

**Town of Swansboro
Board of Commissioners
March 26, 2024, Regular Meeting Minutes**

In attendance: Mayor John Davis, Mayor Pro Tem William Justice, Commissioner Joseph Brown, Commissioner Douglas Eckendorf and Commissioner Pat Turner. Commissioner Jeffrey Conaway was absent.

Call to Order/Opening Prayer/Pledge

The meeting was called to order at 6:00 pm. Mayor Davis gave the invocation and led the Pledge of Allegiance.

Public Comment

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

Adoption of Agenda and Consent Items

On a motion by Commissioner Turner, seconded by Commissioner Eckendorf, the agenda along with the below consent item was approved unanimously.

- September 11, 2024, Regular Meeting Minutes

Appointments/Recognitions/Presentations

Recognition of Trevor Hucal

Mayor Davis recognized Trevor Hucal by presenting him with a proclamation for his outstanding performance at the NCHSAA 3-A Swimming and Diving State Championships securing the State Title for the 100-yard breaststroke. Additionally, Swansboro High School Swim coach, Scott Evans, presented Trevor with a plaque naming him Swimmer of the Year in the 3A Conference division.

Employee Introductions

Police Chief Dwayne Taylor introduced the Police Departments newest employee, Daniel Wilson. Mayor Davis administered the Oath of Office to Mr. Wilson.

Fire Chief Jacob Randall introduced the Fire Department's newest employee, Riggs, a 3-year-old chocolate lab. He shared that Riggs was rescued for the purpose of providing fire assistance.

Center for Public Safety Excellence - Program Selection

Fire Chief Randall reviewed that the Fire Department was 1 of 10 agencies selected to participate in the Center for Public Safety Excellence's Beta Testing for the Community Risk Assessment (CRA) / Standards of Cover (SOC) Certificate Program. The CRA/SOC was a significant component of completing the Agency Accreditation process.

Public Hearing

Zoning Map Amendment to rezone parcel on Swansboro Loop Road from RA to R20SF Conditional Zoning

Planner Andrea Correll reviewed that Sand Dollar Homes was seeking a conditional rezoning for 27.287 +/- acres on a parcel of land identified as Tax Parcel ID 019324, from RA (Agricultural Residential) to R-20SF CZ (Single Family Conditional Rezoning) to develop a cluster subdivision.

In response to inquiries from the board Planner Correll clarified the following details:

- The developer met all standards set forth for Residential Cluster Standards provided in the Unified Development Ordinance found in Sections 152.225-152.228.
- Annexation cannot be considered as part of the determination of the rezoning

The public hearing was opened at 6:30 pm. The following individuals spoke.

Andy Underseth of 110 Stillwater Drive shared that he owned the property across the street from the proposed development. Mr. Underseth shared that he did not support cluster development and felt the development could be done another way instead. He also shared that he had stormwater concerns.

Laurent Meilleur of 220 River Reach Drive shared that he was interested to know about the roads and the town acceptance of those in this development. Planner Correll shared that the roads would not be accepted by the Town unless the project was annexed, but either way the road would have to meet the standards.

Lisa Maness of Sabiston Drive inquired if there was any discussion with NCDOT about Swansboro Loop Road, and what taxes would this development pay. Planner Correll shared that the development would only pay Swansboro taxes if they were to annex and NCDOT had been engaged on the project and moving forward a Traffic Impact Analysis would be required, and any improvements determined necessary by that process.

Johnny Newby of Rooster Run, directly abutting the proposed development, shared that he was going to be the most affected by this development because his property would likely end up getting flooded when it rains.

The public hearing was closed at 6:41 pm.

Commissioner Turner shared that according to the Tideland Newspaper article, the HOA of the development would cover street and stormwater maintenance.

On a motion by Commissioner Eckendorf, seconded by Commissioner Turner, Ordinance 2024-O5 for a conditional rezoning of 27.287 +/- acres on a parcel of land identified as Tax Parcel ID019324, from RA (Agricultural Residential) to R-20SF CZ (Single Family Conditional Rezoning) which includes six required conditions to develop a cluster subdivision and the consistency statement was unanimously approved.

