

Town of Swansboro
Board of Commissioners
August 14, 2023, Regular Meeting Minutes

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

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

Hariette Nichols of 122 Front Street shared that the downtown area had places that needed to be addressed such as holes in the sidewalks. She felt that it was not easy for older people to maneuver safely. In response to the board's inquiry of if she was in favor of the Social District, she shared that she would be only with the presence of law enforcement.

Charels Gillcan of 105 Church Street shared that as a local business owner downtown, he supported having a Social District downtown.

Lee Schuller of 140 Front Street, as a long-time resident downtown, he shared that he had seen too many incidents with individuals under the influence and was not in support of the Social District, fearing it could make things worse.

Adoption of Agenda and Consent Items

On a motion by Commissioner Turner, seconded by Mayor Pro Tem Tursi, the agenda and the below consent items were approved unanimously.

- March 12, 2023, Regular Meeting Minutes
- March 27, 2023, Regular Meeting Minutes
- Budget Ordinance Amendment #2024-1

Business Non-Consent

Social District Consideration

Projects/Planning Coordinator Rebecca Brehmer reviewed that the Board of Commissioners expressed interest in learning more about implementing a social district downtown. The topic was first brought to the Board by staff on March 27, 2023, and staff was instructed at the July 10th meeting to bring it back with a few adjustments.

Ms. Brehmer further reviewed that an updated survey was distributed to both residential and business owners within the proposed boundary on August 4, 2023, along with an updated draft ordinance, boundary map to limit the district to span Front Street and go

up Church Street stopping at the Visitors Center and outlining a new condition of the district just being open during event/festivals only. Responses were due by Friday, August 11th.

Additionally, during a team meeting comprised of the Manager, Police Chief, Planner, Clerk, and Projects/Planning Coordinator reasons were identified as to why the Board may want to consider allowing the social district from Wednesday – Sunday from 5-11pm. In regard to frequent staff turnover at local businesses and an influx of people from out of town during the busy tourist season, a set schedule would be easier to establish continuity with all parties involved in regulating and enforcing the social district.

In response to inquiries from the board Ms. Brehmer and or Police Chief Taylor clarified the following:

- The Schuller property could be omitted from the map
- Other areas were not contacted with regards to why they did not do the districts
- Survey results were:
 - o Last survey only businesses were polled. 10-yes and 2-no.
 - o The recent survey polled residents, 30 sent and 8 were returned, all no.
- The surveys returned as “no” mentioned reasons such as litter and behavior.
- Residents of Water Street were not surveyed.
- The Visitor Center was included in the area because it is also a public restroom.
- Enforcement is outlined in NCGS and the Town Code, however officers are not capable of ticketing every infraction.
- In the past, the Police Department had been instructed to turn a blind eye to open containers and only address situations that became out of control.
- A restriction could be added that cups must be discarded before entering another business.
- If something happens on a resident’s property, the resident would not be liable, the business that sold the beverage would be liable.

After discussion of possibly testing or doing a dry run, on a motion by Commissioner Conaway, seconded by Commissioner Turner, the consideration was tabled. The vote was 4:1 (Ayes: Conaway, Turner, Pugliese, Philpott. No: Tursi) The board wanted more research, survey residents from Shore Drive to the waterfront, and contact other municipalities to find out why they did or did not proceed with having a social district.

Parking Ordinance Discussion

Police Chief Taylor reviewed that the Board expressed their desire to review the parking ordinance with specific attention related to downtown parking. Currently there were no provisions to restrict parking in the right-of-way downtown. There were provisions for blocking driveways under §72.10 (A) (2). It should be noted that in general streets

downtown are anywhere from 30 feet to 40 feet wide with a 15 foot or 20 foot right-of-way on either side. Contact was made to nearby communities with downtown's similar to Swansboro, and neither have regulations that differ from ours.

Chief Taylor also shared that creating language that could prohibit all other parking except for residential property owners/tenants would prove challenging due to several reasons, such as visitors, AirBNB's, and residents that did not have driveways.

In response to inquiries from the board, Chief Taylor clarified the following:

- The town can initiate towing of vehicles parked in the right-of-way.
- If a vehicle is parked outside of the right-of-way, the property owner would have to initiate towing of the vehicle.
- A MOU with a Towing company exists for festivals, extending to handling vehicle in the right-of-way outside the festival area could be considered.
- Providing parking passes to only residents would be logistically difficult due to relocations, new cars, lost passes, etc.

