**Town of Swansboro**
**Board of Commissioners**
**July 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.

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**Call to Order/Opening Prayer**
The meeting was called to order at 5:30 pm. Mayor Davis gave the invocation.

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

**Adoption of Agenda**
On a motion by Commissioner Philpott, seconded by Commissioner Turner, the Agenda and Consent Items below were unanimously approved.

Meeting Minutes

May 10, 2021 Regular Meeting

May 13, 2021 Special Meeting

May 24, 2021 Regular Meeting

June 14, 2021 Regular Meeting

June 14, 2021 Closed Session

{Note: Closed Session minutes are sealed upon adoption unless otherwise stated within the motion or as required by state statues.}

Tax Refunds – Vehicle Tax for Shin, Michelle Nara 34.35 Tag Surrender

**Recognitions**
Retiring Fire Chief Mark Tessing was recognized for 6 years of dedicated service to the Town as Fire Chief and a Volunteer before that since 2006. Chief Tessing shared appreciation to the Fire Department staff, Town Staff and the Board of Commissioners for their support. Chief Tessing would be retiring at the end of the month with 47 years total in the fire service.

Incoming Fire Chief David Degnan was introduced to the Board and excerpts from his Bio were shared with the audience.

**Public Hearings**

*Text Amendments - Food Trucks* - In late 2020, the Board held several meetings to include a public hearing on a text amendment request submitted by Elizabeth Shepard, owner of the Urban Street Eats food truck. Due to COVID19 and capacity limitations with meetings etc., the Board decided it would not consider controversial matters until it was able to return to complete in-person meetings. Having returned to in-person meetings in June 2021, the Board directed staff to place the Food Truck Text Amendments back on the agenda for consideration. Manager Seaberg noted that the proposed amendments included additional recommendations from Mayor Pro Tem Tursi and Commissioner Philpott who had met with staff following the August 10, 2020 meeting.

The proposed ordinance allowed food trucks in the B1, B2, B3, and M1 zoning districts, and property identified as being within the Traditional Town Center, Suburban Town Center, or Employment/Light Industrial land use designation as identified within the 2019 CAMA Land Use Plan on the Future Land Use Map, created food truck fees - $500/annual or $100/day, and still allowed exemptions for non-profits and special events.

Mayor Davis was concerned that the node around the Queens Creek intersection did not allow for food trucks and thought the 50-100 foot setback might need to be relaxed. Perhaps the Planning Board could recommend an exemption for the Queens Creek Node or at the least, the vacant outparcel in front of Food Lion. Commissioner Turner asked to hear from Mayor Pro Tem Tursi and Commissioner Philpott on their recommendations.

Commissioner Philpott indicated that they looked at other communities and how they regulated food trucks. He actually preferred a 100-150 foot setback and hoped the language was clear enough when a food truck delivers/sets up to cater in a residential neighborhood. One node did include the use in the historic district but Mayor Pro Tem Tursi shared food trucks would not be allowed on public streets so he did not think there was anywhere in the historic district they could set up. He added that the Queens Creek Node did not qualify as a Traditional Town Center, Suburban Town Center designation. He also asked Manager Seaberg if the required setback from NCDOT was the measured from the property line or center line of the road. Manager Seaberg indicated that it was the property line.

Commissioner Philpott and Mayor Pro Tem Tursi both shared concern with exemptions – if allowed, more requests would follow. By consensus Board members agreed to ask the Planning Board for a recommendation on the exemption for the outparcel in front of Food Lion but not an amendment to the Land Use Pan which was more in depth.

Commissioner Turner asked if the fees were comparable with other jurisdictions. Manager Seaberg noted that they were. The fees were flat fees annually or by the day. No pro-rating would be done.

The public hearing was opened at 6:05 pm and comments were heard from:

Randy Swanson asked for clarification on node locations and whether a food truck could move from one node to another or were they required to stay in one location once the permits was given. Commissioner Pugliese clarified that the ordinance specified 3 consecutive days per location, then not again for another 7 days.

