



**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**  
**Regular Meeting**  
**6:00 PM Monday, February 10, 2025**  
**Train Depot, 614 Broad Street**

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**Call to Order/Pledge of Allegiance**

**Roll Call**

**Agenda Approval**

**Presentations**

1. Proclamation Recognizing Art Month & Celebrating the 50th Anniversary of the Arts Council of Carteret County
2. NCLM Law Enforcement Risk Review Process

**Items of Consent**

1. Meeting Minutes- January 13, 2025
2. FY 26 Budget Calendar
3. Resolution Regarding SB 382
4. NCDOT Agreement (Project U-6057)

**Public Hearing**

1. Voluntary Annexation- 138 Chadwick Rd

**Old Business**

1. Beaufort Waterfront Operations and Finance Committee Update

**Public Comment**

**New Business**

1. Volunteer Board Appointments

**Manager Report**

**Mayor/Commissioner Comments**

**Adjourn**



**PROCLAMATION**  
**Recognizing ART MONTH in Beaufort, NC &**  
**Celebrating the 50<sup>th</sup> Anniversary of the Arts Council of Carteret County**

*WHEREAS*, the Arts Council of Carteret County is celebrating its 50<sup>th</sup> anniversary in 2025, and has flourished into an approximately 200-member non-profit organization comprising artists and art supporters; and

*WHEREAS*, the Council's annual flagship event, "Art from the Heart," now in its commendable 35th year, is a testament to its inclusive principal, offering a non-juried platform for a diverse cohort of adults and students to showcase their artistic creations to the public, thereby enriching the cultural fabric of our community; and

*WHEREAS*, this esteemed Council has steadfastly pursued its mission to cultivate a dynamic and inclusive community through unwavering support for diverse artistic genres and a strong commitment to arts education, recognizing the indispensable role of the arts in fostering creativity, critical thinking, and problem-solving skills among students; and

*WHEREAS*, the growing public interest in the arts and arts-related enterprises in the Town of Beaufort reflects a growing appreciation for the cultural and economic value of the arts; and

*NOW, THEREFORE*, I, Mayor Sharon E. Harker, do hereby proclaim the month of February as ART MONTH in Beaufort, North Carolina. In doing so, I urge all residents to acknowledge and participate in the various artistic activities and events that celebrate the vibrant art community fostered by our citizens and the Arts Council of Carteret County. Let us embrace this month as a time to recognize and appreciate the vital role of the arts in enriching our lives and enhancing the cultural heritage of our beloved town.

Duly adopted this 10<sup>th</sup> day of February 2025.

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Sharon E. Harker, Mayor  
Town of Beaufort, NC



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**Board of Commissioners  
Regular Meeting  
6:00 PM Monday, February 10, 2025  
Train Depot, 614 Broad Street  
Beaufort, NC 28516**

**AGENDA CATEGORY:** Presentation  
**SUBJECT:** NCLM Law Enforcement Risk Review Process

**SUMMARY:**

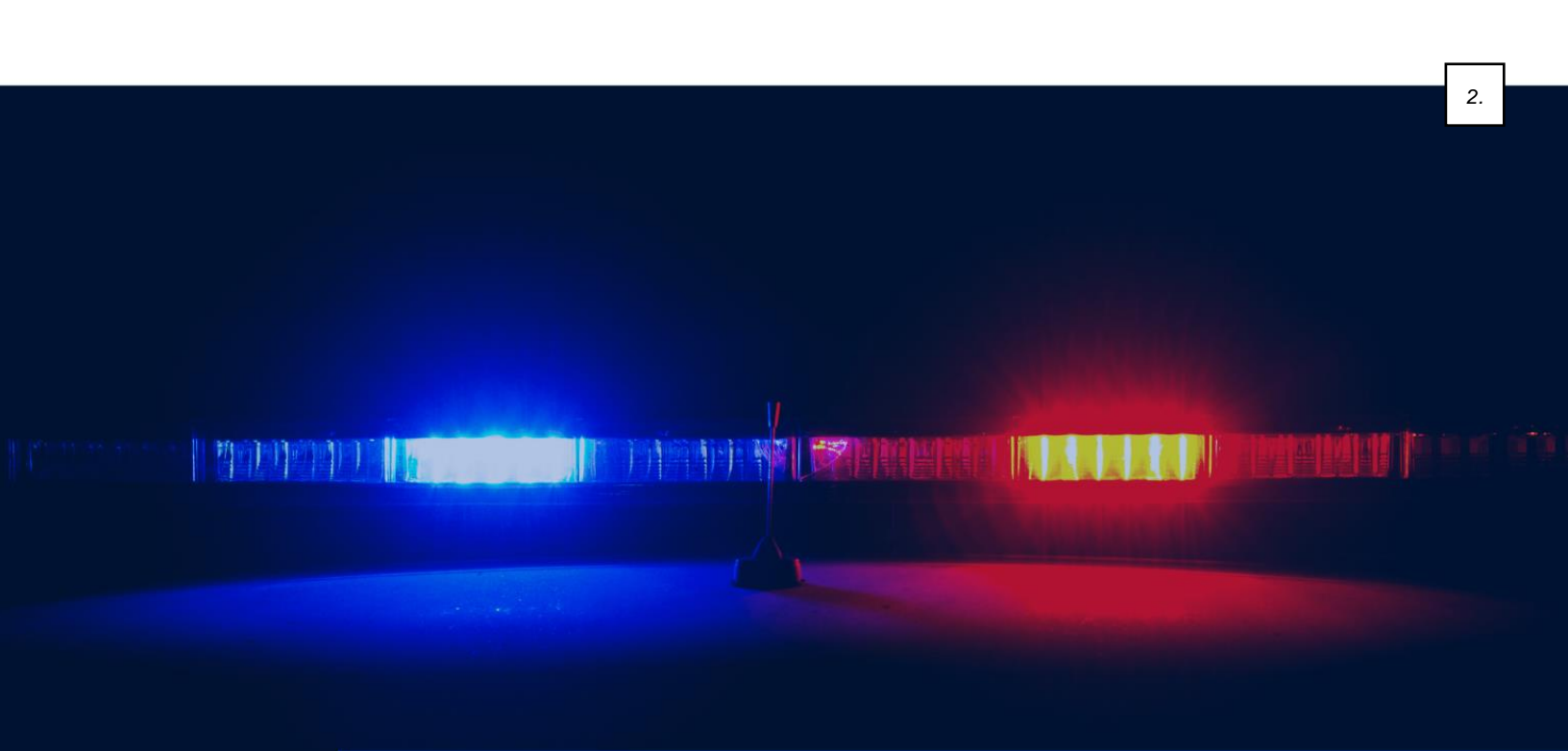
The Police Department has completed its second evaluation of the Risk Review Process. Renewals take place every three years after a comprehensive review of rigorous standards outlined in the process.

