

**TOWN OF BEAUFORT
BOARD OF COMMISSIONERS
APRIL 12, 2010 REGULAR MEETING
TRAIN DEPOT, 614 BROAD STREET, 6:00 PM**

The Town of Beaufort Board of Commissioners held their regularly scheduled meeting on April 12, 2010 at 6:00 p.m. in the Train Depot located at 614 Broad Street, Beaufort, North Carolina. Mayor Richard Stanley presided.

Members Present:

Robert Campbell, Mayor Pro-Tem
Marianna Hollinshed
John Hagle
Charles McDonald
Ann Carter

Staff Members Present:

Charles Burgess, Town Manager
Michele Davis, Town Clerk
Mandy Cartrette, Finance Director
Peggy McKay, Tax Collector
Kyle Garner, Town Planner
John Young, Public Works Director
Police Chief Steve Lewis
Fire Chief Larry Fulp
Neil Whitford, Town Attorney

1. CALL TO ORDER

Mayor Richard Stanley called the meeting to order and asked all those in attendance to please stand for the Pledge of Allegiance.

2. ROLL CALL

Town Clerk, Michele Davis, called roll and declared a quorum present for the meeting.

3. APPROVAL OF AGENDA

Mayor Stanley asked for the agenda to be amended by removing Item 6D Consider Setting a Public Hearing for the Vested Rights Application Submitted for Beaufort Harbor Marina and Yacht Basin and to add Item 9J Resolution Regarding the DOT Equity Formula Changes. Commissioner Hagle made a motion to approve the agenda as amended. The vote was 5 to 0 in favor of the agenda approval.

4. INSPIRATIONAL MOMENT/Dr. Joe Ramos of Duke University Marine Lab

Dr. Ramos spoke about the relationship the Duke University Marine Lab has had with the Town of Beaufort since locating here in 1938. He spoke of the \$14 million budget that comes from outside of the Town and that most of it is spent within the Town of Beaufort as well as spending that occurs when students and their families are here.

Dr. Ramos pointed out this is a research facility and a teaching facility in coastal conservation and restoration.

5. RECOGNITION OF DETECTIVE PHILLIP LOVOY FOR RECEIVING HIS ADVANCED LAW ENFORCEMENT CERTIFICATION—Chief Steve Lewis

Chief Lewis stated Mr. Lovoy has reached a milestone in his career. He continued by saying three of the officers in the Town of Beaufort have received their Advanced Law Enforcement Certification.

Detective Lovoy thanked the Board of Commissioners for allowing the officers to go get the additional training they need.

6. ITEMS OF CONSENT

- A. Consider Approval of the Minutes for 3/8/2010 Regular Meeting;**
- B. Consider Tax Department’s Monthly Report;**
- C. Consider Finance Department’s Monthly Report;**
- D. Consider Resolution Approving Extension of Dates in the Meares Settlement;**

Commissioner Hagle made a motion for the approval of the Items of Consent as presented. All members of the Board were in favor of the motion.

7. PUBLIC HEARING

- A. Consider a Zoning Text Amendment for the Waterfront Commercial District for 326-328 Front Street;**

Commissioner Campbell made a motion to open the Public Hearing. All members of the board were in favor of the motion.

Town Attorney Whitford notified the Mayor and Commissioners he had a copy of an updated Ordinance Recognizing the “Grandfather Status” of 326-328 Front Street. He continued by saying a question had been raised as to whether or not amending the zoning ordinance for three specific properties was the best way to approach this situation. He recommended the ordinance recognizing the grandfathering of the properties instead of the zoning amendment.

Town Planner, Kyle Garner provided background information for 326-328 Front Street issues. Mr. Garner noted the Town has been working with the owners since 2007 to settle issues with the properties.

Mayor Stanley asked for any public comments. No public comments were made.

Commissioner Campbell made a motion to close the public hearing. All members of the Board were in favor of the motion.

Mayor Stanley confirmed this ordinance would only apply to 326-328 Front Street.

