be a very responsible and reputable firm. He said that between Town staff and our consultant, Rivers and Associates, they are recommending awarding the contract to Ralph Hodge Construction Company, Inc. in the amount of $1,664,170 to include the base bid and an ad alternate. He said that staff is also requesting the Board consider approving the budget amendment that would move the necessary funds from the Capital Reserve Fund to a Project Fund dedicated to this project, to include a 5% contingency to cover any unforeseen conditions.

   Mayor Newton asked the Board if it had any questions.

   Commissioner Carter asked if the other two bids were courtesy bids, noting the large difference between the bids received. Mr. Meshaw said that there was definitely a difference. He said that Ralph Hodge statutorily has time to withdraw its bid if it feels like they made an error. He added that they have not, noting that they have been in communication with Town staff and provided additional documentation as needed. He said that he received an additional email today from them requesting approval of the subcontractor list. He said that their bid is about $400,000 more than the consultant's original estimate of approximately $1.2 million. He said that estimate was done prior to the recent ramp up in the construction industry. Mr. Meshaw said that he feels comfortable with the bid. Commissioner Carter said that she just wondered if they were courtesy bids because of the significant difference in the other two. Mr. Meshaw said that one of the things the consultant suggested was that the other two may have had concerns about finishing the job on time and as such may have included liquidated damages for the project. He said he does not recall what those are on a daily basis, probably anywhere from $250-$500 per day. He said the consultant thought that perhaps with the bidders' schedule and

workload they included the penalties. Commissioner Carter said that she definitely prefers the lower bid.

Commissioner Harker said that she is not familiar with the company that is the lowest bidder. She asked if Mr. Meshaw had seen samples of their work and asked if he'd heard about their work ethics, etc. Mr. Meshaw said that he has worked with them in the past. He said that he worked with them on a joint job between the City of Jacksonville and the ONWASA (Onslow Water and Sewer Authority). They did work on the Piney Green Road widening, and they were the contractor that did work along that corridor. He said that it is a family owned business and that he found them to be very responsible. He noted an issue on the job with a "rogue" supplier of precast concrete that was brought to the site and set in place which was of inferior quality at a depth of roughly 20 feet below grade. He said that Mr. Hodge ultimately made things right.

Commissioner McDonald asked Mr. Meshaw about Mr. Hodge's company, and asked why they are so determined to get the project. Mr. Meshaw said that most bidders are determined to get a project if they spend the time to put a bid together. He reiterated earlier statements regarding the other bidders potentially including liquidated damages. He added that this is a reputable firm that has done a number of similar jobs. He said that he feels that they put a bid together that they felt would get them the work.

Commissioner Hollinshed had no questions.

Commissioner Hagle asked Mr. Meshaw if this firm does a lot of underground work like this. Mr. Meshaw said that utility work is their specialty. Commissioner Hagle asked if Mr. Meshaw felt a 5% contingency would be enough. Mr. Meshaw said that any project he takes on, he does his best to make sure that they stay within the 5% amount.

Mayor Newton asked Mr. Meshaw if he has an estimate of when they will be able to get started with the project. Mr. Meshaw said he anticipates the groundwork will likely begin at the beginning of the year, noting time needed to draft the contract and draft shop drawings of materials for approval. He said that it is a six-month contract. Commissioner Hagle asked where they would start first. Mr. Meshaw said that it is up to them but said that most likely work would begin at the Moore Street end.

Mayor Newton said that it would be nice to have a better understanding of the layout as it gets closer and noted potential traffic issues. He then asked the pleasure of the Board.

Commissioner Hagle made a motion to approve as presented. Mayor Newton asked for an amendment to the motion to approve the contract and the budget amendments.

*Commissioner Hagle amended the motion to approve the contract for Ralph Hodge construction and to approve the two capital reserve amendments. The motion passed unanimously.*

*Voting Yea: Commissioner Carter, Commissioner Hagle, Commissioner Harker, Commissioner Holinshed, Commissioner McDonald*

2. Homer Smith Marina Covenant Amendment

Mr. Day reminded the Board of discussions at the September 28th and October 26th Work Sessions regarding a request from Homer Smith Marina for the town to support NCDOT abandoning 19,409 square feet of right-of-way which would be used for parking needed to support expansion of the marina. He added that the marina owner offered to contribute $125,000 toward the construction of the restrooms/kiosk at the new Cedar Street Park and agreed to other conditions described in the Homer Smith Marina Expansion Agreement Summary included in the Board's packet.

Mr. Day said that the Board asked the town attorney to draft an amendment to the 2011 covenant between the Town and the marina that governs the maximum number of slips permitted to be constructed so that there can be in increase in the total number of slips to 178.

Mr. Day added that there are two optional amendments. The first requires phasing of construction, and one that does not.

Mr. Day then referenced Commissioner Carter's earlier comment and presented a map of the subject property and proposed right-of-way to be abandoned. He explained that the location of the right-of-way

is removed from the actual portion of the park where activities would take place. He said that it would be difficult to incorporate the property into the park itself based on the proximity between the parking lot for the park and the parking area for the marina, as well as the marina itself.

Mr. Day explained that the town attorney drafted the amendments and is available to answer any questions the Board may have. He added that Ron Cullipher, representative for Homer Smith Marina, is also available to answer questions.

Commissioner Carter asked if the Town can legally prohibit anyone from using Town parking when it is available for everyone else. Mr. Day said that he would defer to the attorney on that question. Mr. Grady said that he believes that the Town can under this particular situation because usage by patrons of the marina is derivative of the property ownership. Once you have the property owner to sign off on it, it is going to bind whoever is there under the property owner.

Commissioner Harker asked for clarification on the parking decal portion of the request. She said that if she is a citizen of Beaufort and a patron of the marina and has a decal, will that decal prevent her from parking in public spaces when not using the marina? She asked if the decal must be permanently fixed or if it could be something displayed in the window. Mr. Day said that the idea of the decal came out of a concern that if it were not affixed to the vehicle, then there would be a reluctance to display it if one was going to park in a spot that is public. He said that this is entirely up to the Board. Commissioner Harker said that the parking that is additional to what is already in place, the likelihood of marina patrons utilizing Cedar Street parking will be lessened. She added that she cannot see prohibiting a citizen from parking in a public place because of a decal.

Commissioner Harker then pointed out that the property is right underneath of a powerline which limits any potential use of the property. Mr. Day confirmed.

Commisioner McDonald had no questions.

Commissioner Hollinshed thanked everyone who emailed remarks on the subject the last several days. She said that the idea of having a park at the stub of Cedar Street when the drawbridge was removed probably goes back as far as 1999. She said that when R-3307, otherwise known as Gallants Channel Bridge Replacement Project broke ground on April 30, 2014, it looked more like a reality. The old bridge was removed beginning in 2018, and she believes it was completed in March 2019. She added that this concept is not new. She said that the park was also added to the August 2018 Bicycle and Pedestrian Plan that is incorporated into the Small Area Plan. Now Stewart has been charged to come up with a formal plan to present to the Board of Commissioners for approval once the right-of-way is approved. Infrastructure repairs made along with a transfer of the property in some form from DOT to the Town. A great help to the project is the remainder of the $2 million gift that the Town received for the park. The cost for the Cedar Street Park was projected at $250,000 with annual maintenance of $5,000 using February 2016 Capital Improvement figures. Annual maintenance is now projected to be $3,000 with no final figure for the park itself in the 2021 5-year Plan. So, what do we have to give up if we abandon this small section of land? First, the right of way contains less than 1/3 the square footage of a football field including the ten-foot goal line area. The right of way to the south is very narrow abutting the marina property and Cedar Street. It does flare out as it moves west, but it has another landowner identified on the map as Flowers that abuts to the northern water access portion. The portion, though larger, has the right of way restrictions on use covered by Duke Energy's Electric Transmission Rights-of-Way. She added that she has a copy of that. She said that is included, but not limited to, drainage, grading, fixed structures, vegetation and parking within the wire zone and the border zone making most of the area unusable except for as parking. She believes the best use of the parcel would be to enhance the parking at the Homer Smith Marina therefore relinquishing maintenance for the town and allowing off-street parking for marina clients. Yes, she added, at certain times there will be a parking crunch there, as in many cases of areas in Beaufort. She said there is no precedent of giving away Town property – each case stands on its own merit, much like the HPC. The park concept includes contained parking. For the size of the park, it appears adequate based on the plans of two different planning groups, Hatchell and Stewart. As for the phasing, she stated she sees no advantage and only a nuisance for the ability of the marina to plan and get permits. She stated she also believes it sets the Town up for a

lawsuit in two years. The weather usually acts as a natural phasing resource. She said that she walks by the proposed park many afternoons, and to retain the best portion of the traditional uses of viewing, fishing and wading without additional cost to the town will be another enhancement for the Town.

Commissioner Hagle said that Commissioner Hollinshed covered a lot of the points he was going to address. He said that he has thought heavily about the proposal in terms of the use for the park, and for the reasons noted by Commissioner Hollinshed, it doesn't really add to the value of the property. He noted that there is marsh to the north side that should not be disturbed, as well as Duke Energy powerlines. He said he also thought heavily about the impact on the neighborhood. He said that having organized parking for the marina will lessen the impact of traffic and parking for that neighborhood. He said it is a busy area, with a hotel and park coming. He added that the original plans for the park were for a small, low maintenance park, which he feels is still the case. Commissioner Hagle further added that he sees no benefit to phasing the project.

Mayor Newton asked the pleasure of the Board.

*Commissioner Carter made a motion to approve allowing the right-of-way to be turned over to the marina, as well as approval of the full number of slips with no phasing. Commissioner Harker asked the Board to look seriously at the decals for vehicles. Commissioner Carter agreed and amended her motion to replace parking decals with parking placards that can be removed. The motion passed unanimously.*

*Voting Yea: Commissioner Carter, Commissioner Hagle, Commissioner Harker, Commissioner Holinshed, Commissioner McDonald*

3. Noise Ordinance Revisions

Mr. Day reminded the Board of the discussion at the October 26th Work Session where the Board considered revisions to the Noise Ordinance. The changes are reflected in the resolution included in the Board packet. Mr. Day asked if the Board would like to go through the Ordinance again. Mayor Newton asked the Board for any questions or concerns.

Commissioner Carter mentioned concerns expressed by Donald Fulcher, noting future interpretation of the ordinance may impact the businesses on the waterfront. She said she was not sure if that interpretation could be avoided. Mr. Day said that he was unsure how the ordinance could be misinterpreted and noted limits on how loudly music can be played, even in the downtown area. He said that there are permits available, though he does not recall receiving any permit applications for the area in his time with the Town. He said he is also unaware of any complaints downtown in that timeframe. Discussion ensued.

Commissioner Harker said that as long as the ordinance reflects what it means, it should read clearly. She asked what Mr. Fulcher feels is unclear. Commissioner Carter said that she was not sure what Mr. Fulcher was referring to; Mr. Day agreed. Commissioner Harker said that changes could be made in the future if necessary.