**REQUESTED ACTION:**

None

**SUBMITTED BY:** Chief Burdette

**BUDGET AMENDMENT REQUIRED:** No



# LAW ENFORCEMENT RISK REVIEW

## Executive Summary Report

Beaufort Police Department

Prepared by: Joseph Graziano

**November  
2024**



## HISTORY

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The North Carolina League of Municipalities is a member-driven organization representing the interests of cities and towns in the state. Through their collective efforts, League member cities and towns better serve their residents and improve their quality of life. For more than 100 years, the League has been one voice for cities and towns working for a better North Carolina.

Participation in the risk management review is initiated by a voluntary request from those police departments who participate in the League's property and liability insurance pool. The risk management review is not intended to replace or supplement other industry resources. The North Carolina League of Municipalities encourages agencies to participate in recognized programs that evaluate law enforcement services based on benchmarks, accountability, industry best practices, and professionalism. This risk management review does not represent all known risks to law enforcement agencies but is intended to address specific areas of liability. The risk management review process will continually evolve as additional liability concerns are identified.

## ON-SITE AND STANDARD COMMENTS

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During my recent visit to the police department, I was impressed by the team's clear commitment to excellence and their unwavering dedication to their community. From my initial interaction with the Chief to observing the department's daily operations, it was evident that this agency has set a high standard for professionalism, with a strong emphasis on transparency, integrity, and accountability in every aspect of their work. The Chief and the entire team demonstrated a genuine passion for the Risk Review process, fully embracing its recommendations and diligently working toward improvements that reflect their commitment to best practices and proactive policing. The department has a strong focus on leadership development and continuous training at all levels. This forward-thinking approach has not only strengthened their team but also contributed significantly to the department's recruitment success, ensuring a skilled uniformed presence. During my ride-along, I observed firsthand the professionalism that of the department's culture. My inspection of the evidence room confirmed that the agency operates with a high level of compliance with industry best practices, with careful attention to detail in both the handling and storage of evidence. We discussed potential enhancements, such as additional layers of surveillance monitoring during evidence processing and additional security measures for bulk storage, underscoring their willingness to embrace continuous improvement and adaptability. I am confident that this department will continue to serve as a model for law enforcement practices, demonstrating an exceptional ability to uphold trust, safety, and community engagement. Their commitment positions them to adapt to future challenges.

# EXECUTIVE SUMMARY

The Beaufort Police Department has once again demonstrated its commitment to operational excellence, community trust, and service integrity by successfully completing the North Carolina League of Municipalities Risk Review process for a second time—a commendable milestone. The agency continues to elevate its standards with its pursuit of accreditation through the North Carolina Law Enforcement Accreditation (NCLEA) program, further underscoring the department’s strong leadership and dedication to upholding the highest standards in law enforcement. The department has rigorously met and exceeded more than 40 demanding standards, focusing on high-risk areas and defining best practices within the field. This comprehensive process represents a strategic effort to minimize the agency’s risk and liability, a testament to its proactive approach to risk management and operational integrity. By embedding best practices and fostering a culture of accountability, the department has significantly enhanced both officer safety and community interactions. This accomplishment not only reinforces its commitment to exceeding community expectations but also establishes the department as a model for excellence and risk-conscious policing. Through its dedication to continuous improvement, the department sets a standard for law enforcement agencies across the state, positioning itself as a trusted and exemplary guardian of public safety.

**Date of Next Review:**

Current Completion Date: 10/31/2024

Next Review: 11/1/2027

*Joseph Graziano*

Joseph Graziano

Senior Public Safety Risk Management Consultant





**WORKING AS ONE. ADVANCING ALL.**



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**AGENDA CATEGORY:** Items of Consent

**SUBJECT:** Meeting Minutes

**REQUESTED ACTION:**

Approval of draft minutes for the January 13, 2025, Regular Meeting.

**SUBMITTED BY:**

Elizabeth Lewis, Town Clerk



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**Train Depot, 614 Broad Street**

**Call to Order/Pledge of Allegiance**

Mayor Pro Tem Cooper called the meeting to order and asked all to join in the pledge of allegiance.

**Roll Call**

Elizabeth Lewis, Town Clerk, called the roll.

**PRESENT:**

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

**ABSENT:**

Mayor Harker

**Agenda Approval**

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

The motion carried unanimously.

**Items of Consent**

1. Meeting Minutes- December 9, 2024
2. Resolution Awarding Contract for WWTP SCADA Upgrades

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

The motion carried unanimously.

**Quasi-Judicial Proceeding**

1. Case # 24-12 - Variance Request 360 Steep Point Road

Mayor Pro Tem Cooper asked staff for background information on the item.

Ms. Lewis administered the oath to the Town of Beaufort representative, Kyle Garner, applicant, Alex Pully, and Beaufort Fire Chief, Tony Ray.

Kyle Garner, Planning Director, introduced the case and asked that all documents included in the meeting packet and the PowerPoint presentation be entered as evidence and part of the record. He noted the property facts related to zoning, location, environmental permits, flood zone, acreage, and shared there is currently one single-family residence on the property. He shared that the Town's Fire Department is requiring the owner/developer improve the existing private drive at a minimum of 20 feet in width and drive surface improvements to accommodate up to 75,000 lb vehicles and a 13.5 foot height clearance. Thus, the applicant's request is a variance from the requirement to install these improvements. He shared the property survey as a point of reference. He explained the Town's driveway requirements have been consistent with other past projects.

Commissioner Gillikin asked if there were variances associated with those past projects Mr. Garner mentioned.

Mr. Garner said the only one he was aware of is the Salt Wynd Development, which was granted a variance for the cul-de-sac length.

Mayor Pro Tem Cooper explained the Quasi-Judicial Proceeding process, sharing the following statement:

This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this Board must make its decision. The Board of Commissioners must base its decision upon competent, material and substantial evidence in the record. A quasi-judicial decision is a decision constrained by the standards in the Land Development Ordinance and based on the facts presented. All applications for variance request must be consistent with the Land Development Ordinance for the Town of Beaufort and whether the variance is appropriate in the proposed location. If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion. The Board of Commissioners shall hear relevant information from the parties with standing, as set forth in North Carolina General Statutes 160D-406 and 1402. At the sole discretion of the Board of Commissioners, other witnesses who do not have standing may present competent, material, and substantial evidence that is not repetitive. Parties may appear in person, by designee, or by attorney to present information relevant to the requirements of the Ordinance. Parties may present evidence, call witnesses and make legal arguments. The Board of Commissioners, acting through the Mayor, may subpoena witnesses and compel the production of evidence. For certain topics, the Board of Commissioners may hear opinion testimony from expert witnesses. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Witnesses must swear or affirm their testimony, which has already been done.

