



**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 Meeting**  
**4:00 PM Monday, September 23, 2024**  
**Train Depot, 614 Broad Street**

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**Call To Order**

**Roll Call**

**Agenda Approval**

**Items for Review and Discussion**

- [1.](#) Food Truck Ordinance
- [2.](#) Amendment to Ordinance, Section 71.07 and Addition of Ordinance, Section 90.12
- [3.](#) Dockmasters Office Lease Extension
- [4.](#) Town Manager Residency Requirement
- [5.](#) Island Express Ferry Service Request
- [6.](#) Update on ISC 2024 FAI World Skydiving Championships
- [7.](#) BWOF Committee Update

**Adjourn**



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**Board of Commissioners  
Work Session**

**4:00 PM Monday, September 23, 2024**

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**AGENDA CATEGORY:** Items for Review and Discussion  
**SUBJECT:** Food Truck Ordinance

**BRIEF SUMMARY:**

Planning Staff will present a list of options to consider when discussing food truck regulations. Following discussion and guidance from the Board, staff will draft a proposed ordinance to be considered for adoption at the October 14<sup>th</sup> Regular Meeting.

**REQUESTED ACTION:**

Discussion amongst the Board, resulting in a directive for staff to draft a Food Truck Ordinance.

**EXPECTED LENGTH OF PRESENTATION:**

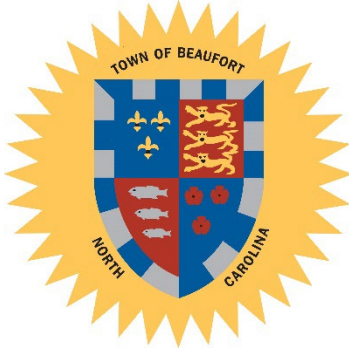
15 Minutes

**SUBMITTED BY:**

Michelle Eitner  
Town Planner

**BUDGET AMENDMENT REQUIRED:**

N/A



# TOWN OF BEAUFORT, NORTH CAROLINA

PLANNING & INSPECTIONS DEPARTMENT  
701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516  
(252) 728-2142  
Fax (252) 728-3982  
www.beaufortnc.org

Michelle Eitner  
(252)528-8767  
m.eitner@beaufortnc.org

## Memorandum

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**To:** Elizabeth Lewis, Assistant Town Manager  
**From:** Michelle Eitner, Town Planner  
**Date:** September 10, 2024  
**Re:** Food Truck Ordinance Drafting

