

**Town of Swansboro  
Board of Commissioners  
November 12, 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.

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**Call to Order/Opening Prayer/Pledge**

The meeting was called to order at 6:00 pm. Mayor Davis and the Cub Scouts Webelos Den, Pack 0003 led the Pledge of Allegiance.

**Public Comment**

Ann Schuller, of 140 Front Street, described the efforts behind establishing the Visitor Center and public restrooms downtown, including her husband Bob's work relocating it and addressing the town's need for handicap-accessible restrooms. The facility became a vital resource for visitors, the Chamber of Commerce, and parking. Mrs. Schuller strongly advocated for the building to be properly renovated, emphasizing its importance and sharing positive visitors' feedback. She noted that public restrooms shouldn't fall solely on the local merchants.

Tony O'Neill, founder and director of Possumwood Acres, shared her concerns about the Muscovy ducks in Swansboro, noting that her sanctuary had taken in 45 injured or orphaned ducks, most from the town, often due to road accidents or dog attacks. She advocated controlling the population humanely by preventing eggs from hatching, relocating ducks to safer areas, and encouraging adoptions, aligning with Humane Society guidelines. Ms. O'Neill suggested maintaining a manageable duck population of around 50 to reduce risks of injury and overcrowding. While the sanctuary's visitor operations were temporarily closed due to regulatory requirements, rehabilitation efforts remained active, and Ms. O'Neill expressed her continued support for the town's efforts to manage the ducks responsibly.

Mary Pat Smey addressed the board regarding the funding policy for nonprofits, noting that government support for such organizations is common and beneficial across various levels. She shared her involvement with groups supporting Swansboro's children, military, and first responders and expressed enthusiasm for the board's exploration of nonprofit partnerships. Smey emphasized that collaboration, with transparency and accountability, could enhance services for the community. Speaking on behalf of local nonprofits, she commended the board's efforts and conveyed eagerness to work together to achieve greater positive impact.

## Adoption of Agenda and Consent Items

On a motion by Commissioner Conaway, seconded by Commissioner Eckendorf, the agenda as amended to add 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 price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease, and the following consent items were approved unanimously.

- August 13, 2024, Regular Meeting Minutes
- August 13, 2024, Closed Session Minutes
- August 27, 2024, Regular Meeting Minutes
- August 27, 2024, Closed Session Minutes
- Special Use Permit Order for Brezza Lofts Lot 8 Ward Farm Town Center
- Budget Ordinance Amendment #2025-4
- Tax Refund Request totaling \$250.20

### *Vehicle Tax*

Henson, Rachelle E.	\$23.70	Tag Surrender
Pearce, Donnie G.	\$27.00	Tag Surrender
Yingst, William Lester III & Deborah M.	\$35.53	Tag Surrender
Cooke, Michelle L. & Brian J	\$10.85	Sold/Traded
Dunn, John C.	\$21.40	Tag Surrender
Jayne, David M	\$43.75	Military
Ringo, Louisa M.	\$51.97	Tag Surrender
Climie, Eric J.	\$29.65	Tag Surrender
Floyd, Boyce Wayne Jr.	\$2.99	Tag Surrender
Hayden, Brandon A.	\$3.36	Military

## Appointments/Recognitions/Presentations

### *Cub Scouts Webelos Den, Pack 0003 Civic Questions*

Mayor Davis shared that as part of their requirements Cub Scouts must speak with elected officials about the electoral process. Webelos Den, Pack 0003 asked the board 2- 3 questions prior to the start of the meeting.

### *Recognition - Animal Chip Reader Installation*

Mayor Davis recognized Sunni Tortorici and Susan Passey for their efforts to install 24/7-accessible animal chip reader at the Public Safety Building, with support from Melissa Anderson from MilFed Construction Company. Their work reflects commitment to animal welfare and community collaboration.

*Presentation of Drawing by Bella Vinson*

Mayor Davis recognized Bella Vinson from Swansboro High School for the drawing she did of him, which was a Tim Burton style caricature.

*Recognition of Commissioner Brown and Kathy Brown*

Mayor Davis recognized Mr. & Mrs. Brown for winning the Gold Medal in the North Carolina Senior Games Cornhole Mix-Double 65-69 age group and to Mrs. Brown for winning the Gold Medal in the Individual Women's 65-69 age group.

**Business Non-Consent**

*Lancers Christmas Donations for Disadvantaged Children*

Mayor Davis shared that the Lancer's were in need of a location to handle their event Operation Deployed Santa that provide Christmas presents to disadvantage children and asked the board for approval to let them use the Town Hall community room on December 14, 2024, at no cost.

