

**Town of Swansboro
Board of Commissioners
May 8, 2023, Regular Meeting Minutes**

In attendance: Mayor John Davis, Commissioner PJ Pugliese, Commissioner Larry Philpott, and Commissioner Jeffrey Conaway. Mayor Pro Tem Frank Tursi, and Commissioner Pat Turner were absent.

Call to Order/Opening Prayer/Pledge

The meeting was called to order at 5:30 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 Philpott, seconded by Commissioner Conaway, the agenda and the below consent item was approved unanimously. The January 23, 2023, closed session minutes were removed from consent for further details to be clarified on what was captured.

- January 23, 2023, Regular Meeting Minutes
- Resolution Opposing Multiple Regulatory Land Use Bills
- Budget Amendment 2023-6 Salary Adjustments

Appointments/Recognitions/Presentations

Proclamations

Mayor Davis acknowledged *National Police Week* May 14-20th, and *Peace Officers Memorial Day* May 15th. He shared that the Swansboro Police Department had not discharged a firearm towards a person in many years. Chief Taylor shared that he was very proud of his department and collectively they had a large wealth of knowledge and experience.

Mayor Davis also acknowledged *National Public Works Week* May 21-27th. Public Works Director Bates shared that his department was full of hard workers. Mayor Davis shared that he witnessed Mr. Bates working hard in the field and wanted to ensure he was acknowledged as well.

After reading the proclamations, board members shared their appreciation to law enforcement and public works personnel that were in attendance.

Water Street Rehabilitation Public Meeting

Steve Marks with WithersRavenel reviewed the design approach/preliminary plans for the Water Street Drainage improvements. The approach was 60% designed and was proposed to use the wide area of Broad Street to provide a bioretention area which was essentially a rain garden to store water which would also allow water to infiltrate. Then improve the drainage system on Broad and Water Street. Mr. Marks reviewed examples of the types of bioretention areas that could be used in the project. An opportunity for the community to provide feedback was offered after the presentation.

Mrs. Casper shared that she was interested in knowing what would happen to the trees in the median of Broad Street and that during rainstorms the waters rushes down the hill and many properties remain wet.

In response to inquiries from the board Mr. Marks clarified the following:

- Most work would be completed without going onto personal property.
- Elm Street drainage could be looked at for possible expansion.
- Natural springs could not be addressed on private property but once they leaves, collection could be looked at for a resolution.

Public Works Director Bates shared that he was aware of the Water Street drainage issues, and he was looking into several grant opportunities to help get better control of the situation, one grant would include stormwater mapping.

Board members requested that Mr. Marks return at the May 22, 2023, regular meeting to provide more complete project details.

Public Hearing

Rezoning Request/1130 Hammock Beach Road

Planner Correll shared that Justin Weiss submitted a rezoning request for his property located at 1130 Hammock Beach Road from RA (Residential Agricultural) to B-1 (Highway Business). The property was identified as tax parcel ID 025381 which contained +/- 1.26 acres of land and abutted properties zoned R-8SF (Residential) and B-1 (Highway Business). The Planning Board reviewed the request at their April 4, 2023, regular meeting and found the request consistent with the Comprehensive Plan and considered the action taken to be reasonable and in keeping with the Town's adopted plan.

The public hearing was opened at 6:11 pm and the following individuals spoke.

Mr. Weiss shared that he was requesting this based on the zoning that surrounded his property.

Charles Rawls, owner of neighboring properties shared that he supported the rezoning due to the areas around it being zoned business as well.

The public hearing was closed at 6:14 pm.

On a motion by Commissioner Philpott seconded by Commissioner Conaway, the rezoning of 1130 Hammock Beach Road was approved from RA (Residential Agricultural) to B-1 (Highway Business) unanimously.

Special Use Permit/108 W. Corbett Avenue

Planner Correll shared that Anthony Howell, owner of Jessmarc Properties LLC, applied for a special use permit to continue operating a Bed and Breakfast at 108 W. Corbett Avenue. The property was located in the B-2 zoning district and the use of "Bed and Breakfast Accommodations and Inns" was allowed pursuant to the issuance of a special use permit.

Andrea Correll and Anthony Howell were sworn in to provide testimony.

In response to an inquiry from the Board as to why a special user permit was required to continue using the Bed and Breakfast, Mrs. Correll shared that the ordinance does not permit the use of Bed and Breakfast operations on a ground floor without a special use permit and the use was opened without prior authorization.

In response to an inquiry from the Board Mr. Howell shared that in most cases only 1 vehicle was parked in the parking lot for use of the facility but at times there could be two.

