

Town of Swansboro
Board of Commissioners
April 23, 2024, Regular Meeting Minutes

In attendance: Mayor John Davis, Mayor Pro Tem William Justice, Commissioner Pat Turner, Commissioner Jeffrey Conaway, 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 Eckendorf, the agenda was amended in add discussion on One Harbor Sidewalk requests at Municipal Parks. The amended agenda along with the below consent items were approved unanimously.

- December 15, 2024, Special Meeting Minutes
- December 15, 2023, Closed Session Minutes
- December 19, 2023, Special Meeting Minutes
- December 19, 2023, Closed Session Minutes
- January 8, 2024, Special Meeting Minutes
- January 8, 2024, Closed Session Minutes
- Budget Ordinance Amendment #2024-9
- Tax Refund Requests

Appointments/Recognitions/Presentations

Recognition of Swansboro High School Boys Basketball Team

Mayor Davis presented the Varsity Boys Basketball team with a proclamation recognizing them for their achievement of Coastal 3-A Conference Champions.

Administrative Professionals Week & Municipal Clerks Week

Mayor Davis acknowledged Administrative Professionals Week, April 21st-27th, and Municipal Clerks Week May 5th-11th. Board members expressed their appreciation to Admin Assistant Jackie Stevens, Permit Technician Linda Stegall, Programs & Event Manager Sara Elliott, Admin Assistant Tom Peluso, Deputy Town Clerk Aliette Cuadro, and Town Clerk Alissa Fender.

Employee Introduction

Parks & Rec Director Anna Stanley introduced Sara Elliott, the new Program and Events Supervisor. She shared that Sara joined the department with 8 years' experience having worked for Ohio State University and Onslow County Parks & Recreation.

BackPack Friends

Danielle Abraham the Director for BackPack Friends shared details about the program which started only with a handful of bookbags filled with nonperishable food were disbursed to only a handful of schools, 14 years ago had grown to over 1,000 bags disbursed to 24 schools in 3 different counties. Improvements in test scores, behavior and better communication with parents had been attributed to what this program has done for improvements in the schools it supports. Each week over 100 volunteers gather to pack those bags and then they are all prayed over. Mrs. Abraham shared that the program was working to build a new building for operations.

ONWASA Community and Partner Agency Update

Franky Howard, CEO of ONWASA reviewed an update of the company's operations and plans. His presentation is attached herein with the power point presentation of the meeting. A few key takeaways included:

- ONWASA was 24 years old
- The Board of Directors are comprised of area elected officials, 1 from the County and 1 each from each jurisdiction in Onslow County (Jacksonville, Richlands, Swansboro, Holly Ridge, and North Topsail Beach)
- 2nd largest water & sewer authority in the state of North Carolina
- 25 Capital Projects – with cost estimates for these projects at over \$296M in the next 5-10 years
- New revenue stream created by management of timber on 1,790 acres of land
- Provides Mutual aid through NCWaterWarn

Questions from the public were allowed.

Chris Zepata, a member of the Pirates Cove HOA shared that there were road repairs needed in that development as a result of pipes and manholes that were in need of repair.

Mr. Howard advised that he would have this looked into.

The Board took a recess from 6:46 pm to 6:53 pm.

Public Hearing

Re-zoning Request- 140, 144, 160 Queens Creek Road

Projects/Planning Coordinator Rebecca Brehmer reviewed that Emerald Coast, Inc., on behalf of themselves and other property owners had submitted a rezoning request for four parcels located on Queens Creek Road from O/I (Office and Institutional) to B-1 (Business). The areas were further identified as 140 Queens Creek Road containing 0.48 acres (tax parcel ID 1313-88), 144 Queens Creek Road containing one acre (tax parcel ID 1313-87), and 160 Queens Creek Road containing 5 acres (tax parcel ID 1313- 85.1). The total acreage requested for rezoning was +/-6.49 acres. Mr. Brehmer shared that the planning board heard the request for all parcels listed here plus the parcel of 150 Queens Creek Road and recommended approval, however since that time the property owner of 150 Queens Creek Road had notified the Town that they did not support the rezoning so that parcel was no longer part of the consideration.

