



**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

**Board of Commissioners Work Session  
4:00 PM Monday, September 22, 2025  
Train Depot, 614 Broad Street**

---

**Call To Order**

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

**Roll Call**

Elizabeth Lewis, Town Clerk, called the roll.

**PRESENT:**

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

**ABSENT:** None

**Agenda Approval**

Commissioner Cooper made a motion to approve the agenda.

The motion carried unanimously with a (5-0) vote.

**Items of Consent**

1. ECHS Homecoming Parade Application
2. Maritime Museum's Wooden Boat Show Application
3. Street Sweeper MOA/MOU: Town of Cedar Point
4. Tuition Reimbursement Contract
5. Ann Street Park Project: Grant Award Resolution & Budget Amendment
6. HMGP Advance Assistance Resolution
7. Personnel Policy Amendment: Section 23 A. Medical Leave- Return to Work

Commissioner Cooper made a motion to approve the Items of Consent as presented.

The motion carried unanimously with a (5-0) vote.

## Presentations

1. 2025 Municipal Public Education and Outreach
  - a. Caitlin Sabadish, Carteret County Board of Elections

Caitlin Sabadish from the Carteret County Board of Elections provided an overview of the 2025 municipal election. She explained that the town charter outlines a 4-year term for mayor and 5 commissioners elected on an alternating schedule. Two commissioner seats are available in this election with three candidates filing. The election will be nonpartisan plurality, meaning no party affiliations will appear on the ballot. Sabadish offered details related to early voting and voting on election day. She shared resources with the Board and the public and offered her contact information should there be further questions.
2. Crystal Coast Veterans Day Parade Request for 2025 Contribution
  - a. Chairman, Pete Benton

Pete Benton, Chairman of the Veterans Day Parade, presented information about North Carolina's longest-running and largest Veterans Day parade, now in its 28th year.

The Board thanked Benton for his service, with Mayor Harker confirming Beaufort would participate in the parade on November 8, 2025.

## Items for Discussion and Consideration

1. The Enclave at Beaufort Club: Developer Request

Kyle Garner, Planning Director, presented a request from developer Todd Saieed regarding the Enclave at Beaufort Club. He explained that the Board had previously approved a preliminary plat for seventy-nine single-family residential units, which included an access road connected to Cedar Avenue. Following that approval, discussions with NCDOT revealed that opening Cedar Avenue as a public access would require an estimated \$1.5 million in improvements to Highway 70, including the construction of deceleration and acceleration lanes. Mr. Garner noted that the development currently includes 178 existing homes, with 29 lots available for construction, and the 79 lots within the Enclave, for a total of 285 lots at buildout. He further explained that the Fire Department had conducted a response time analysis, which underscored the need for an emergency access in accordance with state fire code requirements mandating two separate access roads once a development exceeds 100 dwelling units.

Mr. Saieed addressed the Board and stated that the developer had agreed to construct a heavy-spec gravel emergency access road at a cost of approximately \$320,000. However, DOT's determination that a full public connection would require \$1.5 million in additional improvements made such an option financially unworkable. He requested that the project revert to the original plan for Cedar Avenue to serve as emergency access only. He also informed the Board that the development group is actively pursuing options to acquire property for a future permanent entrance off Highway 70 to serve additional phases of the project, and that they intend to reduce the originally approved PUD from 1,500 units to approximately 800.

Commissioner Cooper emphasized the importance of a second access point for public safety, citing his own past experience living in a community with only one entrance.

Commissioner Gillikin expressed concern that Cedar Avenue, with its dangerous curve and history of serious accidents, was not an ideal location for regular traffic, though it could serve adequately as an emergency entrance.

Commissioner Spiegler stressed the importance of ensuring that emergency access remain available in the future even if a permanent entrance were built elsewhere.

Commissioner Oliver asked questions regarding the adequacy of a future northern entrance to meet fire code separation requirements and made clear that any additional approvals for new phases of development would be contingent on the construction of a permanent secondary access.

Fire Marshal, John Pinder, addressed the Board and confirmed that under Chapter 5 of the 2018 North Carolina Fire Code, developments of more than 100 dwelling units are required to provide two separate fire apparatus access roads, separated by one-half of the overall diagonal of the property. He stated that the proposed emergency access connection at Cedar Avenue would satisfy the fire code for the present phase of development. He further explained that while the access would be restricted to emergency use, the Fire Chief or Fire Marshal would have authority during certain emergencies, such as evacuations, to open the gate and direct residents to use the road for egress.

