



## **Town of Beaufort, NC**

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516  
252-728-2141 - 252-728-3982 fax - [www.beaufortnc.org](http://www.beaufortnc.org)

### **Board of Commissioners Regular Meeting 6:00 PM Monday, January 9, 2023 Train Depot, 614 Broad Street Beaufort, NC 28516 Minutes**

---

---

#### **Call to Order**

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

#### **Roll Call**

Elizabeth Lewis, Town Clerk, called the roll.

#### **PRESENT:**

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

#### **Agenda Approval**

Commissioner Hollinshed made a motion to approve the agenda as presented.

The motion carried unanimously.

#### **Public Comment**

Doug Doubleday, 114 Crystal Pines Court in Beaufort, spoke on the successful 28th Annual 2022 John Costlow Christmas Train Show that took place at the Maritime Museum. He thanked all those involved in promoting and hosting the event. He also encouraged citizens to attend the 2023 Train Show, as it provides a great opportunity for the Town and those who are part of the popular event.

## Items of Consent

1. Meeting Minutes- December 8th & 12th

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

The motion carried unanimously.

## Items for Discussion and Consideration

1. Case # 22-22 Preliminary Plat - Davis Bay

Kyle Garner, Planning Director, reviewed the case and noted it had been tabled at the last meeting, pending a review of the revised plans. He shared the request was to subdivide two tracts totaling 20.08 acres into 4 lots, which would be served with utility infrastructure by Phase 3 of the Beau Coast Development. He noted the Town Engineer had reviewed the plans, provided his comments in the meeting packet, and was present to answer any questions the Board may have.

Commissioner Cooper questioned the Town's sewer capacity, and if there was enough for the proposed development.

Greg Meshaw, Town Engineer, explained the sewer allocation request associated with Davis Bay Subdivision calls for several single family homes, and the demand of those homes is minimal compared to the Town's total capacity.

Commissioner Cooper questioned the Town's Subdivision Ordinance, after referencing a letter from the applicant's attorney.

Arey Grady, Town Attorney, explained the letter was referencing Section 13 of the Town of Beaufort's Subdivision Ordinance and noted this topic was discussed at the previous meeting. Mr. Grady suggested the language in Section 13 was contradictory and it would be difficult to enforce the ordinance provision regarding public water access.

Commissioner Hagle reminded the group at the prior meeting, the applicant ensured all four lots would have water access and that he was committed to meet all NCDEQ wetland requirements for the area. He noted he would also like the applicant to ensure that all necessary steps to mitigate during construction will be taken, with all impacts to the wetlands taken into consideration, especially at the end of the hammerhead. He shared he considered Section 13 of the Town's Subdivision Ordinance to be very vague, noting it has not been followed in past developments. He requested the Planning Department examine that particular section and determine a better way for it to be worded, as it is currently very confusing.

Commissioner Terwilliger asked Mr. Meshaw in his review of the plans, did he discover any areas that did not meet Town code or building standards.

Mr. Meshaw explained that when he reviewed these type of plans, he did it from a Public Works and Public Utilities standard. He confirmed he was comfortable with the current design and felt no reason to have concerns relative to the ordinances. He added that the driveway must be maintained by the property owners, as it is a private drive.

Commissioner Hollinshed noted she hoped the new LDO would clean up some of the confusing language.

Joe Boyd, with WithersRavenel was present to answer questions on behalf of the applicant.

There were no additional questions for Mr. Boyd.

Commissioner Hollinshed made a motion to approve Case #22-22 Preliminary Plat for Davis Bay.

The motion carried unanimously.

Commissioner Terwilliger made motion that Town staff be directed to perform a formal review of the language in Section 13 of the Town of Beaufort's Subdivision Ordinance, as it currently exist. He shared the object of the review would be to provide clarity to that particular section. He noted that waiting potentially another 18 months for the whole document to be modified, does not make sense, as the issue should be addressed soon rather than later.

The motion carried unanimously.

2. Dedication of Public Improvements - Beau Coast Subdivision: Phases 1A, 1B, 2A and 2B

Mr. Meshaw shared the following:

Blue Treasure LLC, a limited liability company organized and existing by virtue of the laws of the State of North Carolina has offered for dedication to the Town of Beaufort certain sewer and water utilities, sewer and water easements, public streets, public access and sidewalk infrastructure, and the public lands, rights-of-way, and easements, related thereto within Phases 1A, 1B, 2A and 2B of the Beau Coast subdivision. Construction of these improvements has been observed by both Blue Treasure's engineer and Town Utilities staff on a periodic basis. Additionally, a list of items requiring completion and correction associated with some of the improvements being proposed for dedication has been satisfactorily addressed. Given the proposed dedication of the public improvements, Town staff is asking the Board to consider accepting the improvements by resolution. Such acceptance is authorized by G.S.160A-374, which authorizes any Town Board to accept by resolution any dedication made to the public of land or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision-regulation jurisdiction.