The public hearing was opened at 7:00 pm.

For entry into the official record, Projects/Planning Coordinator Brehmer read 3 letters related to the rezoning request from Stuart Murchinson-Robb, Cecil S. Hargett Jr., and Matthew McNear. *See Attachment A.*

Josh Edmondson of 604 E Cedar Point Blvd, with Tidewater and Associates spoke on behalf of Emerald Coast LLC, and pointed out that the town's CAMA Land Use Plan Update of 2019 reflects in the Urban Suitability map shows that the area was suited for development. Additionally, all parcels surrounding this location were zoned B1.

Patricia Murchinson of 150 Queens Creek Road shared that she was not in support of this rezoning, indicating that she had seen many vehicle wrecks at the high school. She questioned what would happen to the road if the rezoning was approved.

Chris Zepata of 44 Pirates Cove Drive shared that he was against the rezoning stating that there is already a flooding issue at the rear of that property and traffic already makes it difficult for him to get out of the neighborhood. He feared that development of the property is increase traffic and likely increase the flooding issue. A photo was shown to the board of the flooding that was taken around May of 2020.

Junior Freeman, the applicant, owner of Emerald Coast LLC, shared that the flooding issue that was mentioned had been ratified with a swell and ditch that had been installed sometime after May of 2020. He shared the zoning designation of O/I provided more restrictions than allowances and they wanted to be B1 in order to better market the property. With regards to the traffic comments, he shared that the newly installed traffic light at the high school had helped tremendously in his opinion. Additionally, all

developments that happen on Queens Creek Road are beyond his control and contributes to traffic on that road.

The public hearing was closed at 7:31 pm.

In response to inquires from the board, Projects/Planning Coordinator Brehmer and/or Junior Freeman clarified the following:

- 4 rezoning requests have been made for this property to date
- Approximately \$10,000 had been spent by the applicant on this process

After discussion, on a motion by Commissioner Eckendorf, seconded by Commissioner Brown, Ordinance 2024-O6 to rezone the four parcels identified along Queens Creek Road from O/I (Office Institutional) to B-1 (Business), along with the consistency statement was approved. The motion carried 3:2.

Ayes: Eckendorf, Brown, Justice

No: Conaway, Turner

Board members shared appreciation of Mr. Freeman for projects he handled in the town over the years, stating many properties are better now than they were before, specifically the Bamboo restaurant.

Text Amendment to Section § 152.179 Table of Permitted/Special Uses and § 152.212 Use Standards to enable Food, Beverage & Craft Processing and Production with Retail Sales
Town Planner Andrea Correll reviewed that the purpose of this text amendment was to enable food, beverage, and craft processing and production with retail sales in the B2HDO and MI zoning districts. Processing and production shall be limited to less than 50% of the subject property in the B2HDO zoning district. Retail sales in the MI zoning district shall occupy no more than 50% of the total square footage devoted to the operation. This use standard was intended for a larger brewery with tap room. The created use standards would enable breweries, wineries, and specialty foods such as chocolates.

The use was consistent with the descriptions found in Chapter 5 of the 2019 CAMA Land Use Plan Update and the Planning Board unanimously recommended approval at their April 2, 2024, regular meeting.

The public hearing was opened at 8:06 pm then closed, no comments were offered.

On a motion by Commissioner Conaway, seconded by Commissioner Turner Ordinance 2024-O7 amending section §152.179 Table of Permitted/Special Uses and §152.212 Use Standards to enable Food, Beverage & Craft Processing and Production with Retail Sales was unanimously approved.

The board took a recess from 8:07 pm to 8:13 pm

Text Amendment to Section §152.009 (E) Maintenance of the Official Zoning Map
Town Planner Correll reviewed that the purpose of the text amendment was to amend the time that the official zoning maps were to be changed after rezonings from two weeks to sixty days of notification.

The public hearing was opened at 8:15 pm, then closed, no comments were made.

On a motion by Commissioner Conaway, seconded by Commissioner Eckendorf Ordinance 2024-O8 amending Section §152.009 (E) Maintenance of the Official Zoning Map was unanimously approved.

