

**Town of Swansboro
Board of Commissioners
April 26, 2021 Regular Meeting**

In attendance: Mayor John Davis, Mayor Pro Tem Frank Tursi, Commissioner Pat Turner, Commissioner Harry PJ Pugliese, Commissioner Larry Philpott, and Commissioner Laurent Meilleur. It was noted that the Board had returned to remote meetings through the ZOOM platform as allowed by NCGS 166A-19. Governor Cooper had declared a state of emergency due to the COVID-19 Pandemic in March 2020 and it remained in effect.

Call to Order/Opening Prayer

The meeting was called to order at 5:30 pm. Mayor Davis gave the invocation. Mayor Davis noted that he would like to bring attention to the fact that better resources needed to be used by staff when preparing proposing ordinance amendments and advertising such. An ordinance amendment would be discussed later in the meeting that he believed local developer, John Freshwater could have assisted in its preparation. The Town had many local resources that could help improve the culture in which we work.

Public Comment

Citizens were offered an opportunity to address the Board regarding items listed on the agenda. No comments were given.

Adoption of Agenda

Mayor Davis asked for Agenda changes as follows:

Add discussion/re-consideration on July 4th fireworks with upcoming changes in COVID 19 restrictions.

Add a Closed Session under NCGS 143-318.11 (a) (3) for contract review/advise Manager and Legal.

That the salary/benefits for the proposed Planner Tech be removed from Budget Amendment 2021-7 for discussion.

Remove all proclamations except National Boating Week.

Move One Harbor Church Lease Extension to Consent along with the Ordinance 2021-O2 Amendment for Mobile Ice Cream Vendors. Mayor Pro Tem Tursi noted that Ordinances should not be approved under consent – they needed their own official vote. Commissioner Meilleur also believed the lease amendment for One Harbor Church also needed discussion.

On a motion by Commissioner Philpott, seconded by Commissioner Turner, the Agenda was amended as mentioned above, except those items noted by Mayor Pro Tem

Tursi and Commissioner Meilleur), and Consent Items below were unanimously approved.

*Meeting Minutes – 2/15/21 Special Meeting
3/22/21 Regular Meeting*

Tax Refunds – Refunds totaling \$425.91.

Ad Valorem Tax

Hunnings John & Chasity	\$131.73	Listed & paid in Carteret County. Moved boat there 1/1/2020
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Vehicle Tax

Hidalgo, Edson	\$4.17	Tag Surrender
Phelps, Linda Mitchell & Rodney William	\$11.74	Tag Surrender
Phelps, Rodney William	\$8.35	Tag Surrender
Crosby-Woods, Demetrias Monche	\$30.53	Tag Surrender
Farren, Erica Dorothy	\$69.35	Military
Guzman, Florentino Amadeo & Castro, Isabel Michelle	\$170.04	Military

ONWASA Administrative Services Agreement - The Administrative Services Agreement with ONWASA for operation of the satellite office was renewed for FY 21/22 for the same terms (\$35,000) as had been in previous years.

Proclamations

Mayor Davis read and acknowledged National Safe Boating Week - May 22-28. Carl Rauschenberg thanked the Town for acknowledgement and reiterated the safe boating tips listed in the proclamation.

Public Hearings

Special Use Permit - The Blazin' Bird Restaurant - Chase Hanford had made application for a special use to utilize the property at 632 W. Corbett Ave, the former Seaside Coney Island, as a restaurant. Though the property was previously used as a restaurant, "Restaurants (including take-out only establishments)" now required a special use in the B-2 General Business zoning district. Because the property had been vacant due to damage from Hurricane Florence in September 2018, the use had been discontinued for more than 180 days, and a special use was required. At their April 6, 2021, regular meeting, the Planning Board voted unanimously to recommend approval of the special use application. There were no additional conditions suggested.

Mayor Davis asked if the staff had any concerns with the proposed special use. Planner Ansell indicated that the request was not a change of use, and ordinance requirements were met. There was a slight change to the parking plan based on comments from NCDOT, they did not want to see any additional parking in the front of the building so additional parking would be in the rear of the building off Hokum Lane. Planner Ansell confirmed that because Mr. Hanford was not making improvements more than 50% of the value no additional code requirements had to be implemented. Mr. Hanford also provided a private appraisal because Onslow County had the building valued at \$0.

In response to Mayor Pro Tem Tursi' inquiry on whether the Planning Board discussed any concerns with the proximity to the residential area, Planner Ansell stated there was none, and that the business would be closing at 9:00pm most nights except game nights. Parking would be at the rear of the building off Hokum Lane and the speed limit 20 mph. Outdoor seating would be located to the right side looking at the building from NC24 with privacy fencing according to the site plan.

