

**Town of Swansboro
Board of Commissioners
November 14, 2022, Regular Meeting**

In attendance: Mayor John Davis, Mayor Pro Tem Frank Tursi, Commissioner PJ Pugliese, Commissioner Larry Philpott, Mayor Pro Tem Tursi, and Commissioner Jeffrey Conaway. Commissioner Pat Turner was 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 Mayor Pro Tem Tursi, seconded by Commissioner Philpott, the agenda and the below consent items, along with release of the closed session minutes were adopted unanimously.

- May 23, 2022, Regular Meeting Minutes
- May 23, 2022, Closed Session Minutes

Appointments/Recognitions/Presentations

Recognition of Bob Vroom

Mayor Davis recognized Mr. Robert Vroom for his induction into the North Carolina High School Athletic Association 2021 Hall of Fame. Mr. Vroom's achievements included selection of Conference Coach of the year 15 times, induction into the NC Soccer Hall of Fame in 2015, and during his coaching career with Swansboro High School he had 490 wins in Men's soccer and 7 state titles.

Public Hearing

Starbucks Special Use

Planner Andrea Correll reviewed that Vaquero Ventures had submitted a special use application for the property located at 1117 W. Corbett Ave (Walmart outparcel). The proposed use will be a Starbucks coffee shop with a drive-through. "Restaurant" was an allowed use in the B-1 zoning district pursuant to the issuance of a special use permit. Additionally, business would not be accessed via highway 24, all ingress and egress would be through the Walmart parking lot.

Mrs. Correll, Traffic Engineer for the Town, Jeff Hochanadel, and neighboring property owner Barton Lanier were sworn in.

The public hearing was opened at 5:36 pm.

Bryce Pike with Pike Law Firm was in attendance to represent Vaquero Ventures. Mr. Pike reviewed his applicants support and compliance with Section 152.210 of the Town Unified Development Ordinance for special use permits. The applicant was requested a waiver of the connectivity requirement due to the drive through functionality.

Barton Lanier, owner of the neighboring property indicated that her had permits in had to fill the ditch on the property and shared that connectivity was not important and was not opposed to waiver of connectivity to his property.

The public hearing was closed at 5:53 pm.

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 is allowed pursuant to § 152.210 and meets all the required conditions and specifications, including without limitation, those set out in § 152.211. The use, “Restaurants”, is allowed by the Table of Uses in the B-1 zoning district pursuant to the issuance of a special use permit.
- 2) The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved. The proposed restaurant will be located on an existing outparcel within the Walmart development. Access to the site will be through the existing driveways; no exterior drives are proposed. A traffic impact study has been provided pursuant to Section 152.312 of the UDO by J.M. Teague and is under review by the Town’s consultant engineer, Jeff Hochanadel with the Timmons Group.

The Traffic Impact Analysis and the Town’s Traffic Engineer Review Report are included. Findings from the report indicate that “No improvement recommendations were provided nor necessary to mitigate capacity concerns at the intersections. The findings also provide the development minimally increased queues at each intersection.”

NCDOT did not require a TIA for this development for the following reasons:

- The land use was covered in the Swansboro Retail TIA and the Swansboro Commercial TIA, which were later updated with the Norris Road Signal Study.

- All roadway improvements associated with these TIAs have been constructed.
 - The coffee shop will only be accessed via internal, non-system roadways which have previously been reviewed as noted above.
- 3) The special use will not substantially injure the value of adjoining or abutting property, OR the special use is a public necessity. The letter received from Joseph Blake and Associates, Inc., indicates that the development will not impact adjacent property values.
- 4) The location and character of the special use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is 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. §160A-382(b). The CAMA Land Use Plan Update (2019) identifies the property as Suburban Town Center. These areas are meant to be commercial activity nodes that are more auto oriented such as the intersections of Hammocks Beach Road or Queen's Creek Road with NC 24. In well-designed projects, a person can patronize several businesses via access easements between businesses, a secondary road network, or on foot. Uses may be mixed, generally are larger in scale and include higher density residential including townhomes, market-rate apartments with access to major thoroughfares and existing utilities. Office, civic and institutional uses may be incorporated into this land use class. Development opportunities may occur on green fields or sites with underutilized uses ripe for redevelopment.

