



## Town of Beaufort NC

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### **Town Of Beaufort Board of Commissioners Regular Meeting Minutes 6 p.m. Monday, July 11, 2016 • Train Depot, 614 Broad St., Beaufort, NC**

The Town of Beaufort Board of Commissioners held its regularly scheduled meeting at 6 p.m. Monday, July 11, 2016, in the Train Depot, 614 Broad St., Beaufort, NC. Mayor Richard Stanley presided.

Members present were Charles McDonald (Mayor Pro-Tem), Sharon Harker, John Hagle, Marianna Hollinshed and Ann Carter.

Staff present included Town Manager Charles Burgess, Town Attorney Melissa Berryman, Town Clerk Jennifer Allen, Deputy Finance Director Christi Wood, Town Planner Kyle Garner, Public Works Director Mark Eakes, Assistant Fire Chief Richard Lovick and Police Capt. Joseph Washington.

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

Mayor Stanley called the meeting to order. He asked all in attendance to join in saying the Pledge of Allegiance.

#### **2. Roll Call**

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

#### **3. Inspirational Moment**

Mayor Stanley read the names of the seven recent victims of violence in Baton Rouge, La., Minnesota, and Dallas, Texas, before the Rev. Theodore Calhoun with Purvis Chapel AME Zion Church of Beaufort led a prayer of comfort and peace. Rev. Calhoun also shared a bit about himself, including that he's been serving at Purvis Chapel for the past six months.

Capt. Washington with the Beaufort Police Department read aloud a statement on behalf of Police Chief Paul Burdette, which is incorporated by reference and hereby a part of these minutes.

#### **4. Agenda Approval**

Removed from the agenda was Public Hearing item 8A. To consider the request to rezone property at 900 Cedar St. (Town of Beaufort Fire Station) (PIN #730618400136000) from L-I (Light Industrial) to TR (Transitional); moved from Items of Consent to Items of Discussion and Consideration was 7B. Consider approval of the Beaufort Pirate Invasion request to waive ABC laws at John Newton Park, West Front Street Parking lot and Middle Lane 9 a.m. to 10 p.m. Aug. 12 and 9 a.m. to 10 p.m. Aug. 13; and added to Items of Discussion and Consideration was 9F. Discuss and consider approval of Department of Homeland Security Assistance to Firefighters Grant Award. Commissioner Hollinshed made a motion to approve the agenda as amended. The vote in favor was unanimous.

#### **5. Public Comment**

Dan Krautheim approached the Board about the Front Street paving project that occurred this spring and the remaining incomplete paving areas. He submitted the following comments for the record:

*The Front Street paving project was supposed to be complete by Easter Weekend. As the project neared completion, I asked some of the workers if they were going to pave the curb areas along the north side of Front Street. He indicated that they were completing the project and paving to the curb was not in the contract. Within the next few days, I emailed the new Public Works Director, Mr. Mark Eakes, and asked if he would look specifically at the driveway aprons at 817 Front St. and 805 Front Street. I did not get a reply in three weeks so I called and left a message, again no reply.*

*Now, I appeal to the town commissioners to look at the potential trip hazards and the elimination of safe driveway aprons all over town. The issue of safety is evident in front of the BHA, where our tourists board*

*the double-decker bus. The step stool we place where tourists board the bus is unstable on the rough pavement in the gutter.*

*The contractor evidently had no contractual responsibility to keep our town safe and the town of Beaufort overseers of the paving project took no responsibility to withhold funds from the contractor pending safe completion of the project.*

*I ask that you, as the elected officials, to take this safety issue seriously and fix the problems created by Morton Trucking Company. A more responsible solution would be to ask Morton to fix the problems they created when they ground the pavement in the gutters and if they refuse, don't consider them for other paving project in the Town of Beaufort.*

*Respectfully Submitted,*

*Dan Krauthaim*

Deborah Van Dyken's comments were regarding the Short-Term Rentals By Owner Ordinance Steering Committee under Items of Discussion and Consideration. She expressed that she is glad the Town is looking at it and feels it's an important issue. She offered to participate in any committee that was formed. Ms. Van Dyken mentioned she owns rental property and has a vested interest. She said she hopes the Board comes up with regulations.