Text Amendment to Appendix III Historic District Design Standards, Section 3: Roofs and Section 5: Windows and Doors

Projects/Planning Coordinator Brehmer reviewed that the Historic Preservation Commission had recommended amendments to Appendix III Historic District Design Standards, Section 3: Roofs and Section 5: Windows and Doors. At the February 20, 2024, Swansboro Historic Preservation Commission meeting, the historic board created a subcommittee consisting of town staff, Elaine Justice, Lauren Brown, and Kim Kingrey to review and draft a text amendment. The draft was reviewed and approved by the historic board and the planning board recommended both recommending approval to the Board of Commissioners. Overall, the amendments to Section 3: Roofs and Section 5: Windows and Doors were to add more standards on the best practices and materials to continue maintaining and preserving the historic roofs, windows, and doors in our historic district as well as ensure new material is historically accurate and consistent. Details about terne or double lock roof forms were added as well as appropriate material and color options for new or replacement roofs. Additionally, a roof expert spoke with the subcommittee and presented at a historic board meeting, and he provided valuable input and technical terminology. The goal was to also to educate homeowners on resources such architectural salvage companies that were available for replacement options, if necessary.

In response to inquires from the board, Projects/Planning Coordinator Brehmer clarified the following:

- Property owners who come to Town Hall before starting projects are well educated by staff
- Staff tried to monitor the area for unpermitted or authorized work, but it was impossible to catch all, as some come and go over a weekend.

The public hearing was opened at 8:25 pm.

The Historic Preservation Commission's Vice Chair Kim Kingrey shared with the board that many people do not understand the importance of a historic district and registry. To prevent the possible loss of a historic designation the board is reviewing many ordinances and there would be more amendments come. Additionally, she shared that she has seen residents to what they want even after they have been educated otherwise.

In response to inquiries from the board the following was clarified by either Ms. Kingrey, Ms. Brehmer or Attorney Rasberry.

- Workshops have been offered but there is not much participation
- Educational techniques that have been utilized have been workshops as mentioned, newsletters, and flyers
- Requiring material be supplied at closing is beyond the town's legal authority
- Options and examples are provided in the UDO for the historic district

The public hearing was closed at 8:45 pm.

On a motion by Commissioner Conaway, seconded by Commissioner Eckendorf Ordinance 2024-O9 amending Appendix III Historic District Design Standards, Section 3: Roofs and Section 5: Windows and Doors was unanimously approved.

Business Non-Consent

Request to Proceed with Cost-Recovery Program

Fire Chief Jacob Randall reviewed that the cost of emergency services was continuously increasing. After evaluating the service users, non-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.

Chief Randall shared that in order to initiate the process of establishing a cost recovery program, a resolution must be adopted. The resolution was consistent with the direction provided to staff on February 27, 2024, by the Board of Commissioners to only bill non-Swansboro or Onslow County residents' insurance. No individual will receive a bill. The ability to begin cost recovery will take effect approximately thirty days (30) after executing this resolution and agreement with Fire Recovery USA.

On a motion by Commissioner Eckendorf, seconded by Commissioner Conaway Resolution 2024-R6, outlining the establishment of a cost-recovery program and providing the ability to the Town Manager or their designee to enter into an agreement with Fire Recovery USA, LLC to perform the collections was unanimously approved.

Digital Sign Discussion

Town Clerk Alissa Fender reviewed that after the digital sign located at Town Hall became inoperable, at its April 9, 2024, Regular Meeting, staff was directed to obtain additional quotes, and return for further consideration. 3 quotes were already obtained, and 3 more companies were contacted for quotes and either they did not offer the same sign specifies or did not respond to the request at all. Direction was requested for replacement of the sign during the current FY 23-24, requiring a budget amendment or to add for consideration in the next FY 24-25 budget.

By consensus staff was directed to submit for consideration in FY 24-25 budget.

