

Town of Swansboro
Board of Commissioners
July 13, 2020 Regular Meeting

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In attendance: Mayor John Davis, Mayor Pro Tem Frank Tursi, Commissioner Pat Turner, Commissioner Harry PJ Pugliese, Commissioner Larry Philpott, and Commissioner Laurent Meilleur. It was noted that Mayor Pro Tem Tursi, Commissioner Meilleur and Commissioner Philpott participated remotely as allowed by NCCGS 166A-19. Governor Cooper had declared a state of emergency due to the COVID-19 Pandemic in March 2020.

Call to Order/Opening Prayer/Pledge of Allegiance

The meeting was called to order at 5:30 pm. Mayor Davis gave the invocation.

Public Comment

Citizens were offered an opportunity to address the Board regarding items listed on the agenda. No comments were offered.

Adoption of Agenda

Manager Seaberg was asked and gave a brief on the Interlocal Agreement Amendment – Onslow County Fee Collections and the Debris Removal and Monitoring Contracts. Mayor Pro Tem Tursi asked that the contracts for Debris Removal and Monitoring be moved from Consent for discussion.

On a motion by Commissioner Turner, seconded by Commissioner Pugliese, the Agenda as amended and Consent Items below were unanimously approved.

a. Meeting Minutes

April 27, 2020 Regular Meeting Minutes

May 11, 2020 Regular Meeting Minutes

May 26, 2020 Special Meeting Minutes

b. Interlocal Agreement Amendment - Onslow County Fee Collections – the amendment allowed the County to collect unpaid charges resulting from nuisance abatements as a lien on the property.

Presentation

Rick Salvage, President of the NC Wetlands Association gave a presentation on Wetlands - *also attached to these minutes*. Mr. Savage and his team answered specific questions from the Board.

The restoration of wetlands was defined by example - when a wetland was disturbed, it would not function properly. Removing filament material was an example of restoring a wetland.

Restorations, trails and signage can be added that would suffice as park space. It really depended on the type of wetland present. Boardwalks were typically park space. Was there value in isolated wetlands – was there a trade-off? As an example, One Harbor Church was planning a constructed wetland to replace an existing isolated wetland. Mr. Savage believed it was dependent on the landscape of the wetland. Isolated wetlands usually housed amphibians and stored stormwater. This was probably a question for Federal/State officials to answer.

Swansboro had nice wetland areas according to Mr. Savage. Protection of the headwaters to streams was always important, especially when adjacent to wetlands. When reviewing development, Town officials should look for green solutions, anything that would help slow down the stormwater runoff headed to the streams.

Local government had no authority to exceed state regulations. The Town could look at incentives for developers to do more though.

On an inquiry whether a backyard pond was considered a wetland if it had genus Salix (willows and sallows) plants growing in it, Mr. Savage stated that the pond would have to be ½ acre or more to be considered a wetland.

To address existing issues created years ago, Mr. Savage recommended acquiring EPA 319 funding when possible to assist in projects that helped with runoffs and restoration. The Town had already been a recipient of such funds in partnership with the NC Coastal Federation.

Mayor Pro Tem Tursi thanked Mr. Savage for attending sharing that the Town was lucky to have this organization as a partner. He recommended a joint meeting with the Planning Board to review Land Use Plan policies for better assist in future recommendation to incorporate those policies into Code. The organization might also assist in identifying stream restoration opportunities.

A joint meeting with the Planning Board would be scheduled.

Recess at 6:19 pm/Reconvened at 6:25pm.

Business Non-Consent

Swansgate Revised Preliminary Plat – In May 2019, a preliminary plat was approved for Swansgate Subdivision consisting of 35 lots on 21.95 acres. The subdivision was proposed under the Residential Cluster Development standards of the Unified

Development Ordinance. Parker and Associates, on behalf of A. Sydes Construction, Inc., has submitted a revised preliminary plat to add two additional lots.

At their June 1 regular meeting, the Planning Board voted 4 to 2 to recommend approval of the revised preliminary plat with the conditions that 1) the sidewalk be extended to the property line along Main Street Extension, and 2) that the other items addressed in the TRC Comments be satisfied.

Multiple questions from the Board were addressed by Attorney Kyle Fountain, and Engineer Jonathan McDaniel, representing the developer and Planner Jennifer Ansell.

In response to whether the EPA violations had been corrected. Attorney Fountain indicated that everything would be built to state specs. There were some minor violations that the developer was working on.