John Cartner disclosed that he was a member of the Planning Board and a lawyer but was speaking as a citizen. He voiced disagreement with Ms. Van Dyken. He doesn't believe an inquiry is necessary and believes, after the commission discusses the short-term rentals, nothing can happen. Mr. Cartner continued that rentals have long been a part of the tradition of Beaufort and asked how new regulations would affect tourism. He concluded by stating that sufficient mechanisms to regulate short-term rentals are already in place.

Pat Hitchcock praised the Beaufort Police Department for their responsiveness to a call she made to 911 during a walk when she noticed a suspicious vehicle circling the block. She said that the officers responded immediately and were very respectful.

Margaret Powell, 264 Glenda Drive, wanted to bring to the Board's attention the state of Oceanview Cemetery. She said that many of the graves have been desecrated. She asked that the cemetery committee, which she used to be a member, be reinstated.

## **6. Presentation**

**A.** Tara J. Timblin, Executive Director of the Beaufort Housing Authority, presented the BHA's audit report for the most recent fiscal year. [The audit is available on the Town website.](#) The authority had no findings for the fiscal year end[ Y Sept. 30, 2015. She provided a list of improvements and upgrades that have recently taken place. Ms. Timblin extended an invitation for a community cleanup day 11 a.m. to 1 p.m. Friday, Aug. 26, at 407 2<sup>nd</sup> Street.

## **7. Items of Consent**

Commissioner Hagle made a motion to approve the Items of Consent. All were in favor.

The following items were approved: the amended FY 17 Fee Schedule, which changes the residential permit required for a residential and/or farm structure costing \$15,000 or more. Additionally, the tap fee for irrigation and dock meters was changed from \$500 to \$700, the same as a ¾-inch water tap fee. The new effective date is July 11, 2016; the Electronic Records and Imaging Policy For the Town of Beaufort; and the minutes for the June 13 regular meeting, June 22 work session, June 30 planning working group and June 30 Public Works working group.

## **8. Public Hearing**

**A.** To consider modifying the Subdivision Ordinance, specifically Article VIII – Improvements required and Minimum Standards of Design to add Section 18 – Street Lighting to the text.

Commissioner Hollinshed made a motion to open the public hearing. All were in favor.

Town Planner Kyle Garner presented to the Board the text amendment that would provide a minimum standard for streetlights in subdivisions, which had not previously existed. There's language addressing decorative lights, LED, and block length.

No member of the public chose to speak.

Making sure the public did not pay for streetlights on private streets was a key concern for the elected officials.

An addition to the text stating that the Town is only responsible for paying for approved streetlighting plans in the accepted public right of way was to be included to cover that situation at the end of the first paragraph.

Commissioner Hagle made a motion to approve the text amendment with the additional language. All were in favor.

## 9. Items for Discussion and Consideration

### A. Discuss and appoint members to the Short-Term Rentals By Owner Ordinance Steering Committee.

Mr. Burgess began the discussion by explaining that Beaufort has a longstanding tradition of having rental properties. It was discussed with the Board of Commissioners planning group recently and it was decided to move forward with establishing a steering committee to make regulation recommendations. However, that initiative has been reconsidered due to zoning classifications and legalities. One suggestion was made to establish best practices guidelines in lieu of codification. Mr. Burgess suggested a facilitated discussion of a cross section of invested interest groups along with the Town attorney. He expressed he felt a great deal of trepidation in getting something in black and white that will satisfy the needs of the community, address the issues and stand up to legal scrutiny.

Commissioner Hollinshed said that the reason the subject has been broached is that there has been concern that the renter has not been courteous to their neighbor. Homeowners all have the right to rent their property but shouldn't infringe on the neighbor's enjoyment of theirs. She's hoping to find a balance to please all parties.

Commissioner Hagle said an ordinance can't be written without more discussion.

Commissioner Carter warned to avoid infringing on property rights.

It was decided that it would be best to have a public discussion to allow anyone with questions, comments or ideas to share rather than establish a committee at this time.

Commissioners Harker, Hagle and Hollinshed were in favor of hosting a public forum while Commissioners Carter and McDonald were not.

Mr. Burgess said that the forum would be arranged as soon as possible and properly notify the public.

### B. Discuss Exceptional Design zoning.

Mr. Garner explained that exceptional design was discussed at the last Board of Commissioners planning working group. Exceptional design, or low-impact development, are techniques that can be used to mitigate stormwater effects. In this particular case, staff is looking at areas that are sensitive waters for Beaufort.