He thanked the Board for the additional review and clarification added to the proposed ordinance.

The public hearing was closed at 6:07pm.

Attorney Parrish noted that the 3rd Whereas within Ordinance 2021-O7 provided a consistency statement.

On a motion by Mayor Pro Tem Tursi, seconded by Commissioner Philpott, Ordinance 2021-O7 amending the UDO to allow Food Trucks was approved on a unanimous vote.

**Business Non-Consent**

*Resolution Supporting State Funding for Sidewalk Project* - On July 14, 2021, Senator Michael Lazzara's and Representative Phil Shepard both shared that they planned to send letters to the Office of the President Pro Tempore and the Office of the Speaker of the House, each asking for $50,000 appropriations to cover the $100,000 overage on the Sidewalk Projects. Such requests must be supported by the jurisdiction the funds are sought for. Resolution 2021-R9 had been drafted showing that support.

Mayor Davis indicated that Representative Shepard would be asking for $100,000, so the total amount that may be allocated was $150,000. Manager Seaberg added that the savings from phase 1 would roll into phase 2.

On a motion by Commissioner Philpott, seconded by Commissioner Turner, Resolution 2021-9 in support of state funding for the sidewalk projects was approved by unanimous vote.

*Budget Ordinance Amendment #2022-1* – Budget Ordinance Amendment 2022-1 provided re-appropriations for multiple departments from FY 20/21 and other amendments.

*Streets* - In FY 20/21, donations were received in honor of Jean King of Swansboro to purchase Christmas lights. Requesting $6,943.78 be re-appropriated for its intended purpose. Source of Funds: Appropriated Fund Balance

*Public Buildings* - The Onslow County Board of Commissioners approved Tourism Event and Capital distribution funding for the Fiscal Year 2021-22. The Town of Swansboro was awarded $20,000 for Visitor's Center improvements. Source of Funds: Grant Various

*Public Buildings* - Since January 2020, approximately $4563.56 had been spent on repairs for the HVAC units at Municipal Park Recreation Building. Currently, unit #3 of 6 was not operating. A quote for those repairs was $2413.63. Replacement quotes ranged from $29,000 – 60,000. The Public Works Director and HVAC Contractor recommended replacing all six units which were ten years old. Requesting $50,000 be appropriated from fund balance to replace six HVAC units at the Municipal Park Recreation Building. Source of Funds: Appropriated Fund Balance

Director Jim Stipe shared that an additional quote received today was to replace all six condensers $19,399 and add a unit for the center corridor $9400. Another quote suggested adding mini-splits to each room, but he did not recommend that option since the building already had duct work run through it. He recommended the option received today which was replacing all six condensers for $19,399 and adding a unit for the interior corridor at $9400. There was a consensus to replace the six condensers and install a unit for the corridor for a total cost of $30,000 as recommended.

Commissioner Meilleur noted that the Town should have a line item for maintenance items and equipment depreciation. Manager Seaberg indicated that he was looking at aging systems and how to fund their replacement.

*Fire Department* - An upfit package & radio were ordered for the Fire Chief's Dodge Ram that was budgeted in FY 20/21. However, the funds went back to fund balance because they were not used prior to the end of last fiscal year. Requesting $5,331 be appropriated back out of fund balance for its intended purpose. Source of Funds: Appropriated Fund Balance

*Admin Services* - The ADA Plan was still under development. Request the balance left of $669.00 be re-appropriated from fund balance. Source of Funds: Appropriated Fund Balance

*Admin Services* - The downtown traffic movement was still under development. Request the balance left of $3,720 be re-appropriated from fund balance. Source of Funds: Appropriated Fund Balance

*Emergency Management* - The Emergency Operations Center planning was still under development. Request the balance left of $21,085 be re-appropriated from fund balance. Source of Funds: Appropriated Fund Balance