Commissioner Carter made a motion to approve the grandfathering ordinance. The vote was 5 to 0 in favor of the motion.

8. PUBLIC COMMENTS

Janet Woodward of 2217 Lennoxville Road thanked the Public Works Department for the wonderful job of keeping the Town looking good and picking up all of the yard debris.

Gerharda Sanchez of 117 Front Street stated she felt the mixed use idea was good because there are extra eyes downtown to prevent property crime. She further commented on safe sidewalks and getting rid of the sandwich boards and chairs and tables that are a safety hazard.

9. ITEMS FOR DISCUSSION

A. Consider Special Event Application from the NC Maritime Museum for the Wooden Boat Show to be held on May 1, 2010;

Paul Fontenoy was present to discuss the application. He reported the boat show began in 1975. He asked for street closure from Bell's Drug Store parking lot to Orange Street with limited street access for the residents of this block. He also reported they will be providing shuttle service from the Gallants Channel site to help with parking issues.

Commissioner Carter complemented the museum for considering the parking issues.

Chief Lewis stated he is fine with the request for street closure.

Commissioner Hollinshed made a motion to approve the application for the Wooden Boat Show. All members of the Board were in favor of the motion.

B. Consider Proposal from Precision Safe Sidewalks for Sidewalk Restoration and Repair Estimate and Proposal;

Town Manager Burgess informed the Board members the company did a walk through of town making notes of sidewalks that need to be repaired. He further commented there are 2,491 sidewalk hazards in the town with an additional 152 sidewalk panels that need to be removed and poured again. Manager Burgess also indicated when approved, the work could be performed within 45 days.

Attorney Whitford recommended the Town, if they wished to move forward, indicate they want to use a single source provider for the work. He further stated he had received

a letter from the company stating this company is the only one in North Carolina approved to repair sidewalks with this method. Attorney Whitford did indicate if the Board wanted to go out for competitive bids, they would not be comparing apples to apples.

Town Manager Burgess in response to a question from Commissioner Carter indicated the Town of Oriental is currently using the company.

Commissioner McDonald asked about exact locations of the repairs that need to be made. Public Works Director, John Young indicated the locations or repairs were for all of town.

Commissioner Hollinshed expressed concern over the timing of the work and the events scheduled in the Town.

Commissioner Campbell made a motion to go through the process of informal bidding and compare other contracting methods to this method and look at it again at the next meeting. The vote was 5 to 0 in favor of the motion.

C. Consider Proposal for the Maintenance Building for the WWTP;

Public Works Director, John Young informed the commissioners they had the option of going with a change order with the contractor on site and using money already available or decide to put it out for bids. Mr. Young reported it would take approximately 90-120 days to get things started if the board decided to go out for bids.

Town Manager Burgess reported the cost of the plant was under budget and the funds for the building were available.

Commissioner Hagle made a motion to go out on an informal bid process for this building. The vote was 5 to 0 in favor of the motion.

D. Consider Proposals for the Demolition of the Old WWTP;

Public Works Director, John Young informed the board members it was not the demolition of the old WWTP, but the clean out and the removal of the metal in the structures. Mr. Young reported there were three bids for the project:

W. O. White, LLC for \$89,025
East Carolina Builders for \$89,903
State Utility \$121, 520.17.

Mr. Young recommended the board approve the bid from W. O. White, LLC.

Commissioner Campbell made a motion to accept the bid \$89,025 from W. O. White, LLC. All members of the board were in favor of the motion.

E. Consider Special Event Application for Hustle for Haiti Road Race from Staci Hoell;

Ms. Hoell was present for the meeting to explain her request. She proceeded by saying this would be a one mile and 5 K road race to help support Partners In Health which is a group that has been working in Haiti for a while. Ms. Hoell indicated she would like for the race to begin at the intersection of Pollock Street and Front Street and continue down Front Street to Taylor's Creek Road. The race will be held on Saturday, May 8, 2010.

Chief Lewis reported he has looked at the request and did not see any problems.

Ms. Hoell reported the registration will begin at 7 AM with the race being over around 10 AM.

