

Town of Swansboro
Board of Commissioners
August 13, 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

Cynthia Lacorte of 220 Elm Street shared with the board that she was disappointed that public comment was not offered at the special meeting held on July 30, 2024. She also referenced an email sent to town officials on July 22, advocating for a strategic approach to securing property for the Emergency Operations Center/Public Safety Facility.

Mayor Davis advised Ms. Lacorte that public comment is required only at regular meetings and that it was at the discretion of the board for allowance at special meetings. He additionally assured her that the EOC/PSB Site Selection Committee was actively planning for multiyear outlook.

Jerry Seddon of 210 Walnut Street addressed the board sharing that he was interested in serving the Historic Preservation Commission and would gladly fill the vacant seat.

Adoption of Agenda and Consent Items

On a motion by Commissioner Conaway, seconded by Commissioner Turner, the agenda, as amended to add Closed Session NCGS § 143 318.11(a)(3) to consult with the attorney employed or retained by the public body in order to preserve the attorney-client privilege, and the remaining below consent items were approved unanimously.

- March 26, 2024, Regular Meeting Minutes
- April 9, 2024, Regular Meeting Minutes
- April 9, 2024, Closed Session Minutes
- April 23, 2024, Regular Meeting Minutes
- May 7, 2024, Special Meeting
- Budget Ordinance Amendment #2025-1
- PEV Charging Station Proposed Fees & Fee Schedule Amendment
- Tax Refund Requests totaling \$27.71.

Appointments/Recognitions/Presentations

Recognition of Swansboro High School Valedictorian, Caroline Lott

Mayor Davis presented a proclamation to honor Miss Lott and to recognize her academic accomplishments and community involvement. August 13, 2024, was proclaimed "Caroline Lott Day" in Swansboro.

Swansboro Swimming Pool Committee

Manager Barlow reviewed that at its June 11, 2024, meeting, the Board of Commissioners created a committee for the purpose of researching the addition of a Swimming Pool in Swansboro. Matthew Prane was appointed as chair and provided with the responsibility for recommending members.

Mr. Prane shared with the board that he selected Scott Evans, the Swansboro High School Swim Coach and Brooks Barnett with Miracle Pools as the additional member of the committee.

In response to inquiries from the board Mr. Prane clarified the following.

- He would help with grant writing and leg work
- Neither of the individuals selected were Swansboro Residents.

Commissioner Conaway shared that he preferred that Swansboro residents be part of the committee.

On a motion by Commissioner Turner, seconded by Commissioner Brown Resolution 2024-R8 creating the Swansboro Swimming Pool Committee and appointing the members recommended was unanimously approved. Mr. Prane was advised to add 1 or 2 more members that were Swansboro residents and return with recommendations at a future meeting.

Employee Introduction and Oath of Office

Mayor Davis introduced two new officers to the Police Department, McKenzie Gates and Daniel Rodrigues. The oath of office was administered to both officers.

Board Appointments

Clerk Fender reviewed that due to a resignation, there was a vacancy on the Historic Preservation Commission. There were 3 applicants interested in the seat.

On a motion by Commissioner Conaway, seconded by Commissioner Turner, with unanimous approval, Jerry Seddon was appointed to the Historic Preservation Commission.

The board took a recess from 6:31 pm to 6:37 pm.

Public Hearing

UDO Text Amendment to Section 152.073 Moratoria

Planner Brehmer reviewed that after the Town Attorney provided a presentation on Moratoria at a recent board meeting, he advised that the UDO Section 152.073, Moratoria, was not consistent with G.S. § 160D-107 Moratoria. The proposed text amendment to UDO Section 152.073 Moratoria will have the first sentence (A) Authority to read “As provided by G.S. § 160D-107, the Board of Commissioners may adopt temporary Moratoria on any development approval required by law, except for the purpose of developing and adopting new or amended plans or development regulations governing residential uses.” in order to be consistent with 160D-107 Moratoria.

The public hearing was opened at 6:40 pm then closed as no comments were made.