*Emergency Management* - Concerns over how the Town's Public Safety Building performed during Hurricane Florence in 2018 lead to the Town contracting with a structural engineer to review the building's ability to handle storms. The result of the review was that the Public Safety Building was not recommended for use during any storm equivalent to the strength of a Category 2 Hurricane or higher. This led staff to look for alternative locations for operations during storms at or above that threshold so emergency operations could continue. At the September 28, 2020 Regular Meeting, authorization was given for staff to enter into an agreement with Swansboro United Methodist Church, Inc. for use of "Building 2" at 665 W. Corbett Avenue as an alternate Emergency Operations Center during an event when the expected storm was forecasted as a Category 2 or higher Hurricane. Part of the agreement was that the Town would install a switch for a trailerable generator to serve during a power outage. The cost to install the switch for "Building 2" was $29,900. Requesting $29,900 be appropriated from fund balance for its intended purpose. Source of Funds: Appropriated Fund Balance

On a motion by Commissioner Turner, seconded by Commissioner Pugliese, Budget Ordinance Amendment #2022-1 was unanimously approved as amended above.

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

*Board of Commissioners Policy 17/Agenda Development* – Board members had asked for a more formal agenda development process to assist in the order and efficiency of how their meetings were handled. The agenda was typically prepared by the Town Clerk in coordination with the Town Manager and Department Heads. "Future Agenda Items" was added to the agenda in 2020 to inform the Board of upcoming agenda items and to provide an opportunity for Board members to introduce items for discussion, consensus, and future action. The purpose of this proposed policy was to set forth the procedures, criteria, and conditions under which the Board of Commissioners Meeting Agendas were created. A comprehensive agenda, which sets forth the items of business and the order in which they were to be considered, was vital to the order and efficient handling of any meeting.

It was noted that a revised policy had been given to the Board at the meeting which added the following:

"All those honored by the town may receive a certificate or letter in addition to the resolution or proclamation. The certificate or letter shall be issued on behalf of the commissioners and mayor. No other items or gifts shall be distributed without the approval of the Board of Commissioners."

To further clarify, Commissioner Meilleur suggested that the letter and/or certificate be created by the Town.

On a motion by Mayor Pro Tem Tursi, seconded by Commissioner Philpott, BOC Policy 17 – Agenda Development was approved as amended above by unanimous vote.

*Future Agenda Items* – Future agenda items were shared for visibility and comment. In addition, an opportunity was provided for the Board to introduce items of interest and subsequent direction for placement on future agendas.

With no items on the calendar for August 9, the meeting was cancelled.

Mayor Davis asked if recognition of a wrestler who competed at the state level and the recognition of the state level Athletic Director could be added to the August 23 agenda. Mayor Pro Tem Tursi inquired whether the individuals were state champions as provided by the policy just adopted by the Board. If not, then the Mayor had authority to do such recognitions at the school. Mayor Davis stated that the individuals were not state champions and shared disappointment that the Board would not consider recognizing student successes, especially after all the students had been through in the past year. Commissioner Pugliese commented that the Mayor's comments were not a fair statement – the Board had made it clear months ago that it would recognize state championships and that other recognitions should be done at the schools in front of their peers. In addition, he and other Board members shared that it was not the Mayor's place to chastise the Board.

**<u>Public Comments</u>**

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

Mary Pat Smitt shared details on the Tunnels to Towers 911 Anniversary 5K Walk/Run that would be held in Town on September 11th at the Municipal Park. She was pleased with the partnership and support shown by staff.

**Manager Report**
Manager Seaberg highlighted center items from the Manager's Brief provided in the agenda packet.

*Emergency Operations Center* - upgrading the Public Safety Building was not feasible according to the report by The Wooten Company (included in the agenda packet). The piers would have to be cleared, which would not be possible without tearing down the building. Option 3 provided an alternate location and new building. The parcel identified was an example only – the Town had not selected this site.

Mayor Davis asked when a mock EOC run through would occur at the Swansboro United Methodist Church (SUMC). Manager Seaberg noted that cell phones and radios had been tested in the SUMC and neither worked – which would further restrict communications, should the staff have to move the EOC to this site if a Category 2 or higher storm was eminent. Commissioner Philpott was interested in attending a future mock EOC operations at SUMC.