Mayor Pro Tem Cooper called for disclosure by Board members of any ex parte communication, bias and conflicts of interest. Each Board member confirmed they had nothing to disclose.

Mr. Pully explained he and the property owner were requesting the variance to be able to subdivide the lot and build a guest house on the property, noting the nature of the transaction would be family to family. He suggested it should not be treated like a subdivision development. He shared they had just recently learned of the fire code requirement related to the compaction rate and driveway width. He expressed his desire to use the subdivided lot to continue living in Beaufort, by having the opportunity to build a home there and asked the Board to grant the driveway variance to help him do so. He pointed out if the current structure caught fire, the Fire Department would respond using the same driveway. He noted there was an existing barn on the structure as well, making the total number of structures two. He suggested it would be extreme hardship to make the driveway compliant of the fire code restrictions. He noted the importance of

maintaining the character of the lot and expressed his desire to keep the mature trees located down the drive. He discussed the specific findings of facts and explained why he believed it to be a hardship. He shared the importance of maintaining natural beauty to the property at question and the neighbors. He noted the importance of understanding the family to family transaction and should be considered an exception as such.

Commissioner LoPiccolo confirmed the land would be a gift and explained he was having a hard time understanding the financial hardship. He pointed out at some point, the properties could be sold causing future development issues.

Mr. Pully explained the Board could put a condition on the variance addressing a future sale, but their intent was to keep the property in the family. He agreed the lot was a gift, but they would need to take out a loan to build the house and the cost of the proposed upgrades to the driveway would impact that amount.

Commissioner Gillikin asked if the road was currently gravel.

Mr. Pully explained that it was essentially all gravel, and his understanding was that it could remain gravel, but it had to have a 75,000 compaction rate.

Commissioner Oliver asked questions about the survey and surrounding driveways. He noted the only thing holding the applicant back from meeting the driveway requirements was the financial impacts and wanting to keep mature trees on the lot.

Mr. Pully suggested vast alterations to the driveway would ruin the lot and disturb the neighbors.

Commissioner Oliver shared from his personal experience related to constructing fire safety lanes.

Commissioner Spiegler asked how many trees would need to be cut down to meet the driveway regulations.

Mr. Pully said he was not certain about a number, but did share there were oak trees and pecan trees that would need to be removed.

Commissioner Spiegler shared her concerns related to cutting down any trees. She asked questions related to additional structures should the lot be subdivided.

Mr. Pully shared it was his understanding two structures would be allowed on each lot but offered that issue could be addressed in any conditions place on the variance.

Arey Grady, Town Attorney, confirmed that the Board could place any conditions they see fit on the variance, explaining that any variance granted under 160D does run with the land so the conditions would be binding on future ownership and allowable number of structures.

Commissioner Spiegler asked if the applicant had considered doing an additional to the current.

Mr. Pully said they had explored that option, but felt a new house would be safer and it would not impact the neighbor's water view.

Mayor Pro Tem Cooper shared his concerns related to fire safety in the area.

Mr. Pully said the driveway can currently handle the load of a fire truck.

Commissioner LoPiccolo confirmed the applicant would be removing some thick brush in the area of the proposed house.

Mayor Pro Tem Cooper shared his concern for cutting down trees.

Mr. Pully suggested whether or not they built a new house or renovate the barn, the Fire Department would be responding and saving the same amount of people.

Commissioner Oliver pointed out the survey showed a width of 30 feet for the driveway, but they are only asking for 20 feet to comply with the fire code.

Mr. Pully shared that part of the reason they could not just subdivide was because the driveway is 411 feet long, adding that each driveway would need 20 feet of road frontage.

Commissioner Oliver said he would personally like to hear from the Fire Marshall.

Mr. Pully said his neighbor would prefer they not make the improvements to the driveway and shared there had been a large dump truck down the current driveway without any issues.

Chief Ray explained that the fire code requirement for major subdivisions is a 75,000-pound compaction rate, which comes from the largest truck, and a 20-foot-wide driveway. He explained this allows two large fire trucks to safely pass each other. He shared that the 13.5-foot height minimum speaks to the ability of the apparatus to get on and off the lot. He noted other projects that triggered the same requirements.

Commissioner LoPiccolo asked Chief Ray if he had walked the property.

Chief Ray confirmed he had not been on the property and shared the Fire Marshall was in the period of resignation and was not in attendance because of that aspect. He explained the Fire Marshall had visited the property.

Commissioner LoPiccolo asked if the Chief's opinion, if the applicant chose not to meet the code, would it infringe on public safety.

Chief Ray did not offer his opinion and explained he was there to share factual information.

Commissioner LoPiccolo asked if a fire truck could make its way down the current driveway without impediment of any branches or limbs.

Chief Ray said he could not speak to that.

Commissioner LoPiccolo asked if upgrading the driveway to meet the requirements would improve access for the property.

Chief Ray confirmed that it would.

Commissioner Gillikin referenced other projects staff noted the driveway requirement was placed upon, such as Beaufort Club, Kelly Lane and Davis Bay. She asked if the Chief knew how many residents or houses those areas were serving.

Chief Ray shared Beaufort Club was well over 100 roofed houses and other subdivisions such as Davis Bay consisted of four properties.

Commissioner Oliver asked if the driveway requirements had been consistently applied to other projects under the Town's jurisdiction.

Chief Ray said yes.

Mayor Pro Tem Cooper asked if there were any rebuttals to the testimonies given so far.

Mr. Pully asked Chief Ray if there was a fire at 360 Steep Point Road later tonight, would Beaufort Fire Department respond to the call?

Chief Ray said yes sir, they are going to do everything they can.

Commissioner LoPiccolo asked Mr. Grady if the Town would face any kind of liability if there was some type of event where they could not access the property.

Mr. Grady explained that generally local governments in the state are not liable to individual citizens for failure to provide such services.

Mayor Pro Tem Cooper asked if the Board was satisfied with the materials provided in the case.

Commissioner Gillikin shared that she did see the hardships expressed by the applicant, noting she did not want to see any trees come down. She suggested a variance would be consistent with the spirit, purpose and intent of the Land Development Ordinance. She

expressed support for placing conditions on the variance limiting the number of structures and any conditions being carried forward to future owners.