Commissioner McDonald asked if the Board could grandfather in the portion Commissioner Carter referred to earlier. Mr. Grady said that is possible and added that with a noise ordinance, the question is whether it is a continuous noise source, or an occasional noise source. If you had a particular business or industry that made noise daily or five days a week, that would be a case you would look closely at grandfathering. He said that an occasional or sporadic use would not necessarily warrant grandfathering. Discussion ensued. Mr. Day explained that the difference between the two ordinances regarding the downtown area is that originally 75 decibels were allowed until midnight, whereas the new ordinance allows 75 decibels until 10 p.m.

Commissioner Hollinshed said she feels this ordinance is a better tool that is more enforceable.

Mayor Newton asked Mr. Day to confirm that Chief Burdette is comfortable with the enforcement aspect of the ordinance. Mr. Day confirmed.

Commissioner Hagle asked about Section 91.05 for Special Prohibitions. He said that they discussed construction time at the last meeting. He said [illegible] new format, it has 7:30 p.m. to 8:00 a.m. He said

that he thought the Board decided to change the start time to 7:30 a.m. Mr. Day said he believes that is the case and said it was an oversight. Mr. Hagle then said that items I through M in Section 91.05, in the current ordinance, those items referred to the downtown area specifically from 10 p.m. to 8 a.m. He said there is no heading in the proposed ordinance for those items which should be applicable to the downtown area. Mr. Day asked to confirm that those items would be prohibited between the hours of 10 p.m. and 8 a.m. Commissioner Hagle confirmed. Mr. Day said that those changes can be included in the motion if the Board so desires.

*Commissioner Hagle made a motion to approve the Noise Ordinance revisions with the two amendments discussed regarding Section 91.05. The motion passed unanimously.*

*Voting Yea: Commissioner Carter, Commissioner Hagle, Commissioner Harker, Commissioner Holinshed, Commissioner McDonald*

4. Sewer Allocation Policy

Mr. Meshaw, Town Engineer, presented the proposed Sewer Allocation Policy. He reminded the Board of its request from the retreat in the Spring of 2020 for staff to put together a sewer allocation policy. Mr. Meshaw explained that the need for such policy has become evident recently with the Town's acquisition of a pump station at Deerfield Shores. He explained that the existing pump station has capacity for 15 additional homes, but there are 17 vacant parcels and 27 +/- homes on septic systems. He said that septic systems are known to occasionally fail and require alternative sewer systems. He added that the town has received requests from residents to reserve sewer, even though they were not prepared to move forward with any construction. He said that exposed a need for a policy to establish a procedure for equitable allocation of available capacity through a clearly defined process.

Mr. Meshaw further explained that it is important to track capacity utilization and availability. The proposed policy is applicable to any final plat, site plan, or building permit where sewer service is needed. He explained that when it comes to out-of-town requests, a petition for annexation would be required. The Town does not have to annex the development if it so chooses.

Mr. Meshaw then explained the proposed tier system. Tier 1 would include infill developments, previously approved developments and town-funded projects. In addition, Tier 1 projects could be approved at the staff level up to 10,000 gpd. Tier 2 would be any project ready for permit issuance and would coincide with project approval. Tier 3 projects would be preliminary projects not yet ready for permit issuance. Tier 3 projects would require a non-refundable reservation fee and approval from the Board of Commissioners. If approved, the applicant would need to obtain permits and approvals within 24 months.

Mr. Meshaw explained that the policy includes three allocation categories: residential, commercial and discretionary. Residential allows up to 36,000 gpd maximum per 12 months for single family and 48,000 gpd maximum per 12 months for multi-family. Commercial allows up to 15,000 gpd maximum per 12 months. Discretionary requires Board authorization and has no maximum.

Mr. Meshaw explained that the proposed policy states the allocation runs with the development and is transferrable to a new owner of a development upon approval. Allocations would be reserved for 24 months. If needed, town staff could grant up to a six-month extension. Any extension beyond six months would require Board approval.

Mr. Meshaw then explained the procedure outlined in the proposed policy. He added that the proposed policy would not supersede or nullify any prior existing agreements.

Mayor Newton asked the Board for any questions.

Commissioner Carter asked if this policy would apply to in-town development only. Mr. Meshaw said that the policy would apply to in-town and out-of-town developments and noted that out-of-town applicants would require a petition for annexation. Commissioner Carter said that she is reluctant to allow anyone outside of the city limits the right to sewer when they don't know what the cap would be. She said that many times, developers want to know if they can get sewer before they develop the subdivision. Commissioner Carter added that for out-of-town projects that the town has agreed to provide sewer, the annexation agreement would need to be permanent and remain in force until the Town decides to exercise it. She then asked if there is a cap on how much total sewer the Town is going to give. For example, at Deerfield, the reason the state asked us to intercede is because the area around the marina is all fill and cannot have septic tanks. Discussion ensued.

Commissioner Harker said she feels the policy is long overdue. She said that it helps manage growth in town and thanked Mr. Meshaw for his efforts.

Commissioner McDonald asked Mr. Meshaw to explain the difference between the allocation policy currently in place and the one proposed. Mr. Meshaw said that there is no policy in place at this time. Discussion ensued.

Commissioner Hollinshed thanked Mr. Meshaw. She said that she feels that if extensions were granted, it should require an additional deposit.

Commissioner Hagle asked Mr. Meshaw to confirm that the Tier 1 projects receive a yearly allocation. Mr. Meshaw confirmed. Commissioner Hagle asked if Mr. Meshaw considered putting a total, say 70% capacity, where allocation is reduced. Mr. Meshaw said that it is up to the Board whether it wants to approve the allocation or not. Commissioner Hagle said that infill development should be applicable to in-town developments only. Mr. Meshaw said that he felt he had defined infill development in the policy but would make sure. Discussion ensued.

Mayor Newton asked the pleasure of the Board.

*Commissioner Hagle made a motion to approve the request as presented. Commissioner Carter said that she felt there are some changes that should be made prior to approval. The motion failed with 1 in favor, 4 against.*

*Voting No: Commissioner Carter, Commissioner Harker, Commissioner McDonald, Commissioner Hollinshed*

*Voting Yea: Commissioner Hagle*

Mayor Newton asked the Board if it would like to discuss changes now or at the next work session. Commissioner Carter said to discuss it at the next work session. The Board agreed.

5. Bailey v. the Town of Beaufort, et. al, 19 CVS 311

Arey Grady, Town Attorney, stated that this is to ratify the prior approval of the settlement agreement in this case. He noted that the settlement agreement does not involve Christi Wood as she was dismissed from the case early on based on a procedural motion. The courts determined that the allegations against Christi were without merit, even though she was named as a defendant at one point, therefore she is not signing the agreement. He said that pending any questions or comments from the Board, he would like to take a vote ratifying the agreement and authorizing Mr. Day to sign it.

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

*Commissioner Hagle made a motion to approve the request to ratify the settlement agreement.* The motion passed unanimously.

*Voting Yea: Commissioner Carter, Commissioner Hagle, Commissioner Harker, Commissioner Holinshed, Commissioner McDonald*

**Mayor/Commission Comments**

Commissioner Carter said that she would like to see the Board appoint an ad hoc committee or a permanent Harbor Committee to make suggestions regarding the upcoming Harbor Management Plan. She said that it would be good to get feedback from citizens and what they want rather than what a consultant thinks they want.

Commissioner Harker encouraged everyone to continue to adhere to the 3W's. She also encouraged everyone to get the flu shot. She added that Saturday was a historic moment for women and women of color when Kamala Harris made history and broke into politics highest ranks to be voted Vice President of the United States. She said that she is a female advocate and has always wanted to see women rise to positions that can fill these voids.

Commissioner McDonald had none.

Commissioner Hollinshed thanked staff for publishing the paving schedule on the Town's website.

Commissioner Hagle said that there has been a lot of discussion about the marina and noted strong opinions on both sides. He said that he appreciates the comments and the Board's work on that. He said that he agrees with Commissioner Carter regarding the Harbor Committee and said that the Board should be involved in selecting those members. He said that his safety message for the night is to continue practicing the 3W's and to focus on your driving. He shared a recent experience involving a bicyclist and encouraged everyone to stay focused on driving.

**Adjourn**

*Commissioner Hagle made a motion to adjourn. The motion passed unanimously.*

*Voting Yea: Commissioner Carter, Commissioner Hagle, Commissioner Harker, Commissioner Holinshed, Commissioner McDonald*

Minutes were created by Kate Allen, Town Planner

_____

Mayor Everett S. (Rett) Newton

_____

Rachel Johnson, Deputy 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 Regular Meeting**
**6:00 PM Monday, December 14 – Zoom meeting due to Covid-19**

**AGENDA CATEGORY:** Items of Consent

**SUBJECT:** FY 21 Budget Amendment #4

**BRIEF SUMMARY:**

**General Fund**
Last year the Town moved to a purchase card (pcard) program that allowed for rewards to be earned on purchases. As of December 3, 2020, rewards available are $17,300. The reward dollars were not budgeted in the annual budget. Through the pcard rewards program we have an opportunity to pay for most of the town hall lobby/office renovation costs by appropriating the funds from the rebate.

Costs and revenues break out as follows:

| **Town Hall Lobby/Office Remodel** | |
|---|---|
| **Costs** | |
| Materials/Doors/Glass | 6,400 |
| Office Furniture for Reconfigured Work Area | 7,499 |
| Subcontractors | 6,300 |
| Total | 20,199 |
| | |
| **Revenues** | |
| Credit Card Rebates | 17,300 |
| CARES Funds | 2,899 |
| Total | 20,199 |

**REQUESTED ACTION:**

Approve Budget Amendment #4

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Christi Wood – Finance Director

**BUDGET AMENDMENT REQUIRED:**

Yes

**TOWN OF BEAUFORT**
**FY 2021 BUDGET AMENDMENT #4**

WHEREAS, the Town of Beaufort adopted its Fiscal Year 2021 Budget through Ordinance on June 25, 2020, 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 2021 Budget as follows:

## SECTION I: GENERAL FUND

This amendment requests the appropriation of pcard rewards for the Town Hall lobby renovation project.

### A. REVENUE

**INCREASE**

| | |
|---|---|
| MISC REVENUE | $ 17,300 |
| **TOTAL INCREASE** | **$ 17,300** |

### B. EXPENDITURES AUTHORIZED BY DEPARTMENT

**INCREASE**

| | |
|---|---|
| PUBLIC WORKS | $ 17,300 |
| **TOTAL INCREASE** | **$ 17,300** |

## 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 December, 2020
ATTEST:

| | |
|---|---|
| Lance Heater | Everette S. Newton |
| Town Clerk | Mayor |

**Town of Beaufort, NC**
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**Town of Beaufort Board of Commissioners Regular Meeting**
**6:00 PM Monday, December 14 – Zoom meeting due to Covid-19**

**AGENDA CATEGORY:** Items of Consent

**SUBJECT:** Capital Project Street Rehabilitation and Pedestrian Improvement Budget Amendment #1

**BRIEF SUMMARY:**

- During the October 12, 2020 meeting the Board approved Capital Reserve Fund Budget Amendment #5 to transfer funds to the Capital Project Street Rehabilitation and Pedestrian Improvement for Turner Street improvements. Budget Amendment #5 transferred the funds out of the Capital Reserve Fund. The attached Budget Amendment #1 is needed to receive the funds in the Street Rehabilitation and Pedestrian Improvement Capital Project..