*NC DCM Resilient Coastal Communities Program (RCCP) Grant* **– the** contractor and the State are still working through contract terms.

*NC State Historic Preservation Office Florence and Michael ESHPF Hurricane Disaster Relief Grant – Emmerton School* – waiting to receive the grant contract.

*Stormwater Outfall Retrofit Project – Walnut Street* – soil conditions had made filtration slower. Plans were to change the design to a depression system. Adjacent property owners would be notified of the design change.

*Sidewalks Phase 2* – was scheduled by NCDOT late August 2021.

*Ward Shore* – plans were to install more salt tolerate sod where sand had not held.

*JUMPO Urban MPO* – TCC Technical Board representatives were Manager Seaberg/Planner Ansell. Commissioner Meilleur served on the TAC Legislative Board. A formal review of potential projects was done with the TCC. He advised that funding sources could be political for discretionary funding on projects.

**Board Comments**
Commissioner Turner congratulated retiring Chief Mark Tessing and welcomed Fire Chief David Degnan.

Commissioner Pugliese thanked staff and Mayor Pro Tem Tursi and Commissioner Philpott for the work on the Food Truck amendments.

Commissioner Meilleur read excerpts on the Mayor's role by State Law and Robert's Rule of Order – in short, the Chair must be non-partisan, non-bias and not push his own agenda. He hoped those running for municipal office would take note and research their roles before being elected.

Mayor Davis looked forward to the direction Chief Degnan would lead in the Fire Department. He also thanked Mayor Pro Tem Tursi and Commissioner Philpott for their work on the Food Truck item.

**Adjournment**
On a motion by Commissioner Philpott, seconded by Tursi, the meeting adjourned at 7:05pm.

# Regular Meeting
July 26, 2021

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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 is one (1) public hearing scheduled for this meeting.

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*

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# PRESENTATION

**Retirement Recognition**

**Fire Chief – Mark Tessing**

**Presenter: Chris Seaberg – Town Manager**

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# PRESENTATION

**Introduction**

**New Fire Chief – David Degnan**

**Presenter: Chris Seaberg – Town Manager**

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# PUBLIC HEARING

Text Amendments - Food Trucks

In late 2020, the Board held a number of meetings to include a public hearing on a text amendment request submitted by Elizabeth Shepard, owner of the Urban Street Eats food truck. Due to COVID19 and capacity limitations with meetings etc., the Board decided it would not consider controversial matters until it was able to return to complete in-person meetings. Having returned to in-person meetings in June 2021, the Board directed staff to place the Food Truck Text Amendments back on the agenda for consideration.

*Action Needed:*

*1) Hold Public Hearing; and*

*2) Motion to approve, deny, or table Ordinance 2021-O7 amending the UDO and adopt a statement of consistency. Per NCGS 160D-605, when adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan.*

**Presenter: Chris Seaberg – Town Manager**

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# BUSINESS NON-CONSENT

Resolution Supporting State Funding for Sidewalk Project

On July 14, 2021 Senator Michael Lazzara's Office sent an email indicated that he and Representative Phil Shepard both planned to send letters to the Office of the President Pro Tempore and the Office of the Speaker of the House, each asking for $50,000 appropriations to cover the $100,000 overage on the Sidewalk Projects. Such requests must be supported by the jurisdiction the funds are sought for. Resolution 2021-R9 has been drafted showing that support should the Board wish to adopt it.

*Action Needed: Motion to adopt Resolution 2021-R9*

**Presenter: Chris Seaberg – Town Manager**

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# BUSINESS NON-CONSENT

Budget Ordinance Amendment #2022-1

Budget Ordinance Amendment 2022-1 is prepared for multiple department re-appropriations from FY 20/21 and other amendments.