Business Non-Consent

Charleston Park Street Acceptance

Interim Manager Jon Barlow reviewed that in October 2009, the original developer H.M Wilson submitted construction plans to the Town which were deemed acceptable. A surety bond was obtained from the developer to ensure the proper installation of infrastructure including streets. Ultimately the streets and associated infrastructure were installed but did not meet minimum Town standards. In the meantime, the surety bond had expired without being called in by the Town. Thus, the streets were never accepted by the Town. In June 2011, the Town Board of Commissioners adopted Policy #15 which essentially provides that sub-standard streets shall not be accepted by the Town as public streets and shall remain private streets. At its March 12, 2024, regular meeting the Board of Commissioners amended Policy #15 to allow exceptions under certain conditions. Mr. Barlow also shared that the acceptance of the streets does not create funding but assists with putting a plan in motion.

The exceptions to accepting the streets in Charleston Park as Town streets were as follows:

1. Pending issues of tax equity for the owners and residents of the Subdivision and possible legal claims;
2. The history of the Town's development review, evaluation, approval and enforcement process with respect to the subdivision;
3. The substantial amount of time which has elapsed since the installation of the streets.

Board members shared that this was just 1 of many steps to correct the issue and that it would not occur immediately.

On a motion by Commissioner Brown, seconded by Mayor Pro Tem Justice, Resolution 2024-R5 to formally accept certain streets in the Charleston Park subdivision as public streets in the Town of Swansboro was approved 3:1.

Ayes: Brown, Justice, Eckendorf

Noes: Turner

Commissioner Turner shared that she supported correcting safety issues but did not support the way this was being handled.

EOC/PSB Site Selection Committee Land Solicitation Packet and Ad

EOC/PSB Site Selection Committee Chair, Keith Walsh, shared that the EOC/PSB Site Selection Committee has developed a Land Solicitation Packet and a corresponding newspaper ad to aid in the search for available land suitable for the EOC Public Safety Building. He requested the board's approval to proceed and begin sharing the packet immediately.

On a motion by Commissioner Eckendorf, seconded by Commissioner Turner the EOC/PSB Site Selection Committee and staff was unanimously authorized to proceed with publishing the packet and newspaper ad.

Budget Ordinance Amendment #2024-8

Finance Director Sonia Johnson reviewed that a Budget Ordinance Amendment was requested for the Fire Department and the ARP Fund totaling \$53,511.

In the Fire Department additional funding that was needed to complete the current FY 23/24 due to uncontrollable emergent apparatus repairs of \$7,025, building repairs \$1,435, increased volunteer/part-time personnel involvement/longevity/FICA \$26,500, and accepted/approved funding for FY 2022 AFG grant (Resolution 2023-R6) \$3,551.

On February 27, 2024, the Board of Commissioners approved to appropriate \$15,000 from the ARP fund balance to purchase shade structures for the Splash Pad Enhancement Project at Municipal Park.

On a motion by Commissioner Turner, seconded by Commissioner Eckendorf, Budget Ordinance Amendment #2024-8 was unanimously approved.

Ordinance Amendment #3 to the Grant Project Ordinance Budget for the American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds

Finance Director Johnson reviewed that with approval of the previous Budget Ordinance to appropriate \$15,000 from fund balance to purchase shade structures for the Splash Pad Enhancement Project at Municipal Park, an Ordinance Amendment was then needed to the Grant Project Ordinance Budget for the American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds.

On a motion by Commissioner Turner, seconded by Mayor Pro Tem Justice, Ordinance Amendment #3 to the Grant Project Ordinance Budget for the American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds was unanimously approved.

Monthly Financial Report as of February 29, 2024

Finance Director Johnson reviewed details from the monthly financial report, attached herein with the power point presentation of the meeting.

In response to inquiries from the board Finance Director Johnson clarified the following.

- A budget ordinance amendment will be needed for legal services, and was unsure if there would be other departments that would also need amendments at this time
- Debt Service would be increasing due to 2 new loans

Future Agenda Topics

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. No new items were added.

Public Comment

Matthew Prane of 309 Baffle Court spoke about the student recognized for the swimming title and shared that he is really interested in building a pool in Swansboro. A swimming pool provides services for all ages and the Town should come up with a plan for one.

In response to inquiries from the Board Mr. Prane provided the following details.

- The school system does not have a location/land or funds to construct a pool
- Student practice at the pool in Cedar Point or on base

Manager's Comments

Interim Manager Barlow shared that notification had been received early today from ONWASA providing a notice that they would be conducting smoke testing on their collection system.

Attorney Rasberry shared that details would be forthcoming related to reopening the skatepark in the coming months.