Mayor Davis inquired whether the developer would be willing to place the wetlands in a trust or donate them to the Town. Mr. McDaniel's shared they would donate to the Town. Attorney Parson preferred that the wetlands be deeded to the Town, not just a dedication.

Mayor Pro Tem Tursi referred to Chapter 152.366 of the UDO, that required all projects, land disturbance activities, development, etc. adhere to all applicable state and federal law regulations. He noted that the development was in violation of its sediment/stormwater permits and asked had the developers received written compliance from the state. Mr. McDaniel indicated that they had had an inspection, a letter of violation was not issued. There were five items that needed to be corrected and the state would come back out to assure compliance, more like a punch list. Three items were in related to paperwork, the other two were regarding temporary seeding/stabilizing the ground. The lots were under construction and being graded so they were not ready for seeding. The other item was related to the old timber farm ditch that led to the wetlands in the back but that would be abandoned with stone protection added. Mr. McDaniel believed if the state inspected today all would be complying. Mayor Pro Tem Tursi further asked if the additional two lots would require a modification of the stormwater permit from the state and whether it would raise impervious surface limits? Mr. McDaniel's indicated that the development would remain low density.

Planner Ansell noted that the parks/rec fee non-payment had been caught during Technical Review for the proposed amendment. The project began under the former Planner's review and was missed.

Commissioner Philpott referred to the former timber farm use, noting it seemed to be part of the problem – had that been corrected. Mr. McDaniel did not know but did indicate that a couple of the lots in the rear did drain towards the Deer Run subdivision.

Commissioner Pugliese had taken complaint calls but hoped Deer Run would see drainage improvement once Swansgate was built out/developed. Mr. McDaniel indicated that some of the flow would still drain toward Deer Run.

Commissioner Meilleur inquired where he could find the average lot square footage. Planner Ansell referred to sheet 2 of the proposed plan which provided the average lot size would be 18,033 sq ft.

Mayor Pro Tem Tursi noted reservations with approval when the violations had not been corrected and the fact that there would be drainage from some of the lots onto neighboring property. Commissioner Meilleur agreed noting the pending violations had not been addressed. Mayor Davis asked if the wetland areas could be restored? Mr. McDaniel believed it would be a great restoration project, there was still timber on the property. Manager Seaberg asked Rick Savage of the Wetland Association if he would take a look at the property to see if it would qualify for EPA319 funding. Mr. Savage confirmed he would do so.

On a motion by Commissioner Turner, seconded by Commissioner Pugliese, the revised preliminary plat for Swansgate was unanimously approved.

Future Agenda Items – Each meeting an opportunity was provided for the Board to review future agenda items and introduce items of interest and subsequent direction for placement on future agendas, which would allow staff the opportunity to plan accordingly.

In addition to the items listed in the memo, Staff informed that it had taken the suggestion by the Board regarding food truck sales back to the Planning Board but their recommendation was still to deny the text amendment stating that it was incompatible with the Land Use Plan. Direction was sought whether to proceed with the public hearing since the recommendation was still for denial; the applicant wished to proceed. At least two Chamber members verbally supported the new use. Regulations/fees from areas jurisdictions that allowed food trucks had also been provided to the Planning Board. Board members agreed to proceed, requiring that the applicant be in attendance.

Debris Removal and Monitoring – Mayor Pro Tem Tursi asked if he understood there would only be one contractor for the entire county. Did we have any assurances that our debris would be picked up in a timely manner? Manager Seaberg was confident in the contract terms and relationship with the County. The secondary contract would be put in place in the event the primary contractor failed to follow through.

On a motion by Commissioner Turner, seconded by Commissioner Pugliese, the Debris Removal and Monitoring Contracts were unanimously approved.

Public Comments

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

Commissioner Meilleur shared additional concerns regarding the Swansgate Subdivision. He believed the deeded wetlands reduced the average lot size in Swansgate which was zoned R20. He would like the Town to consider separation between small and large lots and to consider reducing the credit for wetland dedication. Mayor Davis did not agree with reducing the credit for wetland dedication. Although Commissioner Turner did not disagree with Commissioner Meilleur comments she noted that the Board had adopted goals/priorities for the year. If the Board changed its course or added more for the staff to do every meeting, the staff would never be able to fulfill the goals/priorities.

Manager’s Comments

Manager Seaberg asked the Board if they would like to return to ZOOM Meetings in light of the recent increase of COVID 19 cases. Three Board members were participating remotely. Board members preferred the hybrid meeting style, which allowed some to participate remotely by law as long as the Governor’s State of Emergency remained in effect.