Monthly Financial Report as of March 31, 2024

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

Mayor Davis inquired about what was being done to address the legal budget being high which was at 91.6% of budget. Finance Director Johnson shared that the board has just approved a Budget Amendment in the consent items for this 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:

- Budget discussion added to the May 14, 2024, meeting
- Consider ordinance amendment to boat storage as a result of the recent Board of Adjustment appeal of an administrative hearing
- Improvement to pickleball courts was to be added to the budget considerations for FY24/25

One Harbor Church Sidewalk Connection to Municipal Park

On February 13, 2024, Interim Manager Barlow shared with the board that One Harbor Church was requesting an easement to connect sidewalks to the Municipal Park sidewalks. At that time Mr. Barlow was provided with direction to researching to ensure that the allowance of sidewalks would not jeopardize any grants provided for future funding. At this time One Harbor Church was agreeing to cover all costs associated with the installation and it was noted that these sidewalks also provide an additional parking area for access to the park.

On a motion by Mayor Pro Tem Justice, seconded by Commissioner Eckendorf, the Interim Manager and Interim Town Attorney were authorized to proceed with moving forward with executing an easement and a hold harmless clause to complete the sidewalks. The motion was unanimously approved.

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

Interim Manager Barlow did not have any additional details to add to his report, however he did want to mention that at this point in the fiscal year, incoming revenues had likely all been received.

Board Comments

Board members thanked staff and shared their appreciation for the successful Touch-a-truck event.

Mayor Davis shared that he had been working with the Interim Town Manager on the following items.

- Resolutions
 - o Supporting paving of Main Street Extension by NCDOT
 - o Opposition of a median on Highway 24, per the Superstreet preliminary plan
- Letter to Onslow County conveying his discontent with a meeting held at Queens Creek Elementary School on matters that should be relayed to the Town
- \$500,000 for Sidewalks in the FY 24/25 budget
- Adding Funds for getting more Christmas lights on Highway 24 and downtown

Additionally, Mayor Davis thanked the Fire department for their response to the Pizza Forno restaurant fire.

Adjournment

On a motion by Commissioner Turner, seconded by Commissioner Conaway, the meeting adjourned at 9:16 pm.

Rebecca Brehmer

From: Stuart Murchison <stuart.rob11@gmail.com>
Sent: Tuesday, April 23, 2024 5:32 PM
To: Rebecca Brehmer
Subject: Rezoning of 150 Queens Creek

Hello,

Hi my name is Stuart Murchison-Robb, I am the owner of 150/154 queens creek road. This email is in regards to us not wanting to rezone.
Please contact me at (916) 280-5021 if there are further questions.

Thank you.

Rebecca Brehmer

From: Cshargettjr <cshargettjr@gmail.com>
Sent: Tuesday, April 16, 2024 9:31 AM
To: Rebecca Brehmer
Subject: Rezoning notice

I am the owner of 140 Queens Creek Rd., and I am 100% in favor of the request to rezone those parcels in question to B-1 (Business). I serve on the Board of JOEMC, and we have a meeting the night of April 23, which will prevent me from attending the public hearing in Swansboro.
Please record a notice of my approval, long overdue, of this request for a rezoning to B-1 (Business).
Respectfully, Cecil S. Hargett, Jr.

Sent from my iPhone

Rebecca Brehmer

From: Matthew McNear <mmcnear@hotmail.com>
Sent: Tuesday, April 23, 2024 1:11 AM
To: Rebecca Brehmer
Subject: Emerald Coast, Inc. Rezoning Request

Ms. Rebecca Brehmer,

I recently received a letter from you regarding the Emerald Coast, Inc. request for a rezoning of ~7.83 acres of land at 140 Queens Creek Road.

I was called out of town and cannot attend the meeting on Tuesday, April 23rd, but wanted to express my objection to this rezoning.

The current open space is very nice for those who reside near by. However, my biggest objection is related to the rezoning for anything but residential purposes. We have a lot of under-developed land on 24 as well as land and structures that should be redeveloped to make our community more appealing. Based on property values and the lack of affordable rental housing, there is clearly a shortage of housing in the Swansboro area. Add to this the fact that the growth of Hubert has created quite a traffic situation at the light between 24 and Queens Creek Road, and this makes this space unnecessary for rezoning at this time.

I'm not certain if this objection will be heard or simply noted in the Board of Commissioners meeting tomorrow, but I appreciate your time and attention.

Sincerely,

Matthew McNear
93 Century Court
Swansboro, NC 28584