After extensive discussion, the Board acknowledged that emergency access at Cedar Avenue would meet the immediate code requirements, while also emphasizing that future approvals beyond the current 285 lots would require establishment of a permanent secondary access to the north.

Commissioner Oliver made a motion to amend the prior approval so that the Cedar Avenue connection shall be constructed and maintained as emergency access only, not public access. The motion was amended to clarify that this emergency access shall not be closed in the future unless and until a new permanent access meeting all applicable fire code requirements are constructed and operational.

The motion carried unanimously with a (5-0) vote.

## 2. CIP Approval

Matt Zapp, Town Manager, presented the Capital Improvement Plan, explaining its critical importance for grant applications where missing a CIP can cost 20-30 quality points. He went through the details of the plan as included in the meeting packet, first starting with the General Fund. He noted that the waterfront related cost had been added new fund. He also discussed storm water, water and sewer and noted the need for street paving in the current and upcoming budgets.

Commissioner Oliver noted the potential to address some street paving needs through the sale of 611 Front Street. He emphasized the need to evaluate water operations costs for Police and Fire Departments and warned of impending rate discussions for 2026-2027.

Commissioner LoPiccolo inquired about waterfront assessments, with Mr. Zapp confirming Moffitt & Nichol were in the process of updating their analysis with October 2025 costs.

Commissioner Gillikin made a motion to approve the CIP as presented.

The motion carried unanimously with a (5-0) vote.

## 3. Draft LDO Amendments - Accessory Mobile Vending Space with SUP

Michelle Eitner, Town Planner, presented the second-phase framework to modernize itinerant merchant/mobile vending regulations. She explained that, after the Board's short-term amendments to Chapter 113 earlier in 2025, staff now proposes to regulate mobile vending spaces through the Land Development Ordinance (LDO) as an accessory use allowed only by Special Use Permit (SUP) in selected non-residential zoning districts—Transition (TR), Cedar Street Mixed-Use (CS-MU), Historic Business District (H-BD), General Business (B-1), Business Waterfront (B-W), Light Industrial (L-I), and Industrial Warehouse (I-W)—and to exclude residential districts, PUD and TCA districts (largely residential), the Historic Waterfront Business District (H-WBD), and overlay/conservation areas.

She reviewed a draft definition of “Mobile Vending” tailored to land-use (not tax/licensing) and noted the proposal carries forward appropriate exclusions such as farmers markets, charitable sales, yard sales, flea markets, and private catering for closed events.

Ms. Eitner described reduced application requirements for accessory use SUPs in lieu of a fully engineered plan, and summarized use-specific standards. She outlined the review timeline, noting it would need to go to the Planning Board for review. As context, she noted staff paused in 2024 to watch the Jacksonville food-truck litigation and has drafted to avoid the most litigated elements there.

The Board engaged in detailed discussion. Commissioner Oliver critiqued the definition’s wordiness, recommending deletion of “permanent or temporary basis” as redundant and asking that phrasing like “on the premises of a different established fixed business” be clarified. He also pointed out yellow highlighting in tables that did not correspond to “S” (Special Use) designations and asked why H-WBD was excluded; he requested that the zoning tables, overlay references, and the color-keyed map be reconciled for consistency.

Commissioner LoPiccolo sought clarity on public-property use via encroachment agreements and the added approvals that would entail.

Ms. Eitner explained an encroachment agreement would provide the legal authority to apply for an SUP on a defined public area, and the Town Attorney confirmed the ordinance should expressly preserve that option for case-by-case Board decisions.

Commissioner Spiegler questioned the draft provision requiring mobile vending to operate only while the principal business is open, noting late-evening demand from service-industry workers.

Planning staff agreed that tying hours could be handled as a site-specific SUP condition rather than a blanket rule.

Commissioner Gillikin asked how, in practice, encroachment agreements would interact with the SUP process, who should apply (vendor vs. property owner) and whether a single property could be approved for multiple mobile vending spaces.

Ms. Eitner confirmed the intent is to regulate the site, not individual trucks, so the property owner/host business would be the applicant, and the ordinance language can be adjusted so one SUP can cover multiple spaces on a site, with site-specific review of circulation and safety.

Commissioner Gillikin referenced other communities that cap the number of trucks per acre, while adopting a numeric cap was not proposed, the Board asked staff to ensure the draft does not preclude multi-space requests within one SUP.

Commissioner Cooper asked whether Cedar Street Mixed-Use zoning would allow trucks to operate in the public right-of-way on Cedar Street; staff clarified the proposal does not allow vending in rights-of-way absent Board-approved encroachment and remains focused on private property as an accessory use.