Commissioner Oliver said he was not confident that a 20-foot hard adequate surface could not be constructed in the area. He noted that he would like to see more effort to confirm whether or not it could be done to satisfy all issues discussed. He suggested there was a comfortable, non-tree destructive way to meet the requirements of the 20-foot wide drive way and other requirements of the ordinance without needing a variance.

Commissioner Spiegler pointed out this situation was somewhat different than the other examples, given the acreage and number of structures. She agreed the number of trees is not large but preferred not to see any disturbance. She agreed with Commissioner Gillikin, that it would create hardship and noted she would be willing to grant the variance with conditions in place addressing future property owners.

Commissioner LoPiccolo expressed his concerns related to safety.

Commissioner Gillikin asked if Mr. Pully had measured the current height of the trees.

Mr. Pully said in his opinion, one fire truck could access the driveway without any issues. He said the Fire Marshall told him to go to the Board and ask for a variance.

Commissioner Gillikin asked if they could put a condition on the variance that says there must be vertical clearance for at least one fire truck to access the property, it additional to the other conditions discussed.

Mr. Grady confirmed the Board could add that condition and offered additional langue, such as the road be maintained in an all-weather, passable condition, sufficient to allow emergency vehicles to access the residences located on the property.

Mr. Pully said the driveway is meticulously maintained and they would want it to stay that way.

Commissioner Gillikin made a motion to close the evidentiary portion of the hearing.

The motion carried unanimously.

Commissioner LoPiccolo expressed concerns about granting a variance without current information from the Fire Marshall related to safe ingress and egress of the driveway.

Commissioner Oliver made a motion to table the request, with the hopes that the applicant will reexamine the survey and carefully remeasure the driveway to come up with a way to meet all of the requirements related to compaction, height and width, without damaging the driveway and disturbing the neighborhood.

Commissioner Oliver amended his motion to add clarity on whether one or two fire trucks could safely access and pass on the current driveway, directing the Fire Chief and staff to determine accessibility.

Charlie Burgess, Interim Town Manager, proposed that the Planning Director, Fire Chief and himself meet on-site to do a physical inspection with the consent of the property owner. He noted they would come back to the Board with visual information.

Mayor Pro Tem Cooper called for a vote on Commissioner Oliver's amended motion.

The motion carried unanimously.

**Old Business**

- 1. 138 Chadwick Rd- Certificate of Sufficiency

Ms. Lewis presented the Certificate of Sufficiency for annexation of 138 Chadwick Rd, as listed below. She asked the Board set a public hearing date for February 10, 2025.

To the Board of Commissioners of the Town of Beaufort of Carteret County, North Carolina:

I, Elizabeth Lewis, Town of Beaufort Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

- a) The petition for Voluntary Annexation of 138 Chadwick Rd, 0.258 acres, contains an adequate boundary of requested area to be annexed, via the survey map.
- b) The area described in the petition is contiguous to the Town of Beaufort primary corporate limits, as defined by G.S. 160A- 31.
- c) The petition is signed by the owner of the referenced parcel above and includes the addresses of all owners of real property lying in the area described therein.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Beaufort of Carteret County, this \_\_\_\_ day of \_\_\_\_\_ 2025.

Commissioner Spiegler made a motion to set a public hearing for February 10, 2025, on the question of voluntary annexation at 138 Chadwick Road in Beaufort.

The motion carried unanimously.

2. Case # 24-12 Preliminary-Final Plat - 360 Steep Point Road

Mr. Burgess noted the item should be tabled in conjunction of the variance request.

3. Beaufort Waterfront Operations and Finance Committee Update

Commissioner Spiegler provided an update from the Beaufort Waterfront Operations and Finance Committee, noting Dexter Matthews had met with County Commissioners in efforts to gain their support for the waterfront project and potential state legislature appropriations. She shared it was a very positive meeting.

Mr. Burgess provided updates related to the current RFP's open for fuel service and dock management.

**Public Comment**

Cheryl Toles, 1010 Broad Street in Beaufort, expressed her concerns about the sidewalks at the west end of Front Street. She said the Town owned sidewalks were removed by private homeowners at 105 Front Street and 113 Front Street. She noted the sidewalks provided direct access to the west end of Front Street and to the Town benches and waterfront viewing area. She suggested it creates a safety issue for the public. She asked if there was a rational reason as to why the Planning Department let this happen.

Hunter Lupton, 358 Steep Point Road in Beaufort, shared his support of the Newmans and their request of a variance to subdivide their property. He noted they had been transparent throughout the whole process. He shared the importance of preservation in Beaufort, and expressed concerns related to alterations of the gravel road and fence in the area. He suggested the current driveway suffices, as he recently had a dual tandem truck down there without any issues.

**Manager Report**

Mr. Burgess shared the final version of the Professional Park Stormwater Study would be released in the next few days and suggested it be placed on the January 27th Work Session agenda. He discussed other upcoming agenda items and shared staff would update the Board about the sidewalk topic at the January 27th Work Session.

Mr. Grady shared closing of the 611 Front Street property was scheduled to be complete in the next few days.

**Mayor/Commissioner Comments**

Commissioner Gillikin acknowledged the passing of several Town of Beaufort residents and the impact they made in the community. She shared a historical article from a 1920 Beaufort newspaper.

Commissioner Oliver shared the Maritime Educational Center was under construction. He extended prayers to those suffering in the western part of the United States.

Commissioner Spiegler thanked the Mayor for everything she did for the Town and wished her a speedy recovery.

Mayor Pro Tem Cooper extended a thank you to all who sent well wishes to Mayor Harker following her accident.

**Closed Session**

- 1. Pursuant to NCGS 143-318.11 (a) (6)

Commissioner LoPiccolo made a motion to enter closed session, pursuant to NCGS 143-318.11 (a) (6).

The motion carried unanimously.

**Recess**

Commissioner Oliver made a motion to recess the meeting until January 15, 2025, at 6:00 p.m., to be reconvened at the Beaufort Train Depot.

The motion carried unanimously.

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Sharon E. Harker, Mayor

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Elziabeth Lewis, Town Clerk



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**Board of Commissioners**  
**Regular Meeting**  
**6:00 PM – Monday, February 10, 2025**  
**Train Depot, 614 Broad Street**  
**Beaufort, NC 28516**

**AGENDA CATEGORY:** Items of Consent  
**SUBJECT:** FY 26 Budget Calendar  
**BRIEF SUMMARY:**

Review and approve the scheduled dates for presentations, workshops, public hearing, and approval of the FY2026 Budget.