The public hearing was opened at 6:21 pm and no comments were offered.

In reviewing the special use permit, the Board gave due regard to the nature and state of all adjacent structures and uses, and the districts within which the proposed use was to be located and made the following findings of fact concerning the request.

- (1) The special use was allowed pursuant to § 152.210 and meets all the required conditions and specifications, including without limitation, those set out in § 152.211. *The request would meet the standards of the Unified Development*

Ordinance.

(2) The special use would not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved. *The sealed statement by Brent Lanier Surveyor documents the special use would not materially endanger the public health and safety.*

(3) The special use would not substantially injure the value of adjoining or abutting property OR the special use was a public necessity. *The sealed appraisal report by Suzanne H. Nelson, MAI indicated there was no impact to adjoining or abutting property values.*

(4) The location and character of the special use, if developed according to the plan as submitted and approved, would be in harmony with the area in which it was located.

The special use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address impacts of the project as required by G.S. §160A382(b). *The building was a two-story wood frame structure containing two retail businesses on the ground floor along with the proposed bed and breakfast and an existing residential unit on the second floor. The proposed use was in harmony with the area in which it was located and would be a further complement to the waterfront improvement recommended in the Waterfront Access and Development Plan. This waterfront location was in the vicinity of the proposed boardwalk which would be developed from Riverview Park to Bicentennial Park connected by utilizing the sidewalk under the bridge to the Front Street portion of the dock walk. Goal 3 in the Updated CAMA Land Use Plan bullet four states, "make a "place" for people that takes advantage of the unique location and natural assets.*

On a motion by Commissioner Pugliese, seconded by Commissioner Conaway, the Special Use Permit for 108 W. Corbett Avenue to continue operating a Bed and Breakfast was unanimously approved on the written findings above.

Business Non-Consent

Resolution for Annexation Incentive Agreement

Town Clerk Fender shared that Emerald Coast, Inc requested consideration for a waiver of all the initial permit-related activity fees and fees related to the annexation process for the development of 7 parcels along Norris Road, pursuant to Board of Commissioners Policy 10C - Investigation of Annexation Petitions & Incentives.

Mrs. Fender reviewed the cost analysis estimated fees on a 1,749 SF dwelling for a building permit was \$1,360.50, Stormwater Enterprise Fund fee was \$60, and side

sidewalk-in-lieu-of fee would vary based on lot size and would range from \$892.25 to \$2,238.00. Depending on the value of the home the Town property tax rate would be applicable by lot at \$.35 on each \$100 of value. As an example of taxes, a home valued at \$170,000 would have an annual tax of \$595 and a home valued at \$210,000 would have an annual tax of \$735. To fully recoup the waived permit fees based on the largest lot, if the home was valued at \$170,000 it was estimated to take just over 6 years and if valued at \$210,000 was estimated to take just under 5 years.

In response to inquiries from the Board, Mrs. Fender reviewed that the fees which would be waived were the permit costs, sidewalk-in-lieu fee, and annexation cost.

Mayor Davis shared that he did not agree that the sidewalk-in-lieu fee should be waived.

Junior Freeman of Emerald Coast Inc shared that the area he was developing does not have any sidewalks surrounding it so there would be nothing to connect to if he were to install them. He brought attention to another development in town that took advantage of this incentive and that it did not have to pay sidewalk-in-lieu of fees. Mr. Freeman also shared that at the time he presented the minor subdivision for consideration he was required to pay the park-in-lieu of dedication, so he requested consideration of having those fees refunded as well.

Attorney Parson shared that the policy allows for *some or all* of the fees to be waived.

Board members agreed that their goal was to install as many sidewalks as possible, but the location Mr. Freeman was developing was no different than the project he mentioned and it was located a considerable distance from any other sidewalks and from highway 24, so they felt the same precedence should be followed and waive all the fees.

On a motion by Commissioner Philpott, seconded by Commissioner Conaway, with unanimous approval, Resolution 2023-R2 was approved granting a waiver of initial permit related activity fees and fees related to the annexation process for the development of 7 parcels along Norris Road along with refunding the already paid parks-in-lieu of dedication fees.

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. No new additional items were added.

Public Comment

Ashley Wallace shared that she was pleased to hear about the police department having not discharged their weapons in many years.

Manager's Comments

Manager Webb reminded board members of the upcoming Employee Social and to RSVP if they would be attending.

Board Comments

Board members shared their appreciation to staff for all their efforts.

Adjournment

On a motion by Commissioner Philpott, seconded by Commissioner Conaway, the meeting adjourned at 6:45 pm.