

**Town of Swansboro**  
**Board of Commissioners**  
**February 27, 2024, Regular Meeting Minutes**

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

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**Call to Order/Opening Prayer/Pledge**

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

**Public Comment**

Draven Malubag of 445 Patriots Point Lane, Thomas McKenna of 589 Hubert Blvd, Damien Walls of 501 Maize Court, Seth and John Long of 111 Elizabeth Drive, all addressed the board regarding reopening the Skate Park. They shared that there was not much for the youth to do in the area, and they needed somewhere to go. Suggestions were made such as requiring a waiver, wearing helmets based on age, and onsite supervision by staff to protect the town. They've repeatedly been ran off from areas they found that were good for skateboarding, and they just want to be able to stay somewhere and not have to keep looking around.

**Adoption of Agenda and Consent Items**

On a motion by Commissioner Conaway, seconded by Mayor Pro Tem Justice, the agenda was amended to add Oath of Office for Patricia Turner for the vacant commissioner seat, discussion of reopening the Skate Park, fee waiver of the rezoning request for the parcels on Queens Creek Road, and JUMPO appointment, and the below consent items were adopted unanimously.

- Tax Refund Requests

Johns, Wendell Bonner	\$46.08 Tag Surrender
Puca, Michael Robert Jr.	\$209.04 Tag Surrender
Hawkins, John Simmons Jr. & Bohon, Lora Shehan	\$43.34 Tag Surrender
Kolb, Melissa Kathryn & Patrick Lawrence	\$527.36 Military
O'Connor, Melody Ann	\$108.78 Military
O'Connor, Melody Ann & O'Connor Frank Paul	\$12.39 Military
Hulsey, Kevin Randall	\$112.46 Military

- Budget Ordinance Amendment #2024-6

## **Appointments/Recognitions/Presentations**

### *Oath of Office for Patricia Turner*

Mayor John Davis administered the oath of office to Patricia Tuner to fill the vacant commissioner seat which would expire November 2025.

### *Eastern Carolina Council Presentation*

David Bone, Executive Director of the Eastern Carolina Council provided the board with an update and reviewed his slides, attached herein with the power point presentation of the meeting.

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

- JUMPO has members from metropolitan areas, where DERPO & ECRPO are rural areas.
- ECC compliments economic development and works with JOED.
- Swansboro was the only city in Onslow County that is not a member of ECC. The membership fee would be \$1,562.00.
- The type of assistance that can be provided to local government were advisory board training, grant writing, and planning and zoning administration. Fees apply for such services but are under market value.
- Grant opportunities are also available. New Bern, Beulaville, and Kinston received grant funding for projects in their municipalities.
- 1500 staff hours goes into grant writing.

### *FY 22-23 Audit Report*

Gregory T. Redman, CPA presented specific details from the FY 22-23 Audit. Key takeaways included:

- Unrestricted net position increased \$818,702
- Revenue increased \$1,352,571 and expenses increased \$1,000,000.
- Total fund balance was \$4,992,336 with an unassigned fund balance of \$3,557,332.
- The unassigned fund balance was 82% of total expenses for the year, average towns the size of Swansboro have 63% fund balance.
- Stormwater Enterprise fund had a change in net position of \$27,316 and the Solid Waste enterprise fund had a change of \$36,542.

### *Recognition of Town Clerk, Alissa Fender*

Mayor Davis shared that Town Clerk Alissa Fender had earned the designation of Master Municipal Clerk through the International Association of Municipal Clerks. Town Clerk Fender shared that it took 8 years to achieve this by completing an extensive amounts of continuing education and community involvement.

### **Business Non-Consent**

#### *Application for COPS Hiring Program Grant*

Police Chief Dwayne Taylor reviewed that the US Department of Justice provided grant opportunities through the COPS Hiring Program (CHP) to hire officers and enhance the level of Police Services provided by the Town of Swansboro. The Police Department was requesting approval to seek federal grant funding to fund one police officer position, with 25 percent responsibility on the town for salary.

On a motion my Commissioner Brown, seconded by Commissioner Conaway, approval was given for the Police Department to seek federal grant funding to fund one police officer position, with 25 percent responsibility on the town for salary, with unanimous approval.