Board Comments

Commissioner Eckendorf commented that if Mayor Davis was to get elected to the County Commissioners maybe he could assist with getting a pool.

Mayor Davis shared that there was confusion at prior meetings for what the board desired to see for the upcoming budget and he believes that it was desired to have a 2-cent tax rate reduction and suggested a hiring freeze. Additionally funds for fixing the safety issues in Charleston Park needed to be considered.

Finance Director Johnson shared that it would take some time to rework the budget for a tax reduction, of at least a month, if the board desired that change. By consensus of the board direction was given to work towards a 2-cent tax reduction.

Adjournment

On a motion by Commissioner Turner, seconded by Commissioner Eckendorf the meeting adjourned at 7:39 pm.

Regular Meeting March 26, 2024



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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 1 public hearings 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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Trevor Hucal

Presenter: Mayor John Davis

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Employee Introductions

Presenters: Jacob Randell – Fire Chief & Dwayne Taylor – Police Chief

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Center of Public Safety Excellence- Program Selection

Presenter: Jacob Randell – Fire Chief

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PUBLIC HEARING

Zoning Map Amendment to rezone parcel on Swansboro Loop Road from RA to R20SF Conditional Zoning

Sand Dollar Homes seeks a conditional rezoning for 27.287 +/- acres on a parcel of land identified as Tax Parcel ID 019324, from RA (Agricultural Residential) to R-20SF CZ (Single Family Conditional Rezoning) to develop a cluster subdivision.

Recommended Action:

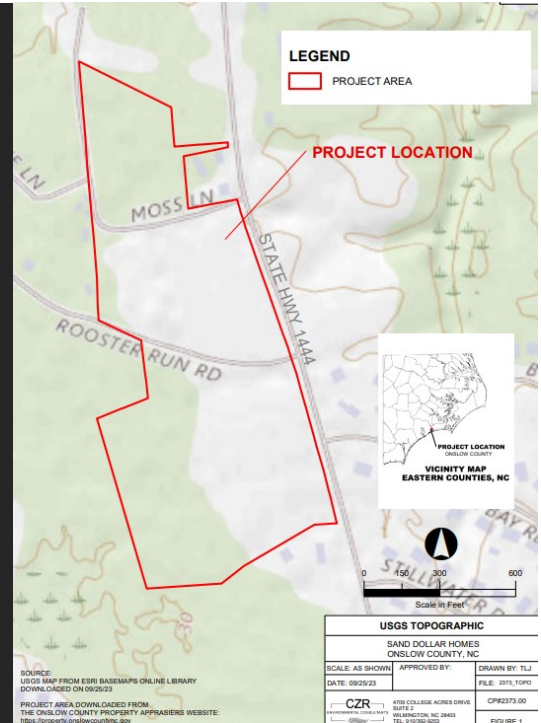
- 1. Hold Public Hearing;***
- 2. Motion to approve Ordinance 2024-05 for a conditional rezoning of 27.287 +/- acres on a parcel of land identified as Tax Parcel ID 019324, from RA (Agricultural Residential) to R-20SF CZ (Single Family Conditional Rezoning) which includes six required conditions to develop a cluster subdivision and the consistency statement.***