On a motion by Commissioner Eckendorf, seconded by Commissioner Brown, with unanimous approval the Lancers were approved to use the Town Hall Community Room on December 14, 2024, with the fees waived.

*Public Street and Sidewalk Acceptance Request- Shadow Creek Estates*

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

On a motion by Commissioner Eckendorf, seconded by Commissioner Brown, Resolution 2024-R10 to accept public streets and sidewalks in Shadow Creek Estates subdivision was unanimously approved.

*Muscovy Duck Discussion*

Manager Jon Barlow reviewed that a discussion focusing on the rules and regulations concerning the management of the Muscovy Duck population in the Town of Swansboro was requested by the Board.

Public Works Director Bates reviewed that there were approximately 200+ ducks in the area from the waterfront to Shore Drive. Additionally, he shared that there were residents that were violating town ordinances by providing food and creating artificial habitats using items such as kiddie pools, which support and encourage an increase in the population.

Tony O'Neill, founder and director of Possumwood Acres, addressed the board again and provided details on the challenges of controlling the duck population, emphasizing their continuous reproduction due to the lack of a fixed breeding season. She recommended humane measures such as collecting and replacing eggs with false ones to prevent hatching, rehoming excess ducks, and reducing supplemental food sources. Drawing from her experience of managing the duck population at her facility, Ms. O'Neill explained her method of allowing only a few ducklings to hatch while humanely managing others. She also noted that while natural predators like cats and foxes contribute to population attrition, they are insufficient as the sole control method.

On a motion by Commissioner Brown, seconded by Commissioner Turner, with unanimous approval, Public Works Director Bates was provided with approval to begin the rehoming process and implement humane population control methods to lower the population to approximately 50 ducks.

#### *Visitors Center Repair and Maintenance*

Manager Barlow reviewed that the Visitors Center located at 203 Church Street had evidence of mold growing in numerous areas of the structure. The conditions necessitated the need to close the building until the problem could be remediated. The Board instructed staff to engage the services of an expert in the area of mold identification and remediation. A detailed inspection by Kelly Hunnicutt of Safe Harbor Home Inspections revealed that the damage was far more extensive. The building required complete gutting, with potential structural replacements due to inadequacies in prior repairs after Hurricane Florence.

The historical value of the Visitor Center was emphasized, underscoring the importance of making repairs whether the town retains or sells the property. A proposal was made to allocate \$60,000 for immediate remediation and repair work. Combined with a prior \$30,000 commitment from TGA, a total of \$90,000 would be available for the project.

The Board acknowledged the need for a phased approach. The initial phase would focus on mold remediation and interior demolition, while the reconstruction phase would require careful planning to meet state building codes, including accessibility standards. It was noted that the Board must determine the building's future use before finalizing reconstruction plans to avoid costly changes later.

On a motion by Commissioner Conaway, seconded by Mayor Pro Tem Justice, with unanimous approval, \$60,000 was allocated for mold remediation and interior gutting.

### *2nd Amendment/Weapon Allowance at Town Hall*

Manager Barlow reviewed that discussion was requested focusing on the rights contained within the 2nd amendment to the US Constitution, pertaining to the allowance of weapons at Town Hall was requested by the Board. It was noted that the town ordinance, specifically addresses concealed carry but does not explicitly prohibit open carry.

Commissioner Eckendorf expressed concerns about the "no weapons" sticker on the building, stating that it may give a false sense of security and could make the building a target.

Board members highlighted the importance of consulting staff, as they work in the building daily and should feel safe in their workplace. There was a consensus that the current sign may need to be revised for accuracy, in compliance with state laws.

Several board members and staff voiced varying perspectives on concealed carry for employees, with some advocating for training and support if employees wished to carry. Concerns about liability and public perception were also raised, with the legal counsel explaining that reasonable regulations, such as prohibiting or allowing weapons with appropriate measures, are legally permissible. The discussion also emphasized the need for practical safety measures, including installing panic buttons in the front office for staff to alert authorities in emergencies.

The discussion concluded with three actionable steps:

- Reviewing the signage for legal accuracy
- Exploring the installation of panic buttons for front office safety
- Gathering input from staff and the public about their preferences on the matter

### *Proposal to Establish a Funding Policy/Funding Request Application for Nonprofit Organizations*

Manager Barlow reviewed that at its October 22, 2024, regular meeting, the Board directed staff to develop a funding policy/funding request application for nonprofit organizations. This policy aims to establish a clear and equitable framework for allocating resources to local nonprofits that provide essential services, align with the Town's priorities, and support community welfare.