#### *Splashpad Enhancement-Project Update*

Parks & Recreation Director Anna Stanley reviewed that the Splashpad Enhancement Project included plans to add five feet of concrete around the splashpad area, include a seating wall around half of the splashpad, and add a patio area with large shade structures and seating options (benches, picnic tables). The concrete patio area will connect to the playground area. The concept was to provide a cohesive area while still having splashpad separate from the playground. Approved ARP Funding in the amount of \$50,000 for conceptual drawings, plans, and quotes for shade structures have been received. As of February 12, 2024, a contract was pending for the concrete patio area and seating wall. The concrete work would consume most of the budget, leaving approximately \$14,000 for shade structures. There are two options costing \$20,000-\$28,000 for large shade structures. Therefore approximately \$15,000 additional funds would be needed to complete the shade structures. The Parks & Rec board suggested that the structures be permanent rather than shades which would likely cost more. Staff were requesting guidance whether to continue with original design of a large shade structure or pursue costs of permanent shelters and come back to the board with options of each type of shading.

On a motion by Mayor Pro Tem Justice, seconded by Commissioner Conaway, staff was directed to continue with original design of a large shade structure and additional funds

in the amount of \$15,000 was approved for allocation from the ARP funds. The motion carried unanimously.

#### *Request to Proceed with Cost-Recovery Program*

Fire Chief Jacob Randall reviewed that the cost of emergency services were continuously increasing. After evaluating the service users, not residents of Swansboro or Onslow County, further exploration of cost-recovery revenue programs was initiated. Further administrative support and changes are required before officially starting the cost-recovery process. Emergency Response Cost Recovery Program by Fire Recovery USA offers a potential opportunity for recovering expenses from incident response. Most insurance policies include a clause for emergency services or hazardous situation responses. The proposed cost-recovery program would seek reimbursement for different emergency responses and operating costs. Chief Randall reviewed the following billing method options.

1. All billable incidents are sent to the insurance company for payment. Bills deemed non-billable by insurance would not be sought further.
2. Billable incidents involving only non-tax-paying citizens (Swansboro & Onslow) would only be sought through the individual's insurance company. Non-billable incidents, again, would not be pursued.
3. Billable incidents involving only non-tax paying citizens (Swansboro & Onslow County) would be sought through the insurance company and then pursued through a bill to the individual if deemed non-billable through insurance.

The next step in the process required establishing/revising the Town UDO to incorporate the language to participate in this program. Furthermore, the Fee Schedule may also be amended to reflect the listed pricing for the billable incidents. We would return with the UDO changes and Fee Schedule amendment, if necessary, for final approval before entering into any agreements.

By consensus the board agreed to allow staff to pursue the recommended cost-recovery program through Fire Recovery USA with billing method 2 and to allow for drafting the proposed UDO, Fee Schedule, and Service Agreements for future approval.

#### *Acquisition of Replacement Fire Apparatus*

Fire Chief Randall reviewed that on February 13, 2024, the request to acquire two replacement fire apparatus was presented and tabled for further information gathering. A more in-depth presentation of the apparatus needs request was presented at a special meeting on February 19, 2024. The apparatus acquisition would replace the 2001 E-One International Engine and the 2003 E-One Typhoon Aerial. The apparatus for

consideration were either an Engine & Tractor Drawn Aerial – Tiller or an Engine & Mid-Mount Aerial.

Fire Chief Randall and/or Finance Director Johnson reviewed the following details related to cost.

- Initial up-front cost would be \$55,800 more for the Tiller than the Mid-Mount, plus training for the 2<sup>nd</sup> driver, which put the total around \$141,000.
- The long-term cost for the Tiller would be the personnel cost for a 2<sup>nd</sup> driver
- Total debt would be 1 million in FY 25/26 when one apparatus was delivered, then \$1,782,000 in FY 26/27 when the second apparatus is delivered
- The Projected Capital Reserve funds that would be available in FY 25/26 for Engine 17 replacement would \$441,360, and in FY 26/27 for Truck 17 replacement would be \$445,500. The purchase amounts would be reduced by those funds and the difference would be financed.
- Continuing the contribution of \$75,000 annually to the Capital Reserve Fund, could potentially fully fund the next replacement.

On a motion by Commissioner Eckendorf, seconded by Commissioner Conaway, Resolution 2024-R3 (Engine & Tractor Drawn Aerial – Tiller) outlining the commitment and intent of the Town of Swansboro and the Town of Swansboro Fire Department purchasing apparatus, a KME – Engine and Aerial, through Safe Industries with an overall project budget for acquiring the apparatus and all associated equipment of \$3,400,600, not to exceed \$3,500,000 was unanimously approved.

#### *EOC/PSB Site Selection Committee Update*

Committee Chair Keith Walsh shared with the board that the committee had their first meeting and plan to meet weekly every Monday through May. The board will work to create a land solicitation packet to present to the board for approval in the coming months. Once approved the packet would be shared individually by members, posted on the Town Website, and an ad would be placed in the Tideland news. Mr. Walsh shared that he was hopeful that the committee would have a property to consider by summer.

