

**Town of Swansboro
Board of Commissioners
September 24, 2024, Regular Meeting Minutes**

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

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

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 Conaway, seconded by Commissioner Brown, the agenda as amended to add Pickleball Court Discussion and the following consent items were approved unanimously.

- June 4, 2024, Special Meeting
- June 11, 2024, Regular Meeting Minutes
- June 11, 2024, Closed Session Minutes
- June 19, 2024, Special Meeting Minutes
- June 19, 2024, Closed Session Minutes
- June 25, 2024, Regular Meeting Minutes

Appointments/Recognitions/Presentations

Employee Recognitions

Police Chief Taylor shared that Lieutenant Ben Brim was recently promoted to Deputy Chief and Mayor Davis administered the oath of office.

Deputy Chief Brim acknowledged the support of his family, and board members took the opportunity to congratulate him on his promotion.

School Bus Safety Rules

The Police Department presented a PSA video they created which aimed at educating the public on the safety measures associated with school buses and school zones. The video was well-received, as it highlighted critical traffic laws, including the importance of stopping for school buses when their stop signs are extended.

The board expressed appreciation for the initiative, emphasizing that this PSA could help raise awareness and reduce accidents involving schoolchildren. Exploring additional safety topics for future PSAs, particularly regarding speeding in residential neighborhoods and pedestrian safety was suggested.

Public Hearing

UDO Text Amendment to § 152.179 Table of Permitted/Special Uses, § 152.180 Notes to the Table of Permitted/Special Uses, and § 152.016 Definitions of Basic Terms Planner Brehmer reviewed that after direction from the Board of Commissioners at their August 13th regular meeting, Staff was asked to propose a text amendment to limit new vape shops and similar establishments in Town.

Planner Brehmer shared that the proposed text amendment was developed after researching surrounding municipalities' codes and consulting with the City of Jacksonville planner, included revising the term "Tobacco sales (retail)" to "Hookah, Vape, Tobacco & Similar Retail Establishments" in the Table of Permitted/Special Uses and establishing a definition for the use. It designated this use as a Special Use with criteria specific to the B1 zoning district and removed it as a permitted use in the B2HDO district. Additionally, the use of "Cigar Store" was defined and added to the Table of Permitted/Special Uses, allowing it in the B2HDO district to protect the existing downtown cigar shop operating on town-leased property. The Planning Board unanimously recommended the amendment during their regular meeting on September 3, 2024.

In response to inquiries from the board Planner Brehmer clarified the following.

- A vape shop could not open in the vacant building located at 632 W. Corbett Avenue, as that location was in the B-2 zoning district and the use was not permitted in that district.
- Existing businesses could continue to operate but would face restrictions if they sustained significant damage or were vacant for 180 days, requiring compliance with the new regulations for reopening.

Town Attorney Rasberry emphasized that the ordinance must allow for some form of use to avoid legal challenges and align with zoning principles.

The public hearing was opened at 6:25 pm then closed, no comments were offered.

On a motion by Commissioner Eckendorf, seconded by Commissioner Conaway Ordinance 2024-O17 amending §152.179 Table of Permitted/Special Uses, §152.180 Notes to the Table of Permitted/Special Uses, and §152.016 Definitions of Basic Terms was unanimously approved.

Business Non-Consent

Field Use Agreements-Swansboro Soccer Association (SSA) & Swansboro Adult Soccer League (SASL)

Parks & Recreation Director Stanley reviewed that the Swansboro Soccer Association (SSA) contract for use of the fields in Municipal park to practice was up for renewal. Swansboro Adult Soccer League (SASL) has requested to use the Municipal Park fields on Sundays for games. The current agreement, which charged \$45 per week (about \$3 per hour), had expired, and a gradual fee increase to \$5 per hour for one year was proposed, with further increases planned for the future.

Commissioners debated the fairness of charging fees given Swansboro Soccer Association's historical contributions, including clearing and maintaining the fields in the 1970s. While some expressed discomfort with the town moving away from honoring this legacy, others emphasized the financial cost of maintaining the fields and the potential revenue loss from other organizations. Concerns were also raised about field preservation, particularly with the addition of adult soccer games, prompting recommendations for a rotation plan to mitigate wear and tear. Liability issues were discussed regarding a suggestion to involve volunteers in field maintenance.

The board table the agreement until further discussions could be held with Swansboro Soccer Association's leadership to engage volunteers to assist with field maintenance.

Nonprofit Funding Requests

Manager Barlow reviewed that the board had previously held discussions regarding nonprofit funding requests, particularly involving the organization One Place. On May 28, 2024, Ms. Kathleen Holbrook presented to the board, advocating for financial support for One Place. Following her presentation, the board deliberated on the possibility of making a financial contribution but decided to defer any decision, intending to revisit the matter at a later date.

Subsequently, during a special meeting on June 4, the board revisited the idea of contributing to One Place and also discussed the possibility of supporting the Carolina Museum of the Marine. Despite extensive conversations, no decisions were made at that time.

The board reconsidered these potential contributions with acknowledgment of One Place's direct impact on the local community, particularly its specialized support for child sexual assault cases. The board ultimately decided to defer further consideration of nonprofit contributions until the upcoming budget planning process.

Property Easement Consideration for 204 Ashley Place

Manager Barlow reviewed that Planner Brammer received a request from Mr. Williams for an easement to serve Lot 14 in the Williamsport Subdivision.. This lot, owned by Hammocks Beach RV Park, LLC, is accessed via a 20-foot-wide strip of land between Lots 16 and 17 on Ashley Drive which was owned by the Town and connected to the nearby Wastewater Treatment Plan operated by ONWASA.