Commissioner Hagle moved for the approval of the special event application for the Hustle for Haiti Road Race. All members of the board were in favor of the motion.

F. Consider Special Event Application for the Beaufort Wine and Food Weekend April 23-25, 2010;

Town Clerk, Michele Davis reported the application is the same as it has been in the past. She further commented the group is aware of the information they are required to submit to gain final approval for the event.

Mayor Stanley informed the group most of it takes place on the BHA grounds and the Gallants Channel Site.

Chiefs Lewis and Fulp did not express any concerns regarding the application and the events.

Commissioner Carter moved for approval of the Special Event Application for the Beaufort Wine and Food Weekend. The vote was 5 to 0 in favor of the event.

G. Consider Appointment of Citizens to Serve on the Strategic Growth Plan Committee;

Commissioner Carter made a motion to table the appointments and continue the requests for applicants since we need a good cross section of what the future of Beaufort should be.

Commissioner Hagle suggested the board outline what is expected of the committee and set timing of reporting back.

Commissioner McDonald noted there had been a husband and wife to express interest in serving on the committee. The board decided only one representative from a family should be appointed.

Commissioner McDonald expressed concern over tabling this tonight. He continued by saying he did not want the people who have already submitted letters of interest to be penalized if more names are received.

Mayor Stanley urged everyone to contact people who they believe will be good committee members.

The vote for the motion was 5 to 0 in favor of tabling this matter until the next meeting.

H. Consider Appointment of Citizens to Serve on the Cemetery Committee;

Commissioner Hollinshed informed the board she had a letter of interest from Paula Jones King to serve on this committee. She continued by saying she felt this committee should consist of people who have a member in the cemetery and people who do not have people in the cemetery.

Commissioner McDonald stated he felt the committee should consist of only citizens of Beaufort.

Mayor Stanley suggested the board members appoint six members to the committee with three of them serving for three years, two members serving for two years and one of them serving for one year.

Attorney Whitford asked if after the initial term, all terms would be for three years. Mayor Stanley confirmed as yes.

Commissioner McDonald stated there is a lot of history in the cemetery and it needs to be preserved.

Commissioner Hagle made a motion including a qualification of the committee member living in Carteret County with three members serving three years, two for two years and one for one year. All members of the board were in favor of the motion.

Commissioner Carter made a motion to appoint Faye Nelson, Margaret Powell, and Elizabeth Olsen to the three year terms. All members of the board were in favor of the motion.

Commissioner Carter made a motion to appoint Curtis Oden and Vicky Thayer to serve the two year terms. All members of the board were in favor.

Commissioner Hagle made a motion to appoint Paula King to serve the one year term. All members of the board were in favor of the motion.

I. Consider Approval of Request for the Beaufort Ole Town Rotary Club Road Race to be held on July 17, 2010;

John Young informed the commissioners the road race will be held the third weekend in July and the Beaufort Ole Town Rotary Club is asking for permission to hold the race in Beaufort. He continued to say it will be handled in the same manner as before.

Commissioner Hollinshed made a motion to approve the Ole Town Rotary Road Race being held on Saturday, July 18, 2010. The vote was 5 to 0 in favor of the motion.

J. Consider Approval of a Resolution Opposing Revision of the North Carolina Transportation Equity Formula;

Mayor Stanley informed the members of the board he had requested this be put on the agenda. He continued by saying there has been a movement to change the formula for distribution of funding. Mayor Stanley further stated our area does not get much funding now and we do not need for it to be reduced.

Manager Burgess informed the Board he and the Town Planner had attended a meeting back in February regarding transportation projects and funding. He continued by saying the reality of the situation is that approximately 75% of the funding is going to urban areas with only 25% of the funding coming to rural areas such as our division.

Commissioner Hagle made a motion to adopt the resolution and send it to the Department of Transportation and our representatives. The vote on the motion was 5 to 0 in favor of the motion.