On a motion by Commissioner Conaway, seconded by Commissioner Turner, Ordinance 2024-O11 amending Section 152.073 Moratoria was unanimously approved.

UDO Text Amendment to Section 152.196 Notes to the Table of Area, Yard, and Height Requirements

Planner Brehmer reviewed that a text amendment was proposed to UDO Section 152.196 Notes to the Table of Area, Yard, and Height Requirements, (F) Note 6, to outline when a zoning permit and building permit was needed for new accessory structures. Note 6 will give new accessory structures specific guidelines added to differentiate when a building permit was required, or if a zoning permit was required for any new accessory structure. Per NC Building Code, an accessory structure that was less than 12 feet in any direction did not require a building permit, but still needed to be inspected for proper tie downs due to the wind zone.

The public hearing was opened at 6:44 pm then closed as no comments were made.

On a motion by Commissioners Turner, seconded by Commissioner Conaway, Ordinance 2024-O12 amending Section 152.196 Notes to the Table of Area, Yard, and Height Requirements, (F) Note 6 was unanimously approved.

UDO Text Amendment to Section 152.445 Coastal High Hazard Areas (Zone VE)

Planner Brehmer reviewed that a text amendment was proposed to UDO Section 152.445 Coastal High Hazard Areas (Zone VE) (Q) in the Flood Damage Prevention Ordinance because it was not feasible and needed to be deleted. The goal in deleting UDO Section 152.445 (Q) was to both follow FEMA guidelines more accurately as well as give homeowners/business owners more options when it came to outlets and switches being installed in a flood zone.

The public hearing was opened at 6:48 pm then closed as no comments were made.

On a motion by Commissioner Turner, seconded by Commissioner Conaway, Ordinance 2024-O13 amending Section 152.445 Coastal High Hazard Areas (Zone VE) to delete (Q) was unanimously approved.

Business Non-Consent

Town Code Amendment to Chapter 93: Streets and Sidewalks, Section 93.007 Playing Games in Streets

Planner Brehmer reviewed that after direction given by the Board of Commissioners and Town Manager, due to enforcement capabilities, a text amendment was proposed to remove Town Code Section 93.007 Playing Games in Street. Allowing this activity to take place in Town Limits.

In response to inquiries from the board, items are not permitted to be erected in the right-of-way in front of residences.

On a motion by Commissioner Conaway, seconded by Commissioner Eckendorf, Ordinance 2024-O14 amending Town Code Chapter 93: Streets and Sidewalks, to delete Section 93.007 Playing Games in Streets was unanimously approved.

Town Code Amendment to Section 150.45 Permits Required

Planner Brehmer reviewed that a text amendment was proposed to Town Code Section 150.45 Permits Required to have a zoning permit added to the list of permits required for any new development.

In response to inquiries from the board the following was clarified by Planner Brehmer and/or Attorney Rasberry.

- The fees for zoning permits were separate from building permit fees.
- A building permit was for state code adherence where a zoning permit was for town code adherence.
- Zoning is focused on use.

On a motion by Commissioner Eckendorf, seconded by Commissioner Turner, Ordinance 2024-O15 amending Town Code Section 150.45 Permits Required were unanimously approved.

Special Event Applications – Fee Waiver Request

Parks & Recreation Director Stanley reviewed two special event applications that were submitted to Parks and Recreation requesting a waiver of fees.

Little Pink Houses of Hope, a nonprofit organization requested a fee waiver for their upcoming event supporting breast cancer patients on August 21.

On a motion by Commissioner Turner, seconded by Commissioner Conaway, with unanimous approval, the fees for Little Pink Houses of Hope event were waived.

Swansboro Historical Society (SHA)-SHA, a non-profit organization requested a fee waiver for use of the Assembly Room/Old Town Hall for several events to include their quarterly evening programs, occasional planning sessions, and daytime seminars.

Amelia Dees-Killette, President of the SHA, shared with the board the SHA's efforts in preserving local history and maintaining the Emerton School Building(Old Town Hall), home to the Swansboro Area Heritage Center. She requested a waiver for building use fees, explaining that additional fees would impact SHA's budget. She also extended an invitation to board members for SHA's August 21 event on "Historic Boats of Swansboro."