Commissioner Philpott inquired whether any improvements would be made to the sign and roof as they were tin and had some rust. Mr. Hanford indicated that he planned to paint the existing areas that had rust. Further improvement may be made in the future depending on the budget.

All persons providing testimony were sworn in and the public hearing was opened at 6:07 pm. No comments were provided, and the hearing was closed.

Staff notes in the agenda included:

- Regarding sidewalk construction and redevelopment of property; this was not a change in use, there was no significant or major renovation planned, so sidewalks were not required.
- Mr. Hanford was not the property owner, but the property owner had signed the affidavit on the Special Use permit application allowing Mr. Hanford to submit the application on his behalf.
- Regarding minimum parking requirements; per the site plan, 8 new parking spaces would be added, bringing the total to 20. Seventeen spaces were required including the outdoor patio seating. NCDOT would not allow the addition of any spaces in the front of the building along NC Hwy 24.

- The speed limit on Lisk Drive was 20 mph. Hokum Lane dead-ended into the Bank of America parking lot which connected to Park Lane, which was also 20 mph.
- Regarding traffic impact - Justin Lins, Engineering Specialist II with NCDOT, estimated the number of trips per day would not exceed 190. Per the 2019 NCDOT Annual Average Daily Traffic (AADT) map, this section of NC Hwy 24 saw an average of 27,500 trips per day.
- No additional lighting was proposed.
- Regarding regulations for landscaping; no additional requirements existed. Repairs/improvements would not change the use or alter the existing building.
- Regarding the trash containment area; the site plan provided the required dumpster.
- Regarding Building Design and Compatibility; the building was presently listed with a value of \$0.00 per Onslow County. The improvements proposed to the structure would not exceed 50% of the building value based the private appraisal received from Suzanne H. Nelson, MAI, with Realty Services of Eastern Carolina, Inc., and the cost breakdown received from the applicant.

In granting the special use permit, the Board reviewed **§ 152.210 PROCEDURE FOR SPECIAL USE PERMITS** below and gave due regard to the nature and state of all adjacent structures and uses, and the districts within which the proposed use was to be located. The Board considered whether it was necessary or appropriate to affix conditions for the purposes of protecting neighboring properties and/or the public interest assuring that the use was harmonious with the area, ensuring that the use was consistent with the spirit of the ordinance. No conditions were provided.

§ 152.210 PROCEDURE FOR SPECIAL USE PERMITS.

A) Special use permits may be issued by the Administrator, after approval by the Board of Commissioners, for the uses as designated in the table of regulations for special uses. Applications shall include all the requirements pertaining to it as specified in this section. A hearing shall be held, and all interested persons shall be permitted to offer relevant comments. The Town Board of Commissioners shall consider the application and may approve or deny the requested special use permit.

B) In granting a special use permit, the Board of Commissioners shall give due regard to the nature and state of all adjacent structures and uses, and the districts within which the proposed use is to be located, and shall make written findings of fact concerning the existence or absence of the following criteria:

1) *The special use is allowed pursuant to § 152.210 and meets all the required conditions and specifications, including without limitation, those set out in § 152.211.* The use, “Restaurants (including take-out only establishments)” was allowed as a special use in the B-2 zoning district. There were no specific criteria for the use under Section 152.211.

2) *The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.* The proposed business did not directly abut any residential properties; however, it was just south of Lisk Drive and Hokum Lane in the Russell Park neighborhood which was predominantly single-family residential. The business proposal offered to operate from 11:00 am to 9:00 pm on Mondays and Wednesday through Sunday. The applicant did request to remain open on NFL, college football and college basketball gamedays, and for playoff games until the game concluded.

3) *The special use will not substantially injure the value of adjoining or abutting property, OR the special use is a public necessity.* An analysis from Suzanne H. Nelson, MAI, with Realty Services of Eastern Carolina, Inc., indicated no known substantially injure the value of adjoining or abutting property would occur from what was proposed.

4) *The location and character of the special use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is located.* The special use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address impacts of the project as required by G.S. §160A-382(b). The CAMA Land Use Plan Update (2019) identified this property as Coastal Traditional Neighborhood (CTN), with the portion of the property fronting on NC Highway 24 as Gateway Corridor. The CTN land use designation was described as a walkable, compact, residential district laid out based on traditional neighborhood development patterns. It generally surrounded the Traditional Town Center and contained single and two-family residential with small-scale multi-family and neighborhood commercial. The Gateway Corridor (GC) land use designation was intended to enhance the function and appearance of the NC 24 corridor, as well as other main entranceways to the town. Generally, the GC area encompassed properties that were directly adjacent to, visible from, and interact with NC 24.