Both Commissioner Cooper and Commissioner LoPiccolo raised concerns about enforcement capacity and monitoring.

Ms. Eitner noted the standard LDO compliance pathway and Code Enforcement Officer oversight, including a compliance period followed by potential fines up to \$500/day for continuing violations.

The Board explored scenarios such as a bank lot after hours and asked staff to fine-tune the parking/circulation standard, so it protects the principal use without unintentionally blocking reasonable after-hours operation.

Arey Grady, Town Attorney, addressed the Jacksonville litigation, emphasizing it was decided at the motion-to-dismiss stage and remains unresolved. He highlighted the three areas that drew judicial scrutiny there and stated Beaufort’s draft avoids those pitfalls. In his view, the proposal, particularly with the Board’s refinements, is on solid footing.

Following discussion, the Board provided direction to staff to: (1) revise the definition for clarity and brevity (including removal of unnecessary phrases and striking references to vacant lots, which cannot host an accessory use); (2) reconcile the map, tables, and overlay depictions to ensure internal consistency; (3) remove the blanket requirement tying mobile-vending hours to the principal use and instead rely on SUP conditions as warranted; (4) expressly allow applicants to request multiple mobile vending spaces under a single SUP; and (5) preserve the encroachment agreement pathway in the ordinance language for potential public-property/right-of-way requests, subject to case-by-case Board approval.

Staff confirmed these edits would be incorporated for upcoming Planning Board review and back to the Board of Commissioners to follow.

No formal action was taken.

#### 4. Godette Hotel (400 Pollock) Encroachment Agreement

Mr. Grady updated the Board on the Godette Hotel situation. Despite the Board's summer requirement for a rehabilitation schedule within 30 days of encroachment agreement approval, the owner's attorney responded that they would not provide a schedule unless the encroachment agreement was recorded first. The email claimed the owner couldn't secure engineers or architects without the resolved encroachment issue, though Mr. Grady noted that she had owned the building since 2021 and the encroachment discussion began in spring 2024.

Mr. Grady explained enforcement options under 160D, including demolition or receivership for stabilization. The receivership could secure the structure with exterior repairs and waterproofing but would not renovate the building. He reminded the Board that previous engineering studies in 2017-2018 concluded renovation was not economically feasible.

Mayor Harker reminded the group that the current owner had purchased the property with Preservation NC's help days before scheduled demolition over four years ago. She shared that communication with Preservation NC has been unsuccessful, with phone calls unreturned and requests for their agreement documentation denied.

Commissioner LoPiccolo expressed disappointment that a developer selected by Preservation NC to preserve the property had failed to act, noting the building's importance to community identity. He characterized the pattern of continuous new demands without reciprocal action as concerning.

The Board discussed various aspects including the Town's investment in new water and sewer infrastructure during the Cedar Street renovation, the building's partial encroachment on town property, reduced property value if demolished due to current setback requirements, and the estimated \$18,000 demolition cost.

Commissioner Oliver advocated formal notice to the owner of pending demolition proceedings, suggesting this might prompt action as it had previously.

Mayor Harker expressed reluctance but agreed, emphasizing the need for concrete timelines rather than continued negotiations.

The Board reached consensus by directing staff to send a formal letter giving the owner 30 days' notice that the Board will make a decision regarding demolition of the 400 Pollock Street building at their November 10th Regular Meeting. It was noted the letter should copy all interested parties including Preservation NC.

#### 5. Cedar Street Business Corridor Proposal

Commissioner Cooper presented his vision for transforming Cedar Street into a small business corridor celebrating its unique African American history. He explained Cedar Street was once a fully Black community that has changed over time through property sales. He highlighted Mount Zion church celebrating its 160th anniversary in November,

having remained in the same location throughout. He referenced the 2018 Cedar Street and Live Oak plan, noting much had been implemented. He identified vacant lots with development potential and suggested the parking area could host food trucks serving courthouse employees. He emphasized creating economic opportunities and walkability while preserving heritage, stating this would allow future generations to benefit from both economic development and living history. He noted limited available space on Cedar Street but significant potential for transformation.

Commissioners praised the vision, with Commissioner Spiegler suggesting consideration for Main Street application in two years with Front and Cedar Street as dual business corridors.

Mayor Harker suggested the Town might provide resources even if not funding, particularly for historic designations that could unlock grant opportunities.

No action was taken.

### **Staff Comments**

No staff comments were provided.

### **Adjourn**

Commissioner Cooper made a motion to adjourn at 7:07 PM.

The motion carried unanimously with a (5-0) vote.

---

Sharon E. Harker, Mayor

---

Elizabeth Lewis, Town Clerk