**RESOLUTION OPPOSING REVISION
OF THE NORTH CAROLINA TRANSPORTATION EQUITY FORMULA**

WHEREAS, the North Carolina General Assembly implemented the Transportation Equity formula twenty years ago as a result of the 1989 Highway Trust Fund Law, and

WHEREAS, the current Transportation Equity Formula allocates transportation funding based on population (50%), intrastate miles yet to be completed (25%), and an equal share for each region (25%), and

WHEREAS, there are efforts underway to change the Transportation Equity Formula to direct a greater proportion of funding to larger metropolitan areas of North Carolina, and

WHEREAS, NCDOT Division 2, which covers Beaufort, Carteret County, and much of eastern North Carolina, already receives the least amount of funding through the Transportation Equity Formula, and

WHEREAS, it is anticipated that eastern North Carolina could be negatively impacted by changes to the Transportation Equity Formula that direct greater funding to the larger metropolitan areas, and

WHEREAS, eastern North Carolina is one of the most economically challenged areas in North Carolina, and is in great need of additional transportation improvements to spur economic development,

NOW THEREFORE, BE IT RESOLVED, by the Town of Beaufort Board of Commissioners that the Town of Beaufort hereby opposes any changes to the Transportation Equity Formula that reduce the amount of transportation funding available to eastern North Carolina.

Adopted this the 12th day of April, 2010.

10. MAYOR AND COMMISSIONER COMMENTS

Commissioner Carter stated she appreciated the staff in Town Hall for the job they are doing.

Commissioner Hagle thanked Chiefs Lewis and Fulp for their continued work on the Gallants Channel Bridge repair. He continued by saying he had not heard any negative comments regarding the bridge work. Commissioner Hagle also commented on seeing the new parking signs around town and stated he hoped they would help tourist. He also encouraged all to enjoy the nice weather. He further commented on the storm damage clean up and encouraged everyone to look at their personal property for clean up. Commissioner Hagle also spoke about the Beaufort Chorus being asked to sing at the Memorial Day celebration at the courthouse on May 29, 2010. He noted there will be practice sessions for the chorus on May 17, 2009 and May 24, 2010 at the First Baptist Church beginning at 5 PM each day. Lastly, he spoke about the Ribbon Cutting at 501 Front Street for the Queen Anne's Revenge.

Commissioner Hollinshed thanked the people who complete the forms for the volunteer boards for the Town. She continued by thanking staff for the information they provide to the Board members. She also encouraged citizens to help get the town cleaned up.

Commissioner McDonald spoke about the need for the Board to be notified of the new businesses coming into town. He continued by saying he did not want to know information beforehand that may prevent a business coming to town, but he would like to know if a permit is issued so the board members can be informed.

Mayor Stanley reminded the board members of the League meeting on April 14, 2010. He further commended the board for doing their homework for tonight's meeting and working together on the issues discussed. Mayor Stanley also stated he had spoken with a new business owner in town and the business owner had stated this was the friendliest town for getting permits.

11. MANAGER'S REPORT

Town Manager Burgess informed the board members he was hoping to have a balanced budget for the commission this week, but was still waiting on some crucial figures. He

informed the members he hoped to be able to get the information out during the next week.

Mr. Burgess further reminded the board members of the quarterly committee meetings to be held on Thursday, April 22, 2010. He also thanked the commission members for their comments during deliberations this evening.

Lastly, he reported the grant proposal for the Beaufort Police Department to purchase a boat was not approved.

12. CLOSED SESSION—PURSUANT TO NCGS 143-318.11(a)(1)-For the Permitted Purpose of Discussing Confidential Information (Approval of Closed Session Minutes)

Commissioner Hollinshed moved for the board to enter Executive Session. All members of the Board were in favor of the motion.

Being no further business, Commissioner Carter moved for the Board to enter back into open session. All members of the Board were in favor.

10. ADJOURNMENT

Commissioner Campbell made a motion for the meeting to adjourn. All members of the board were in favor of the motion. The meeting adjourned at 7:35 pm.

Mayor Richard Stanley

ATTEST:

Michele Davis, Town Clerk