5) *Upon the issuance of any special use permit, the Board of Commissioners shall consider whether it is necessary or appropriate to affix conditions thereto for the purposes of protecting neighboring properties and/or the public interest assuring that the use is harmonious with the area and ensuring that the use is consistent with the spirit of the ordinance and shall affix to such permit such reasonable and appropriate conditions as it finds are necessary for any of those purposes. If any conditions affixed to any special use permit or any part thereof is held invalid by any competent authority, then said special use permit shall be void. No conditions were applied.*

Based on the above mentioned findings, a motion was made by Commissioner Pugliese, seconded by Commissioner Turner to approve the Special Use Permit by unanimous vote.

UDO Text Amendment - Chapters § 152.225 - 152.227/Residential Cluster Development Regulations – At its March 2, 2021, regular meeting, the Planning Board voted to recommend the proposed rework of the Residential Cluster Development Regulations to strengthen the requirements for the protection of vulnerable areas such as designated wetlands and the floodway. The proposed amendments require identification of any 401 or 404 wetlands on preliminary plats, prohibited any required open space from being made up of 401 or 404 wetlands, and required such 401 or 404 wetlands be deeded to the Town.

Mayor Davis believed the amendment to be potentially controversial and recommended it be held until the Board could meet in person. In conversation with John Freshwater today, who had developed such a development, he was not aware of the proposed amendment. He believed community input was needed and incentives put in place to encourage developers to provide the dedications proposed. Specifically, *the addition of (E) Areas identified on the Preliminary Plat as 401 wetlands, 404 wetlands, floodway, or if located within 30 feet of the normal water level along a coastal shoreline shall be reserved and dedicated to the Town. This designation shall be recorded on the face of the Preliminary and Final Plats and a deed recorded conveying the area to the Town for preservation. No structure, impervious surface or other development shall occur in this area other than that which is permitted by the State or other regulatory agency.*

Planner Ansell noted that the amendment proposed was an optional process and was recommended by the Carolina Wetlands Association. The proposal came about following the Swangate Subdivision approval when issues arose related to the open space provided was the 404 wetlands area.

Commissioner Meilleur stated that the Planning Board vote was 4/0 for approval. Planner Ansell shared that on March 15, the area of dedication was discussed and recommended to be identified (wetlands and costal shoreline areas) during preliminary plat review process and then dedicated at final plat. There was no public present at the Planning board meeting.

Mayor Pro Tem Tursi clarified that section (E) did nothing but require wetlands be recorded on the plat. He further stated that Mayor Davis had terribly misjudged and opened discussion with negative perception, which was uncalled for and not his place to do. Commissioner Meilleur agreed adding that Mayor Davis was promoting his own position. Robert's Rule of Order provide that the Mayor's role was hold a middle ground and to run the meeting, not to interject his opinion. Planner Ansell offered that the 30-foot buffer could not be built upon without a variance from CAMA.

Commissioner Philpott noted that the key point was that the amendment provided an option to the developer. Such amendments were also suggested by the Land Use Plan and the Board of Commissioners had charged the Planning Board to consider those recommendations. Mayor Pro Tem Tursi added that the LUP Steering Committee had made suggestions that preservation of retaining open space was important, and it had been listed as a major policy goal of the Land Use Plan. Commissioner Turner agreed with Mayor Pro Tem Tursi.

Mayor Davis reiterated that he felt the proposed language would not incentivize a developer to develop in the cluster form, nor were local professionals engaged in the conversation/development of the amendments.

The public hearing was opened at 6:35pm. There were no comments at this time, the hearing would need to remain open for 24-hours and the vote would take place at the next meeting.

Business Non-Consent

One Harbor Church Lease Extension – The current lease with One Harbor Church (OHC) was last amended March 9, 2020. That amendment included a subsidized monthly rate of \$1,029.76 through December 31, 2020. The amendment also included the same rate on a month-to-month basis starting January 1, 2021.

Construction of OHC's new facility had been delayed due to COVID-19 therefore staff had discussed the following proposed amendments to the lease agreement.

- Appropriate Consumer Price Index increases for the 2019 and 2020 calendar years be added to the monthly lease rate

- Subsidies of the rental rate ends October 2021
- Starting November 2021, the monthly rate be \$3,142.83
- The lease be on a month-to-month basis starting January 2022
- One Harbor Church representatives expected the need for facilities lease through the end of Fiscal Year 2021-2022 (June 2022) and maybe further
- A December 2021 CPI increase would increase the lease rate

On a motion by Commissioner Philpott, seconded by Commissioner Turner Resolution 2021-R3 adopting the amended Lease Amendment with OHC according to the terms as described, and authorizing the Town Manager to execute, at the appropriate time, any instruments necessary to consummate the lease agreements was unanimously approved.