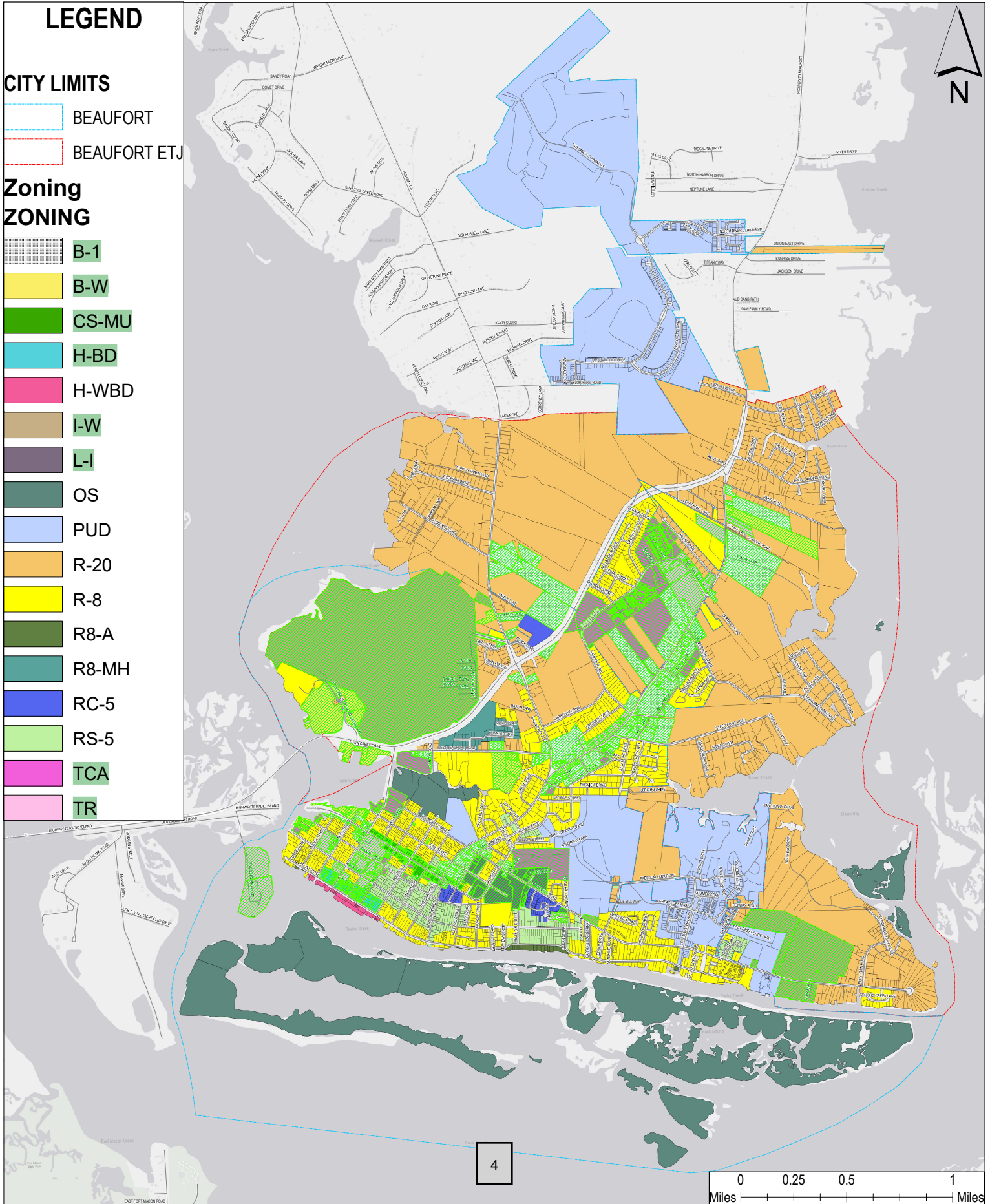
In effort to draft ordinances to regulate food trucks in Beaufort, additional direction is needed from leadership to identify the specific problems to be addressed. Planning Staff proposes to present a myriad of options to the Board of Commissioners and discuss the issues at hand to better understand the anticipated scope of regulations.

During this discussion, we may explore:

- Location Standards
  - o Food truck regulations on private property – Should we allow/restrict/prohibit:
    - One food truck in operation at a time per property
    - Allowed based on zoning district (Staff proposes “Food trucks may operate on lots zoned TCA, TR, CS-MU, H-BD, B-1, B-W, L-I, or I-W. Food trucks are prohibited from operation on lots zoned OS, PUD, R-20, R-8MH, R-8, R-8A, RC-5, RS-5, or H-WBD.” See attached map.)
    - Can’t take up parking space/drive aisle required for operation of the use(s) on site
  - o Food truck regulations on public property (within right-of-way and at Town property)
    - Continue to allow food trucks within on-street parking spaces?
    - Should there be a separation requirement between food trucks and other food trucks and/or open restaurants?
- Operation standards – Should we allow/restrict/prohibit:
  - o Generators/motors, or require plug-in power sources
  - o Audio amplification (music, call out order number, etc.)
  - o Trash/disposal (no use of Town receptacles)
  - o Walk-up service only (no drive-through food trucks)
  - o External required approvals independent from this ordinance (Health department, Fire Marshal, etc.)
- Proposed Exemptions to location and operation standards:
  - o Temporary special events that last up to three days that are conducted/funded/allowed by the Town/County/State (Mardi Gras, Pirate Invasion, etc.)
  - o Recurring events such as the Olde Beaufort Farmers Market (Any others? Otherwise just list OBFM)
  - o Food trucks serving private businesses/groups/nonprofits that aren’t open for public business (i.e. wedding catering, apartment complex amenity, realtor open houses, etc.)



