

Town of Swansboro
Board of Commissioners
April 22, 2025, Regular Meeting Minutes

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

Call to Order/Opening Prayer/Pledge

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

Public Comment

Courtney Haight of 311 Merrick Way addressed the Board to express concerns about zoning restrictions that prevent her from operating her hot dog cart near Food Lion, despite having landowner permission. She also questioned limitations on music and signage, stating both are essential for attracting customers and are managed responsibly. Ms. Haight requested the Board to consider easing or modifying restrictions for small-scale food vendors.

Adoption of Agenda and Consent Items

On a motion by Commissioner Turner, seconded by Mayor Pro Tem Conaway, the below consent items and agenda as amended to remove item *IV-A Recognition of Isabella Smith - Military Child of the Year* was unanimously approved.

- February 7, 2025, Special Meeting Minutes
- February 11, 2025, Regular Meeting Minutes
- Tax Refund Request totaling \$423.93
 - o Vehicle Tax
 - Atlantic On Site Services LLC \$15.89
 - Buchanan, Joseph Paul \$143.01
 - Keller, Melissa Brianne & Aaron Michael \$47.43
 - Beaudet, Annalei, Marie K \$92.65
 - Jacobson, Bryon Ray Jr. \$124.95
- Budget Ordinance Amendment #2025-10

Appointments/Recognitions/Presentations

Administrative Professionals Week & Municipal Clerks Week

Mayor Justice and Mayor Pro Tem Conaway acknowledged Administrative Professionals Week, April 20th-26th, and Municipal Clerks Week May 4th-10th. Board members expressed their appreciation to Admin Assistant Jackie Stevens, Admin Assistant Tom

Peluso, Deputy Town Clerk Aliette Cuadro, and Town Clerk Alissa Fender, who were all in attendance.

Business Non-Consent

Food Truck Ordinance Review

Planner Rebecca Brehmer provided a detailed presentation on the Town's current regulations related to food trucks and push carts, as requested by the Board following direction at the April 8, 2025, meeting. Ms. Brehmer's presentation included historical context, noting that food trucks were first permitted in Swansboro through a text amendment adopted in 2021. Prior to this amendment, food trucks were not allowed at all. Staff explained that food trucks and push carts were now allowed only within the B-1, B-2, B-3, and M-I zoning districts and must be located within one of three designated nodes identified in the town's Future Land Use Map: the traditional town center, suburban town center, or employment/light industrial areas. These regulations, including the specific requirements outlined in Note 30 of the UDO, also govern elements such as distance from existing brick-and-mortar establishments, signage, and sound.

Planner Brehmer clarified that exceptions to these rules existed only under limited circumstances, such as when a private business hosts a special event on their own property, not exceeding three days. A map was referenced to illustrate where food trucks may operate, and it was confirmed that the location of recent concern—near Food Lion—is not within a permitted node or zoning area, which prevents a food cart from operating there despite property owner permission. The Board discussed the restrictive nature of the ordinance, with several members expressing concerns about its complexity, the burden it places on small vendors, and the need to support local entrepreneurs.

Staff indicated that minor changes could potentially be handled at the staff level, while larger changes would require formal review and approval processes, including Planning Board consideration and a public hearing.

In response to an inquiry about variances that could be provided, Attorney Rasberry advised that variances for use are not permitted under North Carolina law, meaning no immediate relief could be granted for individual cases.

The Board agreed to continue discussion during the upcoming educational session on April 23, 2025.

Monthly Financial Report as of March 31, 2025

Finance Director Sonia Johnson presented the monthly financial report as of March 31, 2025. Key takeaways were:

- General Fund comparison (with encumbrances): Total excess of revenues over expenditures in the amount of \$674,278, with 97.31% of revenues collected year-to-date.
- General Fund comparison (actuals): Total excess of revenues over expenditures in the amount of \$745,860
- Expenditure by department: 61.01% of the monthly budget

Director Johnson also provided summaries of current loan balances, cash and investment accounts, and outstanding grants. She noted that updated financial projections would be shared during the upcoming budget retreat.

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:

- Reminder of the special meeting April 23, 2025, to receive a general overview of the Town Unified Development Ordinance and CAMA Land Use Plan and provide input on updates or changes desired and to receive a presentation from WithersRavenel on the update process of the CAMA Land Use Plan
- Suggestion was made to organize a Board tour of the Visitor Center and related facilities, with staff preparing a brief overview of needs and improvements.
- Regarding pending legislation and their impact on future projects, staff confirmed that they would continue to monitor those items.

Public Comment

Randy Swanson of 206 W. Corbett Avenue addressed the Board regarding land use and food truck placement, noting his prior involvement on the land use committee. He referenced past discussions about whether temporary accommodations could be made. He also requested an update on long-standing maintenance need behind the Mattocks property at 107 Front Street, specifically repairs to a wall and drainage issues in the backyard, which he stated remained.

Constance Crocker of 111 Jones Road inquired about the Flybridge development mentioned in the Town Manager's report. Staff clarified that the item was not on the current agenda and offered to provide additional information following the meeting.

Manager's Comments

Manager Barlow reported that he had reported previously that there was uncertainty about needing a new CAMA permit for placing the no wake buoys, but it was confirmed that the Wildlife Resources Commission holds a blanket permit allowing the town to

work under it as a contractor. He shared that the coordinates were set for placement location, so installation can proceed soon.

Regarding the Main Street Dock and boardwalk, both originally built with coastal management grants, the town was eligible to apply for new grants to repair them. The grants would cover 75% state funding and require a 25% local match. Applications will be submitted soon, and if invited to submit a full application, the board will later decide on acceptance.

Lastly, Project Coffee had been awarded a \$1.36 million infrastructure grant from the North Carolina Rural Infrastructure Authority, with both the town board and county commissioners contributing \$250,000 each.

Board Comments

Mayor Pro Tem Conaway shared he had strong concerns regarding several state legislative bills currently under consideration, specifically House Bill 1009, House Bill 765, and Senate Bill 497. Stating that these bills could have on local authority over land use, zoning, and development standards. Mayor Pro Tem Conaway suggested that the board consider adopting a resolution opposing these bills and urged citizens to also make attempts to contact state representatives & oppose these bills.

Commissioner Brown shared details about the upcoming fundraising event for Robert's upgrades on May 10, encouraging participation in the Duck Derby and thanking those who helped with the event.

Commissioners expressed gratitude to the Town Manager and staff for their ongoing efforts and recognized the contributions of local businesses and volunteers, including the late W.G. Casper. They also acknowledged the appreciation again for Administrative Professionals and Municipal Clerks.

Closed Session

On a motion by Commissioner Brown, seconded by Mayor Pro Tem Conaway, with unanimous approval, the board entered closed session at 7:01 pm pursuant to NCGS 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged; 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 with nothing to report.

Adjournment

On a motion by Mayor Pro Tem Conaway, seconded by Commissioner Turner, the meeting adjourned at 7:49 pm.