Mayor Pro Tem Tursi commented that the rights-of-way are public, and people have a right to park unless there is an ordinance in effect prohibiting which there was not. He suspects that property owners believe that the right-of-way was their property.

Commissioner Turner suggested educating owners that they can do something about blocked driveways.

Samuel Swann Bland Outstanding Community Service Award Revision Consideration

Town Clerk Fender reviewed the history of the Samuel Swann Bland Outstanding Community Service Award which was to be given annually to a public employee, civic leader, or community volunteer that has demonstrated the qualities outlined in the application. Traditionally, recipients were announced and recognized at a December Board meeting and presented with a plaque. In August and September of 2022, the Board expressed its desire to elevate the award by expanding the selection criteria, changing the name, and to make the recognition more formal. For FY 23-24, funds in the amount of \$1,400 were allocated to accomplish a more formal recognition of the award, even making the event more of an alumni reunion. In addition to the individual plaque, the names of all recipients would be placed in the lobby of Town Hall, and a more formal banquet will be held where the next year's recipient will be celebrated and/or announced. Staff recommended leaving the nomination criteria as originally created in honor of Sam Bland's outstanding dedication to the improvement of community services, diligence, hard work, and leadership. Elevate the recognition of the award by holding an Alumni

Banquet where the new recipient is inducted into this elite group annually. Invites would be extended to all past recipients to the banquet each year.

During discussion, it was requested that an employee of the year also be chosen and announced at the banquet as well, however board members did not agree due to that taking away from the award being given. Board members supported removal of public employee from the application form leaving eligibility criteria as civic leader or community volunteer and for announcement of the recipient at the December meeting.

In response to inquiries from the board, Mrs. Fender clarified that nominations are sought by sending out through the Town's social media platforms and additional postal mailings could be sent to the area churches, and civic organizations.

Public Comment

Joe Brown of 202 Knightheads Drive inquired that he would like to know what liability the Police Department had with turning a blind eye. He also shared that he did not think less people would visit the Downtown area if the Social District was not approved, stating people will come no matter what.

Attorney Parrish responded to Mr. Brown, stating that there shouldn't be a directive given to staff not to follow the law. If there are laws in effect that are not amended by the enactment of the social district, then they should be followed as written.

Manager's Comments

Public Works Director Gerald Bates provided the board with an update on the downtown Muscovy ducks overpopulation. He shared that over the past several weeks many interested individuals responded by coming and removing 154 ducks to their properties. Additionally, around 3 dozen eggs were removed. Two more individuals were coming to rehome more of the ducks. Mr. Bates shared that education of citizens, installation of signs, and removal of eggs would be a continued effort in attempts to avoid an increase in population and if the amount rises again, they will offer rehoming options. A recommendation by the Humane Society of the United States was to administer a sterilization medication, which could be costly.

Commissioner Turner commented that a Facebook post was made earlier indicating that the Board called for euthanasia of the ducks, and she wanted it on record that at no point was that requested, and the allegation was false.

The board took a recess from 7:00 to 7:05.

Commissioner Philpott provided the board with an EOC/PSB update. He shared staff had research grants and funding opportunities such as BRIC, EOC Grant through FEMA, ad

financing and that a formal request to the state was sent around July 19th for more assistance.

Finance Director Johnson shared that many of the application processes for these options would likely require action by the LGC, and that a schematic design would be beneficial in those processes.

Commissioner Philpott shared that the consultant BeckerMorgan shared that they could assist with creating a 25% schematic design at a fee of around 9% of project cost. This would also give us more of an idea towards the length of time to complete the project and estimates on tasks that must be completed based on the location of where the building will be located. If the board approved moving forward with a schematic design, that process would take approximately 3 months. The committee would review their proposal and return to the board at a future meeting with a recommendation.

Commissioner Philpott also shared that JUMPO had refined the proposed superstreet and would provide updates to the Board once they have addressed concerns that were provided to them related to our intersections and our downtown area. Per Planner Correll that would likely be in 2025.

Closed Session

On a motion by Commissioner Turner, seconded by Commissioner Pugliese the board entered closed session at 7:15 pm pursuant to NCGS 143-318.11 (a) (3) to allow the Town Attorney to provide updates on legal matters under 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 Turner, seconded by Commissioner Pugliese, the meeting adjourned at 7:40 pm.