Joan Gertzen, a resident of 215 Marsh Hen Court for 20 years, emphasized the importance of the local history museum to the community. She highlighted that the museum originated from a need for historical awareness, providing unique artifacts and exhibits that cannot be found elsewhere. Joan noted that the museum was primarily funded through grants rather than town support, reflecting the community's commitment to its establishment. She urged the board to continue allowing the museum to operate and to consider waving the fees.

Board members shared that they support this waiver short term, not long term.

On a motion by Commissioner Turner, seconded by Commissioner Conaway, with unanimous approval, the fees for the Swansboro Historical Society (SHA)-SHA to use the Assembly Room/Old Town Hall for events were waived.

Development Agreement

Manager Barlow reviewed that the proposed Development Agreement was a joint effort between the Town of Swansboro and Jacksonville Onslow Economic Development Partnership (JOED). Specifically, the agreement described the future acquisition and development of approximately 30 acres of undeveloped land located at 1476 W. Corbett Ave. The Town would be the recipient of any grants and manager of funds received.

Melissa Anderson, chair of the JOED board, emphasized the economic benefits, highlighting job creation and a stronger tax base.

On a motion by Commissioner Eckendorf, seconded by Mayor Pro Tem Justice, the development agreement with JOED was approved unanimously as presented.

Bicentennial Park Dockwalk Extension Project

Manager Barlow reviewed that an RFP was posted and advertised for construction of a fixed timber platform, floating dock, and new floating slips at the existing waterfront access for the Bicentennial Park Dockwalk Extension Project. Sealed bids were opened on August 6, 2024, and six contractors submitted bids. The lowest bid received was \$233,200, significantly over grant funds available. Additionally, the project deadline had been

extended multiple times since its 2020 award, with the latest extension granted until April 1, 2025. In an effort to keep this project moving, 3 options were proposed to proceed with the project, and Manager Barlow shared that he recommended the first option.

1. Authorize the Town Manger to work with the project Engineer and the lowest responsible bidder, Carteret Marine, in an effort to modify the design in a manner that brings the project within budget or closer to budget. Appropriate fund balance to make up the difference.
2. Appropriate Fund Balance to make up the difference between grant funds and actual construction costs without modification to the design.
3. Don't perform the project and return the grant funds.

In response to an inquiry from the board, Attorney Rasberry clarified that by statute, the town may only negotiate with the lowest bidder once bids exceed available funds. Rebidding would be permitted only if the town rejected all initial bids.

The board allowed for comments from the public, the following individuals spoke.

Randy Swanson, owner of the property where the Dockwalk was to be constructed, urged the board to preserve the projects quality emphasizing that the project will create curb appeal for downtown.

Melissa Anderson shared that she felt the board should rebid the project and felt it would only take 3 weeks to complete construction.

After discussion the board recommended seeking additional funding from the Tourism Development Authority (TDA), and the board agreed to incorporate this request into Option 1. If attempts to bring the project closer to budget were not successful within a month, the project could be brought back for the board to consider the rebid process.

Carpet Replacement in the Community Room and Assembly Room

Manager Barlow reviewed that the carpet in both the Community Room in Town Hall and the Assembly Room in Emmerton School were in dire need of replacement. The previous year's Budget (FY23/24) included \$9,000 for the replacement of the carpet in the Community Room. Since that project was not performed those funds rolled into Fund Balance. It was estimated that a budget of \$20,000 would be sufficient. The current flooring material was carpet, and staff would like to investigate the option of installing vinyl wood flooring which was durable and maybe less expensive.

The board authorized the town manager to seek bids and report back with options and costs. Acoustic considerations were raised, noting that a hard flooring option could impact sound quality in the room.