Presenter: Andrea Correll – Town Planner

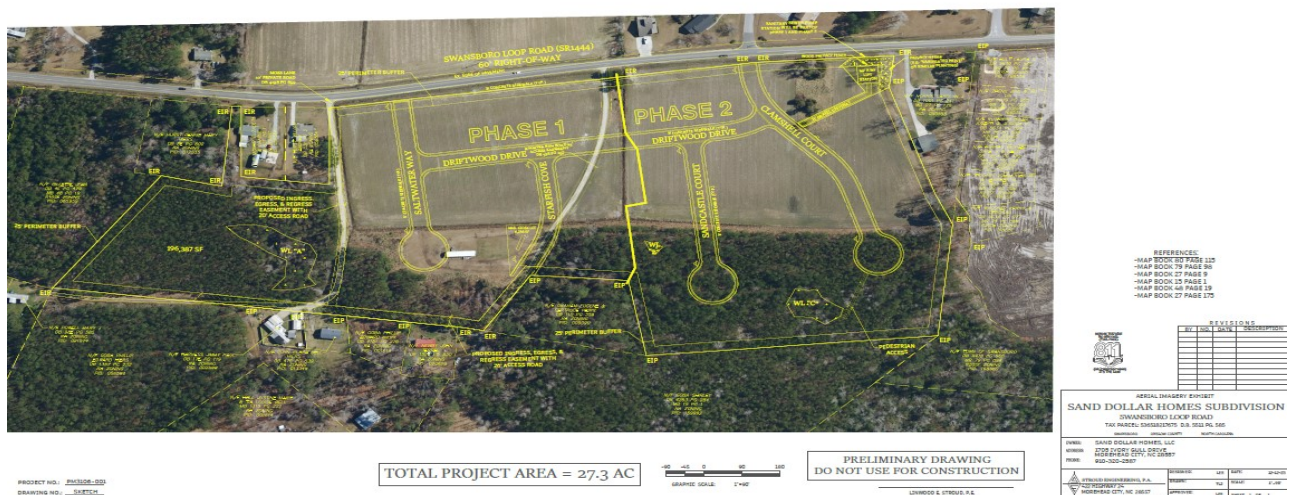
8

Conditional Rezoning

Sand Dollar Homes seeks a conditional rezoning for 27.287 +/- acres on a parcel of land identified as Tax Parcel ID 019324, from RA (Agricultural Residential) to R-20 SF CZ (Single Family) to develop a cluster subdivision.



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The Sand Dollar subdivision is proposed for fifty lots in two phases. There is a sewer lift station proposed behind lot 41 serving both phases, as well as a mailbox kiosk serving both phases near lot 8.

Legend

| Symbol | Description |
|-------------------|----------------------------------|
| Solid black line | Town Limits |
| Dashed black line | Extrajurisdictional Jurisdiction |
| Dashed blue line | Savannah Historic District |
| Thin grey line | Parcels |

ZONING

| | | |
|--------|----------|--------|
| B-1 | G1 | R-20SF |
| B-2 | M- | R-40SF |
| B-2HDO | M1G | R-6 |
| B-3 | M1B-15SF | R-6SF |
| COG | PUD | R-8SF |
| | R-1SP1 | RA |

- In this way, the proposed development is in keeping with surrounding zoning and land use and protects wetlands when development is proposed with zoning incentives such as cluster development.

Conditional Rezoning

- The rezoning request is consistent with the R-20 SF cluster development and is consistent with all Unified Development Ordinance requirements.
- The requested rezoning is consistent with the Swansgate subdivision zoned R-20 Cluster, the Oyster Bay subdivision across Swansboro Loop Road zoned R-10, and the other R-10 subdivisions in the area.

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Conditional Rezoning

The CAMA Land Use Plan Future Land Use Map depicts this parcel as Rural/Agricultural and CPA (Conservation Priority Area). The Conservation Priority Area is because of the wetlands located on the site.



Conservation Priority Area (CPA)

The CPA designation includes lands influenced by the natural environment containing features including but not limited to wetlands, woodland, shoreline, pocosins, open space, vistas that are worth conserving and that define Swansboro.



Coastal Traditional Neighborhood (CTN)

This is a walkable, compact, residential district laid out based on traditional neighborhood development patterns. It generally surrounds the TTC and contains single and two-family residential with small-scale multi-family and neighborhood commercial.



Low Density / Suburban Neighborhood (LDSN)

This designation characterizes the majority of new subdivision development. It is **auto-oriented** and should be connected to water and sewer infrastructure, and contain sidewalks and streets that connect to parks, educational, or religious uses.



Rural / Agricultural (RA)

Agricultural land generally occurs outside the town limits but is within the town's ETJ. Though there are working farms, rural residential and agritourism activities may occur here. Water and sewer infrastructure are typically not available.

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Conditional Rezoning

The proposed map amendment is consistent with the current CAMA Land Use Plan Update including the Future Land Map (FLUM) and associated future land use (FLU) designations which will be used to guide rezoning, investment and land use decision in the town (p.37).

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Conditional Rezoning

Page 49 of the Rural/Agricultural (FLU) designation under Appropriate Density:

“ Up to 4 dwellings per acre of any type of residential within a 1/2-mile walking distance of any Town Center area or within **1/4-mile walking distance of a Coastal Traditional Neighborhood area**, whichever is greater (i.e.- allows increased densities to more property).”

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Conditional Rezoning

On August 28, 2023, an amendment to the CAMA Land Use Plan Update changed the analysis on pages A-29 and A-30 from protection of only isolated wetlands to protection of all environmentally sensitive areas.