Staff is looking to through the Planning Board establish a subcommittee to draft an ordinance that deals with exceptional design to be brought back before the Board Of Commissioners for review.

Commissioner Hagle made a motion to recommend the Planning Board establish a subcommittee to work on exceptional design guidelines. All were in favor

### C. Discuss and consider approval of a resolution in support of the NCDOT roundabout project at Highway 70/101.

Mr. Garner began by explaining that the Board of Transportation every two years asks for projects that SdWscoreV based on data-driven information. Beaufort's conceptual roundabout design project at the intersection of Highway 101 and Highway 70 scored well. However, some points were not maximized, including the financial contribution by the Town to the project. The money would not need to be turned over to the state until the project was actually funded and construction had begun. At a future date, half of that amount of money would go to another project. The question before the Board was if it would like to cost participate with the state in funding this project, though there is no guarantee the project will get funded.

Patrick Flanagan, Planning Director for the Eastern Carolina Council, fielded questions from the elected officials including funding and safety of the roundabout. Mr. Flanagan explained that roundabouts have shown to increase safety at intersections and many communities in the area are moving to the design.

A question was raised if the roundabout would diminish the character of Beaufort but Mr. Flanagan said it was an opportunity to boost and increase character by allowing for beautification improvements by the Town.

Mr. Flanagan was also asked about walkability with this roundabout. He clarified that the roundabout was approved from a conceptual standpoint only. If the project is funded, NCDOT would look at a specific design and would work with Beaufort to accommodate its needs in regards for pedestrian and bicyclist safety.

Commissioner Hollinshed made a motion to approve up to \$16,450 as a cost share toward this project. All were in favor.

### D. Discuss and consider approval of a grant for improvements at the Old Burying Ground.

Mr. Garner presented to the Board a request to approve a grant of \$20,000 from the Historic Preservation Fund to rehabilitate the masonry wall around the Old Burying Ground. The total amount for the work is estimated to be \$35,000. The ironwork will be an additional project. A way to fund the ironwork was considered.

Commissioner Hollinshed made a motion to accept the grant and work on funding for the rest of the project. All were in favor.

**E.** Discuss NC Public Beach and Coastal Waterfront Access Program grant application.

Mr. Burgess said that the NC Maritime Museum is working on a public access project next to the Harvey W. Smith Watercraft Center. The request before the Board was to receive permission to hold a public hearing Aug. 8 in order for the Town to submit a CAMA grant as supplement for that project. The grant would be for construction of public restrooms. Town has already received a prescreen through CAMA and was invited to apply for the grant. The public hearing is part of the criteria for application.

Commissioner Hagle made a motion to move forward with the public hearing Aug. 8. All were in favor.

**F.** Discuss and consider approval of Department of Homeland Security Assistance to Firefighters Grant Award.

Assistant Fire Chief Lovick gave details regarding the grant of \$28,515 that would fund 12 new sets of turnout gear. Currently, the department is budgeted to replace about two a year of the \$2,500 sets that they get about 10 years of use.

Commissioner Hollinshead made a motion to approve the Department of Homeland Security Assistance to Firefighters Grant Award. All were in favor.

**G.** Consider approval of the Beaufort Pirate Invasion request to waive ABC laws at John Newton Park, West Front Street Parking lot and Middle Lane 9 a.m. to 10 p.m. Aug. 12 and 9 a.m. to 10 p.m. Aug. 13.

Mr. Burgess briefed the Board on changes to the event before Sinbad and Sondra Reed took questions regarding the special event application for the 2016 Beaufort Pirate Invasion.

There was a discussion about the change in layout, vendors, alcohol consumption on Town property and the need for using the public parking areas.

## **10. Mayor and Commissioner Comments**

Commissioner Harker recognized Mr. Garner for his effort to get the Old Burying Ground restoration grant and with the flood insurance. She also wanted to recognize Chief Burdette for receiving a \$25,000 grant and to congratulate the police department.

Commissioner Hagle thanked Chief Burdette for his Chat with the Chief program.

## **11. Manager Report**

Mr. Burgess told the Board two bids were received for the residential and recycling pickup and he would like that and the trash ordinance to be the next work session topic. It was decided to reschedule the work session for 4 p.m. Thursday, July 14.

