

**TOWN OF SWANSBORO  
HISTORIC PRESERVATION COMMISSION  
REGULAR MEETING MINUTES  
May 21, 2024**

**Call to Order**

The meeting of Swansboro Historic Preservation Commission was called to order at 5:32 PM. Those in attendance were Jonathan McDaniel, Kim Kingrey, Elaine Justice, Christina Ramsey, Lauren Brown, and ALT member Gregg Casper. Eric Young was not present.

**Approval of Minutes**

On a motion by Mrs. Kingrey, seconded by Mrs. Ramsey, the November 28, 2023, special meeting minutes were unanimously approved.

**Business**

***Historic District Ordinance Enforcement Discussion***

Projects/Planning Coordinator Brehmer reviewed that the board requested at the April 16, 2024, regular meeting to have a discussion on enforcement standards currently in the UDO for the Historic District along with ideas on how to improve them.

Paul Ingram, Chief Building Inspector, introduced himself to the board and answered the following inquiries from the board:

- He had some experience in Historic Districts.
- Presently the State Law provides Building Inspectors the authority to regulate local ordinances by withholding the Certificate of Occupancy. However, after January 1, 2025, the laws would be changed so that the inspector would not be able to hold up the Certificate of Occupancy for local ordinances. If there was anything unsafe, as per the building code, then the Certificate of Occupancy would be withheld.
- After January 1, 2025, local ordinances would have had to be enforced with fines. As soon as the Certificate of Occupancy was issued, the municipality would have had to immediately begin the fine process.
- Most violations were resolved by a conversation with the homeowner. The Building Inspector was more of an authority than a board member or the staff for code enforcement.
- When fines were assessed and not paid, then the fines would have been brought to the court system for collection.

Projects/Planning Coordinator Brehmer shared that the ideas were new enforcement options. The normal process was to send notices of violation and fines. Most instances only required the notice of violation and very rarely fines were assessed.

Planner Correll shared that notices of violations were mailed; the resident would have had 30 days to comply. On average, most jurisdictions used \$100 a day per occurrence. If the fines were not paid, staff would turn the fines over to the town attorney for a lien to be placed on the property. The Historic District Ordinance are incorporated into the UDO, so it had the same standing as any other ordinance for enforcement.

Projects/Planning Coordinator Brehmer responded to the inquiries from the board:

- The Certificate of Appropriateness application stated there was a process in place for a preconstruction meeting. Before the board received the COA application, there was a lot of work completed behind the scenes by Staff.
- Physical samples would have been a good idea to have requested from applicants which could have been added to the application form.
- The requested check-in meetings onsite during a project would have been possible but were hard to coordinate. The staff would not have known when projects would have been completed.
- Physical samples were not currently required. Most people provided photos of the materials or something like the materials being used.
- The staff already required applicants to provide information but not the specificity of samples. Samples would have given more leverage for enforcement and provided more details.
- The ordinance would not have had to be amended, the staff needed to develop a better way for code enforcement. The Planner and Building Inspector would have worked together to set a good system in place for how the violation would be approached.
- A “failure to follow the COA would result in code enforcement” clause would have been added to the COA as outlined in §152.487 Compliance and Enforcement. An initial here section would be added as a requirement for the COA application for proof of acknowledgement for each section.
- If any changes were made to a property which was not included in the COA, the property owner would have had to submit an amendment to the initial COA.

Planner Correll shared with the board the following:

- The Planner and the Building Inspector had the authority to issue a stop work order for projects as per the UDO. Until the resident complied, the stop work order was not removed. If the stop work order was removed by anyone other than the Planner or the Building Inspector, it was a misdemeanor and a penalty.
- The Demolition by Neglect Ordinance had been written to the letter of the law with the State Statutes.
- Projects/Planning Coordinator Brehmer had saved two houses on Water Street in the district with the help of the board.
- The board would have needed to work with the structure on Elm Street which was deteriorating. The Demolition by Neglect processes would not have begun until a formal complaint was made.

Projects/Planning Coordinator Brehmer reviewed the following changes would be made to the COA application:

- A “failure to follow the COA would result in code enforcement” clause would have been added to the COA as outlined in §152.487 Compliance and Enforcement.
- An initial here section would be added as a requirement for the COA application for proof of acknowledgement for each section.

- Any changes made to a property which was not included in the COA, the property owner would have had to submit an amendment to the original COA.
- An added requirement on the COA was “physical material samples would have been required as part of the application package”. This would have provided better details for the COA.
- There was a clause which allowed a temporary change to protect a historic resource was allowed for six-month duration.

Projects/Planning Coordinator Brehmer responded to the board that the ordinance would not need to be changed, that the current ordinance needed to be handled by code enforcement. The changes which were made to the COA application process would be followed for changes needed in the future. The goal was to keep the designation of the historic district, and it would be best to educate the property owners. Workshops were possible to help the education of the property owners.

### **Review of Staff Approvals**

Projects/Planning Coordinator Brehmer reviewed the following Staff Approvals:

- 208 Main Street – Addition of outdoor seating and privacy screening.
- 121 Elm St – Removal and replacement of fence on east side of lot with a 6 ft wooden picket fence.
- 219 Walnut Street – Addition of outdoor shower along back left side of the house, mostly hidden from street view by plants and detached garage.
- 129-2 Front Street – Addition of white wood flower boxes on windows and installation of new business signs.
- 132 Front Street – Installation of 4 ft black aluminum fence in backyard.
- 119 Water Street – Installation of 3 vents on exterior of home and the preplacement of HVAC unit.
- 219 Walnut Street – Installation of current driveway with new permeable pavers similar in style and color of brick.
- 131 Front Street – Installation of roll down hurricane shutters on water side of the building.

### **Chairman/Board Thoughts/Staff Comments**

Projects/Planning Coordinator Brehmer thanked all who attended the Local Landmark Designation workshop. The workshop went well and was informative. Kristi Brantley provided an example of a successful Local Landmark Designation application. It was the homeowner’s responsibility to coordinate the Local Landmark Designation process.

Projects/Planning Coordinator Brehmer responded to the board’s discussions:

- The Flood Resilience standards would need to be brought back for approval or recommendations from the board. A list of properties would be compiled for places which were at risk.
- Tax Credits and Deed Easements were requested to be brought to the board as an agenda item for future meetings.

- State tax credits were eligible but through a different avenue. Maggie Gregg would be requested to provide a presentation for a future meeting on tax credits. A joint meeting would also be requested with the Swansboro Historic Board and the Board of Commissioners for this presentation.

Mrs. Brown shared Doug Rogers had been planting more live oak trees. Mr. Rogers had picked up the trees from the nursery in Burgaw and planted them for downtown residents who had requested them. For \$115.00 you would have had a six-to-eight-foot live oak tree planted in your yard.

Projects/Planning Coordinator Brehmer shared the planting of the trees was not a town sponsored event and the town was not able to advertise. A map of the downtown area and where the trees would have been planted could be formed.

Jimmy Williams with the Tideland News shared he had included a story about Mr. Rogers in the newspaper approximately six months ago.

### **Public Comments**

Citizens were offered an opportunity to address the board. No comments were given.

### **Adjournment**

The meeting adjourned at 6:38 pm.