He asked the Board to consider adopting the resolution accepting certain sewer and water utilities, sewer and water easements, public streets, public access and sidewalk infrastructure, and the public lands, rights of-way, and easements, related thereto within Phases 1A, 1B, 2A and 2B of the Beau Coast subdivision.

Commissioner Cooper asked if they adopted the resolution, would the streets be the Town's responsibility moving forward.

Mr. Meshaw confirmed they would be, for Phase 1. He explained Phase 2 had not received the final layer of asphalt yet, and the developers were going to finish that after most of the residential construction was complete.

Mr. Garner shared the annexation agreement specifically noted the responsibility between the Town and developer, as far as adopting and maintaining the streets within the Beau Coast Subdivision.

Commissioner Hollinshed confirmed there was a bonding mechanism to ensure completion.

Mr. Meshaw shared the bond was being reduced but being held to ensure completion of the west end of the development, as well as the paving that needs to be done.

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

The motion carried unanimously.

3. Mardi Gras Event Application

Rachel Johnson, Events Coordinator, addressed the Board with the following:

The Beaufort Development Association (BDA) has submitted an event application to host their annual Mardi Gras event on Saturday, February 11, 2023 in downtown Beaufort. The coordinator for this event is Liz Kopf.

The BDA anticipates 1,000 -2,000 people to attend the event. The event includes a parade, the closure of Middle Lane and the Craven Street parking lot for the day and vendors positioned along Middle Lane. The applicant also requests an alcohol waiver for

Middle Lane. The proposed event is from 1-5 p.m. with setup beginning at 8:00 a.m. and ending by 7:00 p.m. Middle Lane will be closed from 6:00 a.m. until 8:00 p.m. the day of February 11, 2023.

Additional road closure requests include Turner, Front and Craven Streets. These roads will be closed for approximately 45 minutes during the Mardi Gras parade. The parade is anticipated to begin at 3:00 p.m. with line up at the Beaufort Historic grounds, and to be complete by 3:30 p.m. Due to the alcohol requirement, two officers will be required to be present for the duration of the event, 1-5 p.m. on Saturday, February 11, 2023. The Town's Emergency Services Departments have reviewed the application and do not have any issues. The application submitted by Liz Kopf on behalf of the BDA is consistent with events in the past, except for the starting point, which will be on Craven Street this year.

Ms. Johnson asked the Board to consider approval or denial of the event request.

Commissioner Hollinshed made a motion to approve the event application as presented.

The motion carried unanimously.

4. FY 2023 Budget Amendment #6

Todd Clark, Town Manager, explained that FY 2023 Budget Amendment #6 requests the appropriation of fund balance, \$12,845, for additional work by Stewart on the CAMA plan. He noted the amount covers the September- December 2022 invoices, the requested rework, and a small contingency.

Commissioner Oliver suggested the cost seemed to be relatively high to the amount of amendments made to the plan. He questioned how it was calculated and invoiced.

Christi Wood, Finance Director, shared the Town was charged a hourly rate for the additional work, and invoices were submitted for September-December 2022.

Commissioner Terwilliger also agreed the \$12,845 seemed high.

Mr. Clark shared the fixed hourly rate was specified in the original contract.

Commissioner Hagle made a motion to approve Budget Amendment #6 as presented.

The motion carried unanimously.

## Public Hearing

1. Case #22-24 Rezoning from R-20 to IW - 457 Hwy 101

Commissioner Hagle made a motion to open the Public Hearing.

The motion carried unanimously.

Mr. Garner noted in the staff report included in the meeting, Case # 22-18 was listed, but it was in fact Case #22-24. He explained the request was to rezone one lot totaling 93,218 square feet (2.14 acres) from R-20 to IW (Industrial Warehouse). He shared the applicant was Pollock Street Investment Partnership and the location as 547 NC Hwy 101. He also shared nine letters were mailed to surrounding property owners with 100 feet, and legal advertisement was published on December 28, 2022 and January 4, 2023. He referenced several maps included in the meeting packet, such as the future land use map, the existing land use map and an aerial photo of the property.

