

Town of Swansboro
Board of Commissioners
May 28, 2024, Regular Meeting Minutes

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

Call to Order/Opening Prayer/Pledge

The meeting was called to order at 6:00 pm. Mayor Davis 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 Eckendorf, seconded by Commissioner Turner, the agenda and the below consent items were approved unanimously.

- February 13, 2024, Regular Meeting Minutes
- February 13, 2024, Closed Session Minutes
- February 19, 2024, Special Meeting Minutes
- February 26, 2024, Special Meeting Minutes
- ONWASA Administrative Service Agreement
- Tax Refund Requests
- Budget Ordinance Amendment #2024-10

Appointments/Recognitions/Presentations

Recognition of Andrea Correll

Mayor Davis recognized Planner Andrea Correll for her twenty-six years of local government service in North Carolina. Mrs. Correll was presented with a framed resolution and swan statue, in honor of her retirement.

One Place

Kathleen Holbrook, One Place Advocacy & Community Relations Director, provided the board and the public in attendance with details related to the program which was previously known as Onslow County Partnership for Children up until 2021. The mission of One Place was supporting children who have suffered abuse or neglect to providing families with high-quality childcare options, and to create hope and offer healing for the children and families they serve. An invitation to tour their facility was extended to the board.

In response to inquiries from the board, Ms. Holbrook clarified the following:

- The hours of operation are Monday – Friday 8am to 5pm
- Services are funded through grants and donations
- 50% of children served are military

Mayor Davis recommended considering a one-time donation to One Place in the upcoming budget.

Presentation related to the rules and regulations on Moratoriums in North Carolina

Interim Town Attorney Francis Rasberry briefed the board that recent North Carolina laws had significantly restricted the use of moratoriums. Specifically, moratoriums on residential developments were now prohibited, except for cases where new or updated regulations were needed. For non-residential projects, while moratoriums were still possible, they come with strict requirements, including detailed public notice and justification, usually related to infrastructure issues.

Given these constraints, implementing a moratorium for residential projects was not feasible, and for commercial projects, the process was complex and challenging. The board may need to explore other methods to address development concerns.

Board Appointments

Town Clerk Fender reviewed that due to expiration of terms, and a vacancy. There were 5 seats to consider for appointments or reappointments on the Board of Adjustment.

On a motion by Commissioner Conaway, seconded by Commissioner Turner, Elaine Justice, Thomas Pieratti, John Fitzgerald and Tom Cariker were all reappointed. The motion carried 4:0. Mayor Pro Tem Justice recused himself from voting, because Elaine Justice was his wife. The second ETJ seat remained vacant.

A recess was taken from 6:45 to 6:50 pm.

Public Hearings

Amendment to the CAMA Future Land Use Plan

Projects/Planning Coordinator Rebecca Brehmer reviewed that Ward Farm, LLC, had applied for a text amendment to the CAMA Future Land Use Plan page 41 in the Traditional Town Center (TTC) section. The amendment proposed added an exception to increasing the allowable residential density in the B3 zoning district from 12 to 18 units per acre specifically for the Ward Farm project. This change aims to better align with the needs of the high-end condominium project, Brezza Lofts, and balance residential and commercial development within the Ward Farm area.

The public hearing was opened at 6:58 pm then closed, no comments were made.

On a motion by Commissioner Conaway seconded by Commissioner Turner, Resolution 2024-R8 amending the CAMA Future Land Use Plan, adding an exception of up to 18 units per acre for multifamily in the Traditional Town Center for the B-3 Zoning district was unanimously approved.

UDO Text Amendments to Section 152.180 and Section 152.195

Projects/Planning Coordinator Rebecca Brehmer reviewed that Ward Farm, LLC, had also applied for text amendments to Section 152.180 Notes to the Table of Permitted/Special Uses, Note 37. B-3 Traditional Business District and to Section 152.195 Table of Area, Yard, Square Footage and Height Requirements to adjust dimensional requirements in the B-3 zoning district for an upcoming condominium project, Brezza Lofts.