**REQUESTED ACTION:**

Approve Budget Amendment #1

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Christi Wood – Finance Director

**BUDGET AMENDMENT REQUIRED:**

Yes

**TOWN OF BEAUFORT**
**CAPITAL PROJECT BUDGET AMENDMENT #1**
**STREET REHABILITATION AND PEDISTRIAN IMPROVEMENTS**

BE IT ORDAINED by the Board of Commissioners by the Town of Beaufort that the following Capital Project Budget Ordinance is adopted in accordance with Section 13.2 of Chapter 159 of the General Statutes of North Carolina for street rehabilitation and pedestrian improvements.

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

BE IT THEREFORE ORDAINED that the Board of Commissioners of the Town of Beaufort amends the Capital Project Fund for street rehabilitation and pedestrian improvements as follows:

## SECTION I: REVENUE

Receive funds from the Capital Reserve Fund for Turner Street improvements.

**INCREASE**

| | |
|---|---|
| TRANSFER FROM CAPITAL RESERVE FUND | $214,694 |
| **TOTAL REVENUE** | **$ 214,694** |

## SECTION II: EXPENDITURES

**INCREASE**

| | |
|---|---|
| CONSTRUCTION | $ 214,694 |
| **TOTAL EXPENDITURES** | **$ 214,694** |

## SECTION III: DISTRIBUTION

Copies of this ordinance shall be furnished to the Town Manager and Finance Officer to be kept on file for their direction in the disbursement of funds for carrying out this project.
Adopted this 14th day of December 2020.

ATTEST:

Lance Heater
Town Clerk

Everette S. Newton
Mayor

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**Town of Beaufort Board of Commissioners Regular Meeting**
**6:00 PM Monday, November 14 – Zoom meeting due to Covid-19**

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

**SUBJECT:** FY 21 Budget Amendment #5

**BRIEF SUMMARY:**

**General Fund**
The Beaufort Fire Department requested assistance from Atlantic Coast Marine Group (ACMG) to suppress the fire at the Spouter Inn in December 2019. ACMG responded to the scene and provided additional resources and supplies, including foam to control the fire. ACGM submitted a claim to the owner's insurance provider, but the claim was denied.

This budget amendment increases the Local Option Sales Tax appropriation by $11,300 to fund the cost of the supplies and resources from Atlantic Coast Marine Group.

**REQUESTED ACTION:**

Approve Budget Amendment #5

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Christi Wood – Finance Director

Tony Ray- Fire Chief

**BUDGET AMENDMENT REQUIRED:**

Yes

**TOWN OF BEAUFORT**
**FY 2021 BUDGET AMENDMENT #5**

WHEREAS, the Town of Beaufort adopted its Fiscal Year 2021 Budget through Ordinance on June 25, 2020, 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 2021 Budget as follows:

## SECTION I: GENERAL FUND

This amendment requests the appropriation of additional Local Option Sales Tax revenue for cost of resources and supplies used in the Spouter Inn fire.

### A. REVENUE

**INCREASE**

| | |
|---|---|
| INTERGOVERNMENTAL | $ 11,300 |
| **TOTAL INCREASE** | **$ 11,300** |

### B. EXPENDITURES AUTHORIZED BY DEPARTMENT

**INCREASE**

| | |
|---|---|
| FIRE | $ 11,300 |
| **TOTAL INCREASE** | **$ 11,300** |

## 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 December, 2020
ATTEST:

| | |
|---|---|
| Lance Heater | Everette S. Newton |
| Town Clerk | Mayor |

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**Town of Beaufort Board of Commissioners Regular Meeting**
**6:00 PM Monday, December 14 – Zoom meeting due to Covid-19**

**AGENDA CATEGORY:** Public Hearing

**SUBJECT:** Case No. 20-11 – Request to Rezone 1205 Lennoxville Road

**BRIEF SUMMARY:**

This is a request to rezone 1205 Lennoxville Road from B-1 General Business to TCA Townhomes, Condominiums and Apartments.

**REQUESTED ACTION:**

Conduct public hearing, consider the request and set date & time for final determination

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Kate Allen, Town Planner

**BUDGET AMENDMENT REQUIRED:**

No

# Staff Report

**To:** Board of Commissioners
**From:** Kate Allen

**Date:** 10/22/2020
**Meeting Date:** 12/14/2020

## Case Number 20-11

**Summary of Request:** Request to Rezone 1205 Lennoxville Road from B-1 General Business District to TCA – Townhomes, Condominiums & Apartments District

## Background

**Location(s) & PIN** 1205 Lennoxville Road (PIN 730619506568000)

**Owner** F & G Management, LLC
**Applicant** F & G Management, LLC

**Current Zoning** B-1 General Business District

**Lot(s) Size & Conformity Status** 0.42 acres or 18,234 $ft^2$
Conforming Lot of Record
Road Frontage – Lennoxville Road 112.71'
Road Frontage – Legion Drive 116.18'

**Existing Land Use** Residential

**CAMA Future Land Use Map**
Amendment Required ☒ Yes ☐ No Light Industrial to Mixed Use

**Adjoining Land Use & Zoning**
**North** TCA; Beaufort Housing Authority
**South** B-1 & L-I; Beaufort Storage Stables, LLC
**East** L-I; Storage Plus, Safrit's Building Supply
**West** B-1 & R-8; Residential

**Special Flood Hazard Area** ☒ Yes ☐ No 0.2% Annual Chance Flood Hazard

**Public Utilities**
Water ☒ Available ☐ Not Available
Sewer ☒ Available ☐ Not Available

**Additional Information** Please see Staff Comments

**Requested Action**
- Conduct public hearing
- Schedule date of decision following required 24-hour comment period

# Staff Comments

*The Planning Board considered the request at the October 19, 2020 meeting. The board unanimously recommended approval of the request as submitted. The consistency statement is included in the attachments of this report.*

*Approval of the request would require a simultaneous amendment to the CAMA Core Land Use Plan – Future Land Use Map.*

## District Standards

The current **B-1 General Business**

| | | | |
|---|---|---|---|
| Minimum Lot Size | 5,000 Square Feet | Setbacks | |
| Minimum Lot Width | 60 Feet | Front | 30 Feet |
| Maximum Building Height | 40 Feet | Rear | 15 Feet |
| | | Side | 15 Feet |

The requested **TCA Townhomes, Condominiums & Apartments**

| | | | |
|---|---|---|---|
| Minimum Lot Size | 2,750 Square Feet | Setbacks | |
| Minimum Lot Width | 80 Feet | Front | 25 Feet |
| Maximum Building Height | 35 Feet | Rear | 30 Feet |
| | | Side (ROW) | 15 Feet |
| | | Side | 8 Feet |

## Consistency Statement & CAMA Core Land Use Plan Amendment

In accordance with **NCGS § 160A-383**, the consistency statement must include one of the following:

- A statement recommending approval of the zoning amendment and describing its consistency with the CAMA Core Land Use Plan
- A statement recommending denial of the zoning amendment and describing its inconsistency with the CAMA Core Land Use Plan
- A statement recommending approval of the zoning amendment containing the following:
    - Declaration that the approval is also deemed an amendment to the CAMA Core Land Use Plan
    - An explanation of the change in conditions the board took into consideration when recommending approval

## CAMA Core Land Use Plan – Future Land Use Classifications

### Current: Light Industrial

The Industrial classification is intended to delineate lands that can accommodate industrial and manufacturing establishments. Some heavy commercial uses as well as services and businesses which support industrial land uses are also appropriate land uses within the Industrial classification. The minimum lot size typically is 8,000 square feet unless a larger minimum lot

area is required by the health department for land uses utilizing septic systems. Maximum floor area ratios range from 0.36 to 0.57. Land uses within the Industrial-designated areas are generally compatible with the L-I, Light Industrial and the I-W, Industrial Warehouse zoning districts. Public water and sewer service is needed to support the land uses characteristic of this classification. Streets with the capacity to accommodate higher traffic volumes are necessary to support the intensity of development expected within the Industrial Classification.

**Requested: Mixed Use**

The anticipated residential density within this classification ranges from medium to high density. Multifamily densities are consistent with the current requirements of the Town's zoning ordinance which allows a density range of up to 16 dwellings per acre for planned developments. Residential building types encouraged within this classification include single-family attached dwellings, condominiums, cluster developments, and multifamily dwellings. Commercial uses include a variety of retail, office, business services, and personal services. Minimum lot sizes are generally dependent upon the specific nature and characteristics of the land use but typically range from 2,750 to 20,000 square feet for residential land uses and 3,000 to 8,000 square feet for nonresidential land uses. Maximum floor area ratios for nonresidential land uses range from 0.57 to 2.13. Land uses within the Mixed Use-designated areas are generally compatible with B-1, General Business; B-W, Business Waterfront; TR, Transitional; TCA, Townhomes, Condominiums, Apartments; and PUD, Planned Unit Development Zoning Districts. Public water and sewer service is needed to support the land uses characteristic of this classification. Streets with the capacity to accommodate higher traffic volume are necessary to support the intensity of development expected within the Mixed Use Classification.