The history of the property was reviewed, noting that in 1999, the board approved an easement request for the same lot under specific terms, including a payment of \$800 plus attorney and engineering fees. However, the easement was never recorded, and subsequent transfers of the wastewater plant property to and from ONWASA left the town with no authority over the property until its return in 2016.

The board reviewed updated property valuation and the terms of a newly drafted easement. Concerns were raised about potential future utility use of the corridor, particularly in connection with ONWASA, which is exploring reactivating a utility line under the property. The board emphasized protecting ONWASA's interests while maintaining flexibility for the town.

On a motion by Commissioner Conaway, seconded by Commissioner Turner the board agreed to grant the easement under terms similar to those approved in 1999. These included a payment of \$800 and the applicant covering all associated fees at current rates. Protections were to be incorporated into the easement to address potential utility needs and minimize disruptions. The motion passed unanimously.

Monthly Financial Report as of August 31, 2024

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

The possibility of paying off the Cab Tractor and reinvesting those funds was suggested. Mrs. Johnson agreed to explore the suggestion.

Future Agenda Topics

Future agenda items were shared for visibility and comments. In addition, an opportunity was provided for the board to introduce items of interest and subsequent direction for placement on future agendas. No new items were introduced but directions were given to place certain items from the list of future items onto specified meetings.

Pickleball Court Discussion

Mayor Davis suggested to repurpose the defunct skate park into a multi-use court for pickleball and other activities, using savings from building new pickleball courts to fund

a new concrete skate park. Board members generally agreed that metal ramps should not be returned, favoring concrete for safety and comfort, though they acknowledged the additional costs of building a new skate park.

There was also discussion about creating multi-use courts to accommodate various sports, like tennis and pickleball. While some favored dedicating courts to pickleball, others preferred flexibility for future sports. The board also discussed the allocation of \$150,000 for upgrades, agreeing that pickleball courts should be prioritized but some funds should go toward the skate park.

In response to an inquiry from the board about removing the skatepark equipment, Attorney Rasberry issued a caution regarding the pending lawsuits related to the skate park. He advised the board to be very careful in making public comments or decisions about the skate park until the cases were resolved. Specifically, he noted that the Juarez case had gone to mediation, and while an agreement was reached, the case had not been officially settled. The Fabrizio case was unlikely to go to litigation, but no settlement had been filed yet. The attorney emphasized that any alterations or removal of equipment should be avoided until a final resolution was reached to preserve evidence for the cases. However, he did suggest that the board could request a letter of release from the plaintiffs, as the lawsuits were deep into the process. This would help clear up any legal hurdles before proceeding with changes to the skate park.

The board tasked Parks & Recreation Director Stanley with researching options for repurposing the skate park and tennis courts to serve multiple needs. A proposal will be presented for review before any final decisions were made.

Public Comment

Cynthia Lacorte expressed concern about the treatment of ducks in town, emphasizing that they were partially domesticated and should not be treated as wild animals. She criticized the lack of transparency in their removal and the violation of town ordinances by some residents. She shared that the ducks should not be hunted or removed without proper investigation, especially in cases where they are being run over or trapped. Ms. Lacorte called for the town commissioners to take responsibility for decisions regarding the ducks, ensuring fairness and involving the community in the process. She stressed that all actions should be responsible and respectful to both the ducks and residents.

Mayor Davis shared with Ms. Lacorte that the Police Chief had investigated the recent issue of ducks getting ran over, and that residents are permitted to rehome ducks that are on their property.

Manager's Comments

Manager Barlow had Public Work Director Bates speak on the duck population.

Mr. Bates explained that he was tasked last year with reducing the duck population, and he responsibly rehomed 157 ducks to local farms without harming them. He emphasized the rapid population growth of the ducks and cited federal regulations that allow for their removal in certain areas. However, some unauthorized individuals had been taking ducks without proper oversight. The board also reviewed local ordinances, which prohibit trapping or disturbing wildlife, but unclear language around relocating or rehoming ducks was noted. Commissioners discussed the increasing nuisance of the ducks, particularly in downtown areas, and the health concerns related to their feces. It was suggested that the population be controlled, potentially setting an upper limit of 50 ducks, as recommended by Possumwood Acres during a previous meeting. The commissioners agreed on the need for clearer policies and ordinances and decided to invite Possumwood Acres to discuss potential solutions at a future meeting.

Manager Barlow shared that the new digital sign had been installed and was undergoing testing. He also pointed out the new color scheme for the foundation was now a Swansboro Blue color.

Board Comments

Board members shared their gratitude to the staff and those who stayed for the duration, acknowledging their dedication.

Commissioner Eckendorf brought attention to Senate Bill 166 and highlighted the extensive impacts, particularly a new mandate requiring permit reviews within 15 days or a refund of the application fee. He emphasized the need for balance in addressing contentious issues, such as the ducks or pickleball courts, and stressed that small details in execution often have significant impacts. He thanked the public for their interest and expressed hope for continued collaboration to address community concerns.

Mayor Davis shared that at the recent candidate forum he praised the police department's professional handling of mental health situations and its commendable record of minimal firearm discharges. He liked the community videos and urged them to create more. Regarding the ducks, he clarified that the staff was not responsible for the actions of an individual who conducted a "duck roundup" without town involvement. Staff members handled the situation appropriately, and their efforts were commended. On the topic of pickleball courts, there were ongoing efforts to resolve the issues and emphasized the importance of finding an effective solution.

Adjournment

On a motion by Commissioner Conaway, seconded by Commissioner Brown, the meeting adjourned at 8:07 pm.