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Traffic and Infrastructure Comments:

- On November 27th, the sealed engineering letter was submitted and reviewed by the Town's Traffic engineer on December 8th, and he calculated following appropriate NCDOT methodology that 50 single family units would generate 533 vehicles/day which would meet the Town's standard requiring a Traffic Impact Analysis for subdivision generating 400 trips or more in a 24-hour period.
- The design team chose to split the subdivision into two phases, during the conditional rezoning to get the traffic count in the twenty-four-hour period below that standard. This issue will be addressed at the preliminary plat phase.

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Traffic and Stormwater Details

Presenter: Josh Johnson- PE, Project Engineer

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Recommended Conditions

1. A Traffic Impact Analysis meeting the Town's requirements must be completed and approved prior to the preliminary plat (construction drawings) and before the development is heard at the Planning Board.
2. Required stormwater for phase 1 and phase 2 must be located within the development not impacting the wetlands to reduce the amount of stormwater routed to Swansboro Loop Road.

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Recommended Conditions

3. The twenty-five-foot required exterior buffer where there is natural screening that cannot be seen through the vegetation will remain. Where there is an open field or no vegetation the area will be planted to screen the adjoining neighbors using the type A buffer standard.

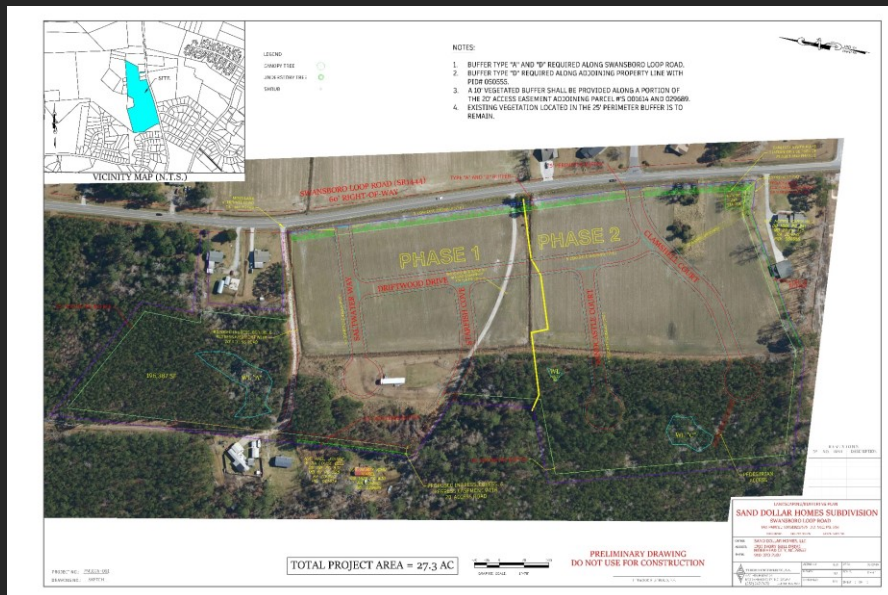
23

Vegetation Buffers

4. An additional ten-foot-wide buffer will be required between the proposed 20-foot-wide fire road on the south side of the development adjacent to tax parcels 056584 and 002598. If there is natural screening that cannot be seen through the vegetation it will remain otherwise the type A buffer standard will be used.

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Vegetation Buffer Map



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Recommended Conditions

5. Construct a 4ft wooden privacy fence surrounding the lift station with hardy fast-growing shrubs planted outside of the fence.
6. Any claim of a 3rd party regarding the applicant's title to the subject property, or the effect of such a claim, if any, on the requested rezoning, is a civil matter between private parties. This would include title conflicts between any existing easements and proposed public streets. The Planning Board's recommendation of approval has no bearing on claims of title to the property, such being outside the authority and jurisdiction of the Planning Board. The Board's recommendation should not be construed as having any effect on title to the property, claims against the property, or the validity of any such claims.

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NEW BUSINESS/NON-CONSENT

EOC/PSB Site Selection Committee Land Solicitation Packet and Ad

The EOC/PSB Site Selection Committee has developed a Land Solicitation Packet and a corresponding newspaper ad to aid in the search for available land suitable for the EOC Public Safety Building.

Recommended Action:

1. *Discuss/Determine a deadline for packet submission.*
2. *Authorize the EOC/PSB Site Selection Committee and staff to proceed with publishing the packet and newspaper ad.*

Presenter: Keith Walsh – EOC/PSB Site Selection Committee Chair

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NEW BUSINESS/NON-CONSENT

Budget Ordinance Amendment #2024-8

A Budget Ordinance Amendment is requested for multiple departments.