Text Amendment to Town Code Chapter 112: Mobile Ice Cream Vending Regulations – Text amendments to Chapter 112 were introduced that would better clarify the approval process for mobile ice cream vendors. The amendments would 1) authorize the Town Manager to make changes to rates for mobile ice cream vendors, 2) provide terminology improvements, 3) required a criminal record check on the business owner/applicant and each proposed driver of any mobile ice cream vending vehicle, and 4) remove the applicant's cost for the public hearing.

Commissioner Meilleur asked what happened if the criminal records check was negative and wondered if the language needed to read differently. Chief Jackson shared that if a criminal record check revealed a criminal history of a driver, then the owner of the business may not be able to run the business and/or be required to use different drivers. Mayor Davis inquired whether the Manager had the authority to decide on allowing the driver based on the type of criminal record. Chief Jackson confirmed. Attorney Parson was fine with the ordinance as written, indicating that there needed to be some flexibility based on the offense discovered, however, the same process should be applicable for such vendors.

Mayor Pro Tem Tursi asked if other such vendors were required to do a criminal records check. Manager Seaberg clarified that like vendors were regulated by different agencies – mobile ice cream trucks was regulated by USDA. Food Trucks were regulated through the Health Department. It should also be noted that the customer base for ice cream trucks was children and the criminal records check helped protect against predators. Attorney Parson agreed and offered that the same logic should apply to all like vendors. When the Town continued its discussion on whether to allow food trucks, the same language should be applied (if allowed).

Commissioner Turner inquired whether ice cream trucks were allowed to park at the soccer park or setup on private property. She also offered it might be best to hold on ordinance adoption until future discussion was held on whether to allow food trucks. Planner Ansell shared that a designated route was required by ordinance, setting up on private property was not allowed – doing so would then define them as an itinerant merchant, which was not allowed.

Mayor Pro Tem Tursi noted that such vendors could operate at the park if for a non-profit event. He too believed all such vendors should follow the same process. Planner Ansell confirmed and added that such vendors were not allowed within 100 foot of a school zone or in the business district.

Mayor Davis indicated that the Town did not do background checks on local businesses – he asked if the law allowed such and if not, was the Town empowered to require such from other vendors. Attorney Parson was not confident the law allowed the Town to regulate brick and mortar business to such degree. He asked Director Stanley of Parks and Recreation if background checks were conducted on program vendors/festival vendors. She stated that background checks were done for program vendors but not for festival/event vendors. He was not aware of any law preventing the Town from regulating food vendors though.

Commissioner Philpott agreed it might be best to hold on adoption until the Board had further discussion on food trucks. He did understand the need to protect the community from predators, but more research was needed.

Commissioner Pugliese agreed to wait but did believe ice cream trucks and food trucks were different – ice cream routes were geared to draw children, food trucks were looking for high traffic areas, ball parks.

On a motion by Mayor Pro Tem Tursi, seconded by Commissioner Philpott, Ordinance 2021-O2 was tabled for further research and discussion when the Board returned to in-person meetings by unanimous vote.

Planning Technician - At the April 12th Board Meeting, the Town Manager shared the need to hire a Planning Technician prior to the Town Planner's maternity leave in July 2021. The position would be funded through Admin Services and Permitting. To cover salaries/benefits for the month of June 2021, \$6,248.18 would need to be appropriated.

Mayor Davis indicated that funding the position now created a fulltime position as presented. Commissioner Turner believed it could be a temporary position with an

expiration date. Manager Seaberg noted that he had not intended for the position to be temporary – he was under the impression that the Board saw the need for a fulltime position. Commissioner Philpott understood the need but was not prepared without knowing more about the FY 21/22 Budget. He would support contracting the position out during the maternity leave. Commissioner Turner agreed. Commissioner Pugliese agreed. Manager Seaberg was directed to obtain a contract price.

Budget Ordinance Amendment #2021-7 (as amended above) – Multiple departments required amending for FY 20/21. The source for the below amendments was to be appropriated from Fund Balance.

Public Works/Streets - NCDOT required Wayfinding Signs be installed on breakaway poles. Requested \$7,000 be appropriated to purchase 13 breakaway poles.

Parks & Recreation - The NC Coastal Federation was awarded funds for asphalt removal and permeable parking at Ward Shore Park. The total project cost was \$118,302. A partnership with NC Coastal Federation provided assurance of at least a \$40,000 reimbursement towards the overall project. Project costs overran by \$10,000. Requested \$50,000 be appropriated for project costs.

On a motion by Commissioner Philpott, seconded by Mayor Pro Tem Tursi, Budget Ordinance Amendment 2021-7 (as amended) was unanimously approved.