*Action Needed:* *Motion to approve Budget Ordinance Amendment 2022-1*

**Presenter: Sonia Johnson – Finance Director**

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# BUSINESS NON-CONSENT

Monthly Financial Report - June 2021

**Presenter: Sonia Johnson – Finance Director**

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**TOWN OF SWANSBORO**
**FINANCIAL REPORT**
**(AS OF JUNE 30, 2021)**

*REVENUES*

*EXPENDITURES*

*LOAN PAYMENTS*

*INVESTMENTS*

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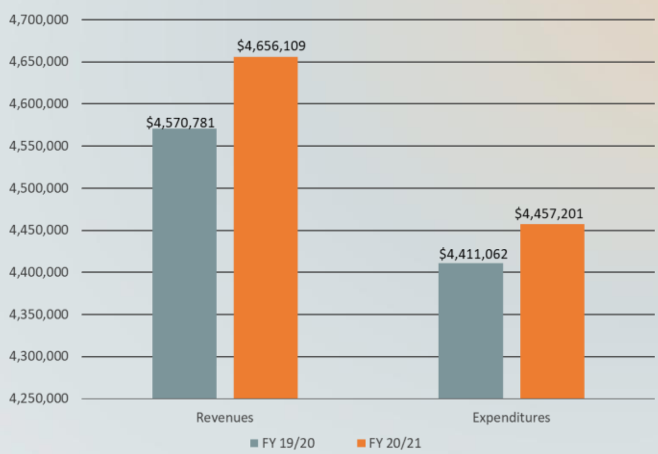
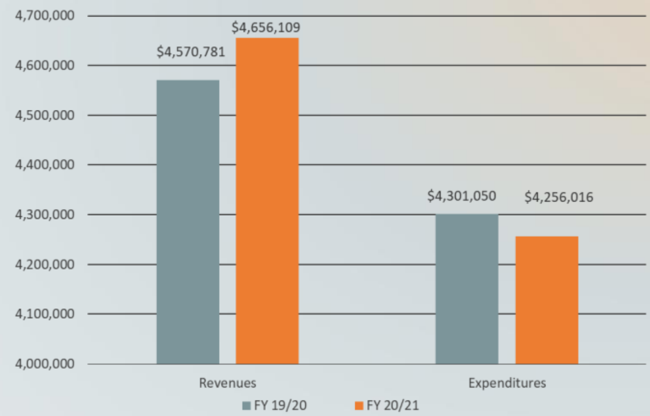
**TOWN OF SWANSBORO**
**REVENUES/EXPENDITURES**
**TWO YEAR COMPARISON**
**(AS OF JUNE 30, 2021)**

**GENERAL FUND**




ENCUMBRANCES INCLUDED
Total Excess of Revenues Over Expenditures $198,908

12

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| DEPT. | BUDGET | (PAID YEAR TO DATE) ACTUAL | (PURCHASE ORDERS) ENCUMBERED BALANCE | SPENT % June 30, 2021 |
|---|---|---|---|---|
| GOVERNING BODY | 14,098 | 13,403 | 150 | 96.1% |
| ADMIN SERVICES | 429,255 | 405,013 | 18,969 | 98.8% |
| FINANCE | 302,825 | 292,130 | 6,992 | 98.8% |
| LEGAL | 42,000 | 29,467 | - | 70.2% |
| PUBLIC BUILDINGS | 368,130 | 315,377 | 13,616 | 89.4% |
| FIRE | 909,443 | 747,708 | 61,473 | 89.0% |
| PERMITTING | 223,915 | 200,252 | 8,338 | 93.2% |
| POLICE | 1,050,863 | 914,858 | 35,364 | 90.4% |
| PUBLIC WORKS-STREETS | 303,916 | 291,438 | 6,058 | 97.9% |
| POWELL BILL-STREETS | 90,318 | 80,365 | 5,621 | 95.2% |
| PARKS & RECREATION | 371,304 | 294,060 | 21,774 | 85.1% |
| CHURCH STREET DOCK | 8,230 | 6,906 | - | 83.9% |
| EMERGENCY MANAGEMENT | 316,014 | 145,001 | 22,888 | 53.1% |
| FESTIVALS & EVENTS | 95,451 | 5,208 | (75) | 5.4% |
| NON DEPARTMENTAL | 553,107 | 514,829 | 17 | 93.1% |
| TOTAL | 5,078,869 | 4,256,016 | 201,185 | 87.8% |