Recommended Action: Motion to approve Budget Ordinance Amendment #2024-8

Presenter: Sonia Johnson – Finance Director

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NEW BUSINESS/NON-CONSENT

Ordinance Amendment #3 to the Grant Project Ordinance Budget for the American Rescue Plan Act of 2021:Coronavirus State and Local Fiscal Recovery Funds

An Ordinance Amendment is requested to the Grant Project Ordinance Budget for the American Rescue Plan Act of 2021:Coronavirus State and Local Fiscal Recovery Funds.

Recommended Action: Motion to approve Ordinance Amendment #3 to the Grant Project Ordinance Budget for the American Rescue Plan Act of 2021:Coronavirus State and Local Fiscal Recovery Funds.

Presenter: Sonia Johnson – Finance Director

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NEW BUSINESS/NON-CONSENT

Financial Report

Presenter: Sonia Johnson – Finance Director

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**TOWN OF SWANSBORO
FINANCIAL REPORT
(AS OF FEBRUARY 29, 2024)**

REVENUES

EXPENDITURES

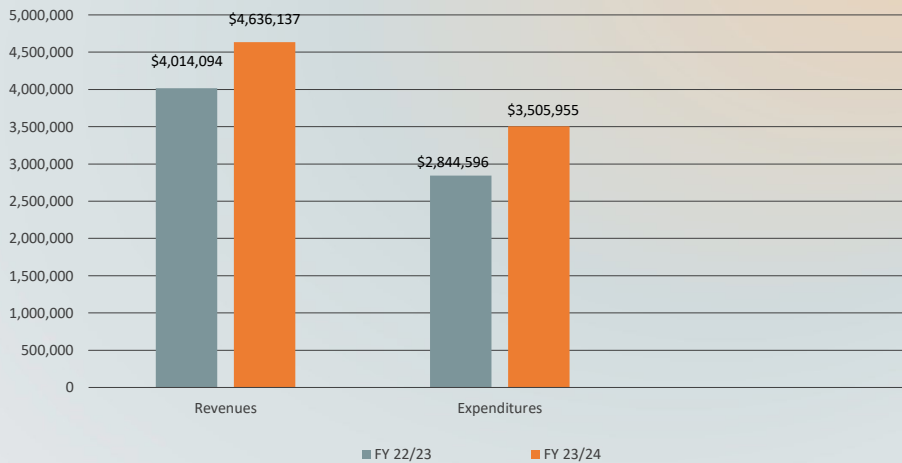
LOAN PAYMENTS

INVESTMENTS

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**TOWN OF SWANSBORO
REVENUES/EXPENDITURES
TWO YEAR COMPARISON
(AS OF FEBRUARY 29, 2024)**

GENERAL FUND



ENCUMBRANCES INCLUDED

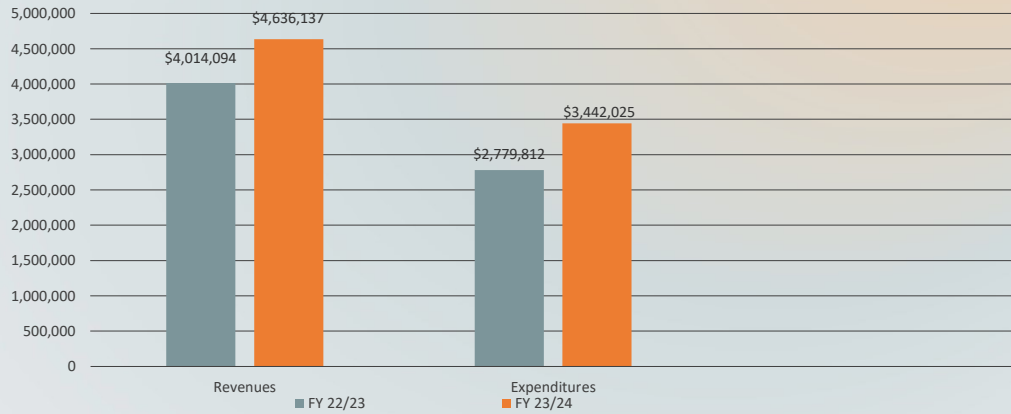
Total Excess of Revenues Over Expenditures **\$1,130,182**