Mayor Davis indicated that he felt Mr. Walsh would need direct assistance from the attorney at any time and any financial inquires/assistance would go through Finance Director Johnson.

#### *Skatepark Discussion*

Mayor Davis shared that Draven Malubag had contacted him directly to advocate for reopening the skatepark.

Board members agreed that the young skaters needed somewhere to skate and were supportive of reopening the skatepark if possible.

Attorney Raspberry indicated that a conversation would be needed with the legal counsel handling the legal cases related to injuries at the skatepark to see if this was something that could be accomplished/considered.

John & Jenny Long of 111 Elizabeth Drive inquired if there was anything they could do as parents to help get the skatepark reopened, such as financial help by having bake sales/or fundraisers, additionally they inquired if there was anywhere the kids could go and not get run off.

Police Chief Taylor shared that they were all very respectful when the department has had to ask them to leave property, but the allowance of them on personal property is up to the owners.

The board took a recess from 8:16 pm to 8:23 pm.

#### *Monthly Financial Report as of January 31, 2024*

Finance Director Johnson reviewed details from the monthly financial report, attached herein with the power point presentation of the meeting.

#### *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.

The following items were addressed:

- Schedule ONWASA to present to the board
- Consideration for EV charging fees
- Schedule Budget Workshop for March 14, 2024

Board members took this time to give the Town Manager and Finance Director specifics on what they desired for the upcoming budget. They provided the directive to work towards a Net Zero budget (no tax change) and to not use Fund Balance.

#### *Queens Creek Rezoning Fee Waiver*

Junior Freeman, owner of Emerald Coast Inc, was requesting a waiver of the \$400 fee to rezone several parcels on Queens Creek Road. Mr. Freeman had applied and paid the fee back in 2021 and completed the process through the Planning Board review but withdrew his application from being heard by the Board of Commissioners due to NCDOT

improvements that were due to be implemented in the area. With the completion of those improvements, he would now like to continue the process.

Planner Correll shared that since the review, many changes had been made to the Town UDO which affects what is permitted in the O/I and the B1 zoning districts, therefore Mr. Freeman would need to resubmit his application.

By consensus the board agreed to provide a waiver of the fees for the rezoning request.

#### *JUMPO Appointment*

With the resignation of Mr. Philpott from his commissioner seat, another board member was needed to be appointed to take his place.

On a motion by Commissioner Conaway, seconded by Commissioner Turner, Mayor Pro Tem Justice was selected for the JUMPO appointment unanimously.

#### **Public Comment**

Junior Freeman thanked the board for approval of the fee waiver for his rezoning. Related to the upcoming budget, he shared that almost 10 years ago the tax rate was reduced by 3 cents. He suggested that the board work towards a Net Zero budget without touching the Fund Balance and then go from there to reduce the tax rate, if at all possible.

#### **Manager's Comments**

Interim Town Manager Barlow shared that the budget process was underway, were working to gather details for projections and revenues. He plans for the first budget meeting to provide details on the current budget and early details for next year's budget. Additionally, he shared that WithersRavel, the company working on the Stormwater Master plan would be having a public outreach meeting on March 11<sup>th</sup> and that a survey would be distributed for 1 week by them to gather information. A QR code would be shared through the Towns news email blast, Facebook and on the Town website.

#### **Board Comments**

Commissioner Turner shared her appreciation for the appointment to the vacant seat. She also congratulated Finance Director Johnson on the positive audit and Town Clerk Fender on her MMC designation.

Commissioner Eckendorf shared that this coming budget would likely be difficult, as everyone was having to pay more for services and products and the town should lighten spending just as the citizens have to. Additionally, he supported a tax rate reduction and he did not agree with having such a large Fund Balance.

Mayor Davis shared that he desired to see a 1 or 2 cent tax cut with the new budget and recommended that staff be utilized instead of consultants. Additionally, he didn't want to see the Fund Balance continue to grow and feels that it should be given back to the citizens somehow, maybe through a tax cut then use it to balance the budget.

Commissioner Brown shared that he had concern with the duration of the meetings lately and inquired if starting earlier should be considered.

Commissioner Conaway shared that he would prefer that the board have extra meetings instead of having 4-hour meetings.

### **Closed Session**

On a motion by Commissioner Turner, seconded by Commissioner Brown the board enter closed session at 9:21 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.

Pursuant to a motion duly made and seconded in closed session the board returned to open session.

### **Adjournment**

On a motion by Commissioner Conaway, seconded by Commissioner Turner, the meeting adjourned at 10:14 pm.