Financial Report – March 2021 – Finance Director Johnson reviewed details from the monthly financial report, *attached herein*.

Mayor Davis asked if he understood correctly that the Town was over \$400,000 in the green (positive) with current expenditures. Director Johnson confirmed but did note that approximately \$259,000 was projected to be needed by year end – June 30, 2021.

Meetings Moving Forward – Following discussion on near future COVID 19 restrictions being lifted, Board members agreed to return to in-person meetings in June 2021 if such restrictions were lifted.

Future Agenda Items – A memo detailing proposed upcoming agenda items was reviewed and an opportunity for the Board to introduce any new items was given.

Commissioner Philpott encouraged staff to arrange JOED Director, Mark Sutherland to attend a future meeting to discuss Economic Development Committee and provide an overview of the Strategic Plan.

Board members were eager to see the draft budget updates. A Special Budget Meeting (remotely) was set for Thursday, May 13, 2021, at 5:30pm.

Downtown Event Discussion (May – October) – In a press release last week Governor Roy Cooper had indicated he would be slowly loosening COVID19 restrictions by June 1, 2021. Mayor Davis believed the Town should re-consider allowing some of the events that had been cancelled through July 4th, specifically, the July 4th fireworks. He shared that the fireworks vendors had agreed to accept a non-refundable \$500 deposit – the event could be held on July 2nd or 5th with the final total cost being \$10,000 on an inquiry from the Board. The Laser Light Show (cost \$14,000) partnerships had not materialized.

Commissioner Philpott asked the total loss if fireworks had to be cancelled. According to Mayor Davis, only the \$500 non-refundable deposit would be lost. Director Stanley believed the details could be worked out if the Governor loosened the restrictions as suggested.

Commissioner Meilleur thought it odd to support \$10,000 for fireworks but not support a fulltime Planning Technician. The July 4th Fireworks would also have additional fees for staffing.

Mayor Pro Tem Tursi asked if there would be an additional \$10,000 for fireworks at Mullet Festival. The Mullet Festival fell within the FY 21/22 Budget. The vendor agreement though included a quote for \$10,000 for each event - July 2 and Mullet Festival, otherwise it would be \$15,000 each event. Mayor Pro Tem did not have strong feelings either way but did not feel July 5th was a good night.

Commissioner Turner and Pugliese indicated support if restrictions lifted.

Manager Seaberg clarified that a site visit to the island was still needed to assure any clean up needed was doable prior to the event.

In addition, Mayor Davis noted that the Tams were already scheduled (by contract) to provide music downtown on July 4th. It was noted that street closures would be needed both nights. No objections were heard, and confirmation would be discussed with Chief Jackson. Believing there was a consensus, staff would proceed with fireworks for July 2nd and the July 4th Tams music as discussed.

Public Comments

Citizens were offered an opportunity to address the Board regarding items not listed on the agenda.

David Drafton, owners of a mobile ice cream truck entered the meeting late and inquired if the ordinance amendment was approved. Mayor Davis shared that the amendment was tabled, that the current ordinance stood until further notice. Mr. Drafton asked if that meant his application was not considered. Staff was unaware that Mr. Drafton had applied. Such required a public hearing by ordinance. Mayor Pro Tem Tursi was perplexed that the Commissioners had to vote to approve a mobile ice cream truck. It was clarified that removing the action by the Board was part of the amendment. Manager Seaberg would meet with Mr. Drafton and Chief Jackson to determine an expedited process and if a hearing could be scheduled.

Manager's Comments

Manager Seaberg gave highlights from the Manager's Brief provided in the agenda packet.

Staff was pursuing a 319 Grant project to map the stormwater system – if awarded there would be a \$34,000 match by the Town, the total project \$85,000. Mayor Tem Tursi offered that the Town typically provided in-kind services to offset the match. Board members agreed to proceed.

As part of the NC DCM Resilient Coastal Communities Program (RCCP) Grant, development of a Community Action Team was needed. Manager Seaberg recommended the following: the Manager, Planner, Flood Appeals Chair, Planning Chair, Board of Adjustment Chair, and two representatives from the elected Board.

The Wayfinding Signs are under production. Staff is researching decorative style poles that would be crashworthy signs, a requirement of NCDOT.

Regarding the NC State Historic Preservation Office Florence and Michael (ESHPP) Hurricane Disaster Relief Grant for the Emmerton School, the contract was still pending.

The Dockwalk Phase 2 CAMA Grant contract has been received and signed. An easement was required from adjacent property owner Randy Swanson.

The Ward Shore Living Shoreline Project was complete.

NCDOT reported at \$97,000 cost overage in installing the sidewalk along NC24. The Town had provided \$116,000 towards that project.