In response to inquiries from the board Manager Barlow or Finance Director Johnson clarified the following:

- Nonprofits must demonstrate a significant presence or service to Swansboro residents, provide detailed information about their funding needs, and meet specific documentation requirements, including proof of nonprofit status and IRS tax forms.

- Applications will be submitted annually by January 31 and reviewed during budget discussions
- There was no process for out-of-budget-cycle requests.

On a motion by Commissioner Brown, seconded by Commissioner Conaway, with unanimous approval, the draft Funding Policy and application for Nonprofit organizations was approved.

#### *Discussion on filling the Board Vacancy*

Manager Barlow reviewed that with John Davis' election to the Onslow County Board of Elections, his mayor seat would become vacant. With a vacancy the Board of Commissioners were responsible for appointing and induvial to serve the remainder of Mr. Davis' term to December of 2025.

The board discussed how to handle the upcoming vacancy, including filling the mayor's position and potentially a board seat if a current board member were to be selected as mayor. They emphasized the importance of a transparent and fair process. It was decided that a call for applications for the mayor vacancy would be published with a deadline of December 15, with the goal of appointing a new mayor during the board's second meeting in January of 2025. There was debate about whether to also accept applications for the potential board vacancy at the same time, but it was decided to focus first on the mayor's position. The board acknowledged the need to allow adequate time for review and avoid rushing the decision.

Additionally, they briefly considered whether to explore changing the town's form of government. Attorney Rasberry shared that he could provide the board with a memo explaining the nuances of changing the form of government.

#### *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:

- Request for New River YMCA to provide a presentation to the board
- Recognize Teachers of the Year and/or any fall school sport teams that excelled

#### **Public Comment**

Randy Swanson of 160 Plantation Drive shared that the Visitors Center restrooms were utilized by tourists and residents when at downtown events and/or shopping. Regardless of who own the transient dock downtown the Town should keep the Visitors Center as an available restroom facility.

### **Manager's Comments**

Manager Barlow shared that Flotilla was upcoming on November 29th and there were 9 boats signed up so far. Additionally, the carpet install at Town Hall and the Emmerton School was complete.

### **Board Comments**

Board members expressed their appreciation to staff for their hard work and the public who were in attendance at the meeting.

Commissioner Eckendorf shared that he had thoroughly enjoyed his first year as commissioner. He additionally inquired if the recipient of the Sam Bland Award had to be a resident, to which other board members advised that the recipient did not have to be a resident.

Mayor Davis shared the following comments:

- The town needed to find a way to work with Melissa Anderson on the dock situation
- Not convinced that the keeping the Visitors Center was the right option
- Veterans Day service was a success
- Suggested another radar station over on Walnut Street
- Invited the board to help area businesses do early Thanksgiving meal for those in need

### **Closed Session**

On a motion by Commissioner Conaway, seconded by Commissioner Turner, and with unanimous approval, at 8:00 pm the board entered closed session pursuant to N.C.G.S. 143-318.11 (a) (2) to review 2024 Sam Bland Award applications and(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 price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

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

### **Adjournment**

On a motion by Commissioner Turner, seconded by Commissioner Eckendorf, the meeting adjourned at 9:15 pm.

# Regular Meeting November 12, 2024



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 no 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***

4

# Cub Scouts Webelos Den, Pack 0003 Civic Questions

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## Presentation of Drawing

Presenter: Bella Vinson

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## Recognition- Animal Chip Reader Installation



7

## Recognition of Commissioner Brown and Kathy Brown

Presenter: Mayor John Davis

8

# NEW BUSINESS/NON-CONSENT

## Lancers Christmas Donations for Disadvantaged Children

**Presenter: Mayor John Davis**

9

# NEW BUSINESS/NON-CONSENT

## Public Street and Sidewalk Acceptance Request- Shadow Creek Estates

Tidewater Associates, Inc, on behalf of One Harbor Church, Inc, is 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.

***Recommended Action:*** Motion to approve or deny Resolution 2024-R10 to accept public streets and sidewalks in Shadow Creek Estates subdivision.

**Presenter: Rebecca Brehmer, CFM, CZO – Town Planner**

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# NEW BUSINESS/NON-CONSENT

## Muscovy Duck Discussion

A discussion focusing on the rules and regulations concerning the management of the Muscovy Duck population in the Town of Swansboro was requested by the Board.