He noted staff was requesting a public hearing be conducted, and a decision rendered on the rezoning request. He shared at their December 19, 2022 regular meeting, the Planning Board voted unanimously to recommend the rezoning request. He added that changing to a commercial use in this case means the residential structure must become a conforming use, and there would have to be fire knox boxes on each unit to ensure the Fire Department could access the units in case of an emergency.

Commissioner Cooper asked if the airport had any comments on the request.

Mr. Garner confirmed there had been no response from the airport.

Commissioner Cooper questioned the height of the building under construction.

Mr. Garner said it was about 20 feet.

Commissioner Oliver asked if there were any comments received following the notices provided to surrounding property owners.

Mr. Garner confirmed there had been no responses, and also shared no one was present at the December 19, 2022 Planning Board meeting to speak for or against the request.

Commissioner Hagle noted the request was consisted with other lots in the area zoned IW.

James Johner, 123 Queen Annes Lane in Beaufort, explained that he was the applicant, noting he did not have anything else to add but was present to answer any questions the Board might have.

Commissioner Oliver asked Mr. Johner if he was aware of the airport adjacent to his property.

Mr. Johner confirmed that he was well aware.

Mayor Harker asked if there was anyone in the audience who wished to comment on the case.

There was none.

Commissioner Hollinshed made a motion to close the Public Hearing.

The motion carried unanimously.

Commissioner Hagle made a motion to approve the rezoning request; he added conditions upon approval regarding commercial uses, as mentioned by Mr. Garner. These conditions would address the structure becoming a conforming use and installing knox boxes on each unit.

The motion carried unanimously.

2. Case # 22-25 Zoning Text Amendment - Dock Roofs as a Permitted Use

Commissioner Terwilliger made a motion to open the Public Hearing.

The motion carried unanimously.

Mr. Garner stated the following regarding Case #22-25:

Ms. Martha Harrell has submitted a Text Amendment request to modify Section 2-H-4 of the Land Development Ordinance to allow roofs over docks. Included in the proposed amendment are standards that the area under the roof cannot exceed four hundred square feet in area, be enclosed and may only be at a maximum height of sixteen feet above the decking of the dock.

In the prior Zoning Ordinance adopted in 1998 the same provision for not permitting roofs was included in the text (See 1998 Ordinance Excerpt).

The applicant has further researched their position as to compliance with the existing CAMA Land Use Plan with the Division of Coastal Management; which appears there is not conflict with the document.

If approved this amendment would apply to all residential properties in the R-8, R8-A and RS-5 that have direct access to the water or through riparian areas. In your meeting packet, staff has provided a map showing approximately 139 properties affected.

Mr. Garner noted the Public Hearing had been advertised in the Carteret County News-Times on December 28, 2022 and January 4, 2023. He shared at their December 19, 2022 regular meeting, the Planning Board voted unanimously to not recommend the Zoning Text Amendment request.

Commissioner Cooper shared that some residents were in opposition of the text amendment, noting a restricting view was the biggest concern. He questioned if the proposed roof would be a sound structure, and how the Town planned to enforce building regulations.

Mr. Garner explained those aspects would be managed through the applicant's building permit, sharing engineered drawings would be required.

Commissioner Cooper asked why the Planning Board did not recommend it.

Mr. Garner shared that the Planning Board heard comments from citizens in the community, with their main objection being centered around the potential restricted view.

Commissioner Cooper noted that his main concern, if approved, was that it be structurally sound.

Commissioner Oliver pointed out this was a property rights issue, and whether or not a view is blocked is subjective. He shared he was in agreement with Commissioner Cooper in terms of ensuring the structure had engineered drawings and met all appropriate wind codes for the area. He also noted he would feel more comfortable if there was CAMA approval for any structures on the dock.

Commissioner Hagle expressed his concern regarding high winds on Front Street, and noted the importance of ensuring the structures were built to code with engineered plans. He shared he believed the vista would be restricted to some degree, but did not think every dock would end up having a roof structure.

Commissioner Terwilliger thanked the applicant for a thorough job composing the packaged request. He made several comments regarding the difficulties of trying to regulate a view, and the importance of maintaining property rights of homeowners. He too expressed the significance of ensuring the design was engineered and all guidelines were met in the construction process. He noted the Town should be consistent in how they enforce and manage these types of issues.

Mr. Garner shared, for the record, there had not been any new dock structures with roofs built along Front Street recently. He noted all of the covered areas currently visible were nonconforming structures, allowing them to be there. He also commented that according to the R-8 Zoning District, the ordinance states you are not allowed to have a roof structure on the riparian lot.