# PROPOSED ZONING DISTRICTS TO ALLOW FOOD TRUCK OPERATION





**Town of Beaufort, NC**

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**Board of Commissioners  
Work Session  
4:00 PM – Monday, September  
23, 2024**

**AGENDA CATEGORY:** Items for Review and Discussion

**SUBJECT:** Amendment to Ordinance, Section 71.07- Parking Trailers on Public Streets in Excess of One Hour Prohibited to read “Parking Trailers on Public Streets Prohibited”

*See attached proposed language and draft ordinance.*

Addition of new Ordinance, Section 90.12- “Living or Sleeping on Streets, Highways or Town Property Prohibited”

*See attached proposed language and draft ordinance.*

**REQUESTED ACTION:**

Review of draft ordinances; if there are not any proposed changes, consider placing on the October 14<sup>th</sup> Regular Meeting agenda, under Items of Consent.

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Chief Burdette

**BUDGET AMENDMENT REQUIRED:**

No



**AN ORDINANCE OF THE TOWN OF BEAUFORT BOARD OF COMMISSIONERS  
AMENDING THE TOWN OF BEAUFORT CODE OF ORDINANCES TO ADD  
“PARKING TRAILERS ON PUBLIC STREETS PROHIBITED”  
ORDINANCE NO. 24-\_\_\_\_\_**

**WHEREAS**, pursuant to North Carolina General Statutes 160A-174, a town may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town; and

**WHEREAS**, in furtherance of the public health, safety and welfare it is necessary to regulate certain activities upon the streets, highways and property owned by the Town which impede transportation and the ability of residents and visitors to safely traverse Town streets; and

**WHEREAS**, it is necessary to regulate certain activities to promote orderly transportation and ample parking within the Town.

**NOW THEREFORE BE IT ORDAINED** by the Town Board of Commissioners of the Town of Beaufort, North Carolina:

The Code of Ordinances, Town of Beaufort, North Carolina, section numbered 71.07, is hereby amended to add “Parking Trailers on Public Streets Prohibited”, which shall read as follows:

Sec. 71.07

A. It shall be unlawful to park and leave standing any freestanding vehicle trailer (not attached to an automobile) on streets owned and operated by the Town. It shall be unlawful to park and leave standing any vehicle trailer attached to an automobile on streets owned and operated by the Town for longer than one hour. Vehicle trailers shall include, but are not limited to, boat trailers, campers, utility trailers, and any other trailer that is designed to be towed by a motor vehicle.

B. Penalties for violation of this Section:  
In addition to other remedies and penalties which apply to violations of the Town’s Code of Ordinances, any person violating the provisions of this section shall be subject to a civil penalty in the amount of \$50.00, which must be paid within ten days from the date on which the offending party is cited for the violation. The Town will recover any such penalty in a civil action in the nature of a debt if the penalty is not timely paid in full.



Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2024

\_\_\_\_\_  
Sharon E. Harker, Mayor

(Seal)

ATTEST:

\_\_\_\_\_  
Elizabeth Lewis, Town Clerk



**AN ORDINANCE OF THE TOWN OF BEAUFORT BOARD OF COMMISSIONERS  
AMENDING THE TOWN OF BEAUFORT CODE OF ORDINANCES TO ADD  
“LIVING OR SLEEPING ON STREETS, HIGHWAYS OR TOWN PROPERTY  
PROHIBITED” ORDINANCE NO. 24-\_\_\_\_\_**

**WHEREAS**, pursuant to North Carolina General Statues 160A-174, a town may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town; and

**WHEREAS**, in furtherance of the public health, safety and welfare it is necessary to regulate certain activities upon the streets, highways and property owned by the Town which degrade or cause harm to these areas; jeopardize the efficiency, effectiveness, and/or safety of Town operations in these areas; and/or cause deteriorating conditions in the areas in which Town residents live and work; and

**WHEREAS**, it is necessary to regulate certain activities to protect the well-being of the natural environment, to protect the orderly operations of the Town, and to protect the safety of Town residents and visitors.