***Recommended Action:*** *Informational purposes only*

**Presenter: Jon Barlow – Town Manager**

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# NEW BUSINESS/NON-CONSENT

## Visitors Center Repair and Maintenance

The Visitors Center located at 203 Church St. has evidence of mold growing in numerous areas of the structure. The conditions necessitated the need to close the building until the problem can be remediated. The Board instructed staff to engage the services of an expert in the area of mold identification and remediation. A thorough inspection was performed on October 15, 2024, by Safe Harbor and will be presented.

***Recommended Action:*** *Provide staff direction on the preferred course of action to remediate the problem.*

**Presenter: Jon Barlow – Town Manager**

12



1. Front room - Dehumidifier installed



2. Visible growth at wall outlet



3. Visible growth at corner of wall



4. Visible growth or infiltration above window

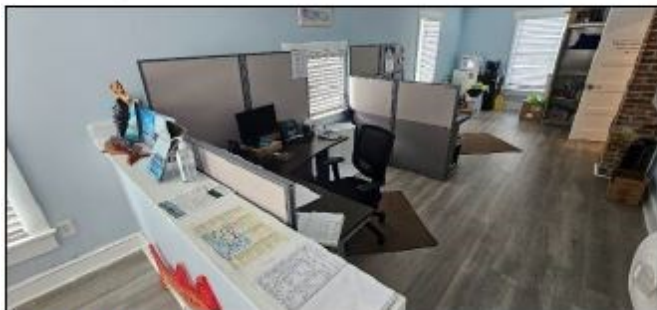
13



5. Visible growth or infiltration below window



6. Left Office Area



7. Left Office Area



8. Visible growth around outlet

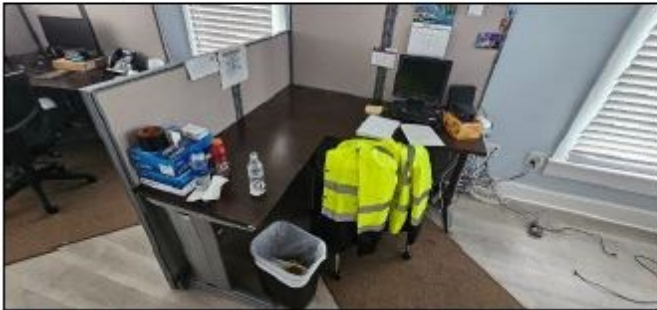
14



9. Visible growth at baseboard



10. Crack in drywall



11. Left Office Area

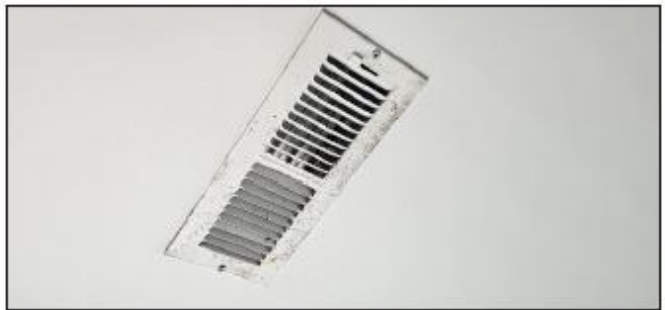


12. Visible growth around outlets

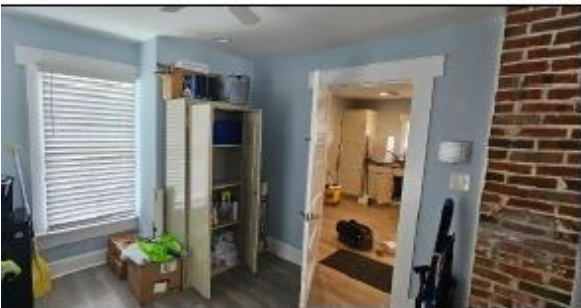
15



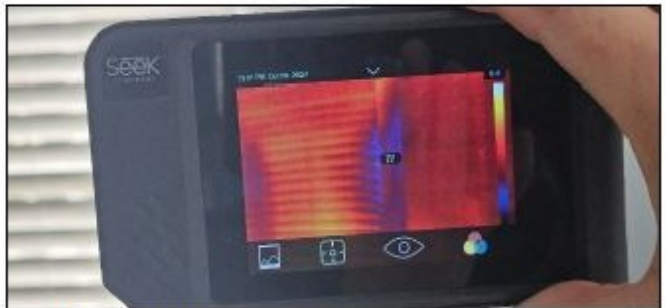
13. Visible growth above window



14. Visible growth around return



15. Left wall



16. Moisture noted around window

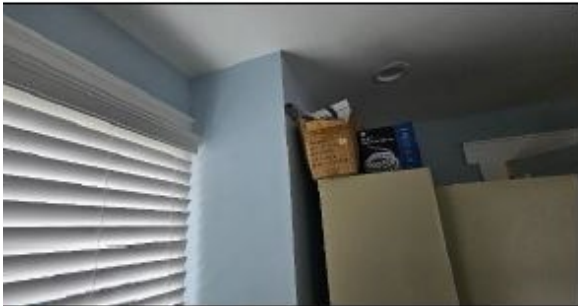
16



ture for location reference



18. Moisture noted at drywall around plenum



ture for location reference



20. Moisture noted at drywall around plenum

17



21. Picture for location reference



22. Visible growth on drywall near plenum



23. Kitchen



24. Visible growth on register

18





Visible growth on wall behind cabinet



26. Visible growth on cabinets



Visible growth on cabinets

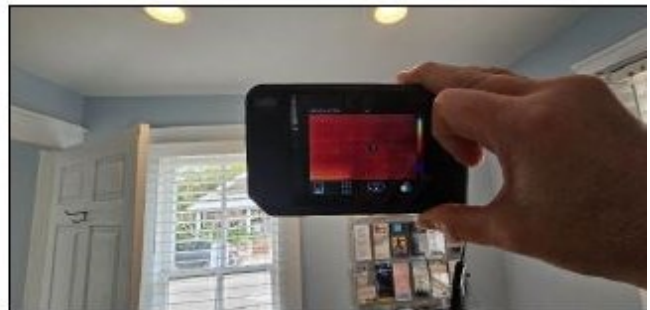


28. Visible growth on cabinets

19



Moistuer behind wall



30. Moisture above window



Moistuer in wall beside window



32. Moisture in wall above baseboards

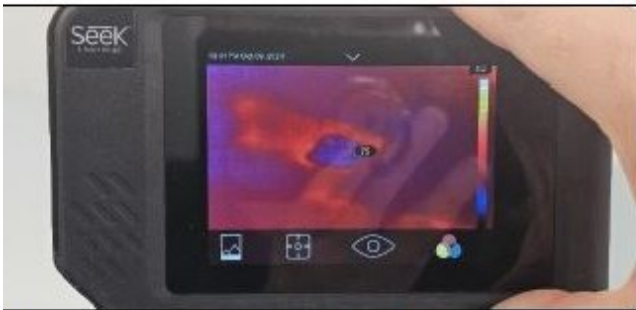
20