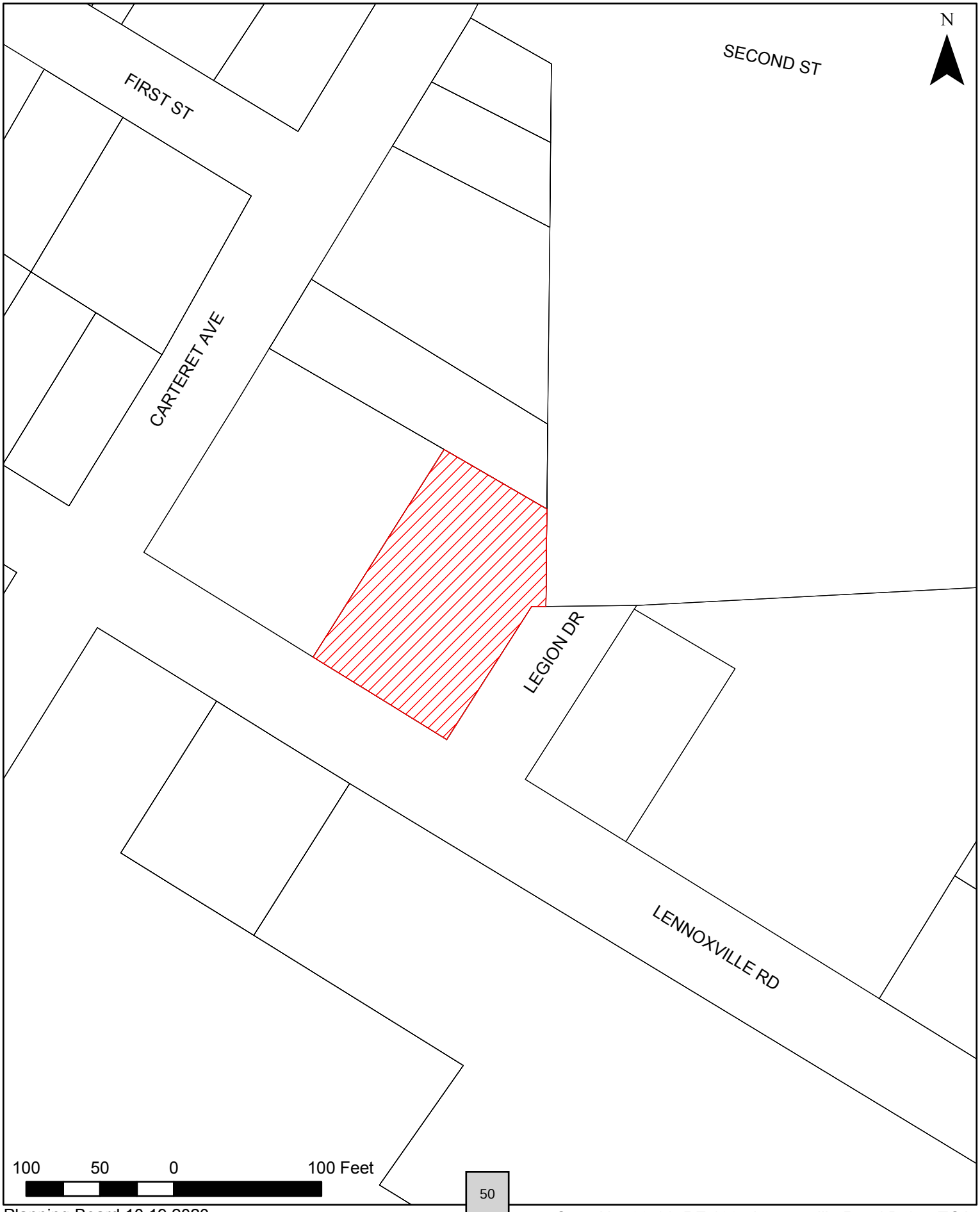
**Attachments:**

1. Property Owners Within 100 Feet
2. Vicinity Map
3. Aerial Map
4. Current Zoning Map
5. Future Land Use Map
6. SFHA & Contours Map
7. LDO Excerpts – B-1 General Business District
8. LDO Excerpts – TCA Townhomes, Condominiums & Apartments District
9. Application as Submitted
10. Letter of Support
11. Planning Board Consistency Statement
12. Resolution Amending CAMA Core Land Use Plan Future Land Use Map
13. Ordinance Amending Town of Beaufort Zoning Map

CASE NO. 20-11 PROPERTY OWNERS WITHIN 100 FEET

| PIN | OWNER | MAILING ADDRESS | CITY | STATE | ZIP |
|---|---|---|---|---|---|
| 730619603873000 | UNITED STATES OF AMERICA | | WASHINGTON | DC | 20240 |
| 730619506861000 | CLARK,JOHN W | 103 LENNOXVILLE POINT RD | BEAUFORT | NC | 28516 |
| 730619506734000 | RAITER,PATRICK JACOBS | 103 CARTERET AVENUE | BEAUFORT | NC | 28516 |
| 730619505665000 | ELLISON,WILLIAM L ETUX GRACE L | 1201 LENNOXVILLE ROAD | BEAUFORT | NC | 28516 |
| 730619507590000 | MERCER,GARY A ETUX JUDITH S | 106D PROFESSIONAL PARK DR | BEAUFORT | NC | 28516 |
| 730619504243000 | CARTERET COURT LLC | PO BOX 25168 | WINSTON-SALEM | NC | 27114 |
| 730619505423000 | BEAUFORT STORAGE STABLES LLC; C/O JOE NEWELL | 225 BRYANT ST | DENVER | CO | 80219 |
| 730619508002000 | SAFEWOOD LLC | PO BOX 388 | BEAUFORT | NC | 28516 |
| 730619509448000 | MERCER,GARY A ETUX JUDITH S | 106D PROFESSIONAL PARK DR | BEAUFORT | NC | 28516 |

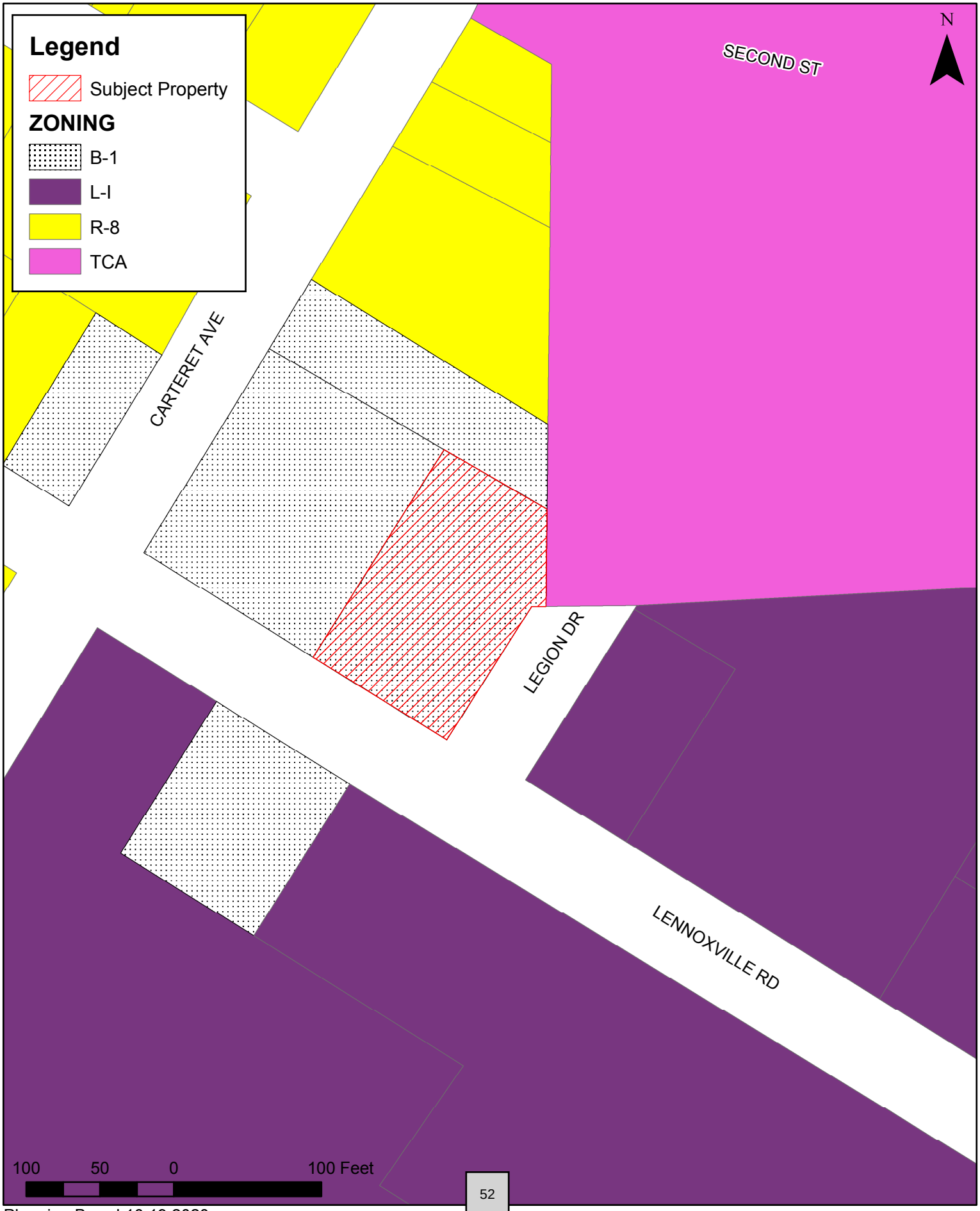
# Vicinity Map



# Aerial


Legend
Subject Property
N
SECOND ST
LEGION DR
CARTERET AVE
LENNOXVILLE RD
PINE ST
200
100
0
200 Feet

