



**Town of Beaufort, NC**

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**Board of Commissioners Work Session Meeting  
4:00 PM Monday, September 23, 2024  
Train Depot, 614 Broad Street**

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**Call To Order**

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

**Roll Call**

Elizabeth Lewis, Town Clerk, called the roll:

**PRESENT:**

Mayor Harker  
Mayor Pro Tem Cooper  
Commissioner LoPiccolo  
Commissioner Oliver  
Commissioner Spiegler  
Commissioner Gillikin

**ABSENT:**

None

**Agenda Approval**

Mayor Harker asked for an amendment to move item number six to the first on the agenda and to add "Meeting Street" as item number eight.

Commissioner Cooper made a motion to approve the amended agenda.

The motion carried unanimously.

**Items for Review and Discussion**

1. Update on ISC 2024 FAI World Skydiving Championships  
John D'Annunzio provided an update on the 2024 FAI World Skydiving Championships scheduled to take place at Michael J. Smith Airport in October of 2024.
2. Food Truck Ordinance  
Michelle Eitner shared that she did not have a draft ordinance for proposal, but rather hoped to facilitate a discussion on food trucks to gather a better idea of what leadership is interested in regulating.

Commissioner Cooper discussed generators and the noise issues that can be associated with food trucks. He noted he did not want food trucks competing with restaurants on Front Street. He suggested regulating hours of operation and designating where they could be parked throughout Town.

Commissioner Gillikin suggested they should be sensitive to small businesses in terms of geographic area. She spoke on potential issues, such as audio amplification and drive through food trucks. She said she was on board with previous conversations about requiring plug in power sources.

Commissioner LoPiccolo referenced the Town's current ordinances in place that could address food trucks; e suggested building on those regulations.

Ms. Eitner shared that Chapter 113, Itinerant Merchants, identifies many different mechanisms of business, noting it predates the modern food truck and should be amended if that is the direction the Board of Commissioners want to go. She explained they need to identify whether food trucks should be allowed on public right of way, explaining there are situations now where food trucks are paying to park and setting up in those public spaces. She also proposed exemptions for Town events, special events and reoccurring events such as the farmer's market. She noted the importance of regulating food trucks that are serving as a business, not those that are providing a service at special events.

Commissioner LoPiccolo shared that he personally has problems with food trucks on public street and roads. He recommended zoning be considered for food trucks in certain areas. He noted the importance to make sure that private homeowners have the ability to have a food truck on their property if they have a private event. He suggested he did not believe the Town should be able to limit the number of food trucks a business owner has on their private property but did support requiring appropriate power sources to reduce the noise. He also suggested there should be some type of application or permit process for recurring events such as the farmer's market.

Ms. Eitner explained they were proposing the food truck ordinance should be independent from Health Department and Fire Marshall regulations.

Commissioner Spiegler recommended they need to find a balance in regulating food trucks. She suggested that food trucks can provide a service to both residents and visitors, not only during special events. She explained food trucks could be a more affordable option and provide a greater variety without competing with other restaurants in the area. She expressed her support of food trucks in Town and stressed the importance of finding a balance to regulate them. She was also in favor of the plug in power source to reduce generator noise.

Commissioner Oliver discussed the existing ordinance and explained that any publicly owned or controlled highway, street, alley, right of way or publicly controlled properties within the Town could not have vending. He suggested they focus on the existing regulations and use that as a starting point to better understand what it means. He noted there were areas to be addressed and issues that should be considered, such as competing restaurants, power sources, trash, and noise concerns. He spoke on the importance of checking all the boxes in relation to the Health Department, Fire Marshall and insurance requirements. He also mentioned the topic of sales tax, and how it was important to confirm revenue was being properly dispersed for any sales made within Beaufort.

Commissioner LoPiccolo pointed out there were hybrid food trucks downtown that were abiding by the current rules and regulation of not allowing the trucks on public streets. He suggested they should be consistent with the current regulations throughout Town.

Commissioner Gillikin recommended the consideration of food truck exceptions during hurricanes or other natural disasters.

3. Amendment to Ordinance, Section 71.07 and Addition of Ordinance, Section 90.12

Police Chief Paul Burdette explained there were two draft ordinances before the Board for consideration. One being an amendment to the ordinance that addresses parking trailers on public streets and the other being an addition of an ordinance to regulate living or sleeping on streets, highways or Town property.

In regard to Section 71.07, Chief Burdette explained was cleaning up the language a bit to encompass both attached and unattached trailers.

After discussion amongst the Board, the Mayor deemed a consensus to put the item on the consent agenda for the upcoming October 14th Regular Meeting, with an additional suggestion to change the word "automobile" to "vehicle".

In regard to the addition of Section 90.12, Chief Burdette explained the Town had received several complaints in segments of Beaufort where folks were essentially camping. He explained that camping was only addressed in the current ordinance under Park Rules, where it states no camping. He shared this was not a pervasive issue but an effort to get in front of something that could potentially become an issue in the future.

Commissioner Gillikin asked if taking a nap in her car on Town streets would apply to the proposed ordinance.

Chief Burdette explained these issues were complaint driven and each circumstance was different.

Commissioner Gillikin asked about homelessness complaints and how those were addressed.

Chief Burdette said this was not an attempt to try to criminalize homelessness, highlighting that the Beaufort Police Department believed in education over enforcement and providing proper resources.

Commissioner Oliver suggested in the first paragraph, the first two sentences were mutually exclusive of one another. He suggested those sentences addressed two separate issues and recommended the attorneys revisit that section.