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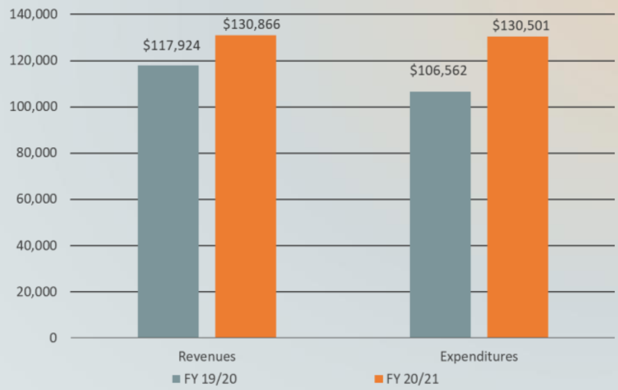
**TOWN OF SWANSBORO**
**REVENUES/EXPENDITURES**
**TWO YEAR COMPARISON**
**(AS OF JUNE 30, 2021)**

**STORMWATER ENTERPRISE FUND**




ENCUMBRANCES INCLUDED
Total Excess of Revenues Over Expenditures $365

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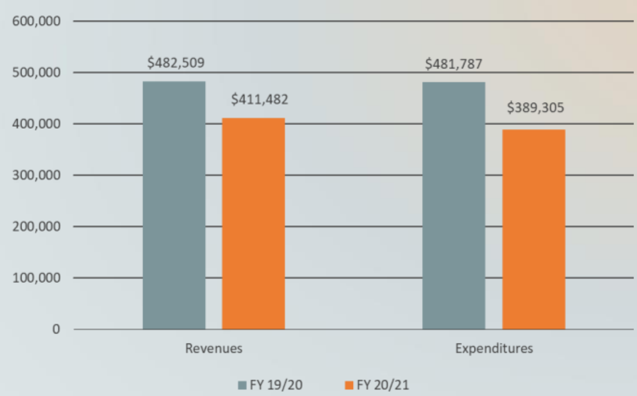
**TOWN OF SWANSBORO**
**REVENUES/EXPENDITURES**
**TWO YEAR COMPARISON**
**(AS OF JUNE 30, 2021)**

**SOLID WASTE ENTERPRISE FUND**




ENCUMBRANCES INCLUDED
Total Excess of Revenues Over Expenditures $22,177

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## TOWN OF SWANSBORO
## LOAN REPORT
## (AS OF JUNE 30, 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 | $183,700 | 1.72 | 6/25/2025 | $47,917 |
| Vehicles(Police & Fire Department) & Software | $110,700 | 1.84 | 7/15/2026 | $23,377 |
| Total Debt | $1,454,726 | | | $329,726 |

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## TOWN OF SWANSBORO
## CASH & INVESTMENTS REPORT
## (AS OF JUNE 30, 2021)

**CASH & INVESTMENTS**

| BANK | BALANCE | INTEREST RATE |
|---|---|---|
| First Citizens Bank | $3,760.118 | .03% |
| NC CMT-General | $427,564 | .01% |

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*Any Questions*

?

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# BUSINESS NON-CONSENT

<u>BOC Policy 17 - Agenda Development</u>

A draft policy has been prepared with a purpose to set forth the procedures, criteria, and conditions under which the Board of Commissioners Meeting Agendas are created. A comprehensive agenda, which sets forth the items of business and the order in which they are to be considered, is vital to the order and efficient handling of any meeting.

*<u>Action Needed:</u> Motion to approve BOC Policy 17 - Agenda Development*

**Presenter: Paula Webb – Assistant Manager/Clerk**

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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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# ADJOURN

25