# Current Zoning

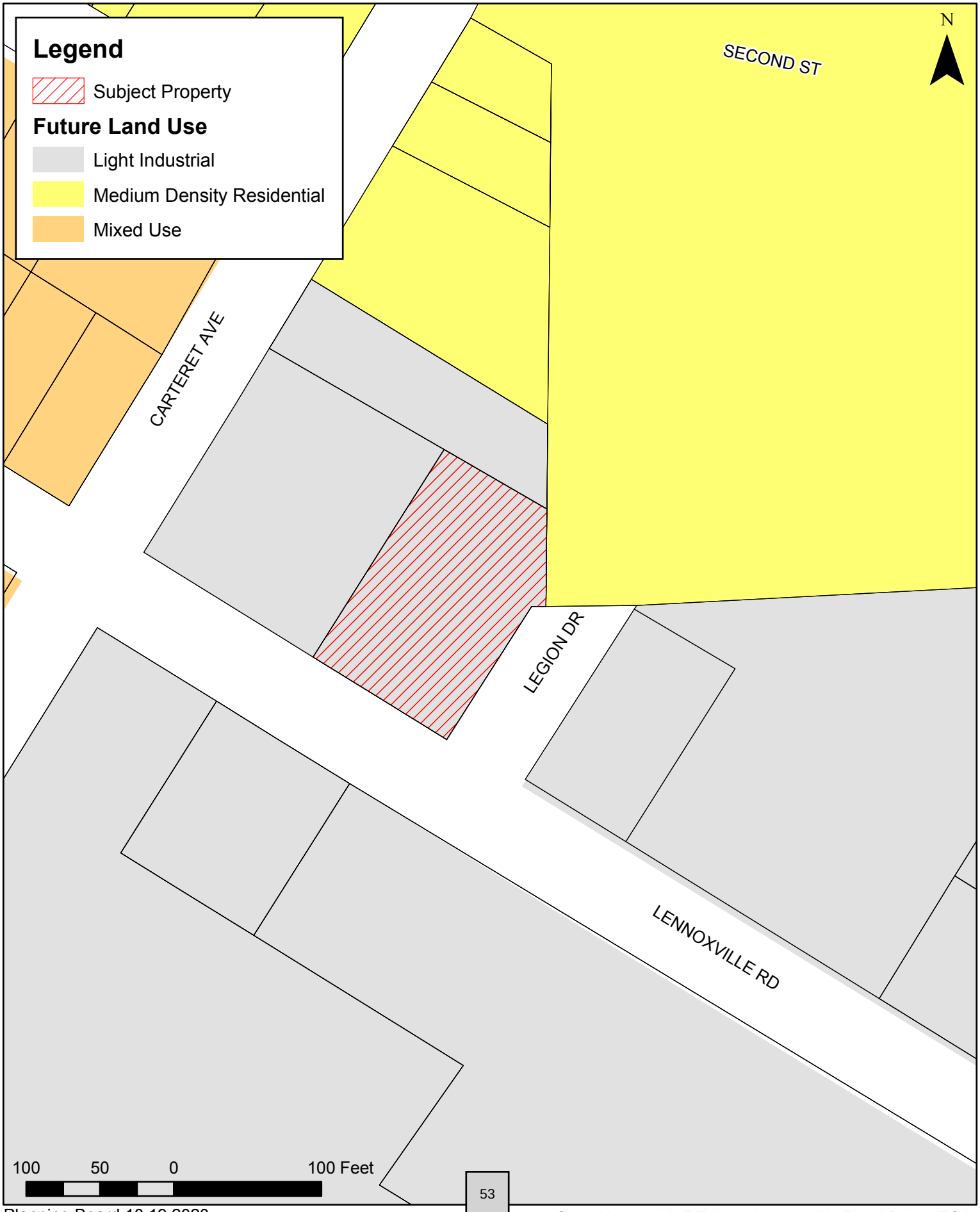




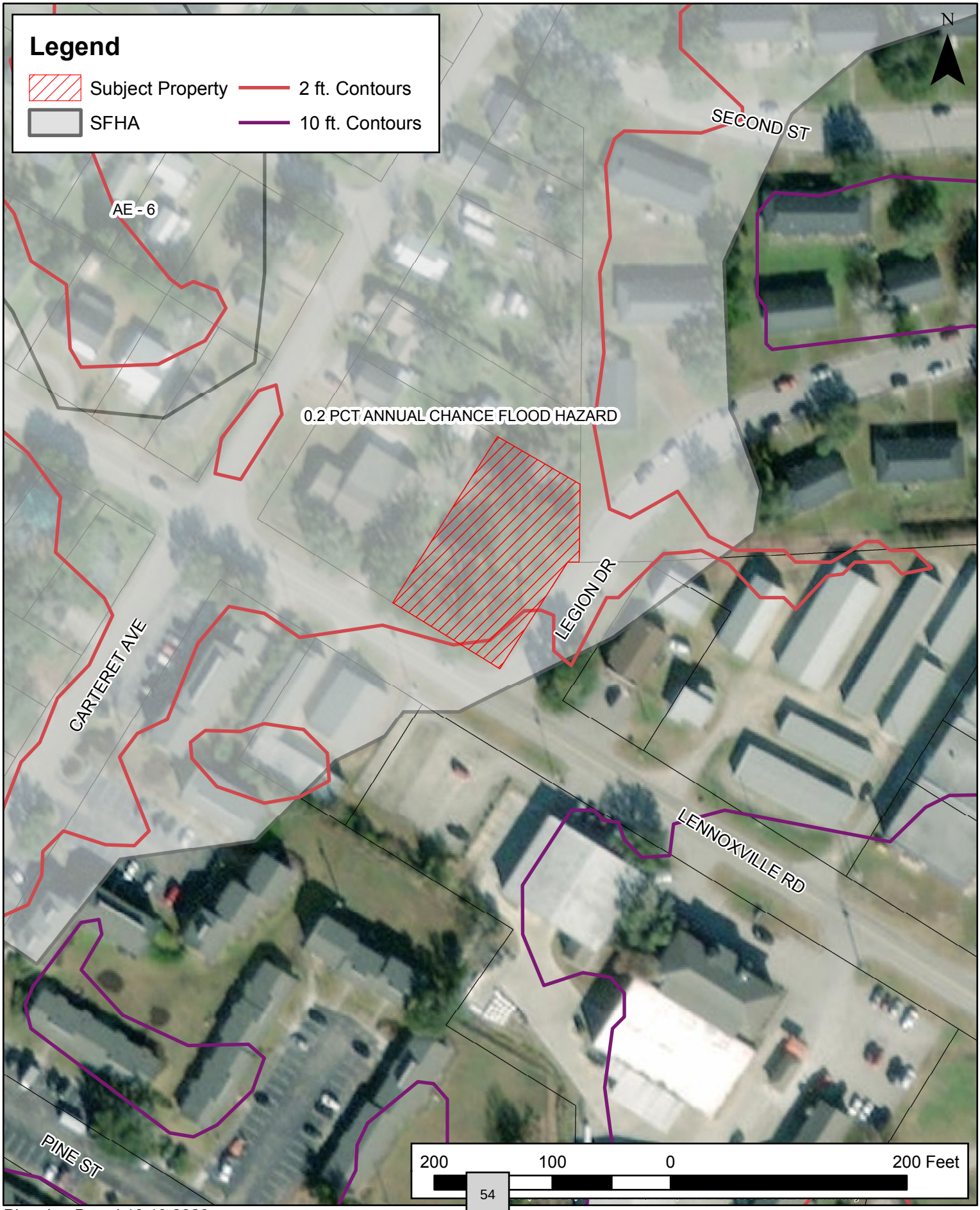

Planning Board 10.19.2020

Case No. 20-11: RZ 1205 Lennoxville Road B-1 to TCA

# Future Land Use



# Flood Hazard Areas & Contours






Planning Board 10.19.2020

Case No. 20-11: RZ 1205 Lennoxville Road B-1 to TCA

C) ***B-1 General Business District.***

The General Business District is established as the district in which a wide variety of sales and service facilities may be provided to the general public. This district will be located throughout the Town's planning jurisdiction.

1) Minimum Lot Size.

All lots in the B-1 district shall be a minimum of five thousand square feet (5,000 $ft^2$).

2) Minimum Lot Width.

All lots in the B-1 district shall have a minimum lot width of sixty feet (60') at the minimum building line.

3) Building Setback and Building Height Requirements and Limitations.

Subject to the exceptions allowed in this Ordinance, each structure on a lot in this zoning district shall be set back from the boundary lines of the lot at least the distances provided in the tables set forth in this section. The building height limitation in this district is provided in the tables set forth in this section.

**Table 9-5 Lot Requirements**

| *District* | *Front Setback (Right-of-Way)* | *Rear Setback* | *Side Setback* | *Building Height Limitation* |
|---|---|---|---|---|
| B-1 | 30 feet | 15 feet | 15 feet | 40 feet |

4) Accessory Building Setback Requirements.

All accessory buildings must comply with the setback requirements as set forth in section 2-F of this Ordinance, section 6 of this Ordinance, section 15 of this Ordinance, and all sections of this Ordinance.

5) Permitted Uses.

Amusement Establishment
Antenna Co-Location on Existing Tower
Aquaculture
Assisted Living
Athletic Field, Public
Bed & Breakfast
Boat Sales/Rentals
Car Wash
Club, Lodge, or Hall
Commercial Indoor Recreation Facility
Community Garden
Concealed (Stealth) Antennae & Towers
Convenience Store
Day Care Center
Dock
Dry Boat Storage
Financial Institution
Government/Non-Profit Owned/ Operated Facilities & Services
Hospital
Hotel or Motel
Kennel, Indoor Operation Only
Library
Liquor Store
Moped/Golf Cart Sales/Rentals
Mortuary/Funeral Home/Crematorium
Motor Vehicle Sales/Rentals
Museum
Neighborhood Recreation Center, Public

Nursing Home
Office: Business, Professional, or Medical
Other Building-Mounted Antennae & Towers
Outdoor Retail Display/Sales
Park, Public
Parking Lot
Parking Structure
Personal Service Establishment
Pool Hall or Billiard Hall
Produce Stand/Farmers' Market
Public Safety Station
Public Utility Facility
Religious Institution
Resource Conservation Area
Restaurant with Drive-Thru Service
Restaurant with Indoor Operation
Retail Store
Satellite Dish Antenna
Signs, Commercial Free-Standing
Tavern/Bar/Pub with Indoor Operation
Temporary Construction Trailer
Theater, Small
Transportation Facility
Utility Minor
Vehicle Charging Station
Vehicle Service

6) Special Uses (*Special Uses* text may be found in section 20 of this Ordinance).

Adult-Oriented Retail Establishment
Commercial Outdoor Amphitheater
Commercial Outdoor Recreation Facility
Commercial Waterfront Facility
Gas/Service Station
Golf Driving Range
Hazardous Material Storage
Kennel, Indoor/Outdoor Operation
Manufacturing, Light
Marina
Microbrewery
Mini-Storage
Mixed Use
Outdoor Amphitheater, Public
Outdoor Storage
Preschool
Restaurant with Outdoor Operation
School, K-12
School, Post-Secondary
Tavern/Bar/Pub with Outdoor Operation
Theater, Large
Utility Facility
Wholesale Establishment

# SECTION 8 Transitional Zoning Districts

A) ***TCA Townhomes, Condominiums, Apartments District.***

This district is established to provide a high density district in which the primary uses are multi-family residences and duplexes. Uses in this district which require potable water or sanitary sewer must be connected to both municipal water and municipal sewer.

1) Maximum Overall Density.

The TCA district shall have a maximum density of twelve units per acre.

2) Minimum Lot Size.

All lots in the TCA district shall be a minimum of two thousand, seven hundred, and fifty square feet (2,750 $ft^2$) per dwelling unit.

3) Minimum Lot Width.

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

4) Building Setback and Building Height Requirements and Limitations.

Subject to the exceptions allowed in this Ordinance, each structure on a lot in this zoning district shall be set back from the boundary lines of the lot at least the distances provided in the tables set forth in this section. The building height limitation in this district is provided in the tables set forth in this section.

**Table 8-1 Interior Lot Requirements**

| *District* | *Front Setback (Right-of-Way)* | *Rear Setback* | *Side Setbacks* | *Building Height Limitation* |
|---|---|---|---|---|
| TCA | 25 feet | 25 feet | 8 feet | 35 feet |

**Table 8-2 Corner Lot Requirements**

| *District* | *Designated Front (Right-of-Way) Setback* | *Designated Side (Right-of-Way) Setback* | *Rear Setback* | *Side Setback* | *Building Height Limitation* |
|---|---|---|---|---|---|
| TCA | 25 feet | 15 feet | 30 feet | 8 feet | 35 feet |

**Table 8-3 Double Frontage Lot Requirements**

| *District* | *Designated Front (Right-of-Way) Setback* | *Designated Rear (Right-of-Way) Setback* | *Side Setbacks* | *Building Height Limitation* |
|---|---|---|---|---|
| TCA | 25 feet | 15 feet | 8 feet | 35 feet |

5) Accessory Building Setback Requirements.

All accessory buildings must comply with the lot setback requirements as set forth in section 2-F, section 6, section 15, and all the other sections of this Ordinance.

6) Covenants.

In any development proposing common areas, jointly-used structures, or private streets, restrictive and protective covenants which provide for party wall rights, harmony of external design, continuing maintenance of building exteriors, grounds, or other general use improvements and similar matters, shall be submitted to the Town and approved by

the BOC. Condominium development must submit evidence of compliance with the North Carolina Condominium Act.

7) Permitted Uses.

Antenna Co-Location on Existing Tower
Assisted Living
Athletic Field, Public
Carport
Community Garden
Concealed (Stealth) Antennae & Towers
Dock
Dormitory
Dwelling, Duplex/Townhome
Dwelling, Multi-Family
Garage, Private Detached
Government/Non-Profit Owned/ Operated Facilities & Services
Group Home
Home Occupation
Neighborhood Recreation Center Indoor/Outdoor, Private
Neighborhood Recreation Center, Public
Nursing Home
Park, Public
Public Safety Station
Public Utility Facility
Resource Conservation Area
Shed
Signs, Commercial Free-Standing
Temporary Construction Trailer
Utility Minor
Vehicle Charging Station

8) Special Uses (*Special Uses* text may be found in section 20 of this Ordinance).