**REQUESTED ACTION:**  
 Approve FY 26 Budget Calendar

**EXPECTED LENGTH OF PRESENTATION:**  
 5 minutes

**SUBMITTED BY:**  
 Christi Wood – Finance Director

**BUDGET AMENDMENT REQUIRED:**  
 No

# FY 2026 Budget Adoption Calendar

May 12, 2025 - Budget presented at Town Board Meeting  
6 PM, Train Depot

May 15, 2025 - Budget Work Session  
4 PM, Train Depot

May 21, 2025 – Budget Work Session  
6 PM, Train Depot

May 27, 2025 - Budget Work Session (if needed)  
4 PM, Train Depot

June 9, 2025 – Public Hearing and Adoption of the FY26 Budget at the Town Board Meeting  
6 PM, Train Depot



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**Board of Commissioners  
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**AGENDA CATEGORY:** Items of Consent

**SUBJECT:** Resolution Regarding SB 382

**REQUESTED ACTION:**

Approval of the draft resolution that supports an effort to request that local representatives address the downzoning prohibitions in SB 382 by exempting their local governments from those provisions.

**SUMBITTED BY:**

Elizabeth Lewis, Town Clerk



**RESOLUTION OF THE TOWN OF BEAUFORT BOARD OF COMMISSIONERS TO REQUEST TOWN OF BEAUFORT’S DELEGATION TO THE GENERAL ASSEMBLY OF NORTH CAROLINA INTRODUCE AND/OR SUPPORT LEGISLATION TO EXEMPT THE TOWN OF BEAUFORT FROM THE PROVISIONS OF PART III, SUBPART III-K OF SB 382 AND TO RESTORE THE ORIGINAL PROVISIONS OF N.C. Gen. Stat. §160D-601(d)**

**WHEREAS**, Senate Bill 382, entitled “AN ACT TO MAKE MODIFICATIONS TO AND PROVIDE ADDITIONAL APPROPRIATIONS FOR DISASTER RECOVERY; TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2023; AND TO MAKE VARIOUS CHANGES TO THE LAW (“SB 382”), became law on December 11, 2024; and

**WHEREAS**, Part III, Subpart III-K of SB 382 entitled LOCAL GOVERNMENT (the “Down-zoning Provision”), amends N.C. Gen. Stat. §160D-601(d) by prohibiting local governments from enacting or enforcing any zoning regulations or zoning map amendments that would constitute “down-zoning” without first obtaining the written consent of all property owners whose property would be subject to such an amendment; and

**WHEREAS**, N.C. Gen. Stat. §160D-601(d) previously required written consent for non-government initiated zoning regulation or zoning map amendments that reduced the uses of a property. The Down-zoning Provision greatly extends the application of the consent requirement to now include zoning amendments initiated by local governments; and

**WHEREAS**, the Down-zoning Provision applies to any zoning provision that reduces development density to any degree, removes any permitted uses of land from any zoning district, or creates non-conformities in non-residential zoning districts, all of which constitute the most basic tools local governments have available to maintain land use compatibility, achieve desired density, and ensure orderly growth and development; and

**WHEREAS**, as a practical matter, the Down-zoning Provision severely limits the authority of a local government to adopt zoning text amendments applicable to non-residential and residential zoning districts given the improbability that all owners will consent to any particular amendment. In short, the Down-zoning Provision empowers a single property owner to override the will of a unanimous governing board and perhaps all or a vast majority of the other property owners affected by the proposed amendment; and

**WHEREAS**, all North Carolina local governments continue to face planning challenges presented by growth and development. Each local government’s zoning authority provides a means to balance those challenges with the needs of the particular community. The Down-zoning Provision effectively freezes local government zoning in residential and non-residential districts as such zoning regulations existed on June 11, 2024, and as such greatly diminishes local government authority to manage growth and change consistent with the needs of each jurisdiction; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BEAUFORT:

**Section 1.** That the elected representatives for the Town of Beaufort who serve in the North Carolina General Assembly be and they are hereby requested to introduce and secure the passage of local legislation to exempt the Town of Beaufort from the provisions of Part III, Subpart III-K of SB 382 so that the original provisions of N.C. Gen. Stat. §160D-601(d) are restored and made applicable to the Town of Beaufort.

**Section 2.** That a certified copy of this resolution be forwarded to the Hon. Norman W. Sanderson, member of the North Carolina Senate, and the Hon. Celeste C. Cairns, member of the North Carolina House of Representatives.

ADOPTED THIS 10<sup>th</sup> DAY OF FEBRUARY, 2025.

\_\_\_\_\_  
SHARON E. HARKER, Mayor

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



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6:00 PM Monday, February 10, 2025**

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**AGENDA CATEGORY:** Items of Consent

**SUBJECT:** NCDOT Agreement (Project U-6057)

**REQUESTED ACTION:**

Approval of the attached agreement with NCDOT regarding Project U-6057. This is an agreement with NCDOT for pedestrian improvements related to the roundabout. Previous agreement had the town responsible for 20% of the costs. This agreement states NCOT is responsible for 100% of the costs.

**SUMBITTED BY:**

Charlie Burgess, Interim Town Manager

NORTH CAROLINA  
CARTERET COUNTY

**SUPPLEMENTAL AGREEMENT**

DATE: 1/14/2025

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

TIP #: U-6058

AND

WBS ELEMENTS: PE \_\_\_\_\_

ROW \_\_\_\_\_

TOWN OF BEAUFORT

CON 47482.3.1

CFDA #: 20.205

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the Town of Beaufort, hereinafter referred to as the "Municipality."

**WITNESSETH:**

WHEREAS, the Department and the Municipality on 6/26/2019, entered into a certain Project Agreement for the original scope: adding 5 foot sidewalk and curb ramps from northern entrance of Circle Drive to the proposed crosswalk at the proposed roundabout on the west side of NC 101 (395 linear feet), programmed under Project U-6058; and,

WHEREAS, the Municipality and Department updated the environmental document and due to the Complete Streets policy the Municipality is no longer responsible for cost share responsibilities; and,

WHEREAS, the Department will participate in all costs and construct the project;

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

**BETTERMENT COSTS AND FUNDING**

10. The Department's original participation was providing eighty percent of total costs for the construction of the pedestrian facilities, estimated to be \$18,191. The Department now agrees to participate in 100% of construction costs of the pedestrian facilities and the multi-use path due to the

applicable provisions in the Complete Streets policy; therefore, the Municipality has no cost responsibilities for the pedestrian facilities.