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**TOWN OF SWANSBORO
REVENUES/EXPENDITURES
TWO YEAR COMPARISON
(AS OF FEBRUARY 29, 2024)**

(ACTUAL)

GENERAL FUND



(ENCUMBRANCES NOT INCLUDED)

Total Excess of Revenues Over Expenditures \$1,194,112

33

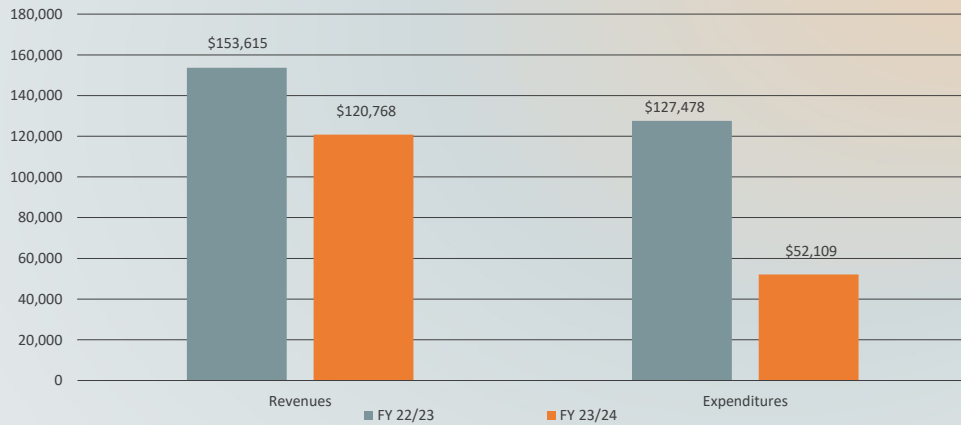
| DEPT. | BUDGET | YTD ACTUAL | (PURCHASE ORDERS) ENCUMBERED BALANCE | SPENT % February 29, 2024 |
|-----------------------------------|------------------|------------------|--|------------------------------|
| GOVERNING BODY | 43,476 | 25,833 | 826 | 61.3% |
| ADMIN SERVICES | 427,686 | 281,171 | 3,345 | 66.5% |
| FINANCE | 289,345 | 192,273 | 423 | 66.6% |
| LEGAL | 43,000 | 32,607 | - | 75.8% |
| PUBLIC BUILDINGS | 392,000 | 188,328 | 3,465 | 48.9% |
| FIRE | 1,350,563 | 929,510 | 12,151 | 69.7% |
| PERMITTING | 389,692 | 231,458 | - | 59.4% |
| POLICE | 1,256,251 | 663,160 | 10,451 | 53.6% |
| PUBLIC WORKS-STREETS | 562,648 | 161,528 | 2,405 | 29.1% |
| POWELL BILL-STREETS | 110,094 | 3,353 | 1,069 | 4.0% |
| PARKS & RECREATION | 357,132 | 200,421 | 20,045 | 61.7% |
| CHURCH STREET DOCK/VISITOE CENTER | 176,327 | 37,250 | 3,307 | 23.0% |
| EMERGENCY MANAGEMENT | 44,306 | 17,906 | 2,980 | 47.1% |
| FESTIVALS & EVENTS | 124,653 | 100,434 | 3,464 | 83.3% |
| NON DEPARTMENTAL | 571,580 | 376,793 | - | 65.9% |
| TOTAL | 6,138,753 | 3,442,025 | 63,930 | 57.11% |

**

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**TOWN OF SWANSBORO
REVENUES/EXPENDITURES
TWO YEAR COMPARISON
(AS OF FEBRUARY 29, 2024)**