Athletic Field, Private
Dwelling, Single-Family
Golf Course, Privately-Owned
Golf Driving Range
Hotel or Motel
Marina
Mixed Use
Outdoor Amphitheater, Public
Personal Service Establishment
Preschool
Religious Institution
Restaurant with Drive-Thru Service
Restaurant with Indoor Operation
Restaurant with Outdoor Operation
Retail Store
Satellite Dish Antennas
School, Post-Secondary
Tavern/Bar/ Pub with Indoor Operation
Tavern/Bar/ Pub with Outdoor Operation
Theater, Small
Transportation Facility
Utility Facility

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: F and G Management

Applicant Address: 4044 Arendell Street, Morehead City, NC 28557

Phone Number: 252-241-3747 Email: frank@eastmancarpet.com

Property Owner Name: F and G Management

Address of Property Owner: 4044 Arendell Street, Morehead City, NC 28557

Phone Number: 252.241-3747 Email: frank@eastmancarpet.com

## PROPERTY INFORMATION

Property Address: 1205 Lennoxville Road, Beaufort, NC 28516

15-Digit PIN: 7306.19.506568000 Lot/Block Number: 4, 5 PT 6, 7/B9

Size of Property (in square feet or acres): .4186

Current Zoning: B-1 Requested Zoning: TCA

Current Use of Property: ☑ Residential ☐ Vacant ☐ Commercial ☐ Other: _____

Applicant Signature — Date of Applicant's Signature: 9/23/2020

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**.

**OFFICE USE ONLY**

Revised 08/2020

Received by: _____ Reviewed for Completeness By: _____

Date: _____ Date Deemed Complete and Accepted: _____

# *F and G Management*

4044 ARENDELL STREET
MOREHEAD CITY, NC 28557
252-726-2737 FAX: 252-726-6990


September 23, 2020

To: Town of Beaufort
RE: Amendment Rezoning Map

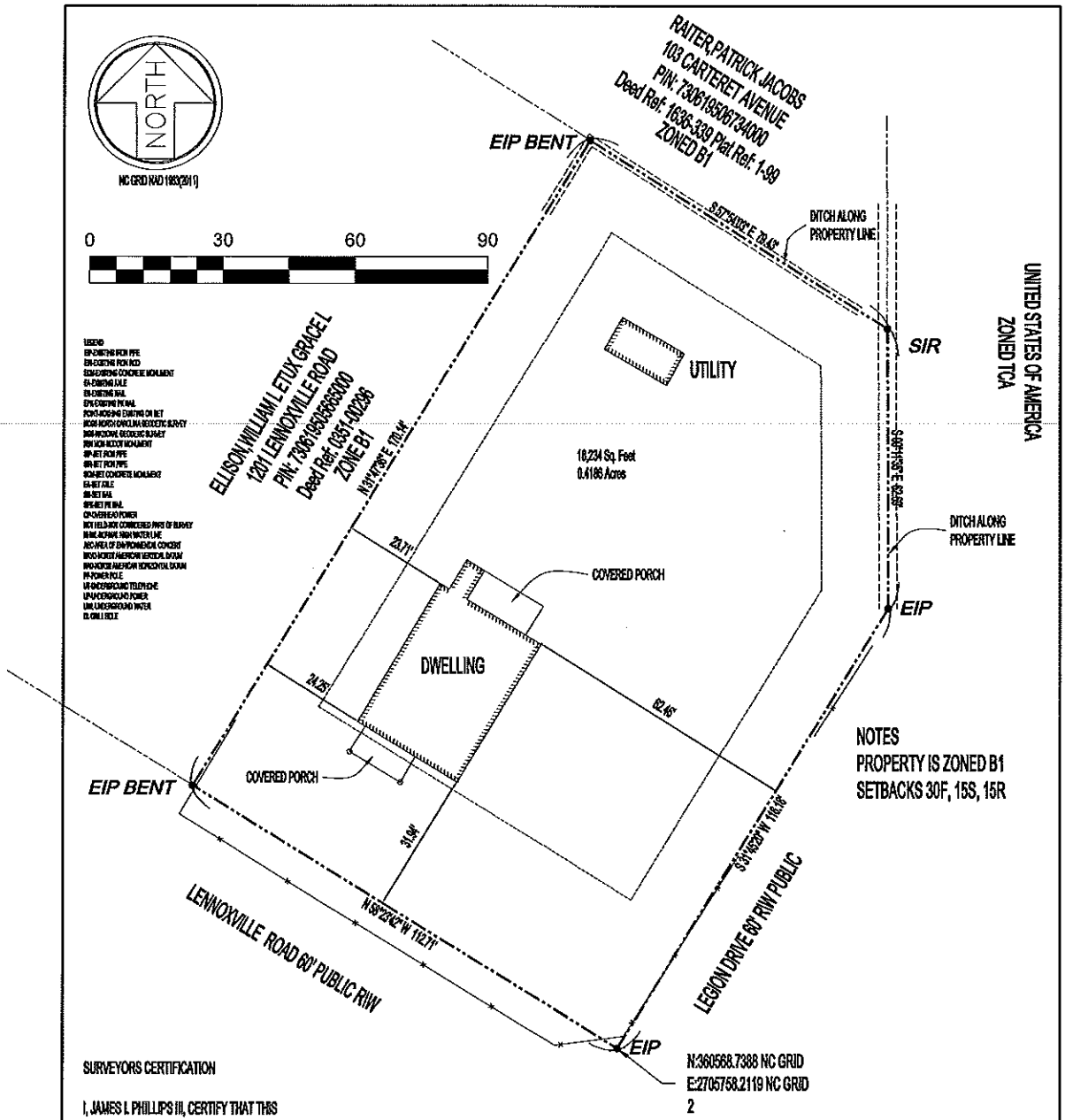
Thank you for accepting our application for rezoning the property at 1205 Lennoxville Road. Current zoning of this property is B-1 with past/current use as residential. The future Land Use Map states proposed usage as Light Industrial. We request an amendment to revise zoning to the TCA district. The "Mixed Use Classification" is intended to delineate areas where there is potential to redevelop the existing properties and adjoining vacant land for multiple land uses".

After much consideration and reviewing all the surrounding property zoning, we feel this change would be beneficial to the area providing an opportunity for workforce housing. Finally, in this area there are several other properties zoned as TCA. With the lot location and size, we feel this would be the highest and best use solution for this property to conform to the area as well as the positive area growth in Beaufort.

We greatly appreciate your consideration.

Frank Eastman

Frank Eastman and George Eastman
Managers of F and G Management




NOTES
PROPERTY IS ZONED B1
SETBACKS 30F, 15S, 15R

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 11TH DAY OF AUGUST , A.D. 2020.

JAMES I. PHILLIPS III RLS NO. L-3151

*THIS IS AN EXISTING PARCEL OF LAND*

NORTH CAROLINA PROFESSIONAL SEAL L-3151 LAND SURVEYOR IRA PHILLIPS III

BOUNDARY RETRACEMENT & PHYSCAL SURVEY
FOR
**ALICIA A. NELSON**
1205 LENNOXVILLE RD
PART OF LOT 3&7 ALL OF LOTS 4,5,9 BLK9
HIGHLAND PARK S\D
TOWN OF BEAUFORT, BEAUFORT TOWNSHIP
CARTERET COUNTY, N.C.
SCALE 1"=30'

PRESENT OWNER:GILLIKIN,ROCKY LANE
DEED REF: BOOK PAGE 857/850
MAP REF: BOOK PAGE 1/99
PIN: 730619506668000
SHEET:1 OF 1
JOB #:20-134
REVISIONS
9-17-2020 ADDED ZONING
DATE OF FIELD SURVEY:8-10-2020
DATE OF MAPPING:8-11-2020
SURVEY BY: JIP
DRAWN BY: JIP
CHECKED BY: JIP

JAMES I. PHILLIPS LAND SURVEYING
PO BOX 2103, 379 Arrington Rd., Beaufort, N.C. 28516
252-728-5848 phone jip3@coastalnet.com

FOR REGISTRATION REGISTER OF DEEDS
Karen S. Hardesty
Carteret County, NC
September 8, 2020 12:11:22 PM
DEED # Pages: 3
Fee:$26.00 NC Revenue Stamp:$308.00
FILE # 1686335

1.

Karen S. Hardesty

# WARRANTY DEED

**PREPARED BY: JULIE G. WICKIZER, PLLC, 3110 ARENDELL STREET, SUITE 2, MOREHEAD CITY, NC 28557**
**RETURN TO: JULIE G. WICKIZER, PLLC, 3110 ARENDELL STREET, SUITE 2, MOREHEAD CITY, NC 28557**

---

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

Excise Tax: $308.00
Parcel# 730619506568000

**THIS WARRANTY DEED** made and entered into this 18th day of August 2020, by and between:

Rocky Gillikin and wife, Katherine Gillikin
156 Elnora Jones Rd
Beaufort, NC 28516
(GRANTOR)

and

F & G Management, LLC
4044 Arendell St
Morehead City, NC 28557
(GRANTEE)

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.

W I T N E S S E T H:

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, tract or parcel of land situated in CARTERET COUNTY, North Carolina and more particularly described as follows:

**See Exhibit A**

This being the same property conveyed to Grantors in Book 857, Page 550, Carteret County Registry.

This IS_____NOT_X__ the primary residence of the Grantor.

The above-described property is conveyed and accepted subject to such easements, restrictions and rights of way as appear of record in the Carteret County Registry.

TO HAVE AND TO HOLD the aforesaid lot, tract 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, is marketable and free and clear of all encumbrances, and that GRANTOR will warrant and defend the title against the lawful claims of all persons whomsoever excluding the exceptions stated herein and designated on the map referred to above.

IN WITNESS WHEREOF, the GRANTOR has hereunto set its hand and seal, the day and year first above written.

BY: _____(SEAL)
Rocky Gillikin

BY: _____(SEAL)
Katherine Gillikin

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

I, a Notary Public of the county and state aforesaid, certify that Rocky Gillikin and Katherine Gillikin, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 31st day of August 2020.