3. Picture for location reference



34. Moisture at baseboards



5. Missing insulation around exhaust fan



36. Picture for location reference

21



37. Gable vent covered with plywood



38. Gaps between wood siding



39. Ridge vent looks adequate



40. Exhaust fan not exhausted to exterior

22



41. Discolored insulation should be removed



42. Gaps in siding - no wall sheathing installed



64. Microbial growth on drywall



65. Microbial growth on drywall

23



43. Drain line capped - improper



44. Ductwork repaired with improper duct tape



45. Ductwork repaired with improper duct tape



46. Edge of drywall visible from the attic

24



68. Vapor barrier "taped" to wall



69. Crawlspace below grade



70. Crawlspace below grade



71. Wet subfloor near HVAC plenum

25



80. Water damaged subfloor



81. Visible growth on subfloor



82. Visible growth on subfloor

26

## NEW BUSINESS/NON-CONSENT

### 2nd Amendment/Weapon Allowance at Town Hall

A discussion focusing on the rights contained within the 2nd amendment to the US Constitution, pertaining to the allowance of weapons at Town Hall was requested by the Board.

***Recommended Action:*** Review and discuss.

**Presenter: Jon Barlow – Town Manager**

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## NEW BUSINESS/NON-CONSENT

### Proposal to Establish a Funding Policy/Funding Request Application for Nonprofit Organizations

At its October 22, 2024, regular meeting, the Board directed staff to develop a funding policy/funding request application for nonprofit organizations. This policy aims to establish a clear and equitable framework for allocating resources to local nonprofits that provide essential services, align with the Town's priorities, and support community welfare.

***Recommended Action:*** Motion to approve the draft Funding Policy and application for Nonprofit organizations.

**Presenter: Jon Barlow – Town Manager**

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# NEW BUSINESS/NON-CONSENT

## Discussion on filling the Board Vacancy

29

# 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

33

## CLOSED SESSION

*Motion to enter closed session pursuant to N.C.G.S.  
143-318.11 (a) (2) to review the 2024 Sam Bland  
Award applications.*

34



ADJOURN