The NC Coastal Federation gave the 33 governments that passed resolutions opposing offshore drilling the Pelican Award. A reception is Aug. 6 at the Boathouse.

An invitation to tour the construction of the new fire station with the architect was extended to the Board of Commissioners.

Precision Safe Sidewalks inventory of Town sidewalks was expected to be completed the week of the meeting.

Army Corps of Engineers meeting would be this week to look at possible dredging alternative projects to Bulkhead Channel.

The next Stormwater Advisory Committee meeting is 1:30 p.m. Aug. 9 in the Train Depot.

Deputy Finance Officer Christi Wood reported that all was good with the finance report.

## **12. Adjournment**

Being no further business, Commissioner McDonald made a motion to adjourn. All were in favor. The meeting was adjourned at 8:43 p.m.

Attest:

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Richard L. Stanley, Mayor

\_\_\_\_\_  
Jennifer Allen, Town Clerk

July 11, 2016

Mayor, Board of Commissioners, Citizens of Beaufort:

While I am not logistically able to present this information in person, I feel it is important to address the events and social environment that communities across the country are gripped with. The tragic events that took place in Dallas, TX last week have brought the safety and security of our public safety personnel back into the national discussion. There are a few key points I wish to discuss that are woven into this dialogue that will highlight the steps the Beaufort Police Department has taken to ensure the safety of the community.

First, I would like to address the officer- involved shootings that took place last week in Louisiana and Minnesota where two individuals lost their lives. To be clear, any loss of life is tragic. Local, state, and federal authorities are actively investigating each of these incidents. While the societal appearances of these two events share similarities of an agency's use of excessive force, they each have their own set of facts specific that must be investigated individually. These investigations will take time. It is understood, though, that these types of events will elicit emotions of fear and anger. Life is sacred and our need as a people to speak out against any injustice, real or perceived, is a powerful one. This brings us to the events that took place last Thursday evening in Dallas, TX where a peaceful march was planned to speak with a collective voice in opposition to encounters where law enforcement's use of force appeared to be excessive. It is inexcusable that one individual chose this venue to perpetrate horrific acts of violence against the very men and women who were ensuring the safety of those citizens in Dallas.

Dallas was not alone. Protests were planned all over the country to include several in our region, including Jacksonville and New Bern. The law enforcement community was aware of these events and ensured there were adequate resources to provide for the safety and security of all involved. The Beaufort Police Department maintains contact within our regional network and is prepared to provide this same level of safety and security for our residents. All Department staff has undergone specific training that addresses situations that may occur in a large gathering or protest. Additionally, they are trained to respond should an "active-shooter" situation develop, regardless of whether it is connected to a large public protest or as its own violent event.

As stated, one of the many responsibilities my staff is charged with is providing this same environment of safety and security for our citizens to exercise their constitutional rights. I am not oblivious to the emotions being felt across the country. Should the citizens of Beaufort choose to exercise their right to gather and/or protest, we are prepared to protect both their rights and the rights and safety of others. We do not sit back and hope this will not happen here. As I have stated before, "hope" is not an action plan. Our action plan is woven into each and every contact we have with our citizens on a daily basis. It is the hallmark of our vision to "protect the lives and property of the people we serve...and to do so with honor, integrity, and pride at all times while maintaining the highest ethical standards to safeguard the public trust and confidence." Our officers treat our citizens and visitors with dignity and respect.

I emphasize that “life” comes first in our vision. Every decision, plan, and policy I put in place highlights the sanctity of human life. We have incorporated training into how to identify and assist individuals experiencing crisis, responding to active threats, as well as actively engaging in the national discussion regarding police use of force. Simply stated, my staff understands the impact they have on the community and are trained to evaluate every situation on its own set of facts. Since my appointment, I have taken steps to ensure the community has a platform to discuss their concerns with me in a way that ensures their message is heard and understood. Whether through the Coffee w/ a Cop program, my “Chat with the Chief” briefings, or one-on-one meetings in my office, our accessibility is the key. There is a true respect *for* the community and it is shown by the support and collaboration received *from* the community because we recognize we *are* the community.

Paul D. Burdette, Jr.  
Chief of Police  
Beaufort Police Department