The Downtown Traffic Movement Plan had been provided to the Board. Manager Seaberg shared concerns on the number of signs recommended for the historic district. Although Mayor Davis favored the number of signs to better educate the public on the new traffic movement, Commissioner Philpott noted that the wayfinding signs would also be added and would help with education and direct to the public. Commissioner Meilleur suggested leaving the sign recommendations to the traffic engineer expert. Board members also favored decorative crosswalks for historic district instead of white paint across the road. It did not seem likely that the traffic movement changes would be implemented by the end of May.

Regarding the Emergency Operations Center, the structural engineer was finalizing the report and Manager Seaberg hoped to provide the report in May.

Board Comments

Commissioner Philpott complemented the Manager and Staff on their efforts to make progress on the number of projects the town had going on during hurricanes and the pandemic.

Mayor Pro Tem Tursi complemented the Public Works team for their work at Ward Shore. It had been a long, drawn-out project.

Mayor Davis shared that Ms. Voit, a wheelchair bound individual had complimented the Town on the recent sidewalk installation along NC24.

A brief recess was taken from 8:40pm – 8:42pm.

Closed Session

On a motion by Commissioner Philpott, seconded by Commissioner Turner, the Board entered closed session pursuant to NCGS 143-318.11 (a) (3) to consult with the attorney by unanimous vote.

During closed session, a motion was made and seconded to return to open session. No action was taken.

Adjournment

On a motion by Commissioner Turner, seconded by Commissioner Meilleur, the meeting adjourned at 9:00pm.

Regular Meeting

April 26, 2021



1

1. Please turn cell phones to “off” or “vibrate”.

2. The Board offers the public three opportunities to speak during the meeting:

A comment period is offered at the beginning and end of the meeting. Please note that a separate opportunity is provided for those items requiring a public hearing.

Public Hearing(s) – There are two (2) public hearings scheduled for this meeting.

3. Under the ZOOM Meeting Platform, individuals wishing to make comments should “raise their hand” 🖐️ from their computer. At the appropriate time, Major Davis will acknowledge those with comments.

2

PUBLIC COMMENT

Citizen opportunity to address the Board for items listed on the agenda.

3

AGENDA AND CONSENT ITEMS

Action Needed: *Motion to Adopt the Agenda as prepared (or amended) and approval of the Consent Items*

4

PROCLAMATIONS

National Safe Boating Week - May 22-28

5

PUBLIC HEARING

Special Use Permit – The Blazin’ Bird Restaurant

Chase Hanford has submitted an application for special use to utilize the property at 632 W. Corbett Ave, the former Seaside Coney Island, as a restaurant. Though the property was previously used as a restaurant, “Restaurants (including take-out only establishments)” now require a special use in the B-2 General Business zoning district. Because the property has been vacant due to damage from Hurricane Florence in September 2018, the use has been discontinued for more than 180 days, and a special use is required.

Action Needed: Per Section 152.210 of the UDO, the Board shall consider the application and may approve or deny the requested special use permit.

Presenter: Jennifer Ansell – Planner

6

PUBLIC HEARING

b. UDO Text Amendment - Chapters § 152.225 - 152.227/Residential Cluster Development Regulations

At their March 2, 2020 regular meeting, the Planning Board discussed their immediate goals with regard to implementation of the Land Use Plan. The first priority established was to re-work the Residential Cluster Development Regulations to strengthen the requirements for the protection of vulnerable areas such as designated wetlands and the floodway.

The proposed amendments require identification of any 401 or 404 wetlands on preliminary plats, prohibits any required open space from being made up of 401 or 404 wetlands, and requires such 401 or 404 wetlands be deeded to the Town.

Action Needed: Motion to adopt Ordinance 2021-O1 amending UDO Chapters 152.225 - 152.227/Residential Cluster Development Regulations and to adopt a consistency statement.

Presenter: Jennifer Ansell – Planner

7

BUSINESS NON-CONSENT

One Harbor Church Lease Extension

At the March 9, 2020 meeting, an amendment to our lease agreement with One Harbor Church was approved. The amendment included a subsidized monthly rate of \$1,029.76 through December 31, 2020. The amendment also included the same rate on a month-to-month basis starting January 1, 2021. Construction of OHC's new facility has been delayed due to COVID-19 therefore we have discussed proposed amendments to the lease agreement with representative of One Harbor Church.

Action Needed: Motion to approve Resolution 2021-R3 Amended Lease Amendment with the terms as described, and authorize the Town Manager to execute, at the appropriate time, any instruments necessary to consummate the lease agreements.