**OTHER PROVISIONS**

The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

Except as hereinabove provided, the Agreement heretofore executed by the Department and the Municipality on 6/26/2019 is ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

TOWN OF BEAUFORT

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

\_\_\_\_\_  
(FINANCE OFFICER)

Federal Tax Identification Number

\_\_\_\_\_  
Remittance Address:

Town of Beaufort

\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_

(CHIEF ENGINEER)

DATE: \_\_\_\_\_

APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_ (Date)



**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  
Regular Meeting  
6:00 PM Monday, February 10, 2025**

---

**AGENDA CATEGORY:** Public Hearing

**SUBJECT:** Voluntary Annexation- 138 Chadwick Rd

**BRIEF SUMMARY:**

On January 13, 2025, the Town Clerk presented a Certificate of Sufficiency regarding a petition for voluntary annexation of 138 Chadwick Rd, submitted by Jessica Kocher and Daniel Fisher.

Notice of the February 10, 2025, Public Hearing was published in the Carteret County News-Times on January 29, 2025, and February 2, 2025.

**REQUESTED ACTION:**

Conduct a Public Hearing on the question of annexation, tax parcel #731505180861000, into the Town of Beaufort corporate limits. If approved, the draft ordinance attached in the meeting packet will need to be adopted.

**SUMBMITTED BY:**

Elizabeth Lewis, Town Clerk



**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF  
BEAUFORT IN CARTERET COUNTY, NORTH CAROLINA  
ORDINANCE NO. 25-\_\_\_\_\_**

WHEREAS, on or about November 11, 2024, the Town of Beaufort (hereinafter “Town”) received a petition (hereinafter “Petition”) from Jessica Kocher and Daniel James Fisher, requesting the Town to annex an area more fully described in the Petition, such area generally known as “138 Chadwick Road;” and,

**WHEREAS**, the Board of Commissioners for Town directed the Town Clerk to investigate the sufficiency of the Petition and to certify the result of the investigation to the Board of Commissioners for Town; and,

**WHEREAS**, at the January 27, 2025 meeting of the Town’s Board of Commissioners, the Town Clerk delivered her certification regarding the sufficiency of the Petition; and,

**WHEREAS**, the Board of Commissioners of Town thereafter set a public hearing for February 10, 2025 on the question of annexation as requested in the Petition and caused notice of the public hearing to be published on January 29, 2025 and February 2, 2025 in the Carteret County News-Times; and,

**WHEREAS**, the above-described public hearing was held on the date and at the time noticed, and during said public hearing persons resident or owning property in the area described in the Petition and persons resident or owning property in the Town were given an opportunity to be heard; and,

**WHEREAS**, the Board of Commissioners of Town desires to annex the areas described in the Petition and therefore adopts this Ordinance pursuant to the provisions of Part 1 of Article 4A of Chapter 160A of the North Carolina General Statutes.

**NOW THEREFORE**, be it resolved and ordained by the Board of Commissioners in and for the Town of Beaufort as follows:

1. The Petition meets the requirements of Section 160A-31 of the North Carolina General Statutes.

2. The areas described in the Petition and more particularly described in Exhibit A attached hereto and incorporated herein by reference are hereby annexed into and made a part of the Town of Beaufort.

3. The effectiveness of this Ordinance shall be conclusively demonstrated by the recordation of this Ordinance in the Office of the Register of Deeds of Carteret County, North Carolina.

4. The Mayor of Town, the Town Clerk and all other proper agents of the Town are hereby directed and authorized to take such further action as may be reasonably necessary to implement this ordinance and to comply with any requirements of statute or other law applicable to the subject matter hereof.

Adopted this \_\_\_\_ day of February, 2025.

**TOWN OF BEAUFORT**

By: \_\_\_\_\_  
SHARON E. HARKER, Mayor

(Town Seal)

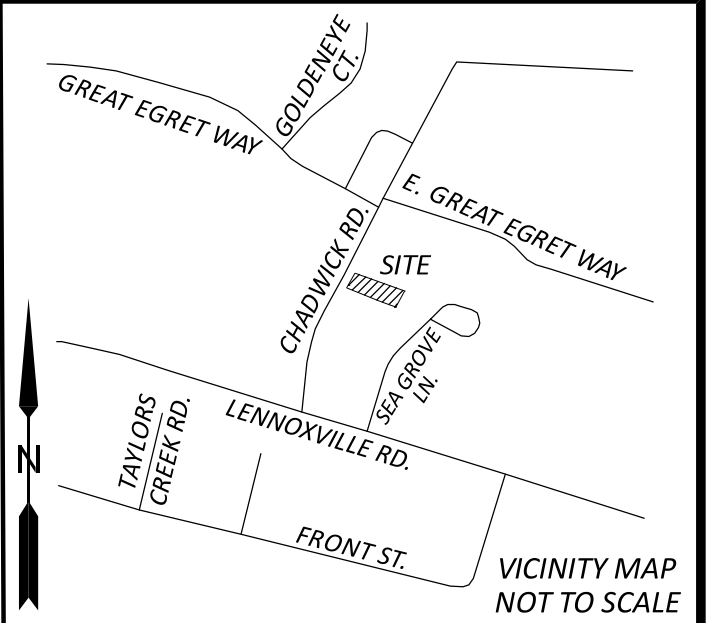
\_\_\_\_\_  
ELIZABETH LEWIS, Town Clerk

**SURVEYORS DECLARATION TO WHOM IT MAY CONCERN:** It is the responsibility of the present owner(s) or future owner(s) of the property shown hereon to check for any wetlands, high water table, buffers or other water conditions which may cause a portion of this property to be unusable for certain uses. No responsibility of any nature is assumed by the surveyor for any conditions which may presently exist on the property shown hereon but are unknown to the surveyor such as: Cemeteries, Family Burying Grounds, Toxic or Hazardous Waste Materials, Underground Utilities, Existing or Proposed easements or right-of-ways, etc. not shown hereon. Any utilities or features and any easements, right-of-ways or buffers associated with said utilities or features shown hereon are shown according only to what was known or visible at the time of this survey by the surveyor. This property may be subject to additional easements or right-of-ways unknown to the surveyor at this time that a complete title examination may reveal. There shall not be any construction in the area of any utilities, easements or right-of-ways without a complete title examination and additional surveying to identify the accurate widths and correct locations of record of any easements or right-of-ways. The surveyor is NOT an Attorney at Law and it is advised that the owner of this property consult with a Licensed Attorney at Law to perform a complete title examination to confirm all known encumbrances and reveal any potential encumbrances or title issues associated with this property. This survey was performed without the benefit of a title commitment report. The surveyor does not claim that all matters of record which may or may not affect this property are shown hereon.