Emergency Operations Center Update – A new building would cost roughly \$500/sq foot. Manager Seaberg would update the report he gave in July. He was not able to find any federal funding opportunities. USDA may have funding.

Board Comments

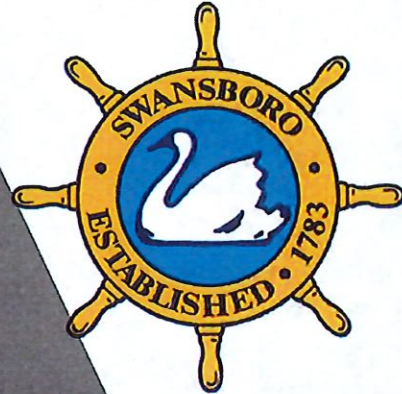
Mayor Pro Tem Tursi inquired when Ward Shore would have finishing touches added. Manager Seaberg shared that Public Works was working on stormwater projects and completing the parking lot at Municipal Park. They would return to Ward Shore after those were completed.

Mayor Davis thanked staff and looked forward to the plexiglass separations to be installed by the next meeting. He asked the Staff to research the possibility of broadcasting its meetings like the County did.

Adjournment

On a motion by Commissioner Pugliese, seconded by Commissioner Turner, the meeting adjourned at 7:45pm.

Regular Meeting July 13, 2020



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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.

3. Individuals making presentations or comments are asked to adjust the microphone as necessary and to speak directly into the microphone.

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PUBLIC COMMENT

Citizen opportunity to address the Board for items listed on the agenda.

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AGENDA AND CONSENT ITEMS

Action Needed: Motion to Adopt the Agenda as prepared (or amended) and approval of the Consent Items

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Wetlands Presentation

The Board indicated interest in gaining a better understanding of wetlands. Rick Salvage, President of the NC Wetlands Association is scheduled to give a brief presentation and will be available for Q&A after the presentation.

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Town of Swansboro Board of Commissioners
July 13, 2020



Presenters:

- Rick Savage, President
- Norton Webster, Treasurer
- David Shouse, Policy Committee

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Carolina Wetlands Association (CWA)

MISSION STATEMENT

The Carolina Wetlands Association promotes the understanding, protection, restoration, and enjoyment of North and South Carolina's wetlands and associated ecosystems through science-based programs, education, and advocacy.

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Carolina Wetlands Association (CWA)

- Non-partisan, science-based organization advocating for wetlands
- Formed in 2015
- 501(c)(3) non-profit in North Carolina
- Governed by a 13-member Board of Directors
- 100% volunteer-based organization

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Board of Directors



**Rick Savage, Retired, NC DENR*
**Kim Matthews, RTI*
**Kristie Gianopulos, Consultant*
**Norton Webster, Consultant*
Tara Alden, Kimley-Horn
Kristine Cherry, South Atlantic Partners
**Heather Clarkson, Defenders of Wildlife*

Law Center
Curt Richardson, Duke University
Shaefny Grays, NC State University
Daniel Hitchcock, Clemson University
George Howard, Restoration Systems
George Matthis, River Guardian Foundation

Geoff Gisler, Southern Environmental

* Executive Committee members

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Helpful Relationships with State Agencies

- **NC Division of Coastal Management (NCDCM)**
 - CAMA funding
 - Resilience planning and funding

- **NC Office of Recovery and Resilience (NCORR)**
 - Planning
 - FEMA and HUD funding

- **Other State Agencies** can help with funding:
 - Clean Water Management Trust Fund
 - Section 319 of Clean Water Act grants
 - Others

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Natural and Working Lands Initiative (NWL)

- CWA invited to participate in NWL initiative by Governor Cooper & NC Dept. Environmental Quality
- **Focus:** to recommend actions to restore wetlands and forests, & other Nature Based Solutions (NBS) to sequester carbon
- NBS co-benefits:
 - ✓ flood mitigation
 - ✓ water quality
 - ✓ recreation
 - ✓ community resilience
- NWL Report, published June 2020, part of the States' Climate Risk Assessment and Resilience Plan
 - <https://deq.nc.gov/energy-climate/climate-change/nc-climate-change-interagency-council/climate-change-clean->

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NCCOR Disaster Recovery Task Force (DRTF)

- CWA asked to join the Environmental Recovery Support Function of the DRTF
- **Focus:** recommending actions specific to the use of NBS & restoration for environmental recovery
- CWA provided input on the best use of FEMA and HUD funds from an environmental perspective
 - Efforts are ongoing as expenditures are planned for the near future