Presenter: Chris Seaberg – Town Manager

8

BUSINESS NON-CONSENT

Text Amendment to Town Code Chapter 112: Mobile Ice Cream Vending Regulations

To better clarify the approval process for mobile ice cream vendors, amendments are recommended to

- 1) Authorized the Town Manager to make changes to rates for mobile ice cream vendors;
- 2) Terminology improvements;
- 3) Require a criminal records check on the business owner/applicant and each proposed driver of any mobile ice cream vending vehicle; and
- 4) Removal of the applicant's cost for the public hearing.

Action Needed: Motion to adopt Ordinance 2021-O2 amending Chapter 112 of the Town Code of Ordinances to clarify the process for approving mobile ice cream vendors.

Presenter: Ken Jackson – Police Chief

9

BUSINESS NON-CONSENT

Budget Ordinance Amendment 2021-7 Multi-Departments

Amendments are needed for the following departments, with funds being appropriated from Fund Balance for all.

Action Needed: Motion to approve Budget Ordinance Amendment #2021-7

Presenter: Sonia Johnson – Finance Director

10

BUSINESS NON-CONSENT

Financial Report

Presenter: Sonia Johnson – Finance Director

11

TOWN OF SWANSBORO FINANCIAL REPORT (AS OF MARCH 31, 2021)

REVENUES

EXPENDITURES

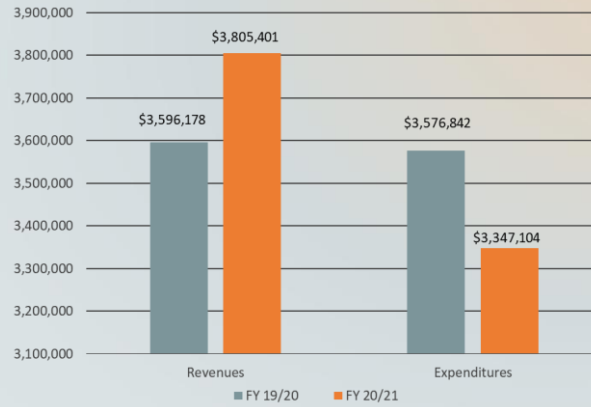
LOAN PAYMENTS

INVESTMENTS

12

**TOWN OF SWANSBORO
REVENUES/EXPENDITURES
TWO YEAR COMPARISON
(AS OF MARCH 31, 2021)**

GENERAL FUND



ENCUMBRANCES INCLUDED

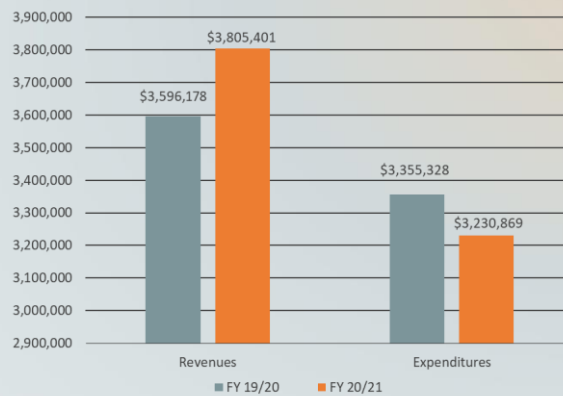
Total Excess of Revenues Over Expenditures **\$458,297**

13

**TOWN OF SWANSBORO
REVENUES/EXPENDITURES
TWO YEAR COMPARISON
(AS OF MARCH 31, 2021)**

(ACTUAL)

GENERAL FUND



(ENCUMBRANCES NOT INCLUDED)

Total Excess of Revenues Over Expenditures **\$574,532**

14

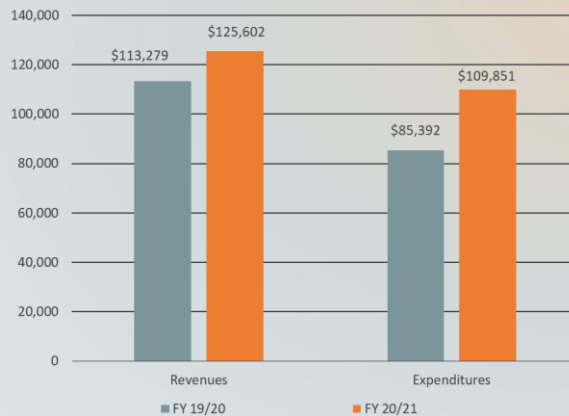
DEPT.	BUDGET	(PAID YEAR TO DATE) ACTUAL	(PURCHASE ORDERS) ENCUMBERED BALANCE	SPENT % MARCH 31, 2021
GOVERNING BODY	14,098	10,551	356	77.4%
ADMIN SERVICES	429,255	308,324	4,085	72.8%
FINANCE	300,825	182,106	-	60.5%
LEGAL	42,000	22,938	-	54.6%
PUBLIC BUILDINGS	353,752	265,923	9,890	78.0%
FIRE	909,443	549,896	43,015	65.2%
PERMITTING	223,915	151,332		67.6%
POLICE	1,050,863	679,635	12,377	65.9%
PUBLIC WORKS-STREETS	296,916	251,408	4,572	86.2%
POWELL BILL-STREETS	90,318	18,042	5,635	26.2%
PARKS & RECREATION	291,304	157,792	12,135	58.3%
CHURCH STREET DOCK	8,230	4,610	-	56.0%
EMERGENCY MANAGEMENT	169,212	140,595	24,827	97.8%
FESTIVALS & EVENTS	95,451	3,770	(675)	3.2%
NON DEPARTMENTAL	510,206	483,948	17	94.9%
TOTAL	4,785,788	3,230,870	116,235	69.9%