**NOTE: THE SURVEYOR DOES NOT TAKE ANY RESPONSIBILITY FOR ANY UNDERGROUND UTILITIES NOT SHOWN HEREON. 811 SHOULD BE CONTACTED TO LOCATE THE UTILITIES ON THIS PROPERTY. ALL UTILITY LOCATIONS SHOULD BE VERIFIED PRIOR TO ANY CONSTRUCTION.**

**NOTE: THERE MAY BE EASEMENTS ASSOCIATED WITH THE EXISTING OVERHEAD POWERLINES. THE UTILITY COMPANY SHOULD BE CONTACTED PRIOR TO ANY DEVELOPMENT IN THE AREA OF ANY UTILITY LINE.**

**NOTE: THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT-OF-WAYS OR AGREEMENTS OF RECORD. NOTE: PIN NUMBERS SHOWN ARE CURRENT AS OF THE DATE OF THIS SURVEY AND ARE SUBJECT TO CHANGE IN THE FUTURE.**



**NOTE: THIS PROPERTY IS NOT LOCATED WITHIN 2000' OF A N.C. GRID MONUMENT.**

**NOTE: THE PARCEL OR PARCELS OF LAND SHOWN HEREON HAVE NOT BEEN CHECKED FOR WETLANDS OR FLOOD HAZARD SOILS UNLESS OTHERWISE CERTIFIED OR SHOWN HEREON. THIS PARCEL IS SUBJECT TO ALL NC DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES, DIVISION OF WATER QUALITY REGULATIONS, CAMA AND ANY OTHER FEDERAL, STATE OR LOCAL REGULATION OF ANY NATURE. PORTIONS OF THIS PARCEL MAY CONTAIN WETLANDS.**

**LEGEND**

- LINES SURVEYED (SUBJECT PROPERTY)
- OTHER LINES SURVEYED (EX.: TIE LINES)
- LINES NOT SURVEYED
- RIGHT-OF-WAY LINE
- EXISTING IRON PIPE FOUND
- NEW IRON PIPE SET
- CONTROL CORNER
- EXISTING IRON STAKE FOUND
- 5/8" NEW IRON STAKE SET FLUSH
- RIGHT-OF-WAY
- DEED BOOK
- PAGE
- COMPUTED POINT
- ABOVE GROUND
- UNDERGROUND
- MAP BOOK
- EXISTING EDGE OF PAVEMENT
- EXISTING OVERHEAD POWER LINE
- EXISTING POWER POLE

**NOTE: NO TITLE SEARCH, OPINION OR COMMITMENT WAS PROVIDED TO THE SURVEYOR, NOR WAS ANY TITLE SEARCH PERFORMED BY THE SURVEYOR AT THE TIME OF THIS SURVEY. AN ATTORNEY SHOULD BE CONSULTED TO CONDUCT AN OFFICIAL TITLE SEARCH. THIS SURVEY WAS PERFORMED USING THE DEED AND MAP INFORMATION SHOWN HEREON.**

**NOTE: THIS LOT IS SUBJECT TO ANY AND ALL ADDITIONAL RESTRICTIONS SHOWN ON RECORDED PLATS AND RESTRICTIVE COVENANTS AND ANY RESTRICTIONS APPLIED BY ANY LOCAL, STATE OR FEDERAL LAWS OR RULES.**

**NORTH CAROLINA, CARTERET COUNTY**  
I, LINWOOD E. BYRD, JR., certify that this plat was drawn under my supervision from an actual survey made under my supervision, (deed references are as shown on the face of this plat; that the boundaries not surveyed are clearly indicated as drawn from information as shown on the face of this plat; that the ratio of precision as calculated is 1:10,000+ for unadjusted field data; that this plat was prepared in accordance with G. S. 47-30 as amended. Witness my original signature, license number and seal this 6th day of NOVEMBER, A. D., 2024.

Professional Land Surveyor  
License Number L-4662

I, LINWOOD E. BYRD, JR., Professional Land Surveyor certify that this survey is of another category, such as the recombination of existing parcels, a court ordered survey or other exception to the definition of subdivision.

LINWOOD E. BYRD, JR., PLS  
L-4662

**PRELIMINARY PLAT**  
NOT FOR RECORDATION, CONVEYANCES,  
SALES OR CONSTRUCTION

I, \_\_\_\_\_, REVIEW OFFICER OF CARTERET COUNTY, NC CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE REVIEW OFFICER

STATE OF NORTH CAROLINA, CARTERET COUNTY

Filed for Registration at \_\_\_\_\_  
\_\_\_\_\_ 2024 in the Register of Deeds Office.