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How CWA Helps Local Communities

- Designed a workshop to help local decision makers understand
 - ✓ wetland value,
 - ✓ spectrum of NBS, and
 - ✓ building community resilience.
- Work with communities to find the right solution for their flooding issues
 - Wetland acquisition, restoration and management
 - Highlight co-benefits such as community recreation, environmental equity, water quality, eco-tourism
 - Contribute to community resilience
- Provide access to expertise through our supporters & partners

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Swansboro is set for Success

Watershed Restoration Plan (2017)

- data, inventories, and recommendations

CAMA Land Use Plan (updated 2019)

- proposing Future Land Use

Other small capital projects

- converting impervious surfaces
- adding cisterns

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Environmental Goals of Swansboro's Plans

- **Conserve** wetlands, open space & environmentally sensitive lands
- **Scrutinize development** in environmentally sensitive and flood-susceptible areas *Conservation Priority Areas (CPAs)*
- **Create & implement zoning standards & strategies** to address development in CPAs
- **Preserve water quality** by restricting development of natural areas, especially in floodplains, to preserve
- **Contribute to community resiliency** of systems (environmental, financial, social, cultural) through use of conservation zoning

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Opportunities in Swansboro Plans

- ✓ **Define** appropriate development or protections for environmentally-sensitive and flood-susceptible areas
- ✓ **Mitigate flooding** issues
- ✓ **Increase civic education** → support & prioritization of projects
- ✓ **Improve water quality** and the natural environment
- ✓ **Increase resiliency** for long term climate issues
- ✓ **Attract funding partnerships**

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Case Studies & Considerations

- Carrot-and-stick vs. regulatory “hammer”
- Use of incentives to developers
 - Example: donation of wetlands to be protected
- Resiliency is an emerging and recognized issue
 - Town of Nags Head’s plan for resilience
 - Engaged state agencies, universities & active conservation network
 - Beaufort & Charleston SC’s resilience plans
 - Wetlands Watch in Norfolk, VA

Swansboro is well-positioned at the forefront.

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Carolina Wetlands Framework in Action

Stony Run Project, Dunn, NC:

- Community outreach and education
 - Partner with local organizations, local government, other nonprofits, and restoration companies to provide expertise
- Develop a detailed project plan
- Identify funding sources for land acquisition & restoration:
 - Work with landowners to acquire wetlands
 - Conduct restoration work
 - Create a community wetland park
- Results stay in the community to protect, preserve, and manage

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So what's next?

- CWA's Strategic Plan includes helping communities understand:
 - What is the value of wetlands
 - How wetlands provide ecosystem services
- CWA involvement in State initiatives (*Natural & Working Lands Initiative; Disaster Recovery Task Force*) has focused us on working directly with local communities to implement their plans.
- CWA offers its expertise to help the Town of Swansboro meet the objectives of your Land Use Plan
- Next steps:
 - Meet with the Planning Board?
 - Other suggestions?

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Thank You!

The Swansboro Team of the Carolina Wetlands Association

- | | |
|--|------------------|
| • Rick Savage | • David Shouse |
| • Rick.savage@carolinawetlands.org | • Sara Bazemore |
| • Kim Matthews | • Amanda Johnson |
| • Norton Webster | • Chad Guthrie |

Sponsors

- | | |
|-----------------------------|----------------------------|
| • Axion Environmental, Inc | • Restoration Systems, LLC |
| • Backwater Environmental | • Water & Land Solutions |
| • Kris Bass Engineering | • Wildlands Engineering |
| • Land Mechanic Design, Inc | |