Future Agenda Topics

Future agenda items were shared for visibility and comments. 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:

- Schedule the Beautification Committee creation
- Regulation consideration for limiting Vape shops in Swansboro limits

Public Comment

Melinda Bridges of 656 Aria Lane in Hubert, shared that she was a member of the Swansboro Pickleball league which consisted of 200+ members. She shared that she was informed that only \$1,000 was budgeted for pickleball but to be in the league there was a membership fee, and annually that equated to approximately \$10,000. She inquired how the league could get more funds.

Parks & Recreation Director Stanley clarified that currently, the town provides balls and nets, which wear out quickly. When the league was formed other areas were researched and most had a 50/50 type system.

Mayor Davis shared with Mrs. Bridges that a dedicated pickleball court was being planned with \$150,000 already allocated.

The board decided to refer this matter to the Recreation Committee for further review and recommendations.

Rachel Lovejoy of Charleston Park inquired about potential to establish safe pedestrian access across Highway 24. Town staff confirmed ongoing discussions with the Department of Transportation, with specific locations under consideration.

Manager's Comments

Manager Barlow shared that the recent tropical storm did not have any negative impact around town, and there was very little street flooding.

Parks & Recreation Director Stanley provided an update on the splash pad renovation project, with weather delays pushing some aspects of the project back. Work completed included concrete and paver installations, while seating wall construction and footings for additional features were pending.

Board Comments

Board members commended staff for their hard work and welcomed community involvement, expressing appreciation for the increased attendance.

Commissioner Eckendorf shared that he was hopeful that the TDA could provide some monetary support to the Dockwalk project and suggested a 60/40 split. Additionally, he shared that with the upcoming election it was possible Mayor Davis would be going to the County Commissioners and the board would need to pick a new mayor.

Mayor Davis shared his appreciation to the fire department for their quick response to a downtown fire incident, and to the Public Works team for their efficiency in clearing and repairing affected areas, allowing local businesses to reopen swiftly after the tropical storm.

Closed Session

On a motion by Commissioner Eckendorf, seconded by Commissioner Turner with unanimous approval the board entered closed session at 8:19 pm pursuant to NCGS 143-318.11 (a) (3) to consult with the attorney employed or retained by the public body in order to preserve the attorney-client privilege, and the remaining below consent items were approved unanimously, and (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; or to hear or investigate a complaint, charge, or grievance by or against an individual 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 Eckendorf, seconded by Commissioner Turner, the meeting adjourned at 9:18 pm.

Regular Meeting August 13, 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 are 3 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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Recognition of Swansboro High School Valedictorian, Caroline Lott

Presenter: Mayor John Davis

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Swansboro Swimming Pool Committee

Presenter: Jonathan Barlow – Town Manager

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Employee Introduction and Oath of Office

Presenter: Dwayne Taylor– Police Chief and Mayor John Davis

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Board Appointments

Presenter: Alissa Fender – Town Clerk

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PUBLIC HEARING

UDO Text Amendment to Section 152.073 Moratoria

After a review of North Carolina General Statutes and UDO on Moratoria at a recent Board of Commissioners meeting, the Town Attorney has advised that the UDO Section 152.073, Moratoria, is not consistent with G.S. § 160D-107 Moratoria in that it is missing a portion of the first sentence under section (A) Authority.

Recommended Action:

1. *Hold a public hearing*
2. *Motion to approve Ordinance 2024-011 amending Section 152.073 Moratoria.*

Presenter: Rebecca Brehmer – Town Planner CFM, CZO

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PUBLIC HEARING

UDO Text Amendment to Section 152.196 Notes to the Table of Area, Yard, and Height Requirements

A text amendment is purposed to UDO Section 152.196 Notes to the Table of Area, Yard, and Height Requirements, (F) Note 6, to outline when a zoning permit and building permit is needed for new accessory structures.

Recommended Action:

1. *Hold a public hearing*
2. *Motion to approve Ordinance 2024-012 amending Section 152.073 Moratoria.*

Presenter: Rebecca Brehmer – Town Planner CFM, CZO

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PUBLIC HEARING

UDO Text Amendment to Section 152.445 Coastal High Hazard Areas (Zone VE)

UDO Section 152.445 Coastal High Hazard Areas (Zone VE) (Q) in the Flood Damage Prevention Ordinance of the UDO is not feasible and needs to be deleted.