KAREN S. HARDESTY  
Register of Deeds

By: \_\_\_\_\_  
This Plat Recorded in Map Book \_\_\_\_\_, Page \_\_\_\_\_

**SITE INFO**  
138 CHADWICK RD.  
BEAUFORT, NC 28516

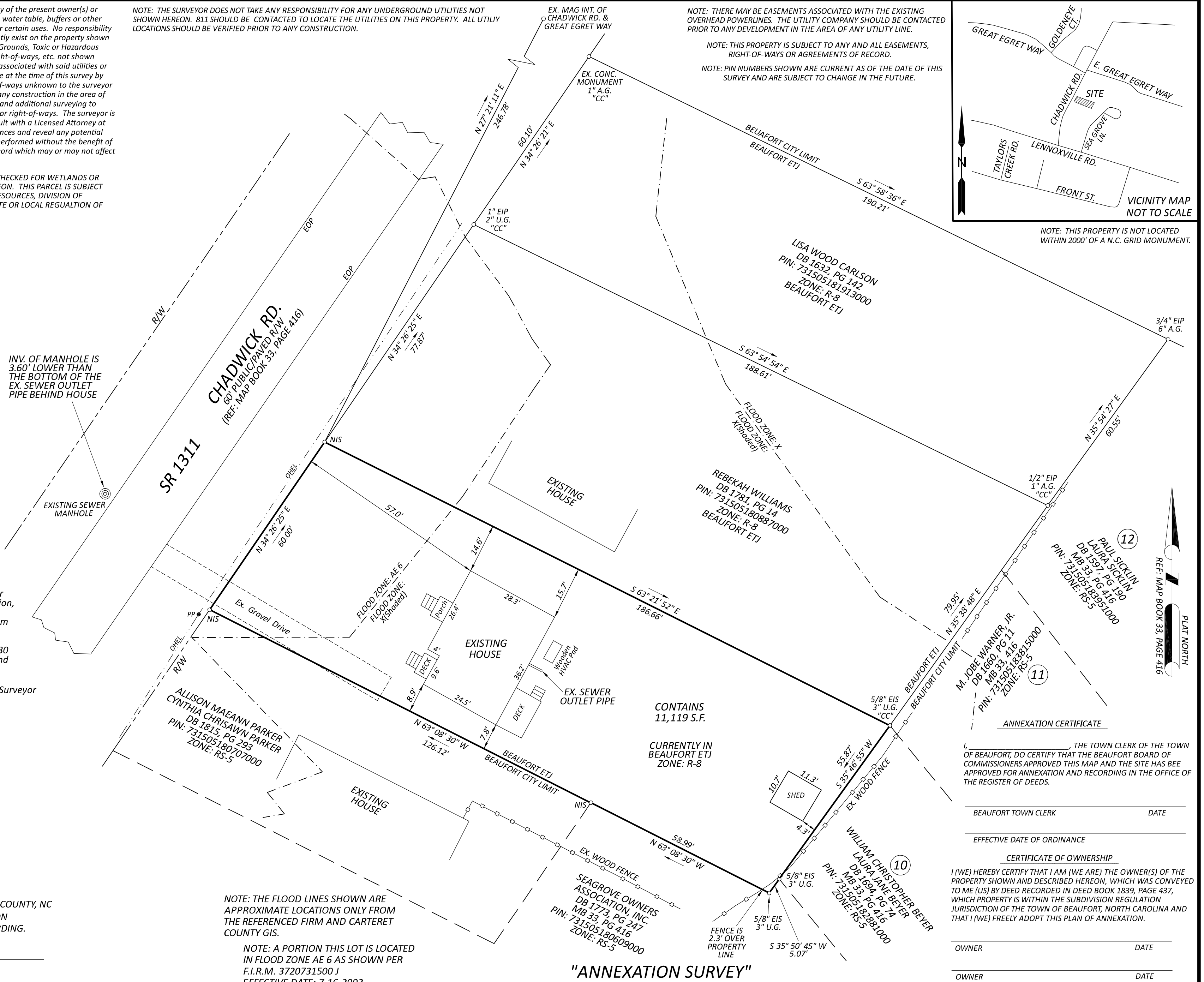
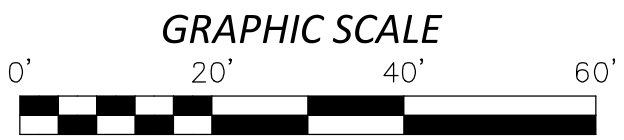
**SURVEY REFERENCES**  
DEED BOOK 1839, PAGE 437  
MAP BOOK 33, PAGE 416  
MAP BOOK 33, PAGE 717  
MAP BOOK 33, PAGE 677  
MAP BOOK 33, PAGE 584

**NOTE: THE FLOOD LINES SHOWN ARE APPROXIMATE LOCATIONS ONLY FROM THE REFERENCED FIRM AND CARTERET COUNTY GIS.**

**NOTE: A PORTION THIS LOT IS LOCATED IN FLOOD ZONE AE 6 AS SHOWN PER F.I.R.M. 3720731500 J EFFECTIVE DATE: 7-16-2003**

**NOTE: CARTERET COUNTY SHOULD BE CONTACTED TO DETERMINE BUILDING SETBACKS AND ANY OTHER DEVELOPMENT RESTRICTIONS.**

**ACREAGE COMPUTED BY COORDINATE METHOD**  
NOTE: ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN US SURVEY FEET UNLESS OTHERWISE NOTED



SURVEYED FOR	
<b>DANIEL JAMES FISHER</b> <b>JESSICA KOCHER</b>	
TOWNSHIP: BEAUFORT	COUNTY: CARTERET
CITY OR TOWN: BEAUFORT ETJ	STATE: NORTH CAROLINA
ZONE: R-8	PIN: 731505180861000

<b>BYRD</b>		5058 US 70 WEST, SUITE N-3 MOREHEAD CITY, NC 28557 PHONE: 252-515-1039 www.byrdsurvey.com	
PROFESSIONAL LAND SURVEYING		C-0719 © 2024	
DATE: 11-6-2024	SURVEYED BY: LEBJ	FIELD BOOK	SEE FILE
SCALE: 1" = 20'	DRAWN BY: LEBJ	DRAWING NO.	
CHECKED & CLOSURE BY: LEBJ		24-102	



**Town of Beaufort, NC**

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**Board of Commissioners  
Regular Meeting  
6:00 PM Monday, February 10, 2025**

---

**AGENDA CATEGORY:** Old Business

**SUBJECT:** Beaufort Waterfront Operations and Finance Committee Update

**SUMMARY:**

Commissioner Gillikin will provide an update from the Beaufort Waterfront Operations and Finance Committee.

Meeting dates and other information related to the committee can be found on the Town’s website: <https://www.beaufortnc.org/boardofcommissioners/page/beaufort-waterfront-operations-finance-committee>

**SUBMITTED BY:**

Elizabeth Lewis, Town Clerk



**Town of Beaufort, NC**

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**Board of Commissioners  
Regular Meeting  
6:00 PM Monday, February 10, 2025**

---

**AGENDA CATEGORY:** New Business

**SUBJECT:** Volunteer Board Appointments

**REQUESTED ACTION:**

**Please make the following appointments using the attached list of applicants.**

- **Board of Adjustment:**
  - (2) In-Town Members, 3 year-terms, effective immediately.
- **Historic Preservation Commission:**
  - (3) In-Town Members, 3-year terms, effective immediately.
- **Parks & Recreation Advisory Board:**
  - (2) In-Town Members, 4 year-terms, effective immediately.
- **Planning Board:**
  - (1) In-Town Member, 3-year term, effective immediately.

*If there are not enough applicants for a board/commission, we will re-advertise and bring those to a future BOC meeting, in efforts to fill the vacancy as soon as possible.*

**SUBMITTED BY:**

Elizabeth Lewis, Town Clerk

<b>Applicant</b>	<b>Volunteer Board/Commission/Committee</b>	<b>Re-Appointment or New</b>
Wendi Oliver	Board of Adjustment	Re-Appointment
Joseph Provenzano	Board of Adjustment	New
Joyce McCune	Historic Preservation Commission	Re-Appointment
Leslie Allred	Parks & Recreation Advisory Board	New
Lora Fasolino	Parks & Recreation Advisory Board	New
Monica Hunter	Parks & Recreation Advisory Board	New
Taylor McCune	Parks & Recreation Advisory Board	New
Victoria Sullivan	Parks & Recreation Advisory Board	New
Tyler Tennant	Parks & Recreation Advisory Board	New
Tammy Hunsucker	Planning Board	New
Ally Kristan	Planning Board	New
Rusty Quate	Planning Board	New