**NOW THEREFORE BE IT ORDAINED** by the Town Board of Commissioners of the Town of Beaufort, North Carolina:

The Code of Ordinances, Town of Beaufort, North Carolina, is hereby amended by adding a section, to be numbered 90.12, titled “Living or Sleeping on Streets, Highways or Town Property Prohibited”, which shall read as follows:

Sec. 90.12

- A. No person shall engage in any act of residing or sleeping in any automobile or vehicle on any street, highway, or property owned by the Town. No person shall pitch a tent or erect a shelter on property owned by the Town except as expressly permitted by the Town. “Shelter” shall include tents, tarps, lean-tos, sleeping bags, blankets and any form of cover or protection from the elements other than clothing.
- B. Penalties for violation of this Section:  
In addition to other remedies and penalties which apply to violations of the Town’s Code of Ordinances, any person violating the provisions of this section shall be subject to a civil penalty in the amount of \$250.00, which must be paid within ten days from the date on which the offending party is cited for the violation. The Town will recover any such penalty in a civil action in the nature of a debt if the penalty is not timely paid in full.



Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2024

\_\_\_\_\_  
Sharon E. Harker, Mayor

(Seal)

ATTEST:

\_\_\_\_\_  
Elizabeth Lewis, Town Clerk



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**Board of Commissioners  
Work Session**

**4:00 PM Monday, September 23, 2024**

---

**AGENDA CATEGORY:** Items for Review and Discussion  
**SUBJECT:** Dockmasters Office Lease Extension

**BRIEF SUMMARY:**

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, the dockmasters office lease should be extended as well.

**REQUESTED ACTION:**

Approval of the attached lease extension.

**EXPECTED LENGTH OF PRESENTATION:**

5 Minutes

**SUBMITTED BY:**

Elizabeth Lewis, Town Clerk

**BUDGET AMENDMENT REQUIRED:**

N/A

AMENDMENT OF LEASE

STATE OF NORTH CAROLINA  
COUNTY OF CARTERET

THIS AMENDMENT OF LEASE ("Amendment") is effective as of the first day of September, 2024 by and among TOWN OF BEAUFORT, NORTH CAROLINA, a North Carolina municipal corporation ("Town"), LOW VALLEY, LLC ("LV") and BEAUFORT WATERFRONT ENTERPRISES, INC. ("BWE"), all of the foregoing being parties to that "Deed of Reciprocal Transfer of Adjacent Parcels" ("Deed") recorded in File #1798443 in the office of the Register of Deeds of Carteret County, North Carolina.

WITNESSETH:

WHEREAS, the terms of the Deed provide for the lease existing between LV and BWE, a Memorandum of which is recorded in File #1793282 in the office of the Register of Deeds of Carteret County ("LV/BWE Lease") to terminate on December 31, 2024 unless extended by the Town in writing and recorded in the Office of the Register of Deeds of Carteret County; and,

WHEREAS, Town has extended the term of the lease of the "Town Docks" to BWE for one year and has determined that it is necessary and in the best interest of the Town likewise to extend the term of the LV/BWE Lease for one additional year to and including December 31, 2025; and,

WHEREAS, the parties hereto desire to execute this written instrument to memorialize the terms and conditions of their agreement.

NOW, THEREFORE, for and in consideration of the premises, the sum of Ten and No/100 Dollars (\$10.00) paid to each party by the other, the receipt of which is hereby acknowledged, and in consideration of the mutual promises, covenants and conditions contained herein the parties do hereby agree as follows:

1. The term of the LV/BWE Lease is extended from December 31, 2024 until 11:59 p.m on December 31, 2025.

- 2. The parties hereto agree that LV shall retain and perform through December 31, 2025, all duties of "Landlord" under the Lease.
  