The amendment to Section 152-180, proposed to exempt Lot 8 of Ward Farm from the current limitation that restricts the percentage of residential use on the first floor in B3 districts to enhance residential density and improve the transition between single-family and commercial developments. The amendment to Section 152-195 proposed raising the maximum building height in the B3 district from 35 to 40 feet. This adjustment was intended to allow for more desirable floor-to-floor heights in new buildings and ensure that they remain functional and aesthetically pleasing. The Fire Chief was consulted to ensure that safety standards are met with the increased height.

The public hearing was opened at 7:03 pm then closed, no comments were made.

On a motion by Commissioner Conaway, seconded by Commissioner Turner, Ordinance 2024-O10 amending Section 152.180 Notes to the Table of Permitted/Special Uses, Note 37 and B-3 Traditional Business District requirements in Section 152.195 Table of Area, Yard, Square Footage and Height Requirements was unanimously approved.

Business Non-Consent

Public Street and Sidewalk Acceptance Request- Shadow Creek Estates

Projects/Planning Coordinator Rebecca Brehmer reviewed that Tidewater Associates, Inc, on behalf of One Harbor Church, Inc, was requesting acceptance of public streets and sidewalks for Shadow Creek Estates subdivision. This request includes all streets within the subdivision, Shadowcreek Drive, Big Pine Court, Diamond Ridge Court, Hibiscus Court, Marshview Court, and sidewalks.

During discussion concerns were raised regarding the developer's compliance with required repairs and the adequacy of stormwater management. Board members questioned whether the infrastructure met necessary standards and expressed unease about unresolved stormwater issues that have persisted over several years. There were discussions about the need for a policy change to improve stormwater management.

Josh Edmondson with Tidewater and Associates shared with the board that the process was underway for the state stormwater permit to be transferred to the HOA for Shadow Creek. Therefore, any future maintenance for stormwater would be the responsibility of the HOA, therefore only street and sidewalk acceptance had been requested. Mr. Edmondson shared that they were willing to meet obligations to accomplish acceptance but wanted clear direction.

The board decided not to accept the streets and sidewalks until the stormwater issues were fully addressed. The matter was referred back to staff, to work with the developer to resolve these issues and develop a clear plan before street acceptance would be approved.

Monthly Financial Report as of April 30, 2024

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

Mayor Davis inquired if consideration should be given to paying off the loan debts to save interest. However, since the payout would come out of the general fund, which was making 5% interest, he decided that it would be better to remain as it was.

Direction was given to use \$9,000 from the fund balance instead of the American Rescue Plan funds for Christmas lights, then the remaining American Rescue Plan funds could be allocated for necessary camera upgrades.

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.

The following items were addressed:

- Funding consideration for One Place and Museum of the Marine
- Recognitions for the Swansboro High School Students who achieved the Men's Pole Vault State Champion, Valedictorian, Salutatorian and other academic success, and the Marching Band was to be scheduled for a future meeting
- Consideration for paid parking in the downtown area

Public Comment

Julius Powell of 116 Forest Lane shared with the board that he had prolonged issue with a neighbor's improperly installed basketball goal, which violated regulations. Despite attempts to resolve the problem over the past 6-8 weeks, the issue remains unresolved. Additionally, he had concerns about liability in the event of a child getting injured, and this situation has contributed to his decision to place his home up for sale.

Board Comments

Board members shared their appreciation for Andrea and her service to the Town and wished her well on retirement. Staff were also offered sentiments of appreciation for all they do.

Commissioner Conaway shared for the benefit of the public, that when they are reviewing items that went to the Planning Board for recommendation, it considers the consistency statement. This statement addresses how staff/planning board found such development impacts to safeguard residents' health and safety against comprehensive plans. This statement helps guide the board's decisions and is available online for public review.

Closed Session

On a motion by Commissioner Eckendorf, seconded by Mayor Pro Tem Justice, with unanimous approval at 8:07 pm the board entered Closed Session pursuant to NCGS 143-318.11 (a) (5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the amount of compensation and other material terms of an employment contract or proposed employment contract, and NCGS 143-318.11 (a) (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

Pursuant to a motion duly made and seconded in closed session the board returned to open session.

Adjournment

On a motion by Commissioner Tuner, seconded by Commissioner Brown, the meeting adjourned at 8:45 pm.