This auto-oriented business district, located at nodes along NC 24, supplies goods and services used by the community over the course of a week or month. These businesses are often supported by customers over a large geographic area and may be a regional draw. Uses may be mixed – often mixed horizontally – outlets and larger-scale (ex – grocery, larger-scale retail up to a certain square footage, etc.). While vehicular traffic dominates, all modes of travel are accommodated.

- 5) Upon the issuance of any special use permit, the Board of Commissioners shall consider whether it is necessary or appropriate to affix conditions thereto for the purposes of protecting neighboring properties and/or the public interest assuring that the use is harmonious with the area, and ensuring that the use is consistent with the spirit of the ordinance, and shall affix to such permit such reasonable and appropriate conditions as it finds are necessary for any of those

purposes. If any conditions affixed to any special use permit or any part thereof is held invalid by any competent authority, then said special use permit shall be void. A waiver of the interconnection requirement pursuant to the Swansboro Unified Development ordinance § 152.295 PARKING LOT INTERCONNECTIONS due to a loss of parking spaces was granted as a condition to this Special Use Permit.

On a motion by Commissioner Philpott, seconded by Commissioner Pugliese, the Special Use Permit for 1117 W. Corbett Avenue to allow the construction of a coffee shop with a drive thru was approved unanimously based on the written findings above.

Business Non-Consent

Public Safety Building/Emergency Operations Center Consultant

Manager Webb reviewed that after the PSB/EOC committee creation in March of 2022, the committee went to work immediately making area site visits and developing the Request for Qualifications provided to the board in June of 2022. Of the firms 5 firms who submitted 3 were interviewed and the committee recommended Becker Morgan as its top selection for the PSB/EOC Consultant.

Manager Webb shared the following details for Becker Morgan with the board:

Becker Morgan was located in Wilmington, had experience in coastal design, considerable experience in public safety facilities design to fit the community, experience in master planning, accuracy on budgeting, and experience in the formal bidding process and project management.

Becker Morgan's feasibility cost were typically \$15-25K, depending on a few variables:

- Whether we already had a property survey and which budget pays for it,
- Whether we had any tricky or complex site matters – DOT, Duke, regional stormwater, zoning irregularities, etc. The more players we need to engage the higher the fee.
- The number of options needing study. Becker Morgan indicated they could complete a feasibility study in 30-45 days. Project design costs then ranging from 7-9% of the estimated construction costs.

On a motion by Mayor Pro Tem Tursi, seconded by Commissioner Conaway, Becker Morgan was selected as the consultant for the PSB/EOC Project.

Future Agenda Topics

Presenter: Alissa Fender – Town Clerk

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.

The following items were addressed:

- Parking concerns downtown

Public Comment

Citizens were offered an opportunity to address the Board regarding items not listed on the agenda. No comments were given.

Manager's Comments

Manager Webb requested further direction from the board regarding the Table of Permitted Uses due to the Planning Board request for further clarification of their intentions for requesting the boards review.

The board agreed that the amount of uses that require a special use were an overabundance and wanted them reviewed and lessened. By consensus the board agreed to having a joint meeting with the Planning board after the start of the new year.

Board Comments

Board members shared their compliments regarding the Swansboro by Candlelight event and that the decision to delay lighting of the tree due to the weather conditions was a good decision by town staff.

Mayor Davis shared that concerns had been shared with him with regards to the events and the amount of trash cans provided downtown were not enough. He also inquired if a pedestrian crossing at the church in front of the Fire Department could be utilized for events downtown. Additionally, he shared that One Harbor Church was having repeat issues with the heating and cooling comfort of the building on Sundays. He felt the rental of Town Hall to One Harbor Church should provide the Church with access to address the temperature and have full use of the parking. Town vehicles and other jurisdictions law enforcement vehicles should not be parked on the property.

Fire Chief David Degnan shared that he had concerns with providing a crosswalk for events at the Fire Department because the location is not a designated crosswalk and

could put the Town at a liability risk. There was a designated crosswalk at the intersection light just down the street.

Closed Session

On a motion by Commissioner Conaway, seconded by Commissioner Philpott the board enter closed session pursuant to N.C.G.S. 143-318.11 (a) (2) to review 2022 Sam Bland Award applications at 6:47 pm.

Pursuant to a motion duly made in closed session, the Board returned to open session.

Adjournment

On a motion by Commissioner Conaway seconded by Commissioner Pugliese the meeting adjourned at 7:12 pm.