- 3. Except for the above extension of the term of the LV/BWE Lease, all other terms and conditions of such lease and the Deed shall remain in full force and effect.

*[Remainder of Page left blank intentionally]*

IN TESTIMONY WHEREOF, the parties have caused this instrument to be executed under seal and in such form as to be binding this the day and year first above written.

TOWN OF BEAUFORT

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Town Clerk

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for said County and State, do hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 2024, before me personally appeared \_\_\_\_\_ (*insert name(s) of signer(s)*) with whom I am personally acquainted, who, being by me duly sworn, says that he is Mayor and that \_\_\_\_\_ (*insert name of Town Clerk*) is Town Clerk of the TOWN OF BEAUFORT, NORTH CAROLINA, the municipal corporation described in and which executed the foregoing instrument; that he/she knows the common seal of said municipal corporation; that the seal affixed to the foregoing instrument is said common seal; that the name of the municipal corporation was subscribed thereto by the said Mayor; that the said Mayor and Town Clerk subscribed their names thereto and the said common seal was affixed, all by authority of the governing body of said municipal corporation; and that the said instrument is the act and deed of said municipal corporation.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Notary Public*

\_\_\_\_\_  
Notary's printed or typed name

My commission expires: \_\_\_\_\_

LOW VALLEY, LLC

By: \_\_\_\_\_  
Haywood Weeks, Jr., Manager

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I certify that the following persons(s) personally appeared before me this day, each acknowledging to me that he signed the foregoing document for the purpose(s) stated therein, in the capacity indicated therein: Haywood Weeks, Jr.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Notary Public*

\_\_\_\_\_  
Notary's printed or typed name

My commission expires: \_\_\_\_\_

BEAUFORT WATERFRONT ENTERPRISES, INC.

By: \_\_\_\_\_  
Haywood Weeks, Jr., President

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I certify that the following persons(s) personally appeared before me this day, each acknowledging to me that he signed the foregoing document for the purpose(s) stated therein, in the capacity indicated therein: Haywood Weeks, Jr.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Notary Public*

\_\_\_\_\_  
Notary's printed or typed name

My commission expires: \_\_\_\_\_

ND:4879-4993-1742, v. 1

MEMORANDUM OF LEASE

STATE OF NORTH CAROLINA  
COUNTY OF CARTERET

LOW VALLEY, LLC, a North Carolina limited liability company and TOWN OF BEAUFORT, NORTH CAROLINA hereby lease to BEAUFORT WATERFRONT ENTERPRISES, INC., a North Carolina corporation, for a term continuing until 11:59 p.m. on December 31, 2025, including extensions and renewals, if any, that certain property described in that Memorandum of Lease recorded in the Office of the Register of Deeds of Carteret County in File #1793282.

The provisions set forth in the written lease agreement between the parties effective as of August 1, 2013 are hereby incorporated in this Memorandum.

*[Remainder of page left blank intentionally]*

IN TESTIMONY WHEREOF, the parties have caused this instrument to be executed under seal and in such form as to be binding this the day and year first above written.

TOWN OF BEAUFORT

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Town Clerk

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for said County and State, do hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 2024, before me personally appeared \_\_\_\_\_ (*insert name(s) of signer(s)*) with whom I am personally acquainted, who, being by me duly sworn, says that he is Mayor and that \_\_\_\_\_ (*insert name of Town Clerk*) is Town Clerk of the TOWN OF BEAUFORT, NORTH CAROLINA, the municipal corporation described in and which executed the foregoing instrument; that he/she knows the common seal of said municipal corporation; that the seal affixed to the foregoing instrument is said common seal; that the name of the municipal corporation was subscribed thereto by the said Mayor; that the said Mayor and Town Clerk subscribed their names thereto and the said common seal was affixed, all by authority of the governing body of said municipal corporation; and that the said instrument is the act and deed of said municipal corporation.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Notary Public*

\_\_\_\_\_  
Notary's printed or typed name

My commission expires: \_\_\_\_\_

LOW VALLEY, LLC

By: \_\_\_\_\_  
Haywood Weeks, Jr., Manager

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I certify that the following persons(s) personally appeared before me this day, each acknowledging to me that he signed the foregoing document for the purpose(s) stated therein, in the capacity indicated therein: Haywood Weeks, Jr.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Notary Public*

\_\_\_\_\_  
Notary's printed or typed name

My commission expires: \_\_\_\_\_

BEAUFORT WATERFRONT ENTERPRISES, INC.