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**TOWN OF SWANSBORO
REVENUES/EXPENDITURES
TWO YEAR COMPARISON
(AS OF MARCH 31, 2021)**

STORMWATER ENTERPRISE FUND

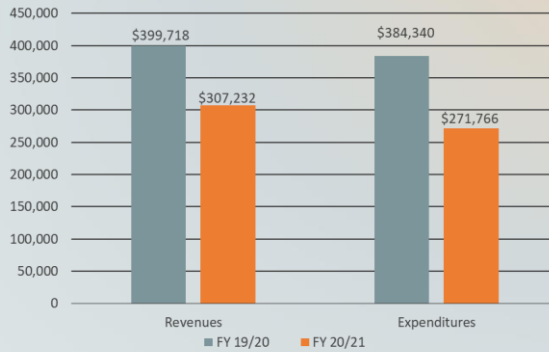


ENCUMBRANCES INCLUDED
Total Excess of Revenues Over Expenditures **\$15,751**

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**TOWN OF SWANSBORO
REVENUES/EXPENDITURES
TWO YEAR COMPARISON
(AS OF MARCH 31, 2021)**

SOLID WASTE ENTERPRISE FUND



ENCUMBRANCES INCLUDED
Total Excess of Revenues Over Expenditures **\$35,466**

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**TOWN OF SWANSBORO
LOAN REPORT
(AS OF MARCH 31, 2021)**

Item	Principal Balance	Interest Rate	End Date	Annual Debt Service
Town Hall/Tanker	\$534,076	2.69	03/21/2028	\$84,724
Public Safety Facility	\$160,000	2.58	12/22/2024	\$45,160
Fire Truck	\$265,418	2.08	11/01/2026	\$47,512
Equipment/Vehicles	\$50,832	1.87	11/01/2021	\$51,783
Sleeping Quarters	\$150,000	2.43	12/14/2026	\$29,253
Grapple Truck/Town Hall Generator	\$227,700	1.72	6/25/2025	\$47,917
Total Debt	\$1,388,026			\$306,349

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**TOWN OF SWANSBORO
CASH & INVESTMENTS REPORT
(AS OF MARCH 31, 2021)**

CASH & INVESTMENTS

BANK	BALANCE	INTEREST RATE
First Citizens Bank	\$750,230	.01%
NC CMT-General	\$3,572,016	.01%

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Any Questions

?

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BUSINESS NON-CONSENT

Meeting Format Moving Forward

Last month, the Board discussed its meeting format moving forward and the consensus was to remain remote and discuss options again on April 26, 2021. The current Executive Order expires Friday, April 23, 2021 and it is expected that Governor Cooper will hold a press conference later in the week to address "moving forward."

Action Needed: Discuss and determine meeting format moving forward

Presenter: John Davis – Mayor

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NEW BUSINESS/NON-CONSENT

Future Agenda Items

The purpose of this memo is to provide the Board with matters that staff anticipates/proposes for upcoming meetings. It should be noted that these items are tentatively scheduled for the specified monthly agenda but are subject to change due to preparation of materials, public notice requirements, etc. In providing this memo each month, we hope it will also provide opportunity for the Board to introduce items of interest and subsequent direction for placement on future agendas, which will allow staff the opportunity to plan accordingly.

***Action Needed:** Discussion and guidance to staff on future agenda items.*

Presenter: Paula Webb – Assistant Manager/Clerk

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PUBLIC COMMENT

Citizen opportunity to address the Board.

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MANAGER'S COMMENTS

Chris Seaberg, Town Manager

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BOARD COMMENTS

Mayor John Davis
Mayor Pro Tem Frank Tursi
Commissioner Pat Turner
Commissioner Harry “PJ” Pugliese
Commissioner Larry Philpott
Commissioner Laurent Meilleur

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CLOSED SESSION

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ADJOURN