STORMWATER ENTERPRISE FUND

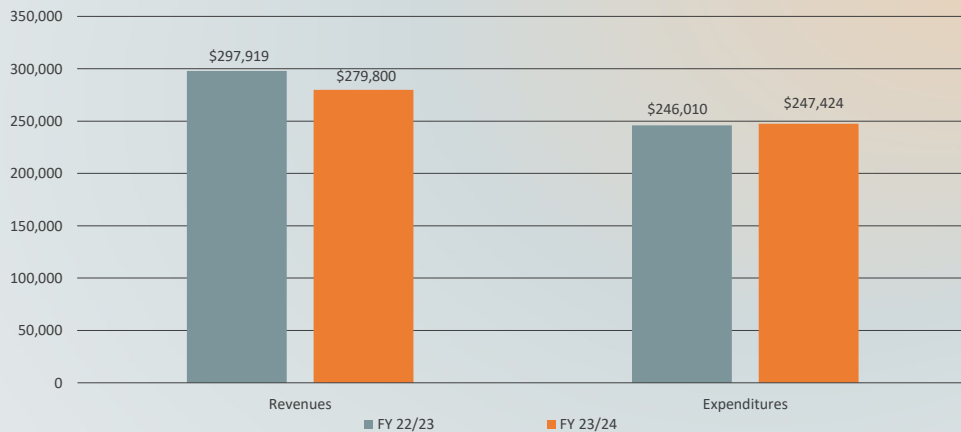


ENCUMBRANCES INCLUDED
Total Excess of Revenues Over Expenditures **\$68,659**

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**TOWN OF SWANSBORO
REVENUES/EXPENDITURES
TWO YEAR COMPARISON
(AS OF FEBRUARY 29, 2024)**

SOLID WASTE ENTERPRISE FUND



ENCUMBRANCES INCLUDED
Total Excess of Revenues Over Expenditures **\$32,376**

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**TOWN OF SWANSBORO
LOAN REPORT
(AS OF FEBRUARY 29, 2024)**

| Item | Principal Balance | Interest Rate | End Date | Annual Debt Service |
|--|-------------------|---------------|------------|---------------------|
| Town Hall/Tanker | \$391,469 | 2.69 | 03/21/2028 | \$84,724 |
| Public Safety Facility | \$40,000 | 2.58 | 12/22/2024 | \$42,064 |
| Fire Truck | \$136,806 | 2.08 | 11/01/2026 | \$47,512 |
| Sleeping Quarters | \$75,000 | 2.43 | 12/14/2026 | \$28,038 |
| Grapple Truck/Town Hall Generator | \$93,416 | 1.72 | 6/25/2025 | \$47,917 |
| Vehicles(Police & Fire Department) & Software | \$67,627 | 1.84 | 7/15/2026 | \$23,377 |
| Total Debt | \$804,318 | | | \$273,632 |

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**TOWN OF SWANSBORO
CASH & INVESTMENTS REPORT
(AS OF FEBRUARY 29, 2024)**

CASH & INVESTMENTS

| BANK | BALANCE | INTEREST RATE |
|--|-------------|---------------|
| First Citizens Bank | \$347,148 | .05% |
| NC CMT-General | \$6,098,235 | 5.25% |
| TD Bank (SCIF Funds for EOC & Sidewalks) | \$6,154,152 | 5.38% |

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GRANT UPDATE

| | Budget | YTD Expenditures | Encumbrances | Unencumbered |
|---|-------------|------------------|--------------|--------------|
| American Rescue Plan Act Fund | \$1,087,599 | \$955,329 | \$30,874 | \$101,396 |
| Swansboro Bicentennial Park Boardwalk Extension | \$277,800 | \$173,650 | \$0 | \$104,150 |
| Emergency Operation Center | \$6,047,548 | \$19,543 | \$0 | \$6,028,005 |
| Emmertton School Repairs | \$424,000 | \$17,500 | \$18,125 | \$388,375 |
| Stormwater Master Plan | \$400,000 | \$11,256 | \$0 | \$388,744 |
| Total Outstanding Grants | \$8,236,947 | \$1,177,278 | \$48,999 | \$7,010,670 |

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Any Questions
?

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NEW BUSINESS/NON-CONSENT

Future Agenda Items

Future agenda items are shared for visibility and comment. In addition, an opportunity is provided for the Board to introduce items of interest and subsequent direction for placement on future agendas.

Action Needed: Discuss and provide any guidance.

Presenter: Alissa Fender – Town Clerk

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NEW BUSINESS/NON-CONSENT

Charleston Park Street Acceptance

The Board of Commissioners will consider final acceptance of the streets in the Charleston Park Subdivision.

Recommended Action:

1. A motion to accept Resolution 2024-R5 to formally accept certain streets in the Charleston Park subdivision as public streets in the Town of Swansboro.

Presenter: Jon Barlow – Interim Town Manager

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PUBLIC COMMENT

Citizen opportunity to address the Board.

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MANAGER'S COMMENTS Interim Town Manager

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BOARD COMMENTS

Mayor John Davis
Mayor Pro William Justice
Commissioner Jeffrey Conaway
Commissioner Douglas Eckendorf
Commissioner Joseph Brown
Commissioner Patrica Turner

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ADJOURN

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