ROBYN WHALEN
Notary Public
North Carolina
Carteret County

_____
Notary Public

My commission expires:
August 23, 2021

Robyn Whalen
Printed Name of Notary

**Exhibit "A"**

**Beginning at an existing iron pipe said point of beginning being located at the intersection of the northern right of way of Lennoxville Road and the western right of way of Legion Drive; thence running from said point and place of beginning and with the northern right of way of Lennoxville Road N 52-27-50 W 112.83 feet to an existing iron pipe; thence running with the Ellison line N 37-45-00 E 169.72 feet to an existing iron pipe; thence running S 52-15-00 E 79.30 feet to a point in the center of a ditch; thence running with said ditch S 05-38-41 W 62.57 feet to an existing iron pipe in the western right of way of Legion Drive; thence running with the western right of way of Legion Drive S 37-37-43 W 116.32 feet to the point and place of beginning.**

**This being a part of Lots Three (3) and Seven (7); and All of Lots Four (4) and Five (5) in Block Nine (9), of the Highland Park Subdivision as the same is shown on map recorded in Plat Book 1, Page 99, of the Carteret County Registry.**

**1205 Lennoxville Road**
**Boundary Property Owners**

William and Grace Ellison
1201 Lennoxville Road
Beaufort, NC 28516

Patrick J. Raitner
103 Carteret Avenue
Beaufort, NC 28516

John W. Clark (105 Carteret Avenue)
103 Lennoxville Point Road
Beaufort, NC 28516

United States of America (100-400 Legion Drive)
Washington, DC 20240

Gary and Judy Mercer
1301 Lennoxville Road
Beaufort, NC 28516

Safewood, LLC (1304 & 1308 Lennoxville Road)
Post Office Box 388
Beaufort, NC 28516

Beaufort Storage Stables, LLC (1202 Lennoxville Road)
c/o Joe Newell
225 Bryant Street
Denver, CO 80219-1636

Carteret Court, LLC (500 Block Carteret Avenue)
Post Office Box 25168
Winston-Salem, NC 27114-5168

10/10/2020

William Ellison

1201 Lennoxville Road

Beaufort NC 28516

To: Whom it my Concern

I would like to state my support of the efforts of F and G Management to rezone the property at 1205 Lennoxville. Mr. Eastman has been open about his plans with this property with me and before going to the you to ask for rezoning. I would appreciate your approval of this rezoning request as F and G Management (Mr. Eastman) has my full support.

Thank You

William Ellison

William Ellison

**TOWN OF BEAUFORT**
**PLANNING BOARD**

**RZ 20-11**
**RESOLUTION ADVISING THAT PROPOSED AMENDMENTS TO THE ZONING MAP AND COMPREHENSIVE FUTURE LAND USE PLAN ARE IN ACCORDANCE WITH ALL OFFICIALLY ADOPTED PLANS; ARE REASONABLE; AND ARE IN THE PUBLIC INTEREST.**

WHEREAS, the North Carolina General Assembly has given the Town of Beaufort ("Town") the authority to adopt and amend zoning and development regulation ordinances for the purpose of promoting the health, safety, morals, and general welfare of its citizens;

WHEREAS, N.C.G.S. §160A-383 requires the Town of Beaufort Planning Board ("Board") to advise the Town of Beaufort Board of Commissioners by written statement describing whether the proposed amendments to the Town's Land Development Ordinance ("Ordinance") and Core Land Use Plan are consistent with all officially adopted plans;

WHEREAS, the Board has in fact met to consider and evaluate the proposed amendments to the Ordinance; and

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Planning Board finds that the proposed amendments to the Ordinance are in accordance with all officially adopted Town plans for the reasons stated in Exhibit A attached hereto and incorporated herein by reference, and therefore recommends adoption by the Board of Commissioners. Specifically the Planning Board finds that the proposed amendments are in furtherance of the Town plans, ordinances and regulations; and better clarify all the Ordinance regulations.

This Resolution is effective upon its adoption this 19th day of October, 2020.

**TOWN OF BEAUFORT**
**PLANNING BOARD**

Ryan Neve
Ryan Neve, Chairman

ATTEST:

Denise Devin
Board Secretary

Vice Chair Merrill made a motion to approve the request as presented. Although inconsistent with the CAMA Core Land Use Plan Future Land Use Map, the Board considered the adjoining property zoned TCA and found the request to be consistent with development patterns and consistent with the spirit and intent of the ordinance. Member Meelheim seconded the motion. 5/5 members present for the meeting voted in favor of the request.

Exhibit A

**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 Industrial at 1205 Lennoxville Road (PIN 730619506568000); and,

**WHEREAS**, the Town of Beaufort desires to amend the CAMA Land Use Plan to Mixed Use for the aforementioned area; and

**WHEREAS**, on October 19, 2020 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 December 14, 2020; and

**WHEREAS**, at the Work Session Meeting on December 21, 2020 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:

> 1205 Lennoxville Road identified as Mixed Use 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 21st day of December, 2020.

_____

Everette (Rett) Newton, Mayor

_____

Rachel Johnson, Deputy Town Clerk

**BEAUFORT BOARD OF COMMISSIONERS**
**AN ORDINANCE TO REZONE 1205 LENNOXVILLE ROAD FROM B-1 to TCA**
**ORDINANCE NO. 20-__**

| | |
|---|---|
| Applicant: | F & G Management |
| Location: | 1205 Lennoxville Road |
| Parcel ID: | 730619506568000 |
| Lot Size: | 0.42 acres |
| Existing District: | B-1 General Business District |
| Meeting Date: | November 18, 2019 |
| Requested District: | TCA Townhomes, Condominiums & Apartments District |

**WHEREAS**, the Applicant has submitted a request to rezone the above referenced property to TCA; and

**WHEREAS**, the Beaufort Planning Board has convened to consider and prepare a recommendation and consistency statement on the request at its meeting on October 19, 2020, at which time the Planning Board recommended approval of the request; and

**WHERAS**, the Beaufort Board of Commissioners conducted a public hearing on December 14, 2020 at which time the applicant and/or applicant's representative was given the opportunity to present arguments, and Town staff was given the opportunity to comment on the application; and

**WHEREAS**, the Town Board of Commissioners has made the following findings and conclusions:

1. The request is consistent with surrounding land use patterns and zoning in the area.
2. The proposed zoning of TCA is consistent with the spirit and intent of the ordinance and the CAMA Core Land Use Plan - Future Land Use Map will be amended to reflect a change from Industrial to Mixed Use.

**NOW, THEREFORE, IT IS HEREBY ORDAINED** by the Board of Commissioners on the basis of the foregoing findings and conclusions that the request to rezone 1205 Lennoxville Road to TCA Townhomes, Condominiums and Apartments is approved and the Town's Zoning Map is amended accordingly.

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Enacted on motion of Commissioner _____ and carried on a vote of ___ in favor and ___ against.

This, the 23rd day of December 2020

TOWN OF BEAUFORT

_____
Everette (Rett) Newton, Mayor

_____
Rachel Johnson, Deputy 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 Regular Meeting**
**6:00 PM December 14, 2020**

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

**SUBJECT:** Turner Street Traffic Calming

**BRIEF SUMMARY:**

A request has been received to add a traffic calming device in the 200 block of Turner Street, following the plan to place a raised crosswalk in the 100 block of Turner Street.

**REQUESTED ACTION:**

Consider request.

**EXPECTED LENGTH OF PRESENTATION:**

10 minutes

**SUBMITTED BY:**

John Day, Town Manager

**BUDGET AMENDMENT REQUIRED:**

Yes

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**Town of Beaufort Board of Commissioners Regular Meeting**
**6:00 PM Monday, Dec. 14, 2020 – Held Through Zoom Due to COVID19 Pandemic**

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

**SUBJECT:** Ann Street United Methodist Church Christmas Eve Services Event Application

**BRIEF SUMMARY:**

Ann Street United Methodist Church and Taylor Mills have requested to host two Christmas Eve Services at Grayden Paul Park at 3 and 5 p.m. The park is traditionally available on a first come first serve basis. However, they have requested the use of electricity for sound amplification; thus, requiring the activity to be treated as an event. Attached you will find both an event application and a sound permit application. Please disregard the sound permit application as it is covered by the BOC approval of an event application.

Service size is limited to 50 and they will follow COVID-19 protocols. Religious and other 1st Amendment activities are exempt from the mass gathering limitations in Governor Cooper's Executive Order.

**REQUESTED ACTION:**

Discussion/Approval

**EXPECTED LENGTH OF PRESENTATION:**

10 minutes

**SUBMITTED BY:**

Rachel Johnson, Events Coordinator

**BUDGET AMENDMENT REQUIRED:**

No

Date Application Received:

Permit Number:

TOWN of BEAUFORT NORTH CAROLINA

## APPLICATION FOR SPECIAL EVENT PERMIT

Please return completed application form with permit fee and paperwork to:

Events Coordinator, Town of Beaufort
701 Front Street
P.O. Box 390
Beaufort, NC 28516
Phone: (252) 728-2141 Email: r.johnson@beaufortnc.org

**Applications submitted late or incomplete may not receive approval and may not be issued a permit.**

## EVENT BASICS

Event Name: Ann Street United Methodist ~~Church~~ Church Christmas Eve

Location of Event Site: Gregden Paul Park

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

Run by: Ann Street United Methodist Church

Applicant (Organizer) Name: Taylor Mills Contact # 919-594-0266

Day of Event Contact #: 9195940266 Email: taylormills@nccumc.org

Type of Event:

- [x] Festival
- o Parade
- o 5K Race
- o 10K Race



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- o Music Event
- ✓ Other worship service

Actual Event Date(s): Dec 24 Time of Event: 3PM + 5PM

Set-Up Date: Dec 24 Start Time: 1PM

Tear Down Date: Dec 24 End Time: 6PM

Estimated Attendance: 50 at 3, 50 at 5 Admission Fees: none

Event Description:
Christmas Eve worship service - outdoor

## ORGANIZER/APPLICANT INFORMATION

Name of Organization: Ann St United Methodist Church

Primary Contact Person: Taylor Mills

Mailing Address: 417 Ann St Beaufort NC

Email: taylormills@nccumc.org

Daytime Phone #: 252-728-4279 Cell Phone #: 919.594.0266

Alternate Contact Person: Julia Royall Johnson Phone #: 252-269-8407

Is your group a non-profit organization? Y If yes, please provide documentation with your application.