Recommended Action:

1. *Hold a public hearing*
2. *Motion to approve Ordinance 2024-O13 amending Section 152.445 Coastal High Hazard Areas (Zone VE)*

Presenter: Rebecca Brehmer – Town Planner CFM, CZO

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NEW BUSINESS/NON-CONSENT

Town Code Amendment to Chapter 93: Streets and Sidewalks, Section 93.007 Playing Games in Streets

After direction from the Board of Commissioners and Town Manager, due to enforcement capabilities, a text amendment has been proposed to remove Town Code Section 93.007 Playing Games in Street. Allowing this activity to take place in Town Limits.

Recommended Action: *Motion to approve Ordinance 2024-O14 amending Town Code Chapter 93: Streets and Sidewalks, Section 93.007 Playing Games in Streets.*

Presenter: Rebecca Brehmer – Town Planner CFM, CZO

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NEW BUSINESS/NON-CONSENT

Town Code Amendment to Section 150.45 Permits Required

A text amendment is proposed to Town Code Section 150.45 Permits Required to have a zoning permit added to the list of permits required for any new development.

Recommended Action: Motion to approve Ordinance 2024-O15 amending Town Code Section 150.45 Permits Required.

Presenter: Rebecca Brehmer– Town Planner CFM, CZO

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NEW BUSINESS/NON-CONSENT

Special Event Applications – Fee Waiver Request

Two special event applications have been submitted to Parks and Recreation requesting waiver of fees.

Recommended Action:

1. Approve or deny waiver of fees for Little Pink Houses of Hope event;
2. Approve or deny waiver of fees for Swansboro Historical Association for use of the Assembly Room/Old Town Hall for community programs for the remainder of the year or until a lease agreement is signed.

Presenter: Anna Stanley– Parks & Recreation Director

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NEW BUSINESS/NON-CONSENT

Development Agreement

The proposed Development Agreement is a joint effort between the Town of Swansboro and Jacksonville Onslow Economic Development Partnership (JOED). Specifically, the agreement seeks to describe the future acquisition and development of approximately 30 acres of undeveloped land located at 1476 W. Corbett Ave.

Recommended Action: Motion to approve the Development Agreement as presented.

Presenter: Jonathan Barlow– Town Manager

15

NEW BUSINESS/NON-CONSENT

Bicentennial Park Dockwalk Extension Project

An RFP was posted and advertised for construction of a fixed timber platform, floating dock, and new floating slips at the existing waterfront access for the Bicentennial Park Dockwalk Extension Project. Sealed bids were opened on August 6, 2024, and six contractors submitted bids. The lowest bid received was \$233,200, significantly over grant funds available. In an effort to keep this project moving, 3 options are proposed to proceed with the project.

Recommended Action: Authorize the Town Manager to work with the project Engineer and the lowest responsible bidder, Carteret Marine, in an effort to modify the design in a manner that brings the project within budget with consideration given to the use of fund balance. Return to the Board as soon as possible with a revised construction cost.

Presenter: Jonathan Barlow– Town Manager

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NEW BUSINESS/NON-CONSENT

Carpet Replacement in the Community Room and Assembly Room

The carpet in both the Community Room in Town Hall and the Assembly Room in Emmerton School are in dire need of replacement. The previous year's Budget (FY23/24) included \$9,000 for the replacement of the carpet in the Community Room. Since that project was not performed those funds rolled into Fund Balance.

Recommended Action: Authorize the appropriation of up to \$20,000 of fund balance for the replacement of the flooring material in both facilities, a budget amendment will be provided for approval at the August 27, 2024, regular meeting.

Presenter: Jonathan Barlow – Town Manager

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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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PUBLIC COMMENT

Citizen opportunity to address the Board.

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MANAGER'S COMMENTS

Town Manager
Jonathan Barlow

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BOARD COMMENTS

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

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CLOSED SESSION

Motion to enter closed session pursuant to 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; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

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ADJOURN