By: \_\_\_\_\_  
Haywood Weeks, Jr., President

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I certify that the following persons(s) personally appeared before me this day, each acknowledging to me that he signed the foregoing document for the purpose(s) stated therein, in the capacity indicated therein: Haywood Weeks, Jr.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Notary Public*

\_\_\_\_\_  
Notary's printed or typed name

My commission expires: \_\_\_\_\_

ND:4881-1606-6014, v. 1



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**Board of Commissioners  
Work Session**

**4:00 PM Monday, September 23, 2024**

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**AGENDA CATEGORY:** Items for Review and Discussion  
**SUBJECT:** Town Manager Residency Requirement

**BRIEF SUMMARY:**

The Board of Commissioners will discuss requirements related to the Town Manager's residency as part of the upcoming hiring process.

**EXPECTED LENGTH OF PRESENTATION:**

15 Minutes

**SUBMITTED BY:**

Elizabeth Lewis, Town Clerk

**BUDGET AMENDMENT REQUIRED:**

N/A



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**AGENDA CATEGORY:** Items for Review and Discussion  
**SUBJECT:** Island Express Ferry Service Request

**BRIEF SUMMARY:**

Island Express Ferry Services, LLC is requesting a ten (10) year lease of three (3) boat slips on the Beaufort waterfront. Island Express Services currently occupies three (3) 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 (10) 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 at this time 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 (10) 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 (as needed) and ultimate approval.

However, prior to the contract being developed, staff believes the Town should first indicate the desire to have the ferry service operate on/from the Beaufort Waterfront as opposed to the services being located at a different location. As a side note, based on Mr. Aswad's passenger information for calendar year 2023, 47,000 passengers utilized Island Express Ferry to visit Cape Lookout.

Staff looks forward to discussing this request with the Board of Commissioners

**REQUESTED ACTION:**

Directions on next steps following a discussion of the request.

**EXPECTED LENGTH OF PRESENTATION:**

15 Minutes

**SUBMITTED BY:**

Charlie Burgess, Interim Town Manager

**BUDGET AMENDMENT REQUIRED:**

N/A



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**4:00 PM Monday, September 23, 2024**

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**AGENDA CATEGORY:** Items for Review and Discussion  
**SUBJECT:** Update on ISC 2024 FAI World Skydiving Championships

**BRIEF SUMMARY:**

The Crystal Coast Skydiving at Michael J. Smith Airfield will be the site of the ISC 2024 FAI World Skydiving Championships. The events, which Skydive Chicago and Skydive Paraclete XP will organize jointly at the Beaufort location, will take place October 4-12, 2024. Chief Tony Ray will provide an update related to the event.

**EXPECTED LENGTH OF PRESENTATION:**

10 Minutes

**SUBMITTED BY:**

Elizabeth Lewis, Town Clerk

**BUDGET AMENDMENT REQUIRED:**

N/A



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**Board of Commissioners  
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**4:00 PM Monday, September 23, 2024**

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**AGENDA CATEGORY:** Items for Review and Discussion  
**SUBJECT:** BWOF Committee Update

**BRIEF SUMMARY:**

Commissioner Sarah Spiegler and Commissioner Gillikin will provide an update of the Beaufort Waterfront Operations & Finance Committee.

**EXPECTED LENGTH OF PRESENTATION:**

10 Minutes

**SUBMITTED BY:**

Elizabeth Lewis, Town Clerk

**BUDGET AMENDMENT REQUIRED:**

N/A