## SITE PLAN

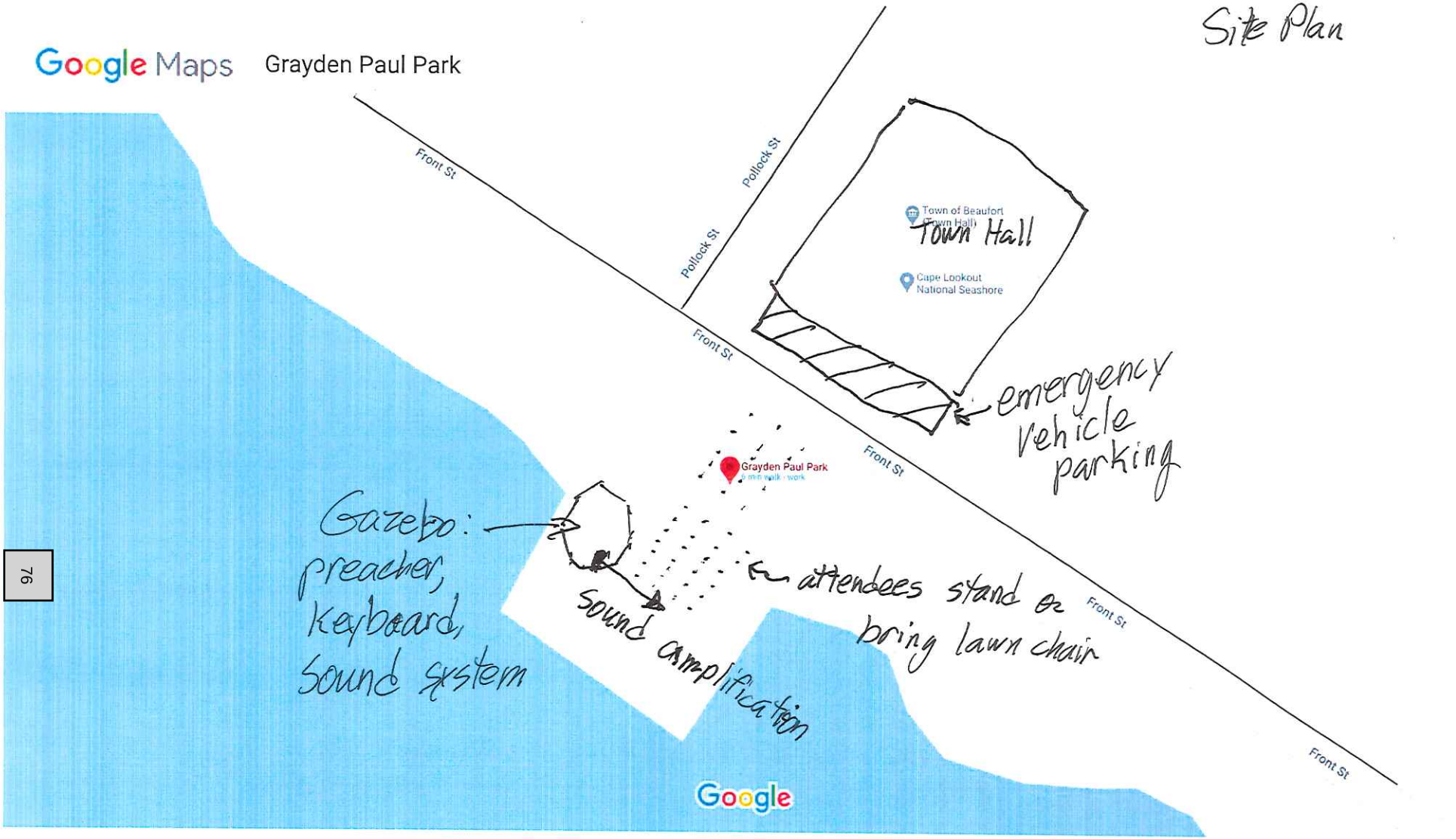
Need 501 c 3 status

Site Plan Attached

- o Yes
- o No

(If you need help, please set up a meeting with the Town of

Site Plan




No tents; no temp structures; no barricades or road closure, no propane, no fire, no fencing; no staging; no bleachers, no inflatables, no food vendor or truck, restrooms not needed

A detailed site plan must be included with your event application. The following, should they be relevant, must be included in your Site Plan.

- Location of all tents and temporary structures
- Location of requested barricades and road closures
- Emergency exits
- Fire extinguishers, propane storage
- Location of command post, medical & first aid station, emergency vehicle access points and all exits and entrances (both emergency and for the public)
- Fencing, staging, bleachers, stages, inflatables, etc.
- Food/refreshment tent vendors, refreshment tents
- Food Trucks
- Location of Restrooms
- 5K/10K race routes

**If the Site Plan is not submitted with the event application, the deadline is 45 days before the event, otherwise a permit will not be issued.**

## PARKS & PARKING LOTS REQUESTED

**Please mark all that apply:**

- o East Parking Lot
- o West Parking Lot
- o Craven Street Parking
- o Middle Lane
- o John Newton Park
- o Lynn Eury Park
- ✓ Grayden Paul Park
- o Topsail Marine Park
- o Other Please list: _____

**Specific Requirements:** (Extra trash cans/recycling/electrical etc.) Please be specific and include each item on the Site Plan for the desired location. Please note extra charges may apply in accordance to the fee schedule. (Trash/Recycling Carts: $10 each, Electricity: $50)

Electricity

## OTHER EVENT DETAILS

Please provide the name and contact information of all outside companies who are providing services during your event. IE: Tent Rentals, Inflatable Rentals, Port-A-Pottie Rentals, etc.

none

Will there be canon/re-enactment fire during your event? no If yes, please coordinate with the Beaufort Fire Department for safety procedures.

## ALCOHOL

Alcohol at the event YES ____ NO ✓ Attach all required paperwork. Applicant is responsible for obtaining applicable ABC License and Liquor Liability Insurance. Applicant must provide a clearly marked and contained area for alcohol consumption and hire two Town of Beaufort police officers at a rate of $35 per hour for the duration. (The Police Chief will review the application for exceptions.) All local, state and Federal laws must be adhered to.
***I/we have read, understand and will comply with the rules outlined by the Town of Beaufort in the Town Code of Ordinances as well as in the Event Procedures.***

*X* _____ ***(Applicant's Signature)***

## ROAD CLOSURES

Does your event require a road closure? _____YES ✓ NO

Please provide specifics below:

| Road | Set-Up Time | Event Start Time | Finish Time | Tear Down Time |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

*If a road closure has any impact on area businesses and/or residents, the applicant will be required to inform all residents and/or businesses in the area of the road closure, by letter or hand-delivered flyer at least 14 days in advance of the event, of the particulars of the approved temporary road closure and any detour route available.*

**Emergency Vehicle Access Requirements**: *A road may be closed to regular traffic during an event, but an unobstructed fire lane must be left open at all times for emergency vehicles.*



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## PARKING/PARKING LOTS

Parking lots required for Event set-up: (Please mark on the site map if applicable) (Please note charges may apply. The rate is $18 per day per space in the East & West parking lots and $9 per on street parking space per day for special event closure during Pay-To-Park season).

Please list all parking lots and spaces you are requesting. Spaces are numbered so please be specific. Also please note that parking space closures MUST be approved by the Board of Commissioners. Event organizers are not permitted to acquire additional spaces without Town permission prior to an event.

We request no parking site closures

Please list off-site Parking Location for Vendors & Event Staff: A letter of permission is required for the use of private property per the event procedures. Please include this with your event application.

We request no vend staff parking

Bicycle Parking: Yes_____ No ✓

Additional Handicap Parking: Yes _____ No ✓ Location: _____

Event Parking: (Please outline your plan for day of parking for event attendees. Please include parking lot locations and the name/contact information for any shuttle/trolley service):

If there is a Drayden Paul Parking lot, we would like to use that but we do not require it

## PARADE/WALK INFORMATION

no parade

Parade Assembly Area: _____ Time: _____

Parade Dismissal Area: _____ Time: _____

Parade Start Time: _____

## EMERGENCY MANAGEMENT

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

Designated Emergency personal/liaison (onsite): Taylor Mills

Cell #: 9195940266 Other Contact: _____



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How will your event staff react to severe weather?
cancel or move to our church

How will you alert visitors to the event to evacuate the site? (If multiple sites are being requested, a plan must be submitted for each location)
phone call

**RISK ASSESSMENT**

It is important for Event Organizers to identify risks and hazards associated with their event and know how to prevent these risks. Please identify possible risks for your event and list below (weather, food, fire, etc.) Please provide details.
no risks we are aware of
maintaining social distancing and requiring face masks

What training will you provide to your volunteers/staff/participants regarding emergencies?
to call 911 in case of emergency

## TENTS

Will you have tents at your event? _____YES ✓ NO

Please list the tent sizes: _____

If your event includes tents, you must make arrangements with the Beaufort Fire Department for a tent permit. There is a $50 fee. Please contact Tammy Turek at (252) 728-4325 to make arrangements. The Tent Permit Application and a list of requirements are available online at www.beaufortnc.org.

## FOOD

Will there be food served at your event? _____YES ✓ NO

If yes, please provide a detailed list of all food vendors.

If yes, have you contacted the Carteret County Health Department to set up inspections? _____YES _____NO

All food vendors must have proper licensing, inspections, etc.



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## VENDORS

Will there be vendors selling items at your event? _____Yes ✓ No

Please note vendors are only permitted to sell during the event hours listed on this application. Any vendor selling before or after the listed hours is in violation and subject to being shut-down.

All vendors must have proper certifications and licenses. They must display the required state sales and use tax information and the event organizer must keep all of this information on file pursuant to North Carolina State laws.

## CHECKLIST

Please submit the following documents with your event application. Once all forms (if applicable) are received and the event is approved an Event Permit will be issued.

- o Tent Permit
- ✓ Detailed Site Plan
- o Detailed Route Map (Parade/5K/10K)
- o Map of Road Closures
- o ABC Permit
- o Health Inspection Documentation
- o Insurance
- ✓ Non-profit documentation
- o Private property parking permission letter
- o List of food vendors
- o List of vendors
- o Application Fee
- o Application Signature

I/We the event organizer Taylor Mills, on behalf of Ann St United Methodist the party requesting the use of the Town of Beaufort facilities noted in the above application do hereby hold and save harmless and agree to indemnify the Town of Beaufort and its elected officials, directors, officers, employees, servants, agents, contractors and their respective heirs, executors, successors with respect to any and all liability, actions, debts, suits, demands, costs, damages and expenses whatsoever arising wither directly or indirectly as a result of the use of the Town of Beaufort's facilities, park, road or other and in accordance with the provisions contained in this policy. I/We have read and understand this application, the event procedures and the requirements placed upon this applicant and organization. I agree to abide by the Town of Beaufort rules, regulations and ordinances.

Applicant's Signature Taylor Mills Date 11/30/20

**Internal Use Only**

Permission is granted to the applicant and/or sponsoring organization to use the streets/facilities/parks as listed in the application for the special event described.

Permit Issue Date: _____

Authorized Signature: _____

Insurance Certificate: Yes____ No ____

Permit Fee: Yes ____ No ____

BOC Approval Date: _____

Police Chief Approval: _____

Fire Chief Approval: _____



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

**Amplified Sound Permit Application**

Name of sponsoring person/organization: Ann Street United Methodist Church

Name of applicant responsible as monitor: Taylor Mills Phone #: 919-594-0266

Address: 417 Ann St Beaufort Email: taylor@annstreetumc.org

Dates and times of event utilizing outdoor amplified sound: Dec 24 3PM - 6PM

Location of event: Grayden Paul Park

Estimated # of people in attendance: 50 at any given time

Type of outdoor amplified sound: PA system

Location, type & numbers of musical instruments to be involved in the outdoor amplified sound:
all under gazebo: keyboard, trumpet, violin

Location & orientation of all devices to transmit amplified sound (Reference Chapter 91 of the Town Code of Ordinances for additional information)
under gazebo

The direction amplified sound will project south-easterly from gazebo

Please adhere to all regulations as outlined in Chapter 91 of the Town Code of Ordinances pertaining to noise.

Please submit to Beaufort Town Hall at 701 Front Street with a $25 permit processing fee. Permit requests will not be considered without payment.

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**Town of Beaufort Board of Commissioners Regular Meeting**
**6:00 PM Monday, December 14 – Zoom meeting due to Covid-19**

**AGENDA CATEGORY:** Closed Session

**SUBJECT:** Attorney – Client Privilege/Personnel Matter

**BRIEF SUMMARY:**

A closed session will be held to preserve the attorney – client privilege and to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee, pursuant to NCGS 143-318.11(a)(3)/(6).

**REQUESTED ACTION:**

Hold closed session.

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

John Day, Town Manager

**BUDGET AMENDMENT REQUIRED:**

No