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NEW BUSINESS/NON-CONSENT

Swansgate Revised Preliminary Plat

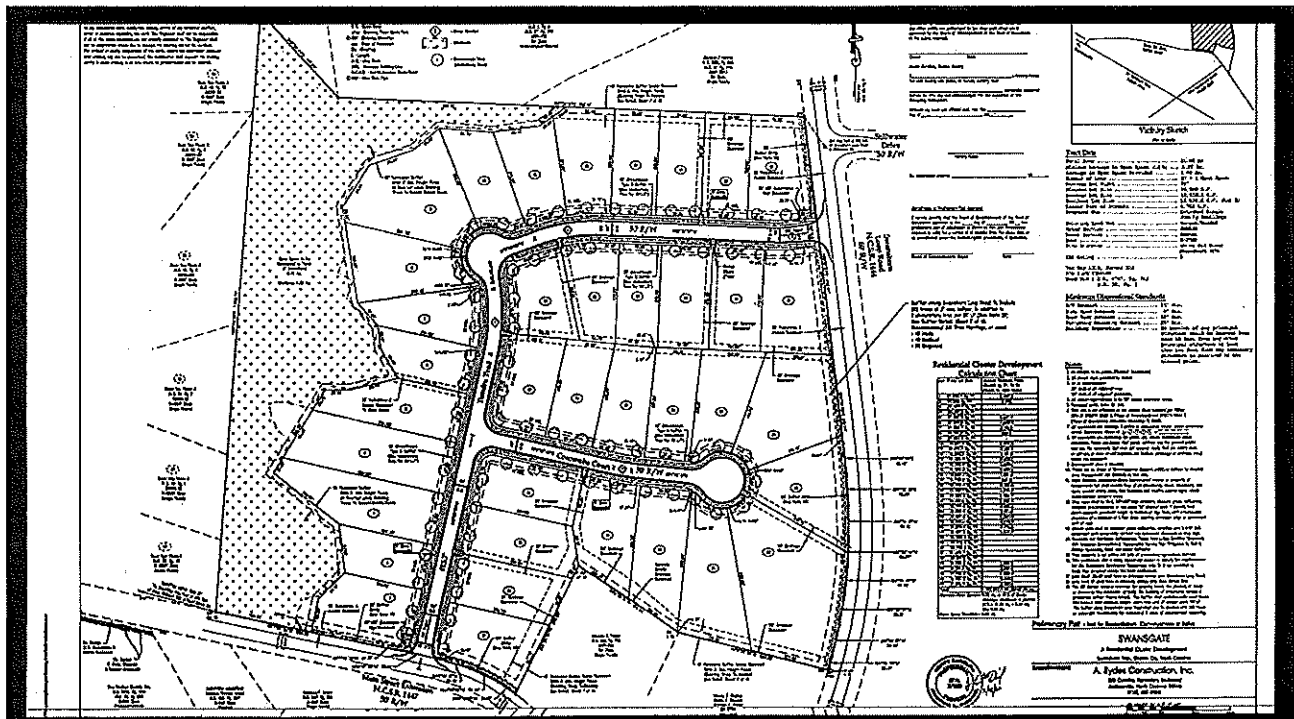
In May 2019, a preliminary plat was approved for Swansgate Subdivision consisting of 35 lots on 21.95 acres. The subdivision was proposed under the Residential Cluster Development standards of the Unified Development Ordinance. Parker and Associates, on behalf of A. Sydes Construction, Inc., has submitted a revised preliminary plat to add two additional lots. At their June 1 regular meeting, the Planning Board voted 4 to 2 to recommend approval of the revised preliminary plat with the conditions that 1) the sidewalk be extended to the property line along Main Street Extension, and 2) that the other items addressed in the TRC Comments are satisfied.

Action Needed: Consider Preliminary Plat Revision

- a) If approval is granted it shall be valid for a period of 12 months from the date of approval of the plat by the Board unless an extension of time is applied for and granted by the Board, or unless a longer time period is established under applicable vested rights provisions. Preliminary plats whose approval has elapsed shall be resubmitted in accordance with the provisions of this section.
- b) If the Board conditionally approves the preliminary plat, the conditions and reasons thereof shall be stated in writing.
- c) If the Board disapproves the preliminary plat, the reasons for disapproval shall be stated in writing and reference shall be made to the specific section(s) of the UDO which the plat does not comply.

Presenter: Jennifer Ansell/Planner

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NEW BUSINESS/NON-CONSENT

Future Agenda Items

The purpose of this memo is to provide the Board with matters that staff anticipates/proposes for upcoming meetings. It should be noted that these items are tentatively scheduled for the specified monthly agenda but are subject to change due to preparation of materials, public notice requirements, etc.

In providing this memo each month, we hope it will also provide opportunity for the Board to introduce items of interest and subsequent direction for placement on future agendas, which will allow staff the opportunity to plan accordingly.

***Action Needed:** Discussion and guidance to staff on future agenda items*

Presenter: Paula Webb – Assistant Manager/Town Clerk

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PUBLIC COMMENT

Citizen opportunity to address the Board.

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MANAGER'S COMMENTS

Chris Seaberg, Town Manager

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BOARD COMMENTS

Mayor John Davis
Mayor Pro Tem Frank Tursi
Commissioner Pat Turner
Commissioner Harry "PJ" Pugliese
Commissioner Larry Philpott
Commissioner Laurent Meilleur

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