Commissioner Hollinshed asked how this would affect the Town's Historic District.

Mr. Garner shared each property owner in the Historic District would have to make application and go before the Town's Historic Preservation Commission requesting approval to build the roof structure.

Commissioner Hollinshed asked if there would be anything to prohibit people from putting up removal screens or mosquito netting. She also asked about railing restrictions around the structure, such as stainless cables or balusters.

Mr. Garner suggested it was an appropriate opportunity, if the Board desired, to add conditions or stronger language to the text amendment regarding screens and/or railings.

Commissioner Oliver asked if railing or no railing would be covered elsewhere, perhaps in a fall prevention code.

Mr. Garner said he would need to confirm that with his building inspector.

Charles Harrell spoke on behalf of the applicant, Martha Harrell. He shared the reason for their request was mainly for protection from the sun. He noted the expenses associated with having a proper structure designed and built and commented on the importance of the four hundred square feet maximum area regulation.

Doug Doubleday, commented on the importance of maintaining the waterfront vista, noting citizens have always been concerned with anything concerning vistas. He

suggested a flat roof would not block the view as much as a horizontal one, and questioned whether there was another way to block the sun other than building a permanent structure.

Richard Olsen, 1015 Front Street, spoke in favor of property owners having the ability to build roofs over the docks if they desire to do so. He noted that everyone had a different perspective when discussing vistas. He suggested passing the amendment, and placing very strict restrictions on what kind of roof structure will be permitted.

David Durham, 917 Front Street, spoke in support of the text amendment. He also agreed the concern about obstructing the vista can vary from person to person. He noted the importance of making sure the roof structures were built to the local and State building codes and followed CAMA regulations.

Commissioner Hagle made a motion to close the Public Hearing.

The motion carried unanimously.

Commissioner Oliver made a motion to approve the text amendment, with one change and two conditions. The change was noted to add the words "or obstructed" after the sentence addressing the area under the roof shall not be enclosed. The conditions were to require engineered drawings (including wind uplift considerations) and the issuance of a CAMA permit.

Commissioner Hagle suggested providing a few examples that addressed the restrictions mentioned, such as railings.

Arey Grady, Town Attorney, suggested the Board revisit the exact language at a future meeting; noting it would give staff adequate time to craft the revised language to support the conditions mentioned.

Commissioner Oliver amended his motion to approve the request, subject to the final wording of the amendment be drafted by staff and brought back to the Board for review.

The motion carried unanimously.

### 3. Amending the Charter of the Town of Beaufort

Commissioner Hagle made a motion to open the Public Hearing.

The motion carried unanimously.

Mr. Clark explained the Public Hearing was on the question of amending the Charter of the Town of Beaufort, any subsequent Amendments thereto, and the Town Code of Ordinances to change the term of the Mayor from 2 to 4 years, pursuant to N.C. Gen. Stat. §§ 160A-101 and 102, effective beginning with the 2023 mayoral election.

Mayor Harker asked if there was anyone in the audience who wished to speak on the topic.

There were none.

Commissioner Cooper made a motion to close the Public Hearing.

The motion carried unanimously.

## **Manager Report**

Mr. Clark shared his Town Manager's report with the Board, highlighting several ongoing items and upcoming events. Please note, a full detailed Manager's Report can be accessed at: <https://www.beaufortnc.org/boardofcommissioners/page/managers-report>

Mr. Clark shared a tentative date of March 9-10 for the 2023 Board of Commissioners Retreat.

## **Mayor/Commissioner Comments**

Commissioner Cooper wished everyone a Happy New Year, noting 2022 had been a learning experience as a newly elected Board member.

Commissioner Oliver also offered well wishes for the New Year.

Commissioner Hagle shared tips to help prevent distracted driving.

Commissioner Terwilliger echoed the sentiments of wishing the citizens a happy and healthy New Year.

Commissioner Hollinshed noted the Town had a busy year ahead, as there were many projects happening in 2023.

Mayor Harker expressed her excitement for the New Year and shared the importance of keeping the Town of Beaufort moving forward in a positive way. She thanked the citizens for being part of the meeting and encouraged them to continue coming out to support the Town.

## **Adjourn**

Commissioner Hagle made a motion to adjourn the meeting at 7:40 p.m.

The motion carried unanimously.

---

Sharon Harker, Mayor

---

Elizabeth Lewis, Town Clerk