Mayor Harker suggested bringing the proposed ordinance back for review at the next regular meeting.

4. Dockmasters Office Lease Extension

Ms. Lewis explained that when the Town acquired the dockmasters office in a property swap with Haywood Weeks, it was agreed upon to allow the lease to Beaufort Waterfront Enterprise (BWE) for the office to continue until the lease for the docks expired. Since the Town extended the dock lease until December 31, 2025, the dockmasters office lease should be extended to that as well.

Commissioner Cooper made a motion to extend the dockmasters office lease as presented.

The motion carried unanimously.

5. Town Manager Residency Requirement

The Board of Commissioners discussed whether the new Town Manager should be required to live in Beaufort. The Mayor deemed a consensus that a residency requirement should be advertised for the position of Town Manager. The group also discussed upcoming meetings related to the Town Manager search and review of applicants.

6. Island Express Ferry Service Request

Charlie Burgess, Interim Town Manager, shared that the Island Express Ferry Services, LLC is requesting a ten year lease of three boat slips on the Beaufort waterfront. Island Express Services currently occupies three spaces just west of Grayden Paul Park. The requested lease would commence on January 1, 2026. It is recognized that the Beaufort

Waterfront may have significant changes to its dockage configuration in the future. Island Express Ferry Services understands this and is therefore not necessarily seeking an exact location for the requested ten-year term but is seeking affirmation the requested lease would be for slips located somewhere within the footprint of the Beaufort Waterfront. The request is coming forward currently as Island Express Ferry Services is preparing to respond to the National Park Service seeking a concessionaire to provide ferry services to Cape Lookout. The award of the contract will be for a period of ten years. As part of the submittal for consideration, the responding party must indicate where the ferry service operation will be located, from what waterfront. As the owner of Island Express Ferry Services, George Aswad is prepared to bring forward a contractual document for your review, modification of terms and conditions and ultimate approval. He noted that prior to the contract being developed, staff believes the Town should first indicate the desire to have the ferry service operate from the Beaufort Waterfront as opposed to the services being located at a different location.

Commissioner Gillikin said she believed the ferry service operating out of Beaufort was overall a great asset, as long as it continued to be Island Express Ferry Service for the purpose of providing services in terms of National Park Service visitors only.

Commissioner LoPiccolo agreed the ferry service was an asset to the Town of Beaufort and noted he had a hard time making such a long commitment without the recommendations of the Beaufort Waterfront Operations and Finance (BWO) Committee.

Commissioner Spiegler agreed with Commissioner Gillikin and asked for more information regarding the concessionaire contract through the National Park Service.

George Aswad explained in order to submit a proposal for the concessionaire contract, they have to project what is going to happen in the next ten years in terms of finances, number of passengers, expenses, and so forth. He suggested projecting those numbers would be difficult if they were not guaranteed dock space. He noted they had other options out of Morehead City and Harkers Island. He emphasized the importance of knowing where they would be running from, hence the push for an additional ten-year lease. He shared the concessionaire prospectus date kept getting pushed back, noting it had been delayed for a year.

Mr. Burgess asked what the response time was once it came out.

Mr. Aswad said it was typically 90 days.

Mr. Burgess asked if the Board of Commissioners were inclined to accept a ten-year lease and start contractual negotiations, would he have problems adhering to Commissioner Gillikin's comments regarding ferry service tours to National Park Service areas.

Mr. Aswad confirmed he had no problems with that.

Commissioner Oliver asked if Mr. Aswad had an agreement in place or an expectation of an agreement with the National Park Service through December 31, 2025.

Mr. Aswad said they had not put it out officially, but he had an expectation there would be a lease extension for four rights from the National Park Service through 2025.

Commissioner Oliver noted he also had an agreement with the Town of Beaufort to provide dock space for that same amount of time. He said he was in favor of Mr. Aswad and Island Express Ferry Service and suggested the request should go to the BWO Committee for recommendations.

Mayor Harker deemed a consensus to put it before the BWO Committee with a potential response by October or November.

## 7. BWO Committee Update

Commissioner Spiegler provided an update from the committee and noted the next scheduled meeting. She explained they planned to hear updates regarding finance,

construction and operations of the docks. She noted the more money they had in capital up front, the more leverage the Town is going to have with whatever option is chosen. She asked for a consensus from the Board of Commissioners in support of obtaining information on funding options such as grants, donations and legislative appropriations.

Commissioner LoPiccolo expressed his desire to learn more about the funding options as well as an anticipated timeframe for each one.

Commissioner Oliver suggested the committee needs to come up with alternative designs to better understand how much money to ask for in the process.

Commissioner Spiegler agreed and said they cannot go after the money unless they know what they are asking for and how much they need. She recognized the importance of determining how much money is needed, when is it needed and understanding if it be done on a phased approach.

8. Professional Park Drive Area Stormwater Inventory and Flood Study Update

Sam Bell, Interim Town Engineer, provided an update on the study as a response to recent flooding on Meeting Street during a Tropical Weather event. He noted the study should be wrapped up in October and final recommendations are anticipated to be complete by November 2024. He explained what the final product would encompass and noted the information has been on the Town's website during the duration of the project.

Mr. Burgess recommended after the final recommendations were complete, there should be a community outreach event to inform the residents in the area of potential solutions.

**Adjourn**

Commissioner Cooper made a motion to adjourn the meeting at 6:00 p.m.

The motion carried unanimously.

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Sharon E. Harker, Mayor

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Elizabeth Lewis, Town Clerk